THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT—S. 3148 AND S. 821

HEARINGS

BEFORE THE

SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY

OF THE

COMMITTEE ON THE JUDICIARY UNITED STATES SENATE

NINETY-SECOND CONGRESS

SECOND SESSION

AND

NINETY-THIRD CONGRESS

FIRST SESSION

Pursuant to

S. Res. 256 and S. Res. 56

Section 12

INVESTIGATION OF JUVENILE DELINQUENCY IN THE UNITED STATES

S. 3148 and S. 821

LEGISLATION TO IMPROVE THE QUALITY OF JUVENILE JUSTICE IN THE UNITED STATES AND TO PROVIDE A COMPREHENSIVE, COORDINATED APPROACH TO THE PROBLEMS OF JUVENILE DELINQUENCY, AND FOR OTHER PURPOSES

MAY 15, 16, AND JUNE 27, 28, 1972; FEBRUARY 22, MARCH 26, 27, AND AND JUNE 26, 27, 1973

Printed for the use of the Committee on the Judiciary



U.S. GOVERNMENT PRINTING OFFICE

84-522 0

WASHINGTON: 1978

5521-12

COMMITTEE ON THE JUDICIARY

(93d Congress)

JAMES O. EASTLAND, Mississippi, Chairman

JOHN L. McCLELLAN, Arkansas SAM J. ERVIN, JR., North Carolina PHILIP A. HART, Michigan EDWARD M. KENNEDY, Massachusetts BIRCH BAYH, Indiana QUENTIN N. BURDICK, North Dakota ROBERT C. BYRD, West Virginia JOHN V. TUNNEY, California ROMAN L. HRUSKA, Nebraska
HIRAM L. FONG, Hawaii
HUGH SCOTT, Pennsylvania
STROM THURMOND, South Carolina
MARLOW W. COOK, Kentucky
CHARLES MCC. MATHIAS, Jr., Maryland
EDWARD J. GURNEY, Florida

SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY IN THE UNITED STATES (93d Congress)

BIRCH BAYH, Indiana, Chairman

PHILIP A. HART, Michigan QUENTIN N. BURDICK, North Dakota EDWARD M. KENNEDY, Massachusetts MARLOW W. COOK, Kentucky ROMAN L. HRUSKA, Nebraska HIRAM L. FONG, Hawaii CHARLES MCC. MATHIAS, Jr., Maryland

JOHN M. RECTOR, Staff Director and Chief Counsel

Ms. Mathea Falco served as staff director and Chief Counsel to the subcommittee until her resignation on August 21, 1973.

CONTENTS

ALPHABETICAL LIST OF WITNESSES

| Abell, Tyler, national board member, Big Brothers of America, Philadelphia, Pa. (accompanied by Lewis P. Reade, Leroy Upshur, Donald Lee | Page |
|--|------|
| Mooney, and Sidney Shockett) | 504 |
| Arter, Dr. Rhetta M., consultant on government programs, National Board, YWCA, New York, N.Y., (accompanied by Mrs. Jean Batch- | 003 |
| Board, YWCA, New York, N.Y., (accompanied by Mrs. Jean Batch- | |
| elder, Dr. Strauss, and four YWCA juvenile participants) | 262 |
| ASINGLE GEORGE 111Venile supervisor. Westfield Detention Center. Mass. | |
| (accompanied Larry Dye) Auli, William A., President, YMCA of Honolulu (accompanied by Robert | 129 |
| Aull, William A., President, YMCA of Honolulu (accompanied by Robert | |
| R. Dye and Richard Pror) Batchelder, Jean, member YWCA, Corpus Christi, Tex (accompanied Dr. | 599 |
| Batchelder, Jean, member YWCA, Corpus Christi, Tex (accompanied Dr. | |
| Knetta Arter) | 262 |
| Booze, Richard, Director, National Center for Youth Outreach Workers, | |
| Chicago, Ill. (accompanied Robert B. Langworthy) | 154 |
| Cain, Robert D., Jr., director, Division of Juvenile Corrections, Depart- | |
| ment of Health and Social Services of Delaware | 397 |
| Clark, Hon. Tom C., former Justice of the U.S. Supreme Court | 207 |
| Dronska, Ms., director, program development, Human Resources Admin- | 017 |
| istration, New York, N.Y. (accompanied Jule M. Sugarman) Dye, Larry, lecturer, University of Massachusetts, department of educa- | 217 |
| tion, and coordinator of programs, Westfield Detention Center (ac- | |
| companied by Ma Janica Gamacha Mr Goorge Ashrell Ma Lag | |
| companied by Ms. Janice Gamache, Mr. George Ashwell, Ms. Lee Lehto, Mr. Ernest Reis, Mr. Paul Kelly, Ms. Seneca Patterson, Bea | |
| Reis and April Smith) | 129 |
| Reis, and April Smith) Dye, Robert R., executive, Urban Action and Program Division, YMCA (accompanied Mr. William A. Aull) | 120 |
| (accompanied Mr. William A. Aull) | 599 |
| (accompanied Mr. William A. Aull) Edelman, Ms. Marian, director, Harvard Law and Education Center, | - |
| | 522 |
| Ensign, William J., director, Ohio Youth Commission (accompanied Hon. | |
| John J. Gilligan) | 247 |
| Foster, Robert, Deputy Commissioner, Office of Youth Development, Department of Health, Education, and Welfare (accompanied Stanley B. | |
| Department of Health, Education, and Welfare (accompanied Stanley B. | |
| Thomas) | 724 |
| Freimund, Justus, Director, National Council on Crime and Delinquency, | |
| Washington, D.C. (accompanied Milton Rector, May 16, 1972) | 181 |
| (June 27, 1973) | 770 |
| Gallagher, Patrick, Director of Public Safety, South Bend, Ind. (accom- | |
| panied Hon. Jerry J. Miller) Gamache, Ms. Janice, student advocate, University of Massachusetts | 573 |
| Gamacne, Ms. Janice, student advocate, University of Massachusetts | 100 |
| (accompanied Larry Dye) Gilligan, Hon. John J., Governor, State of Ohio (accompanied by William J. | 129 |
| Gilligan, Hon. John J., Governor, State of Onio (accompanied by William J. | 047 |
| Ensign and John Hansen) Goldmark, Hon. Peter, Jr., secretary, Executive Office of Human Services, | 247 |
| Commence of Magnetinestry, Executive Office of Human Services, | 55 |
| Commonwealth of Massachusetts | 00 |
| Hansen, John, director, Department of Public Welfare, State of Ohio | 247 |
| (accompanied Hon. John J. Gilligan) | ## (|
| D.C. (accompanied Milton Rector) | 181 |
| Hults, Russ, staff member, National Center for Youth Outreach Workers | 101 |
| (accompanied Robert R. Langworthy) | 154 |
| (accompanied Robert B. Langworthy) Jones, Frank N., executive director, National Legal Aid and Defender | |
| Association. Chicago. III | 532 |

| Residential Youth Facility for Referred Youth of Washington, D.C. | |
|---|------------|
| Residential Youth Facility for Referred Youth of Washington, D.C. | Page |
| (accompanied Robert B. Langworthy) Kelley, Paul, former inmate, Westfield Detention Center, Mass. (al- | 154 |
| Kelley, Paul, former inmate, westnedd Detention Center, Mass. (al- | 129 |
| companied Larry Dye) | 129 |
| Kimmel, Mrs. Carol G., coordinator of legislative activity, National Congress of Parents and Teachers, Rock Island, Ill. Langworthy, Robert B., member, National Board of YMCA's and chair- | 200 |
| Tongworths: Dobott B. mombon Notional Board of VMCA's and shall- | 390 |
| man invente advisory commission (accompanied by Dishard | |
| man, juvenile justice advisory commission (accompanied by Richard | 154 |
| Booze, Richard Pryor, Julius Jones, and Russ Hults) Leavey, Joseph, assistant commissioner for aftercare, Department of Youth | 154 |
| Services, Massachusetts (accompanied Dr. Jerome Miller) | # 0 |
| Lehto, Ms. Lee, student advocate, University of Massachusetts (accom- | 58 |
| negled I care. Duch | 100 |
| panied Larry Dye) Locke, Dr. Hubert G., dean of the School of Public Affairs and Community | 129 |
| Consider Indicate of Nelsonic School of Fubite Analis and Community | 004 |
| Service, University of Nebraska Lowenstein, Hon. Allard K., former U.S. Congressman, 91st Congress, | 234 |
| Fifth District New York national chairman Americans for Democratic | |
| Fifth District, New York, national chairman, Americans for Democratic Action, New York, N.Y. | 472 |
| Madden, Thomas, Law Enforcement Assistance Administration, Depart- | 412 |
| ment of Justice General Council (accompanied Richard Velde) | 635 |
| ment of Justice, General Counsel (accompanied Richard Velde) Menninger, Dr. Karl, chairman of the board and founder, the Menninger | 000 |
| Foundation, and chairman of the board of the Villages, Inc., Topeka, | |
| | 453 |
| Miller, Dr. Jerome, commissioner, Department of Youth Services, Com- | 400 |
| Miller, Dr. Jerome, commissioner, Department of Youth Services, Commonwealth of Massachusetts (accompanied by Arnold Schuchter, | |
| Joseph Leavey, Scott N. Wolfe and John and Billy) | 58 |
| Joseph Leavey, Scott N. Wolfe and John and Billy) Miller, Hon. Jerry J., mayor of South Bend, Ind. (accompanied by Patrick | 00 |
| | 573 |
| Mooney, Donald Lee, former Little Brother of Houston, Tex. (accompanied | 010 |
| Tyler Abell) | 504 |
| Tyler Abell) Murphy, Patrick, director, Juvenile Court Legal Services, Chicago Legal | 002 |
| Aid Society, Chicago, Ill | 538 |
| Aid Society, Chicago, Ill——————————————————————————————————— | 000 |
| panied Larry Dye) | 129 |
| Polier. Hon. Justine Wise, former judge, New York State Family Court, | |
| head of the Division on Right to Treatment in Juvenile Justice of the | |
| Children's Defense Fund. Washington Research Project | 483 |
| Porter, Stephen, executive director, Louisville and Jefferson County Crime | |
| Commission, Kentucky | 292 |
| Commission, Kentucky- Pryor, Richard, Director, YMCA's National Juvenile Justice Project, | |
| Wilmington, Del.: | |
| (Accompanied Robert B. Langworthy) | 154 |
| | 599 |
| Reade. Lewis P., executive vice president, Big Brothers of the National | |
| Camital Area (assumented Telon Abell) | 504 |
| Rector, Milton, executive director, National Council on Crime and Delin- | |
| Rector, Milton, executive director, National Council on Crime and Delin- quency, Paramus, N.Y. (accompanied by Justus Friemund and Philip | |
| Holmes) Reis, Bea, potential foster parent, Massachusetts (accompanied Larry | 181 |
| Reis, Bea, potential foster parent, Massachusetts (accompanied Larry | |
| Dye) | 129 |
| Reis. Ernest, graduate student. University of Massachusetts (accompanied | |
| Larry Dye) Roberts, Jim, Kentucky Department of Child Welfare (accompanied Bill | 129 |
| Roberts, Jim, Kentucky Department of Child Welfare (accompanied Bill | |
| Ryan) | 278 |
| Rothman, Mrs. Flora, national board of the National Council of Jewish | |
| Roberts, Jim, Kentucky Department of Child Welfare (accompanied Bill Ryan) Ryan, Mrs. Flora, national board of the National Council of Jewish Women, New York, N.Y Ryan, Bill, deputy commissioner, Kentucky Department of Child Welfare | 443 |
| Ryan, Bill, deputy commissioner, Kentucky Department of Child Welfare (accompanied Mort Stam and Jim Roberts) Sargent, Hon. Francis W., Governor, Commonwealth of Massachusetts Schuchter Arneld Director of Planning of Vouth Sarylage Massachusetts | |
| (accompanied Mort Stam and Jim Roberts) | 278 |
| Sargent, Hon. Francis W., Governor, Commonwealth of Massachusetts | 47 |
| Schuchter, Arnold, Director of Flanning of Touri Services, Massachuseus | |
| (accompanied Dr. Jerome Miller) | 58 |
| Scott, Dr. Gloria D., chairman, the Executive Committee, national board | |
| of directors, the Girl Scouts of America (accompanied by Dr. Cecily C. | |
| Selby) | 612 |

| Seigel, Ms. Marg, legislative department, the American Federation of State, County, and Municipal Employees (accompanied Jerry Wurf) | Page 555 |
|--|-----------------|
| Selby. Dr. Cecily C., national executive director, the Girl Scouts of America | 612 |
| (accompanied Dr. Gloria D. Scott) Sheridan, William, legislative coordinator, Office of Youth Development, Department of Health, Education, and Welfare (accompanied Stanley | ٠,٠ |
| B. Thomas) Shireman, Dr. Charles, on behalf of the National Association of Social | 724 |
| Shockett, Sidney, vice president, Big Brothers of the National Capital | 434 |
| Area (accompanied Tyler Abell) Stam, Mort, Kentucky Department of Child Welfare (accompanied Bill | 504 |
| Ryan) Strauss, Dr., member, YWCA, the Oranges, New Jersey (accompanied Dr. Rhetta M. Arter) Sugarman, Jule M. administrator, Human, Resources, Administrator | 278 |
| Rhetta M. Arter) Sugarman, Julo M., administrator, Human Resources Administration, | 262 |
| New York, N. Y. (accompanied by Ms. Dronska) Thomas, Stanley B., Acting Assistant Secretary for Human Development, | 217 |
| Department of Health, Education, and Welfare (accompanied by Robert | 504 |
| Foster and William Sheridan) Upshur, Leroy, executive director, Big Brothers of the National Capital | 724 |
| Arca (accompanied Tyler Abell) Velde, Richard, Associate Administrator, Law Enforcement Assistance Administration, Department of Justice (accompanied by Thomas | 504 |
| Madden) | 635 |
| State, County, and Municipal Employees (accompanied Jerry Wurf) | 555 |
| State, County, and Municipal Employees (accompanied Jerry Wurf) Wolfe, Scott N., president, Community Aftercare Programs, Inc., Boston, Mass., (accompanied Dr. Jerome Miller) | 58 |
| Wurf, Jerry, International President of the American Federation of State, County, and Municipal Employees, AFL-CIO (accompanied by Ms. | |
| Marg Seigel and Mr. William Welsh) | 555 |
| CHRONOLOGICAL LIST OF WITNESSES | |
| | |
| MAY 15, 1972 | |
| Sargent, Hon. Francis W., Governor, Commonwealth of Massachusetts | 47 |
| Sargent, Hon. Francis W., Governor, Commonwealth of MassachusettsGoldmark, Jr., Hon. Peter, secretary, Executive Office of Human Services, Commonwealth of Massachusetts | 47 55 |
| Sargent, Hon. Francis W., Governor, Commonwealth of MassachusettsGoldmark, Jr., Hon. Peter, secretary, Executive Office of Human Services, Commonwealth of Massachusetts | |
| Sargent, Hon. Francis W., Governor, Commonwealth of Massachusetts | |
| Sargent, Hon. Francis W., Governor, Commonwealth of Massachusetts | 55 |
| Sargent, Hon. Francis W., Governor, Commonwealth of Massachusetts | |
| Sargent, Hon. Francis W., Governor, Commonwealth of Massachusetts | 55 |
| Sargent, Hon. Francis W., Governor, Commonwealth of Massachusetts | 55 58 |
| Sargent, Hon. Francis W., Governor, Commonwealth of Massachusetts | 55 58 |
| Sargent, Hon. Francis W., Governor, Commonwealth of Massachusetts | 58 |
| Sargent, Hon. Francis W., Governor, Commonwealth of Massachusetts | 55 58 |
| Sargent, Hon. Francis W., Governor, Commonwealth of Massachusetts | 58 |
| Sargent, Hon. Francis W., Governor, Commonwealth of Massachusetts | 58 |
| Sargent, Hon. Francis W., Governor, Commonwealth of Massachusetts | 58 |
| Sargent, Hon. Francis W., Governor, Commonwealth of Massachusetts | 58 |

| the first of the f | se 81 |
|--|--------------------------|
| June 27, 1972 | |
| Sugarman, Jule M., administrator, Human Resources Administration, New York, N.Y. (accompanied by Ms. Dronska, director, program development, Human Resources Administration, New York, N.Y.) 2 Locke, Dr. Hubert G., dean of the School of Public Affairs and Community | 207 217 234 |
| JUNE 28, 1972 | |
| Arter, Dr. Rhetta M., consultant on government programs, national board, YWCA, New York, N.Y. (accompanied by Mrs. Jean Batchelder, member, YWCA, Corpus Christi, Tex., and Dr. Strauss, member, YWCA, the Oranges, N.J., and four YWCA juvenile participants, Rosie, Pat, Eunice, and Vesta) Ryan, Bill, deputy commissioner. Kentucky Department of Child Welfare (accompanied by Mr. Mort Stam and Mr. Jim Roberts) Porter, Stephen, executive director, Louisville and Jefferson County | 247 262 278 292 |
| | 82 |
| Cain, Robert D. Jr., director, Division of Juvenile Corrections, Department of Health and Social Services of Delaware, on behalf of National Association of State Juvenile Delinquency Program Administrators | 90 97 34 43 |
| MARCH 26, 1973 | |
| Menninger, Dr. Karl, chairman of the board and founder, the Menninger Foundation, and chairman of the board of the Villages, Inc., Topeka, | *0 |
| Lowenstein, Hon. Allard K., former U.S. Congressman, 91st Congress, Fifth District, New York, national chairman, Americans for Democratic | 53 |
| Polier, Hon. Justine Wise, former judge, New York State Family Court, head of the Division on Right to Treatment in Juvenile Justice of the | 72 83 |
| March 27, 1973 | |
| Abell, Tyler, national board member, Big Brothers of America, Philadelphia, Pa. (accompanied by Lewis P. Reade, executive vice president; Leroy Upshur, executive director, Big Brothers of the National Capital Area; Donald Lee Mooney, former Little Brother of Houston, Tex.; and Sidney Shockett, vice president, Big Brothers of the National Capital Area) | 04 |
| Edelman, Ms. Marian, director, Harvard Law and Education Center, Cambridge, Mass. Jones, Frank N., executive director, National Legal Aid & Defender Association, Chicago, Ill. Murphy, Patrick, director, Juvenile Court Legal Services, Chicago Legal | 32 38 |
| ing court, contagn, interest and containing the con | - |

June 26, 1973

| County and Municipal Employees, AFL-CIO (accompanied by Ms. Marg Seigel, Legislative Department and Mr. William Welsh, Political | Page |
|---|-------------------|
| and Legislative Activities) Miller, Hon. Jerry J., mayor of South Bend, Ind. (accompanied by Mr. Patrick Gallagher, Director of Public Safety) Inouye, Hon. Daniel K., U.S. Senator (Hawaii) Auli, William A., president, YMCA of Honolulu (accompanied by Robert | 558 578 598 |
| Prior, director, YMCA's National Juvenile Justice Project) | 599 |
| of Directors, the Girl Scouts of America (accompanied by Dr. Cecily C. Selby, National Executive Director) | 612 |
| | |
| Velde, Richard, Associate Administrator, Law Enforcement Assistance Administration, Department of Justice (accompanied by Thomas Mad- den, LEAA, General Counsel) | 635 |
| Thomas, Stanley B., Acting Assistant Secretary for Human Development, Department of Health, Education, and Welfare (accompanied by Robert Foster, Deputy Commissioner, Office of Youth Development and William Sheridan, Legislative Coordinator, Office of Youth Development) | 72 |
| Freimund, Justus, director, National Council on Crime and Delinquency, National Capitol Office, Washington, D.C. | 770 |
| LIST OF EXHIBITS | |
| Text of Senate Resolution 256, 92d Congress, second session, dated February 7, 1972, authorizing expenditures for the Subcommittee To Investigate Juvenile Delinquency. Text of Senate bill 3148, a bill: To improve the quality of juvenile | : |
| justice in the United States and to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes," dated February 8, 1972, introduced by Mr. Bayh, | |
| 92d Congress, second session 3. Statement of the Honorable Edward W. Brooke, U.S. Senator from the State of Massachusetts, before the Subcommittee To Investigate | 4 |
| Juvenile Delinquency 4. Article, "The 'Y' That Didn't Die," by Tom Wicker, the New York Times, Sunday, December 12, 1971 5. Statement of the Honorable Russell W. Peterson, Governor of the State | 17 |
| of Delaware, chairman of the National Governors' Conference Committee on Crime Reduction and Public Safety, before the Subcomcommittee To Investigate Juvenile Delinquency | 20 |
| 6. Text of Senate Resolution 56, 93d Congress, first session, dated February 26, 1973, authorizing expenditures for the Subcommittee to | 30 |
| Investigate Juvenile Delinquency 7. Text of Senate bill 821, a bill: To improve the quality of juvenile justice in the United States and to provide a comprehensive coordinated approach to the problems of juvenile delinquency, and for other purposes, dated February 8, 1973, introduced by Mr. Bayh, 93d | 00 |
| purposes, dated February 8, 1973, introduced by Mr. Bayh, 93d Congress, first session | 309 |
| 8. Test of Congressional Record statement by Senator Birch Bayh on the introduction of S. 821, the Juvenile Justice and Delinquency Pre- | 351 |
| tion Act of 1973 9. Statement of Hon. Roman L. Hruska, U.S. Senator, State of Nebraska, June 27, 1973 | |
| III LOTTOP TO MON RICHOPA II KIGINAIGNET ATTOPNOV LIGHEREL LIGHERTIMENT | 70 |
| of Justice, from Hon. Birch Bayh, chairman, Subcommittee To Investigate Juvenile Delinquency, April 19, 1973. 11. Letter to Hon. Birch Bayh, Chairman, Subcommittee To Investigate Juvenile Delinquency, from Donald E. Santarelli, Administrator, Law Enforcement Assistance Administration, Department of | |
| Justice, June 19, 1973 | 70 |

| 12. | Letter to Richard Velde, Associate Administrator, Law Enforcement | |
|-----|---|------|
| | Assistance Administration, Department of Justice, from Hon. | |
| | Birch Bayh, chairman, Subcommittee To Investigate Juvenile De- | Page |
| | linquency, July 11, 1973, and response, July 17, 1973 | 705 |
| 13. | Letter to Hon, Birch Bayh, chairman, Subcommittee To Investigate | |
| | Letter to Hon. Birch Bayh, chairman, Subcommittee To Investigate Juvenile Delinquency, from Richard Velde, Associate Administrator, | |
| | Law Enforcement Assistance Administration, Department of | |
| | Justice, July 23, 1973 | 710 |
| 1.4 | Tottow to Dishard Volda Associate Administrator Town Endowment | 710 |
| 14. | Letter to Richard Velde, Associate Administrator, Law Enforcement | |
| | Assistance Administration, Department of Justice, from Hon. Birch | |
| | Bayh, chairman, Subcommittee To Investigate Juvenile Delinquency | |
| | July 25, 1973 | 723 |
| 10. | Letter to Hon. Birch Bayh, chairman, Subcommittee To Investigate | |
| | Juvenile Delinquency, from Richard Velde, Associate Administra- | |
| | tor, Law Enforcement Assistance Administration, Department of | |
| | Justice, August 17, 1973 | 723 |
| 16. | Letter to Hon. Casper Weinberger, Secretary, Department of Health, | |
| | Education, and Welfare, from Hon. Birch Bayh, chairman, Sub- | |
| | committee To Investigate Juvenile Delinquency, April 19, 1973, | |
| | response included in the prepared statement of the Department of | |
| | Health, Education, and Welfare, June 27, 1973 | 762 |
| 17. | | |
| | Human Development, Department of Health, Education, and | |
| | Welfare, from Hon. Birch Bayh, Chairman, Subcommittee to In- | |
| | vestigate Juvenile Delinquency, July 13, 1973 | 763 |
| 18, | Letter to Hon. Birch Bayh, chairman, Subcommittee to Investigate | |
| | Juvenile Delinquency, from Stanley B. Thomas, Jr., Assistant | |
| | Secretary-Designate for Human Development Office of Human | |
| | Development, Department of Health, Education, and Welfare, | |
| | August 20. 1973. | 764 |
| | | .01 |

APPENDIX

| Delinquency in Support of S. 821, 93d Congress | 773 |
|---|------------|
| 1. Statement of the American Humane Association, Vincent De Francis, J.D., director, Children's Division, Denver, Colo., April 11, 1973 2. Statement of the American Logion, submitted by Hereld E. Stringer | 773 |
| director, National Legislative Commission, prepared by Earl D. Franklin, Jr., chairman, National Commission on Children and Youth, May 17, 1973 3. Statement of Hon. Robert A. Pastrick, mayor, city of East Chicago, | 776 |
| 3. Statement of Hon. Robert A. Pastrick, mayor, city of East Chicago, Ind. June 26, 1973 | 779 |
| Ind., June 26, 1973. 4. Statement of the National League of Cities, United States Conference of Mayors, submitted by Allen E. Pritchard, Jr., executive vice president, National League of Cities and John J. Gunther, executive | |
| director, U.S. Conference of Mayors, September 14, 1973 | 781 782 |
| (B) Selected Correspondence received by the Subcommittee to Investi- | ,02 |
| gate Juvenile Delinquency in Support of S. 3148, 92d Congress and S. 821, 93d Congress | 787 |
| STATE | |
| 1. Letter from James L. Jones, Ed. D., Special Assistant to the Mayor | |
| for Youth Opportunity Services, government of the District of Columbia, Executive Office, February 27, 1973. 2. Letter from Robert A. Haines, M.D., Director of Institutions and Jack C. Pulliam, Coordinator of Children's Services, State Department of Social Welfare, State of Kansas, March 23, 1973. | 787 |
| Parole. Department of Mental Health and Corrections, State of | 788 |
| Maina, Anril 2, 1073 | 789 |
| Letter from C. Douglas Cluck, assistant commissioner, Youth Services, Department of Correction, State of Tennessee, April 12, 1973 | 790 |
| 6. Letter from Thomas L. Judge, Governor, State of Montana, June 8, | 791 |
| 1973 | 793 |
| UNIVERSITIES | |
| Letter from Richard K. Brautigam, Charles E. Hormann, and Ernest F. Witte, faculty members, University of Kentucky, February 9, 1973. | 794 |
| 8. Letter from David F. Metzger, instructor in corrections, Indiana University—Purdue University at Indianapolis, March 28, 1973 | |
| 9. Letter from Charles V. Matthews, director, Center for the Study of | 796 |
| Crime, Delinquency and Corrections, Southern Illinois University at Carbondale, April 23, 1973 | 798 |
| PRIVATE | |
| 10. Letter from William R. Bricker, national director, Boys' Clubs of | 799 |
| America, March 22, 1973. 11. Letter from Ann Hebberger, chairwoman, Kansas Correction System Study (Adult and Juvenile), director, League of Women Voters of Shawnee mission, Kansas, April 10, 1973. | 800 |
| vacuutivo mindivii, manidad, mpin av, aviveeeeeeeeeeeeeeeeeee | 500 |

| 12. Letter from James E. Ensign, director, Chattanooga Community Action—Model Cities Youth Counseling Center, Chattanooga | Page |
|---|------------|
| Tenn., May 3, 1973 13. Letter and enclosures from Mrs. Florence Moore, executive director, National Council for Homemaker-Home Health Aide Services, Inc., | 1 |
| New York City, May 4, 1973. 14. Letter and enclosures from Margaret K. Clark, Director of Administration and Public Relations, Boys' Town Homes of Maryland, | |
| May 24, 1973 | 815 817 |
| Education, New York City, June 1, 1973 16. Letter from Mrs. Thomas B. Lemann, president, Board of Directors, Family Service Society, New Orleans, La., June 12, 1973 17. Letter from Steve C. Bach, Judge, Posey Circuit Court, Mt. Vernon, | 818 |
| 17. Letter from Steve C. Bach, Judge, Posey Circuit Court, Mt. Vernon, Ind. June 15, 1973 | 819 |
| Ind., June 15, 1973 | 820 |
| Association of America, New York City, June 26, 1973 19. Letter from William B. Sabey, ACSW, executive director, Family | 001 |
| Service of York and York County, Pa., August 2, 1973. 20. Letter from Charles H. Clyburn, youth director, Young Men's Chris- | 821 |
| tian Association, Flint, Mich., September 11, 1973 | 822 823 |
| (C) Supplemental study: | |
| Letter from J. Lawrence Schultz, project director, Juvenile Justice Standards Project, Institute of Judicial Administration, American Bar Association, study enclosed entitled "Summary and Parallel Table of Model Codes and Recommendations Concerning Juvenile | |
| and Family Court Systems," July 26, 1973 | 827 |
| (D) Quotes: | |
| Quote: Anonymous Inmate, Boys Training School, Lansing, Michigan. Quote: Howard James from "Children in Trouble: A National Scandal," | 928 |
| David McKay edition published April 1970, Pocket Book edition published June 1971 | 928 |

S. 3148: JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1972

MONDAY, MAY 15, 1972

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

The subcommittee (composed of Senators Bayh, Hart, Burdick, Kennedy, Cook, Hruska, Fong, and Mathias) met pursuant to notice at 10:15 a.m., in room 2228, New Senate Office Building, Senator Birch

Bayh (chairman of the subcommittee) presiding.

Present: Senators Bayh (presiding), Kennedy, and Mathias.

Also present: Mathea Falco, staff director and chief counsel; John M. Rector, deputy chief counsel; Alice B. Popkin, special counsel; William C. Mooney, investigator; David A. Schulte, special counsel; Mary K. Jolly, chief clerk; Nancy L. Smith, research assistant; B. Elizabeth Marten, personal secretary to the staff director and chief counsel; Cheryl A. Wolf, assistant chief clerk; Stanley Ebner, for Senator Hruska; Dorothy Parker, for Senator Fong; Betty A. Webb,

for Senator Cook; and Ronald Meredith, for Senator Cook. Senator BAYH. We will convene our hearing this morning.

I will include in the record at this point the text of the subcommittee's enabling resolution, Senate Resolution 256 and the text of the legislation before us today, S. 3148.

(The documents marked "Exhibit Nos. 1 and 2" are as follows:)

EXHIBIT NO. 1

92n CONGRESS 2n Session

S. RES. 256

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 1972

Mr. Byno of West Virginia (for Mr. Eastlann), from the Committee on the Judiciary, reported the following resolution; which was referred to the Committee on Rules and Administration

RESOLUTION

Authorizing additional expenditures by the Committee on the Judiciary for inquiries and investigations.

- 1 Resolved, That in holding hearings, reporting such hear-
- 2 ings, and making investigations as authorized by sections
- 3 134 (a) and 136 of the Legislative Reorganization Act of
- 4 1946, as amended, and in accordance with its jurisdiction
- 5 under rule XXV of the Standing Rules of the Senate so
- 6 far as applicable, the Committee on the Judiciary, or any
- 7 subcommittee thereof, is authorized from March 1, 1972,
- 8 through February 28, 1978, for the purposes stated and
- 9 within the limitations imposed by the following sections,
- 10 in its discretion (1) to make expenditures from the con-

2 :

tingent fund of the Senato, (2) to employ personnel, and 1 2 (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and 3 Administration, to use on a reimbursable basis the services 4 or personnel of any such department or agency. Į, 6 SEC. 2. The Committee on the Judiciary, or any sub-7 committee thereof, is authorized from March 1, 1972, through February 28, 1973, to expend not to exceed \$9,994,200 to 8 9 examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below 10 in succeeding sections of this resolution, said funds to be allo-11 12 cated to the respective specific inquiries and to the procure-13 ment of the services of individual consultants or organizations: thereof (as authorized by section 2021) of the Legislative 14 15 Reorganization Act of 1946, as amended) in accordance 16 with such succeeding sections of this resolution. For the pur-17 poses of this resolution, the committee or a duly authorized 18 subcommittee thereof, or the chairman of the committee or 19 of such subcommittees, or any other member of the commit-20 tee or of such subcommittee designated by the chairman of 21 the committee, may issue subpenas under the authority 22 vested in the committee by section 134 (a) of such Act. Suc. 9. Not to exceed \$953,900 shall be available for 23 24 a study or investigation of administrative practice and proce-

dure, of which amount not to exceed \$3,000 may be ex-

pended for the procurement of individual consultants or 1 2 organizations thereof. 3 SEC. 4. Not to exceed \$769,500 shall be available for a study or investigation of antitrust and monopoly, of which 4 3 amount not to exceed \$10,000 may be expended for the procurement of individual consultants or organizations thereof. в SEC. 5. Not to exceed \$244,000 shall be available for a 7 S study or investigation of constitutional amendments, of which 9 amount not to exceed \$7,000 may be expended for the pro-10 curement of individual consultants or organizations thereof. 11 SEC. 6. Not to exceed \$300,000 shall be available for 12 a study or investigation of constitutional rights, of which 13 amount not to exceed \$10,000 may be expended for the 14 procurement of individual consultants or organizations 15 thereof. 16 SEC. 7. Not to exceed \$220,000 shall be available for a 17 study or investigation of criminal laws and procedures. 18 SEC. 8. Not to exceed \$13,500 shall be available for a 19 study or investigation of Federal charters, holidays, and 20 celebrations. 21 SEC. 9. Not to exceed \$200,000 shall be available for 22 a study or investigation of immigration and naturalization. 23 SEC. 10. Not to exceed \$253,000 shall be available for 24 a study or investigation of improvements in judicial-

25

machinery.

1 SEC. 11. Not to exceed \$599,356,78 shall be available .) for a complete and continuing study and investigation of (1) J the administration, operation, and enforcement of the In-4 ternal Security Act of 1950, as amended, (2) the adminis-5 tration, operation, and enforcement of other laws relating to 6 espionage, sabotage, and the protection of the internal security of the United States, and (3) the extent, nature, and effect 7 8 of subversive activities in the United States, its territories and 9 possessions, including, but not limited to, espionage, sabotage, 10 and infiltration by persons who are or may be under the 11 domination of the foreign government or organization con-12 trolling the world Communist movemen or any other move-13 ment seeking to overthrow the Government of the United 14 States by force and violence or otherwise threatening the 15 internal security of the United States. Of such \$599,356.78. 16 not to exceed \$3,600 may be expended for the procurement 17 of individual consultants or organizations thereof. 18 SEC. 12. Not to exceed \$340,000 shall be available for a 19 study or investigation of juvenile delinquency, of which 20amount not to exceed \$14,000 may be expended for the 21 procurement of individual consultants or organizations 22 thereof. 23SEC. 13. Not to exceed \$140,000 shall be available 24 for a study or investigation of patents, trademarks, and 25

copyrights.

- SEC. 14. Not to exceed \$74,900 shall be available for
- 2 a study or investigation of national penitentiaries, of which
- 3 amount not to exceed \$1,000 may be expended for the
- 4 procurement of individual consultants or organizations
- 5 thereof.
- 6 SEC. 15. Not to exceed \$174,500 shall be available
- 7 for a study or investigation of refugees and escapees. ,
- 8 Sec. 16. Not to exceed \$61,900 shall be available for
- 9 a study or investigation of revision and codification.
- SEC. 17. Not to exceed \$220,000 shall be available
- 11 for a study or investigation of separation of powers be-
- 12 tween the executive, judicial, and legislative branches of
- 43 Government, of which amount not to exceed \$16,000 may
- 14 be expended for the procurement of individual consultants
- 15 or organizations thereof.
- SEC. 18. The committee shall report its findings, to-
- 17 gether with such recommendations for legislation as it
- 18 deems advisable with respect to each study or investiga-
- 49. tion for which expenditure is authorized by this resolution,
- 20 to the Senate at the earliest practicable date, but not later
- ²¹ than February 28, 1973.
- SEC. 19. Expenses of the committee under this reso-
- 23 lation shall be paid from the contingence for the
- 24 Senate upon vouchers approved by the chairman of the
- 25 committee.

EXHIBIT No. 2

92D CONGRESS 20 Session

S. 3148

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 1972

Mr. Bayn introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To improve the quality of juvenile justice in the United States and to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes.

- 1 Be it enacted by the Senate and House of Representa-
- tives of the United States of America in Congress assembled,
- 3 That this Act may be cited as the "Juvenile Justice and
- Delinquency Prevention Act of 1972".
- 5 TITLE I—FINDINGS AND DECLARATION OF
- 6 PURPOSE 7
- 8 SEC. 101-The Congress hereby finds-
- 9 (1) that juvenile delinquency is increasing at an

FINDINGS

10 alarming rate in the United States;

II

| 1 | (2) that the adverse impact of juvenile delinquency |
|----|---|
| 2 | results in enormous annual cost and immeasurable loss |
| 3 | in human life, personal security, and wasted human |
| 4 | resources; |
| 5 | (3) that existing Federal programs have not pro- |
| 6 | vided the requisite direction, coordination, resources, and |
| 7 | leadership to deal effectively with the crisis of delin- |
| 8 | quency; and |
| 9 | (4) that juvenile delinquency constitutes a growing |
| 10 | threat to the national welfare requiring immediate, |
| 11 | comprehensive, and effective response by the Federal |
| 12 | Government. |
| 13 | PURPOSE |
| 14 | SEC. 102. It is the purpose of this Act- |
| 15 | (1) to focus the resources of the Federal Govern- |
| 16 | ment to bring about an immediate reduction in the rate |
| 17 | of juvenile delinquency; |
| 18 | (2) to provide the necessary additional resources |
| 19 | to improve the quality of juvenile justice in the United |
| 20 | States and to develop and implement effective methods |
| 21 | of preventing and treating juvenile delinquency; |
| 22 | (3) to increase the capacity of State and local |
| 23 | governments, and public and private agencies and orga- |
| 24 | nizations to conduct innovative, effective juvenile justice |
| 25 | and delinquency prevention and rehabilitation programs, |

1 and to provide adequate research, evaluation, and train-2 ing programs and services in the area of juvenile 3 delinquency; 4 (4) to provide for the development of national 5 guidelines for juvenile detention and corrections facili-6 ties, and for the administration of iuvenile justice: (5) to amend title 18, United States Code, to 7 8 guarantee certain basic rights to juveniles who come 9 within Federal jurisdiction: 10 (6) to establish a centralized research effort on 11 the problems of juvenile delinquency, including an infor-12 mation clearinghouse to disseminate the findings of such 13 research and all data related to juvenile delinquency: 14 (7) to provide technical assistance to agencies. 15 institutions, or individuals in developing and implement-16 ing delinquency programs and to provide for the 17 effective and prompt evaluation of all federally assisted 18 iuvenile delinquency programs: 19 (8) to establish training programs for personnel 20 working in the juvenile justice system; and 21 (9) to establish a new National Office of Juvenile 22 Justice and Delinquency Prevention in the Executive 23 Office of the President to coordinate, review, and evalu-

ate all federally assisted juvenile delinquency programs.

| 1 | TITLE II—AMENDMENTS TO FEDERAL |
|----|---|
| 2 | JUVENILE DELINQUENCY ACT |
| 3 | SEC, 201. Section 5032 of title 18, United States Code, |
| 4 | is amended to read as follows: |
| 5 | "§ 5032. Proceeding against juvenile deliquent |
| 6 | "A juvenile alleged to have committed an act of juvenile |
| 7 | delinquency shall not be proceeded against in any court of |
| 8 | the United States unless the Attorney General, after inves- |
| 9 | tigation, certifies to an appropriate district court of the |
| 10 | United States that the juvenile court or other appropriate |
| 11 | court of a State (1) does not have jurisdiction over said |
| 12 | juvenile with respect to such alleged act of juvenile de- |
| 13 | linquency, or (2) does not have available to it programs and |
| 14 | services adequate for the rehabilitation of juveniles. |
| 15 | "If the Attorney General does not so certify, such ~ |
| 16 | juvenile shall be surrendered to the appropriate legal authori- |
| 17 | ties of such State. |
| 18 | "If Federal jurisdiction is retained over a juvenile, the |
| 19 | Attorney General shall proceed by information, and no |
| 20 | criminal prosecution shall be instituted for the alleged act of |
| 21 | juvenile delinquency. With respect to a juvenile sixteen years |
| 22 | and older alleged to have committed an act which if com- |
| 23 | mitted by an adult would be a felony, criminal prosecution |
| 24 | may be begun if the Attorney General moves in the appro- |
| 25 | priate district court of the United States that criminal prose- |

1 cution be undertaken and such court finds, after hearing, that 2 there are no reasonable prospects for rehabilitating such juve-3 nile before his majority. 4 "Once a juvenile has entered a plea with respect to an 5 alleged act of juvenile delinquency a criminal prosecution based upon such alleged act of delinquency shall be barred." 6 7 SEC. 202. Section 5033 of this title is amended to read 8 as follows: 9 "§ 5033. Jurisdiction and constitutional safeguards 10 "District courts of the United States shall have jurisdic-11 tion of proceedings against juvenile delinquents. For such 12 purposes, the court may be convened at any time and place 13 within the district, in chambers or otherwise. 14 "A juvenile charged with an act of juvenile delinquency 15 shall be accorded the constitutional rights guaranteed an adult 16 in a criminal prosecution against unreasonable searches and 17 seizures, against self incrimination, and against cruel and 18 unusual punishment." _19 SEC. 203. Section 5034 of this title is amended by adding 20 at the end of the third paragraph the following new sentence: 21. "The Attorney General shall not cause any juvenile alleged 22or found to be delinquent to be detained or confined in any 23 institution in which adult persons convicted of a crime or

awaiting trial on criminal charges are incarcerated."

SEC. 204. Section 5035 of this title is amended to read 1 2 as follows: 3 "§ 5035. Detention of alleged juvenile delinquent 4 "Whenever a juvenile is taken into custody for an al-5 leged act of invenile delinquency, the arresting officer shall 6 immediately advise such juvenile of his legal rights, and 7 immediately notify the Attorney General and the juvenile's 8 parents, guardian, or other custodian of such custody. 9 "Such juvenile may be detained only in a juvenile 10 facility or such other suitable place as the Attorney General 11 may designate. The Attorney General shall not cause any 12 juvenile alleged to be delinquent to be detained or confined... 13 in any institution in which adult persons convicted of a 14 crime or awaiting trial on criminal charges are confined. The 15 juvenile shall not be detained longer than a reasonable period 16 of time required to produce the juvenile before a magistrate. 17 "The magistrate shall, with all reasonable speed, release 18 the juvenile to his parents, guardian, custodian, or other 19 responsible party upon their promise to bring such juvenile 20 before the appropriate court when requested by such court 21 unless the magistrate determines, after hearing, that the 22 detention of such juvenile is required to secure his timely 23 appearance before the appropriate court or to protect the 24 safety of others.

"Any magistrate before which the juvenile may be

- 1 brought shall advise such juvenile, his parents, guardian, or
- 2 other custodian of his right to be represented by legal counsel
- 3 at all critical stages of the juvenile proceeding and that legal
- 4 counsel will be appointed by the court if the juvenile is
- 5 unable to secure such counsel."
- 6 SEC. 205. The table of sections of chapter 403 of this
- 7 title is amended to read as follows:

"Sec.

8

"5031. Definitions.

"5032. Proceeding against juvenile delinquent.

"5033. Jurisdictions and constitutional safeguards.

"5034. Probation; commitment to custody of Attorney General; support.

"5035. Detention of alleged juvenile delinquent.

"5036. Contracts for support; payment.

"5037. Parole."

TITLE III—NATIONAL COMMISSION ON

9 STANDARDS FOR JUVENILE JUSTICE

10 COMMISSION ESTABLISHED

- 11 Sec. 301. (a) There is established within the National
- 12 Office of Juvenile Justice and Delinquency Prevention (es-
- 13 tablished under title IV of this Act) a National Commis-
- 14 sion on Standards for Juvenile Justice (referred to in this
- 15 Act as the "Commission") to develop standards for the
- 16 administration of juvenile justice at the Federal. State, and
- 17 local level, including juvenile court procedures and condi-
- 18 tions of confinement in juvenile detention and correctional
- 19 facilities.
- 20 (b) The Commission shall consist of fifteen members
- 21 who shall be appointed by the President by and with the

advice and consent of the Senate for terms of two years 2 without regard to the provisions of title 5, United States 3 Code, in accordance with the provisions of this subsection. 4 Each member so appointed shall be a person who as a result 5 of his training, experience, or special knowledge is especially 6 qualified to make recommendations on standards for juvenile 7 justice, including conditions of confinement, to serve as 8 models for Federal, State, and local governments. At least five members so appointed shall not have attained twenty-10 six years of age on the date of their appointment and shall 11 have actual experience with the juvenile justice system in the 12United States. Two of these five members shall be former 13 adjudicated juvenile delinquents. 14 (c) The Commission shall select its own Chairman and 15 Vice Chairman. 16 DUTJES OF THE COMMISSION 17 SEC. 302. (a) The Commission shall make a com-18 plete and full study and investigation of all aspects of the 19 juvenile justice system in the United States, with particular 20 emphasis on juvenile court procedures, and the conditions of 21 confinement in juvenile detention and correctional facilities, 22 in order to develop standards for the administration of juve-23 nile justice to serve as models for Federal, State, and local -24 governments. 25 (b) Within two years after the appointment of the

| 1 | members of the Commission under this title, the Commission |
|-----|---|
| 2 | shall submit to the President and the Congress a final report |
| 3 | which shall include— |
| 4 | (1) recommendations for standards of juvenile jus- |
| 5 | tice and the reasons underlying such recommendations; |
| 6 | and |
| 7 | (2) recommendations and proposals for Federal |
| 8 | action which would facilitate the adoption of these |
| 9 | standards. |
| 10 | (c) The Director shall make use of the recommenda- |
| .11 | tions of the Commission as guidelines in establishing funding |
| 12 | priorities or in making individual funding decisions, as he |
| 13 | deems appropriate and advisable. |
| 14 | (d) The Commission shall cease to exist thirty days |
| 15 | after the submission of its final report. |
| 16 | POWERS AND ADMINISTRATIVE PROVISIONS |
| 17 | SEC. 303. (a) The Commission or, on the authoriza- |
| 18 | tion of the Commission, any subcommittee thereof, may, |
| 19 | for the purpose of carrying out the provisions of this Act, |
| 20 | hold such hearings as may be required for the performance |
| 21 | of its functions under this Act, administer oaths for the |
| 22 | purpose of taking evidence in any such hearings and issue |
| 23 | subpenas to compel witnesses to appear and testify and |
| 24 | to compel the production of documentary evidence in any |

| 1 | such hearing. Any member authorized by the Commission |
|-----|--|
| 2 | may administer oaths or affirmations to witnesses appearing |
| 3 | before the Commission, or any subcommittee thereof. |
| 4 | (b) Each department, agency, and instrumentality of |
| 5 | the executive branch of the Covernment, including inde- |
| 6 | pendent agencies, is authorized and directed to furnish to the |
| 7 | Commission, upon request unde by the Chairman or Vice |
| . 8 | Chairman, such information as the Commission deems neces- |
| 9 | sary to carry out its functions under this Act. |
| 10 | (c) Subject to such rules and regulations as may be |
| 11 | adopted by the Commission, the Chairman shall have the |
| 12 | power— |
| 1:3 | (1) to appoint and fix the compensation of such |
| 14 | staff personnel as he deems necessary, including an |
| 15 | executive director who may be compensated at a rate not |
| 16 | in excess of that provided for level V of the Executive |
| 17 | Schedule in title 5, United States Code, and |
| 18 | (2) to procure the services of experts and consult- |
| 19 | ants in accordance with section 3109 of title 5, United |
| 20 | States Code. |
| 21 | (d) (1) Subpense issued pursuant to subsection (a) of |
| 22 | this section shall bear the signature of the Chairman of the |
| 23 | Commission and may be served by any person designated by |
| 24 | the Chairman of the Commission for that purpose. |
| 25 | (2) The provisions of section 1821 of title 28, United |

- 1 States Code, shall apply to witnesses summoned to appear at
- 2 any such hearing. The per diem and mileage allowances of
- 3 witnesses so summoned under authority conferred by this
- 4 section shall be paid from funds appropriated to the
- 5 Commission.
- 6 (3) Any person who willfully neglects or refuses to
- 7 appear, or refuses to qualify as a witness or to testify, or
- 8 to produce any evidence in obedience to any subpena duly
- 9 issued under authority of this section shall be fined not more
- 10 than \$500, or imprisoned for not more than six months, or
- 11 both. Upon the certification by the Chairman of the Com-
- 12 mission of the facts concerning any such willful disobedience
- 13 by any person to the United States attorney for any judicial
- 14 district in which such person resides or is found, such
- 15 attorney shall proceed by information for the prosecution
- 16 of such person for such offense.

17 COMPENSATION OF MEMBERS

- 18 Sec. 304. (a) Members of the Commission who are
- 19 otherwise employed by the Federal Government shall serve
- ²⁰ without compensation but shall be reimbursed for travel,
- ²¹ subsistence, and other necessary expenses incurred by them
- ²² in carrying out the duties of the Commission.
- (b) Members of the Commission not otherwise em-
- 24 ployed by the Federal Government shall receive compen-
- 25 sation at a rate not to exceed \$150 a day, including travel

1 time, for each day they are engaged in the performance of their duties as members of the Commission and shall be 3 entitled to reimbursement for travel, subsistence and other necessary expenses incurred by them in carrying out the 4 5 duties of the Commission. 6 EXPENSES OF COMMISSION 7 SEC. 305. There is hereby authorized to be appropriated for the work of the Commission the sum of \$600,000 without regard to fiscal year limitation. 10 TITLE IV-NATIONAL OFFICE OF JUVENILE 11 JUSTICE AND DELINQUENCY PREVENTION 12 ESTABLISHMENT OF OFFICE 13 SEC. 401. (a) There is hereby established in the Execu-14 tive Office of the President, an office to be known as the 15 National Office of Juvenile Justice and Delinquency Preven-16 tion (referred to in this Act as the "Office"). 17 (b) There shall be at the head of the Office a Director 18 (referred to in this Act as the "Director") who shall be 19 appointed by the President by and with the advice and 20 consent of the Senate. 21 (c) There shall be in the Office a Deputy Director of 22 the Office who shall be appointed by the President, by and 23 with the advice and consent of the Senate. The Deputy Di-

rector shall perform such functions as the Director from

time to time assigns or delegates, and shall act as Director

24

- 1 during the absence or disability of the Director or in the
- 2 event of a vacancy in the office of the Director.
- 3 (d) There shall be in the Office not to exceed three
- 4 Assistant Directors who shall be appointed by the Director.
- 5 Each Assistant Director shall perform such functions as the
- 6 Director from time to time assigns or delegates.
- 7 PERSONNEL—SPECIAL PERSONNEL—EXPERTS AND
- 8 CONSULTANTS
- 9 SEC. 402. (a) The Director is authorized to select,
- 10 employ, and fix the compensation of such officers and em-
- 11 ployees, including attorneys, as are necessary to perform the
- 12 functions vested in him and to prescribe their functions.
- 13 (b) The Director is authorized to select, appoint, and
- 14 employ not to exceed five officers and to fix their compensa-
- 15 tion at rates not to exceed the rate now or hereafter pre-
- 16 scribed for GS-18 of the General Schedule by section 5332
- 17 of title 5 of the United States Code.
- (c) Upon the request of the Director, the head of any
- 19 Federal agency is authorized to detail, on a reimbursable
- 20 basis, any of its personnel to the Director to assist him in
- 21 carrying out his functions under this Act.
- 22 (d) The Director may obtain services as authorized by
- 23 section 3109 of title 5 of the United States Code, at rates
- 24 not to exceed the rate now or hereafter prescribed for GS-18

| 1 | of the General Schedule by section 5332 of title 5 of the |
|----|---|
| 2 | United States Code. |
| 3 | VOLUNTARY SERVICE |
| 4 | SEC. 403. The Director is authorized to accept and |
| 5 | employ, in carrying out the provisions of this Act or any |
| 6 | Federal juvenile delinquency program, voluntary and un- |
| 7 | compensated services notwithstanding the provisions of sec- |
| 8 | tion 3679 (b) of the Revised Statutes (31 U.S.C. 665 (b)). |
| 9 | DEFINITIONS |
| 0 | Sec. 404. For the purpose of this Act |
| 1 | (1) the term "juvenile delinquency programs" |
| 12 | means programs and activities related to juvenile delin- |
| 13 | quency prevention, diversion, treatment, rehabilitation, |
| 4 | education, training, research, and the improvement of |
| 5 | the juvenile justice system which are conducted directly |
| 16 | or indirectly by the Departments of Health, Education, |
| 17 | and Welfare, Labor, Housing and Urban Development, |
| 8 | Justice, and the Office of Economic Opportunity. With |
| 19 | regard to those Federal programs which appear to have |
| 20 | only a tangential or indirect involvement in the area of |
| 21 | juvenile delinquency, the Director of the Office of Man- |
| 22 | agement and Budget, upon consultation with the Direc- |
| 23 | tor, is authorized to determine whether such programs |
| 24 | come within the purview of this Act; and |
| 25 | (2) the term "State" means each of the several |

| 1 | States of the United States, the District of Columbia, the |
|------------|---|
| 2 | Commonwealth of Puerto Rico, the Virgin Islands, |
| 3 | Guam, American Samoa, and the Trust Territory of the |
| 4 | Pacific Islands. |
| 5 | CONCENTRATION OF FEDERAL EFFORT |
| ~ 6 | Sec. 405. (a) The Director shall provide overall plan- |
| 7 | ning and policy and establish objectives and priorities for |
| 8 | all Federal juvenile delinquency programs and activities re- |
| 9 | lating to prevention, diversion, training, treatment, rehabili- |
| 10 | tation, evaluation, research, and programs to improve the |
| 11 | juvenile justice system in the United States. |
| 12 | (b) In carrying out the purposes of this Act the Di- |
| 13 | rector is authorized and directed to- |
| 1.4 | (1) advise the President as to all matters relating |
| 15 | to federally assisted juvenile delinquency programs and |
| 16 | Federal policy regarding the problems of juvenile |
| 17 | delinquency; |
| 18 | (2) assist operating agencies in the development |
| 19 | and promulgation of, and review regulations, guidelines, |
| 20 | requirements, criteria, standards, procedures, and budget |
| 21 | requests in accordance with the policies, priorities, and |
| 22 | objectives he establishes; |
| 23 | (3) recommend changes in organization, manage- |
| 24 | ment, personnel, standards, and budget requests which |

- 1 he deems advisable to implement the policies, priorities, 2 and objectives he establishes; 3 (4) conduct and support evaluations and studies of 4 the performance and results achieved by Federal juve-5 nile delinquency programs and activities and of the pro-6 spective performance and results that might be achieved 7 by alternative programs and activities supplementary to 8 or in lieu of those currently being administered; 9 (5) coordinate Federal juvenile delinquency pro-10 grams and activities among Federal departments and 11 agencies and between Federal juvenile delinquency pro-12 grams and activities and other Federal programs and 13 activities which he determines may have an important 14 bearing on the success of the entire Federal juvenile 15 delinquency effort; 16 (6) develop yearly, and submit to the President 17 and the Congress prior to March 1 in each year, an 18 analysis and evaluation of such programs conducted and 19 assisted by Federal departments and agencies, the ex-20 penditures made, the results achieved, the plans de-21 veloped, and problems discovered in the operation and 22 coordination of such programs; and
 - (7) develop yearly, and submit to the President and the Congress, prior to March 1, a comprehensive plun for Federal juvenile delinquency programs, with

23

24

particular emphasis on the prevention of juvenile de-1 2 linquency and the development of programs and serv-3 ices which will encourage increased diversion of juve-4 niles from the traditional juvenile justice system. 5 (c) The Director may require departments and agencies engaged in any activity involving any Federal juvenile 6 7 delinquency program to provide him with such information 8 and reports, and to conduct such studies and surveys, as he may deem to be necessary to carry out the purposes of this 9 10 Act. 11 (d) The Director may delegate any of his functions 12 under this title, except the making of regulations, to any 13 officer or employee of the Office. 14 (e) In administering the provisions of this title, the 15 Director is authorized to utilize the services and facilities of 16 any agency of the Federal Government and of any other 17 public agency or institution in accordance with appropriate 18 agreements, and to pay for such services either in advance 19 or by way of reimbursement as may be agreed upon. 20 JOINT FUNDING 21 Sec. 406. Notwithstanding any other provision of law, 22 where funds are made available by more than one Federal 23 agency to be used by an agency, organization, institution, or

individual to carry out a Federal juvenile delinquency pro-

gram or activity, any one of the Federal agencies providing 1 funds may be designated by the Director to act for all in 2 3 administering the funds advanced. In such cases, a single non-Federal share requirement may be established according 4 to the proportion of funds advanced by each Federal agency, 5 and the Director may order any such agency to waive any 6 technical grant or contract requirement (as defined in such 7 8 regulations) which is inconsistent with the similar requirement of the administering agency or which the administering 9 10 agency does not impose. 11 TRANSITIONAL PROVISIONS 12 SEC. 407. (a) The President may authorize any person 13 who immediately prior to the date of enactment of this Act 14 held a position in the executive branch of the Government 15 to act as the Director of the National Office of Juvenile Justice and Delinquency Prevention until the office of 16 17 Director is for the first time filled pursuant to the provisions of this Act or by recess appointment, as the case may be. 18 (b) The President may similarly authorize any such 19 20 person to act as Deputy Director. (c) The President may authorize any person who 21 22serves in an acting capacity under the foregoing provisions 23 of this section to receive the compensation attached to the office in respect of which he so serves. Such compensation,

- 1 if authorized, shall be in lieu of, but not in addition to, other
- 2 compensation from the United States to which such person
- 3 may be entitled.
- 4 (d) No Federal officer, department, or agency shall
- 5 be deemed to be relieved of any responsibility that such
- 6 officer, department, or agency had on the date of enactment
- 7 of this Act with respect to any federally assisted juvenile
- 8 delinquency program.
- 9 AMENDMENT TO TITLE 5, UNITED STATES CODE
- 10 SEC. 408. (a) Section 5313 of title 5, United States
- 11 Code, is amended by adding at the end thereof the following
- 12 new paragraph:
- 13 "(21) Director, National Office of Juvenile Justice
- 14 and Delinquency Prevention.".
- 15 (b) Section 5314 of title 5, United States Code, is
- 16 amended by adding at the end thereof the following new
- 17 paragraph:
- 18 "(58) Deputy Director, National Office of Juvenile
- 19 Justice and Delinquency Prevention.".
- 20 (c) Section 5315 of title 5, United States Code, is
- 21 amended by adding at the end thereof the following new
- 22 paragraph:
- 23 "(95) Assistant Directors, National Office of Juve-
- 24 nile Justice and Delinquency Prevention.".

| 1 | APPROPRIATIONS AUTHORIZED |
|----|--|
| 2 | Sec. 409. There are hereby authorized to be appro- |
| 3 | priated to the President \$15,000,000 for the fiscal year |
| 4 | onding June 30, 1972, \$20,000,000 for the fiscal year ending |
| 5 | June 30, 1974, and \$30,000,000 for the fiscal year ending |
| 6 | June 3, 1974, and \$30,000,000 for the fiscal year ending |
| 7 | June 30, 1975, to carry out the purposes of this title. |
| 8 | TITLE V—FEDERAL ASSISTANCE FOR STATE |
| 9 | AND LOCAL PROGRAMS |
| 10 | PART A-FORMULA GRANTS |
| 11 | AUTHORIZATION |
| 12 | Sec. 501. There are authorized to be appropriated |
| 13 | \$25,000,000 for the fiscal year ending June 30, 1972; |
| 14 | \$50,000,000 for the fiscal year ending June 30, 1973; |
| 15 | \$75,000,000 for the fiscal year ending June 30, 1974; and |
| 16 | \$100,000,000 for the fiscal year ending June 30, 1975, for |
| 17 | grants to States to assist them in planning, establishing, |
| 18 | operating, coordinating, and evaluating projects for the de- |
| 19 | velopment of more effective education, training, prevention, |
| 20 | diversion, treatment, and rehabilitation programs to deal with |
| 21 | juvenile delinquency and programs to improve the juvenile |
| 22 | justice system. |
| 23 | STATE ALLOTMENT |
| 24 | Sec. 502. (a) For each fiscal year the Director shall, in |
| 25 | accordance with regulations, allot the sums appropriated pur- |

1 suant to section 501 for such year among the States on the

2 basis of the relative population of people under age eighteen,

3 financial need, and need for more effective juvenile delin-

4 quency programs (as defined in section 404) except that no

5 such allotment to any State (other than the Virgin Islands,

6 American Samoa, Guam, and the Trust Territory of the

Pacific Islands) shall be less than \$200,000.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

(b) Any amount so allotted to a State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) and remaining unobligated at the end of such year shall remain available to such State, for the purposes for which made, for the next fiscal year (and for such year only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year; except that any such amount, remaining unobligated at the end of the sixth month following the end of such year for which it was allotted, which the Director determines will remain unobligated by the close of such next fiscal year, may be reallotted by the Director, to be available for the purposes for which made until the close of such next fiscal year, to other States which have need therefor, on such basis as the Director deems equitable and consistent with the purposes of this part, and any amount so reallotted to a State shall be in addition to the amounts allotted and available to the States for the same period. Any

amount allotted under subsection (a) to the Virgin Islands, 2 American Samoa, Guam, or the Trust Territory of the Pacific 3 Islands for a fiscal year and remaining unobligated at the end 4 of such year shall remain available to it, for the purposes for 5 which made, for the next two fiscal years (and for such years 6 only), and any such amount shall be in addition to the 7 amounts allotted to it for such purpose for each of such next 8 two fiscal years; except that any such amount, remaining 9 unobligated at the end of the first of such next two years, 10 which the Director determines will remain unobligated at the 11 close of the second of such next two years, may be reallotted 12 by the Director, to be available for the purposes for which 13 made until the close of the second of such next two years, to 14 any other of such four States which have need therefor, on 15 such basis as the Director deems equitable and consistent with 16 the purposes of this part, and any amount so reallotted to a 17 State shall be in addition to the amounts allotted and avail-18 able to the State for the same period. 19 (c) At the request of any State, a portion of any allot-20 ment or allotments of such State under this part shall be 21 available to pay that portion of the expenditures found 22necessary by the Director for the proper and efficient admin-23istration during such year of the State plan approved under 24 this part, except that not more than 10 per centum of the 25 total of the allotments of such State for a year, or \$50,000,

| 1 | whichever is the least, shall be available for such purpose |
|----|---|
| 2 | for such year. |
| 3 | STATE PLANS |
| 4 | SEC. 503. (a) Any State desiring to participate in this |
| 5 | part shall submit a State plan for carrying out its purposes. |
| 6 | Such plan must— |
| 7 | (1) designate a single State agency as the sole |
| 8 | agency for the preparation, and administration of the |
| 9 | plan, or designate such agency as the sole agency for |
| 10 | supervising the preparation and administration of the |
| 11 | plan; |
| 12 | (2) contain satisfactory evidence that the State |
| 13 | agency designated in accordance with paragraph (1) |
| 14 | (hereafter in this section referred to as the "State |
| 15 | agency") will have authority to implement such plan |
| 16 | in conformity with this part and with Federal policy |
| 17 | established under this Act and will include representa- |
| 18 | tives of nongovernmental organizations or groups, and |
| 19 | of public agencies specifically concerned with juvenile |
| 20 | delinquency prevention, treatment and rehabilitation; |
| 21 | (3) set forth, in accordance with criteria estab- |
| 22 | lished by the Director, a detailed survey of the local and |
| 23 | State needs for the prevention and treatment of juvenile |
| 24 | delinquency, and the improvement of the juvenile jus- |
| 25 | tice system, including a survey of the juvenile facilities, |
| | |

- 1 services, and programs needed throughout the State to 2 provide an effective comprehensive, coordinated ap-3 proach to juvenile delinquency prevention, treatment, 4 and rehabilitation, and a detailed plan, including item-5 ized estimated costs, for the development and imple-6 mentation of such a program: 7 (4) provide for coordination and maximum utiliza-8 tion of existing and planned juvenile deliquency 9 programs and activities within the State, and require 10 compliance with the plan and cooperation with other 11 programs and activities as a condition for financial 12 support under this title; 13 (5) provide that the State agency will from time 14 to time, but not less often than annually, review its 15 State plan and submit to the Director an analysis and 16 evaluation of the effectiveness of the programs and 17 activities carried out under the plan, and any modifica-18 tions in the plan, including the survey of State and local 19 needs, which it considers necessary: 20 (6) provide reasonable assurance that Federal funds 21 22 23
 - made available under this part for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs

24

25

| 1 | described in this part, and will in no event supplant such |
|----|--|
| 2 | State, local, and other non-Federal funds; |
| 3 | (7) provide that not less than 75 per centum of |
| 4 | the funds available to such State under this part will |
| 5 | be expended on the development and use of facilities, |
| 6 | programs, and services designed to prevent juvenile |
| 7 | delinquency, to divert juveniles from the juvenile justice |
| 8 | system, and to provide community-based alternatives to |
| 9 | detention and correctional facilities used for the con- |
| 10 | finement of juveniles; |
| 11 | (8) provide that the State will detain and treat |
| 12 | juveniles who are not charged with or who have not |
| 13 | committed offenses that would be criminal if com- |
| 14 | mitted by an adult in separate facilities with separate |
| 15 | and distinct programs from juveniles who are charged |
| 16 | with or who have committed offenses that would be |
| 17 | criminal if committed by an adult; |
| 18 | (9) provide for the development of an adequate |
| 19 | research, training, and evaluation capacity within the |
| 20 | State in accordance with criteria prescribed by the |
| 21 | Director; |
| 22 | (10) provide for advanced techniques in the design |
| 23 | of programs, services, and facilities, such as, but not |
| 24 | limited to— |
| 25 | (A) community-based programs, services and |

| 1 | facilities for the prevention of juvenile delinquency |
|----|---|
| 2 | for pretrial diversion from the juvenile justice sys |
| 3 | tem, and for the treatment and rehabilitation of juve |
| 4 | nile delinquents through the development of foster |
| 5 | care and shelter-care homes, group homes, halfway |
| 6 | houses, and any other designated residential, com |
| 7 | munity-based treatment or rehabilitative facility o |
| 8 | service; |
| 9 | (B) diagnostic facilities and services on a state |
| 10 | wide, regional, or local basis; |
| 11 | (C) expanded use of probation as an alterna |
| 12 | tive to incarceration, including programs of pro |
| 13 | bation subsidies, probation caseloads commensurate |
| 14 | with recognized optimum standards, the recruitmen |
| 15 | and training of probation officers and other profes |
| 16 | sional and paraprofessional personnel according to |
| 17 | standards promulgated by the Director, and com- |
| 18 | munity-oriented programs for the supervision o |
| 19 | juvenile probationers and parolees; |
| 20 | (D) comprehensive programs of drug abuse |
| 21 | education and prevention, and programs for the |
| 22 | treatment and rehabilitation of drug addicted and |
| 23 | drug dependent youth (as defined in section 2 of the |
| 24 | Public Health Services Act); |

(E) delinquency prevention programs, includ-

| 1 | ing individual and family counseling, use and train- |
|----|---|
| 2 | ing of professionals and paraprofessionals, and other |
| 3 | supportive services within the elementary and sec- |
| 4 | ondary education systems to detect, work with, and |
| 5 | divert from the juvenile justice system delinquent |
| 6 | and potentially delinquent youth; |
| 7 | (11) provide for special training of professional |
| 8 | and paraprofessional personnel to work effectively in the |
| 9 | prevention and treatment of juvenile delinquency; |
| 10 | (12) provide for such fiscal control and fund ac- |
| 11 | counting procedures necessary to assure prudent use, |
| 12 | proper disbursement of an accurate accounting of funds |
| 13 | received under this title; |
| 14 | (13) provide assurances that assistance will be |
| 15 | available on an equitable basis to migrant, Indian, and |
| 16 | other minority group youth; and |
| 17 | (14) contain such other terms and conditions as |
| 18 | the Director may reasonably prescribe to assure the |
| 19 | effectiveness of the programs assisted under this title. |
| 20 | (b) Funds authorized under section 501 of this part |
| 21 | may be used to develop the State plan required by subsec- |
| 22 | tion (a) of this section. |
| 23 | (e) The Director shall approve any State plan and any |
| 24 | modification thereof that meets the requirements of subsec- |
| 25 | tion (a) of this section. |

| .L | TART B—SPECIAL EMPHASIS TREVENTION AND |
|----|--|
| 2 | TREATMENT PROGRAMS |
| 3 | PROGRAM AND AUTHORIZATION |
| 4 | Sec. 504. (a) The Director is authorized to make grants |
| 5 | to public and private nonprofit agencies, organizations, or |
| 6 | institutions and enter into contracts with public and private |
| 7 | agencies, organizations, institutions, and individuals- |
| 8 | (1) to develop and implement new approaches, tech- |
| 9 | niques, and methods with respect to juvenile delinquency |
| 10 | prevention, diversion, treatment and rehabilitation; |
| 11 | (2) to evaluate those new approaches, techniques, |
| 12 | and methods; |
| 13 | (3) to foster the establishment of new or expanded |
| 14 | juvenile delinquency programs and activities (as defined |
| 15 | in section 404); |
| 16 | (4) to develop and implement effective means of |
| 17 | diverting juveniles from the formal adjudicatory process |
| 18 | and from traditional forms of institutionalization; and |
| 19 | (5) to develop and implement programs and activ- |
| 20 | ities to improve the juvenile justice system in the United |
| 21 | States. |
| 22 | (b) Any such agency, organization, institution, or indi- |
| 23 | vidual desiring to receive a grant, or enter into any contract |
| 24 | under this part, shall submit an application at such time, |
| 25 | in such manner, and containing or accompanied by such |
| | |

| 1 | information as the Director may prescribe. Each such appli- |
|------------|--|
| 2 | cation shall— |
| 3 | (1) provide that the activities and services for |
| 4 | which assistance under this title is sought will be admin- |
| 5 | istered by or under the supervision of the applicant |
| 6 | (2) set forth a program for carrying out the pur- |
| 7 | poses set forth in subsection (a) of this section; |
| 8 | (3) provide for the proper and-efficient adminis- |
| 9 | tration of such program; |
| 10 | (4) provide that regular reports on program activi- |
| 11 | ties shall be made in such form and containing such |
| 12 | information as the Director may require; and |
| 13 | (5) provide for such fiscal control and fund |
| 14 | accounting procedures as may be necessary to assure |
| 15 | prudent use, proper disbursement, and accurate account- |
| 16 | ing of funds received under this title. |
| 17 | (c) There are authorized to be appropriated \$75,000, |
| 18 | 000 for the fiscal year ending June 30, 1972; \$150,000,000 |
| 1 9 | for the fiscal year ending June 30, 1973; \$225,000,000 for |
| 20 | the fiscal year ending June 30, 1974, and \$300,000,000 for |
| 21 | the fiscal year ending June 30, 1975 to carry out the pur- |
| 22 | poses of this part. |
| 23 | Sec. 505. Payments under this title, pursuant to a grant |
| 24 | or contract, may be made (after necessary adjustment, in the |
| 25 | ease of grants, on account of previously made overpayments |

| - | |
|------------|---|
| 1 | or underpayments) in advance or by way of reimbursements |
| 2 | and in such installments and on such conditions as the Direc |
| 3 | tor may determine. |
| 4 | WITHHOLDING |
| 5 | SEC. 506. Whenever the Director, after giving reason |
| 6 | able notice and opportunity for hearing to a grant recipien |
| 7 | under this title, finds— |
| 8 | (1) that the program or activity for which such |
| 9 | grant was made has been so changed that it no longe |
| 10 | complies with the provisions of this title; or |
| 11 | (2) that in the operation of the program or activity |
| 12 | there is failure to comply substantially with any such |
| 13 | provision; |
| 14 | the Director shall notify such recipient of his findings and no |
| 1 5 | further payments may be made to such recipient by the |
| 16 | Director until he is satisfied that such noncompliance has |
| 17 | been, or will promptly be, corrected. |
| 18 | TITLE VI—NATIONAL INSTITUTE FOR JUVENILE |
| 19 | JUSTICE |
| 20 | NATIONAL INSTITUTE |
| 21 | SEC. 601. (a) There is established within the Nationa |
| 22 | Office of Juvenile Justice and Delinquency Prevention a |
| 23 | National Institute for Juvenile Justice (referred to in this |
| 24 | Act as the "Institute"). |
| 25 | (h) The Institute shall be under the direction of an |

| 1 | Administrator who shall be appointed by the Director of |
|----|--|
| 2 | the National Office of Juvenile Justice and Delinquency |
| 3 | Prevention. Acting through the Institute, the Director shall |
| 4 | take any action consistent with the intent and purpose of this |
| 5 | Act, including but not limited to the functions stated in |
| 6 | this title. |
| 7 | COORDINATION AND TECHNICAL ASSISTANCE FUNCTIONS |
| 8 | Sec. 602. The Institute, under the supervision and |
| 9 | direction of the Administrator, is authorized to- |
| 10 | (1) assist and serve in a consulting capacity to |
| 11 | Federal, State, and local courts, departments, and agen- |
| 12 | cies in the development, maintenance, and coordination |
| 13 | of a full range of programs, facilities and services for |
| 14 | education, diagnosis, prevention, counseling, training, |
| 15 | treatment, and rehabilitation with respect to juvenile |
| 16 | delinquency problems; |
| 17 | (2) encourage and assist State and local govern- |
| 18 | ment programs and services, and programs and services |
| 19 | of other public and private agencies, institutions, and |
| 20 | organizations in their efforts to develop and implement |
| 21 | juvenile delinquency programs; |
| 22 | (3) serve as an information bank by collecting |
| 23 | systematically the data obtained from studies and re- |
| 24 | search by public and private agencies, institutions, or |
| 25 | individuals on invanila delinguency including but not |

| 1 | limited to, programs for prevention of juvenile delin- |
|----|--|
| 2 | quency, training of youth corrections personnel, and re- |
| 3 | habilitation and treatment of juvenile offenders; and |
| 4 | (4) serve as a clearinghouse and information center |
| 5 | for the collection, preparation, and dissemination of all |
| 6 | information regarding juvenile delinquency, including |
| 7 | State and local juvenile delinquency prevention and |
| 8 | treatment plans, availability of resources, training and |
| 9 | educational programs, statistics, and other pertinent data |
| 10 | and information. |
| 11 | RESEARCH FUNCTIONS |
| 12 | SEC. 603. (a) The Institute under the supervision and |
| 13 | direction of the Administrator is authorized to— |
| 14 | . (1) conduct, encourage, and coordinate all forms |
| 15 | of research relating to the causes, sociological aspects, |
| 16 | prevention, diagnosis, and treatment of juvenile delin- |
| 17 | quency; and |
| 18 | (2) make grants to any public or nouprofit private |
| 19 | agency, institution, or organization, and to enter into |
| 20 | contracts with any agency, organization, institution, or |
| 21 | individual to carry out such research; and to other- |
| 22 | wise carry out the purposes of this section. |
| 23 | (b) The Administrator shall prepare an annual report |
| 24 | to the Director on the research programs funded under this |
| 25 | section, including a review of the results of such research, |

- 1 an assessment of the application of such results to existing 2 and to new juvenile delinquency programs, and detailed 3 recommendations for further research to be conducted under 4 this section. 5 TRAINING FUNCTIONS 6 SEC. 604. (a) The Institute, under the supervision and 7 direction of the Administrator, is authorized to— 8 (1) devise and conduct in various geographical 9 areas of the United States, seminars and workshops 10 providing continuing studies for persons engaged in 11 working directly with juveniles and juvenile offenders; 12 (2) devise and conduct a training program of short 13 term instruction in the latest proven effective methods 1.4 of prevention, control, and treatment of juvenile delin-15 quency for law enforcement officers, juvenile welfare 16 workers, juvenile judges and judicial personnel, proba-17 tion officers, correctional personnel, and other persons, 18 including lay and paraprofessional personnel, connected 19 with the prevention and treatment of juvenile delin-20 quency; and 21 (3) develop technical training teams to aid in the
- 22 development of training programs for professional and 23 paraprofessional personnel within the several States 24 and with State, local, and private agencies which work

| 1 | directly with young people to prevent and treat juvenile |
|----|--|
| 2 | delinquency. |
| 3 | (b) The Administrator is authorized to make grants to |
| 4 | or enter into contracts with any public or private agency, |
| 5 | institution, or individual to carry out training programs |
| 6 | authorized by this title, to evaluate their effectiveness, and |
| 7 | to otherwise carry out the purposes of this section. |
| 8 | ADVISORY COUNCIL |
| 9 | Sec. 605. (a) There is hereby established an Advisory |
| 10 | Council which shall advise, consult with, serve as a sounding |
| 11 | board for, and make recommendations to the Director of |
| 12 | the National Office and to the Administrator of the Institute |
| 13 | concerning the overall policy and operations of the Institute. |
| 14 | (b) The Advisory Council shall consist of the Adminis- |
| 5 | trator of the Law Enforcement Assistance Administration, |
| 16 | the Director of the Bureau of Prisons, the Administrator of |
| 17 | the Youth Development and Delinquency Prevention Ad- |
| 18 | ministration, the Director of the National Institute of Mental |
| 19 | Health, the Director of the United States Judicial Center, |
| 20 | and fifteen persons having training and experience in the |
| 21 | area of juvenile delinquency appointed by the President |
| 22 | from the following categories: |
| 23 | (1) law enforcement officers (two persons); |
| 24 | (2) juvenile or family court judges (two persons); |
| 25 | (3) probation personnel (two persons); |

| | (4) correctional personner (two persons), |
|-----------|---|
| 2 | (5) representatives of private organizations con |
| 3 | cerned with juvenile delinquency (five persons); and |
| 4 | (6) representatives of State agencies established |
| 5 | under the Juvenile Delinquency Prevention and Con |
| 6 | trol Act of 1968, title I of the Omnibus Crime Contro |
| 7 | and Safe Streets Act of 1968, or the Juvenile Justice |
| 8 | and Delinquency Prevention Act of 1972 (two persons) |
| 9 | (c) Members appointed by the President to the Ad |
| 10 | visory Council shall serve for terms of four years and shall |
| 1 | be eligible for reappointment, except that for the first com- |
| 12 | position of the Council, one-third of these members shall be |
| 13 | appointed to one-year terms, one-third to two-year terms |
| 14 | and one-third to three-year terms; thereafter each of these |
| 5 | member's terms shall be for four years. Any member ap- |
| 6 | pointed to fill a vacancy occurring prior to the expiration o |
| 17 | the term for which his predecessor was appointed, shall be |
| 8 | appointed for the remainder of such term. Any member |
| 9 | appointed to the Ceuncil may be removed by the Presiden |
| 20 | for inefficiency, neglect of duty, or malfeasance in office. |
| 21 | (d) While performing their duties, members of the |
| 22 | Council shall be reimbursed under Government travel regula- |
| 23 | tions for their expenses, and members who are not employed |
| 24 | full time by the Federal Government shall receive in addition |
| 25 | a per diem of \$100 in lieu of subsistence, as authorized by |

36

- 1 section 5703 of title 5, United States Code, for persons in
- 2 Government service employed intermittently.
- 3 (e) The Director shall act as Chairman of the Advisory
- 4 Council. The Council shall establish its governing rules of
- 5 procedure.

6 AUTHORIZATION OF APPROPRIATIONS

- 7 SEC. 606. To carry out the purposes of this title there
- 8 are hereby authorized to be appropriated \$50,000,000 for
- 9 the fiscal year ending June 30, 1972; \$100,000,000 for the
- 10 fiscal year ending June 30, 1973; \$150,000,000 for the fiscal
- 11 year ending June 30, 1974, and \$200,000,000 for the fiscal
- 12 year ending June 30, 1975.

Senator BAYH. We begin hearings today on S. 3148, the Juvenile Justice and Delinquency Prevention Act, which I introduced several months ago. This bill is designed to provide a comprehensive, coordinated, national approach to the problems of juvenile delinquency,

as well as to make substantial new resources available.

The need for just such an all-encompassing attack on delinquency has long been recognized by those who are actively involved in providing services to the young people of this country. S. 3148 has already received the endorsement of many of the major organizations working in the field of youth development and delinquency prevention, such as the American Parents Committee, Boys' Clubs of America, the National Congress of Parents and Teachers, the National Education Association, the Young Women's Christian Association and the Young Men's Christian Association. Organizations with specific and extensive expertise in dealing with juvenile delinquency, such as the National Council on Crime and Delinquency and the National Council of Juvenile Court Judges, have also supported S. 3148. This widespread support for my bill among those groups which are in the forefront of the delinquency effort is encouraging. Now it is up to us in Congress to provide the legislative authority and the massive funds to get the job done.

As Chairman of the Subcommittee to Investigate Juvenile Delinquency, I am deeply concerned with the alarming increase in juvenile crime in our country. The hard facts indicate that we are facing a problem of crisis proportions. During the last decade, arrests of juveniles for violent crimes have increased 167 percent. Arrests of juveniles for property crimes have climbed 89 percent. Almost two-thirds of all arrests for serious crime are of young people under the age of 21. Our failure to deal with this crisis of delinquency is tragically clear. The recidivism rate for institutionalized delinquents is the highest of any age group—between 74 percent and 85 percent. Many if not most adult

criminals have a juvenile record.

The failure of the juvenile justice system and the ineffectiveness of the Federal delinquency effort have been described in detail by witnesses before the subcommittee. We have conducted investigations and hearings on many aspects of the juvenile delinquency crisis in the United States, including a careful review of the diverse, uncoordinated Federal programs which are supposed to be dealing with juvenile delinquency. I am now convinced that nothing short of restructuring the entire Federal effort will produce the desperately needed

national leadership in the fight against delinquency.

To provide this leadership, my bill creates a new National Office of Juvenile Justice and Delinquency Prevention within the Executive Office of the President with the authority to supervise, coordinate, and evaluate all federally assisted delinquency programs. My bill also authorizes substantial new resources to develop and implement effective delinquency prevention, treatment, and rehabilitation programs. It creates a centralized research, training, and technical assistance effort in a new Institute of Juvenile Justice. Through a National Commission on Standards for Juvenile Justice, it provides for the development of model uniform standards for the administration of juvenile justice, including conditions of confinement in detention and correctional institutions. Finally, it establishes basic procedural rights for

juveniles who come under Federal jurisdiction—rights that are already

enjoyed by adult criminal defendants.

We frequently hear the statement that in this society our children come first and have the highest priority in the use of our national resources. Sadly enough, this is more myth than reality. As the Supreme Court has pointed out, there is reason to believe that the child receives the "worst of both worlds." He gets neither protections accorded adults nor the "solicitous care . . . postulated for children." (Kent v. United States, 383 U.S. 541, 555 (1966)).

Our overcrowded, understaffed juvenile courts, probation services, and training schools, rarely have the time, energy, or resources to offer the individualized treatment which the juvenile justice system was designed to provide. Witnesses have testified again and again that once a young person enters the juvenile court system he will probably be picked up again for delinquent acts, and eventually he will graduate to a life of adult crime. Thus, the juvenile system is a failure not only from the child's point of view but also from the point of view of our society.

The magnitude of the national crisis in the juvenile justice system demands an all-out Federal effort to raise the quality of juvenile justice and to allocate substantial new resources to provide critically

needed prevention, treatment, and rehabilitation alternatives.

My bill provides for a three-pronged Federal effort to end the second-class status of children in the juvenile justice system. This will do much to reduce the tremendous variations in procedures and policies among juvenile courts which frequently result in clear injustice to the individual child. The National Commission on Standards for Juvenile Justice is designed to develop national standards and guidelines not only for juvenile court practices but also for conditions of confinement in juvenile detention and correctional facilities. The National Institute for Juvenile Justice established by my bill will provide a centralized focus for research on juvenile delinquency and for dissemination of related information. The Institute would furthermore offer needed technical assistance not only to juvenile courts but also to all agencies and institutions developing delinquency programs.

My bill also contains a series of provisions designed to implement recent Supreme Court decisions on the rights of juveniles and to provide other basic protections for juveniles under Federal jurisdiction. These provisions taken together with the work of the Institute and the Commission on Standards will do much to meet a major goal of our bill, namely to improve the quality of juvenile justice in this country.

The true measure of our commitment to the future of our young people will be the amount of resources we mobilize to solve the problems of delinquency. The creation of real alternatives to the traditional juvenile correctional process will require coordinated Federal action to funnel substantial new funds to the States, localities, and private agencies for this purpose. My bill authorizes more than \$1 billion over the next 4 years for the development and implementation of delinquency prevention, diversion, and rehabilitation programs.

The heart of this revitalized Federal fight on delinquency will be the provision of funds to develop innovative approaches and alternatives to the present methods of dealing with the problems of delinquency. My bill provides for direct grants to public and private nonprofit agencies to establish and implement new delinquency programs and techniques. Funds are also provided for distribution by the States through designated planning agencies in accordance with comprehensive State plans. At least 75 percent of the State funds must be spent on the development and use of facilities designed to prevent delinquency, to divert juveniles from the juvenile justice system, and to provide community-based alternatives to detention and correctional facilities. Thus, all grants, whether made to State or private agencies, will emphasize the creation and expansion of viable alternatives to the traditional methods of dealing with young people in trouble through the juvenile justice system. Particular emphasis is placed on delinquency prevention and on the closing down of obsolete, custodial juvenile correctional facilities.

The failure of the juvenile justice system is magnified further by the number of children who have committed noncriminal "juvenile status offenses," who are processed through the juvenile justice system. Witnesses have told us repeatedly that approximately one-half of the juveniles presently confined in large correctional institutions are there because they are runaways, truants, or are not wanted or cannot be at home. Rather than being locked up as young criminals, these children who are victims of parental and societal neglect, should be given the help they need in their own communities. My bill supports the use of innovative community treatment services and facilities to divert children from the juvenile justice system so that their problems can be

dealt with in neighborhood settings.

Experts in the delinquency field have strongly advocated the adoption of many of the treatment techniques supported by my bill, such as foster-care, shelter-care, and group homes and halfway houses, diagnostic facilities and expanded use of probation services and probation subsidy programs. My bill also encourages the development of comprehensive drug education and treatment programs as well as individual and family counseling and other supportive services in schools to detect and work with potentially delinquent youth.

These community-based programs promise new hope for children in trouble. Our past record in dealing with juvenile delinquency is dismal. We have provided neither the leadership nor the resources necessary to reduce the rising tide of juvenile crime. The cost to our society both in economic terms and in wasted human lives has been immeasurable. I am convinced that we can no longer delay in adopting a new, comprehensive, coordinated approach to the problems of delinquency. We must make a national commitment that is commensurate to the size of the problem. The young people of this country deserve no less.

I am pleased, at this time, to place in the record a statement by the Hon. Edward W. Brooke, Senator from the State of Massachusetts. [The Statement was marked "Exhibit No. 3" and is as follows:]

Exhibit No. 3

PREPARED TESTIMONY OF SENATOR EDWARD W. BROOKE BEFORE THE SUBCOMMITTEE ON JUVENILE DELINQUENCY

Mr. Chairman, in these times of change and confusion, of reordered priorities and renewed devotion to the preservation and betterment of human life and society, it is important to review and often to revise the methods and institutions

we have created for accomplishing our goals. Often through such review we find that our approaches have become inadequate, sometimes ineffective and possibly detailed the complex of the

detrimental as a result of the forces of time or neglect.

This kind of an awakening has recently occurred in the Commonwealth of Massachusetts with regard to the county training schools for juvenile delinquents. The focus of public debate has been on these schools, but the greater consideration is the entire system of juvenile justice.

Massachusetts is the only state that has a system of county training schools. Established in 1872, they were created as facilities of correction for youngsters considered to be "stubborn children" or children that could not be disciplined by the school, home or church. The centers were designed to assist these young people in developing a sense of social and individual responsibility while meeting their physical and educational requirements. They were also found to be a means of relieving the community of the problem and responsibility of handling these young people.

Over time, the constructive goals of these schools have not been met—if they ever were. Instead they have solely and simply served the purpose of relieving

the community of further responsibility for a few wayward youths.

For various reasons these training schools have undergone continual review. As early as 1896 a special legislative commission of the General Court took a look at the system and recommended that the schools be abolished. Since that time the number of schools has been reduced, but some still remain. In 1933 a report recommended the consolidation of the 5 remaining schools into two.

In 1939 another review commission advised the same step be taken.

Nothing happened until 1968. By that time there were three schools remaining. The Massachusetts Department of Youth Services was instructed to advise the schools in their methods and their approach to juvenile justice. The Commissioner of Youth Services also appointed two groups to visit the schools and make their own reports. The first report was filed in 1971 under the direction of former Representative Mary Newman, and the second was released in January of 1972 under the leadership of Mr. Melvin King. The findings of the two groups were basically the same: abolish the training schools and revise the laws pertaining to juvenile offenders.

The training schools were found to have inadequate academic programs and little or no follow-up or after-care. Little if any diagnosis was made when the

child entered the school.

Last year the citizens of Massachusetts paid \$2 million to support three homes, housing up to 200 boys and maintaining a staff of 96. The cost of maintaining a single child in a training school for one year ranges from \$5,300 to \$8,000, and some estimates go as high as \$10,000. Salaries at the schools were high, yet few standards were set for employment of personnel and civil service regulations did not apply. No adequate records were kept of either the finances of the school or the condition of the child before, during, or after his incarceration.

or the condition of the child before, during, or after his incarceration.

The annual school population in Massachusetts is approximately 1.3 million.

From this number, how was it possible to determine that 200 children were the most incorrigible, the most delinquent, and therefore eligible to be sentenced to years of incarceration under the "Stubborn and Disobedient Child Law"? Many more children have equally difficult discipline and emotional problems, but

were not placed in training schools under the state's jurisdiction.

Fortunately, these schools have now been abolished. In fact, only one juvenile detention facility now remains in the Commonwealth of Massachusetts. This is an important and long overdue response to an intolerable situation. But the abolition of training schools is only the first step. As this committee well knows, the entire system of juvenile justice requires urgent reformation. Massachusetts has begun to move in this direction. A national effort is also required.

We need to know more about why young people commit crimes. We need to know what can be done, using the resources of the community, to deal with their multiple physical, psychological, and physiological problems. We need national guidelines for the administration of juvenile justice, national standards for corrections procedures and facilities. And we need an adequate system of pro-

cedural protection for juveniles in our courts and correctional facilities.

The number of children getting into trouble, running away from home, and causing disturbances is ever-increasing. Apathy, indignation, indifference, drug abuse, and discontent are attitudes and modes of expression which are increasing. We cannot simply expand our methods of punishing offenders. A large-scale, constructive program of research, education and counseling is desperately needed. Our resources must be harnessed to meet the legitimate demands and

needs of these young people. They must be helped so that they can withstand the pressures of the times, develop their potentials and abilities so that they can become working and contributing members of our society and not drains on our

meager resources.

I am proud of the efforts which are being made by the Commonwealth of Massachusetts in this crucial area. I am proud of the fact that our State government cares enough about this problem to be represented in such large numbers at these hearings on a national juvenile delinquency prevention bill. And I am confident that from our combined efforts can come a truly constructive system of juvenile justice and correction.

I am pleased to welcome as our first witness the distinguished Governor of the Commonwealth of Massachusetts, Francis W. Sargent, It is particularly fitting that representatives of Massachusetts should open our hearing on S. 3148, because this State is the first to decide to close down traditional juvenile institutions and to create community-based alternatives. We look forward to hearing

from Governor Sargent about this noteworthy decision.

STATEMENT OF HON. FRANCIS W. SARGENT, GOVERNOR, COMMONWEALTH OF MASSACHUSETTS

Governor Sargent. Mr. Chairman, I very much appreciate the opportunity to appear before you, and I certainly would agree with you that what we are trying to do in this country in terms of handling the problems of juvenile offenders has been very poor, and we are trying very hard to make a real change in our State. We are trying to change a system that is not working.

I am also here to urge that you and your colleagues join with us in

furthering our plans for the future.

Preventing crime is an activity which must involve every citizen in this country. There is no better place to begin than in forming a Federal, State, and local partnership to work with the juvenile offender. S. 3148, filed by you, Mr. Chairman of this subcommittee, contains a commitment to the philosophy of community based treatment centers such as we have adopted in Massachusetts.

It also calls for funds to implement this change in philosophy. Both forms of support are sorely needed. I would like to spend the next few minutes outlining what we have done in Massachusetts in trying to rehabilitate the juvenile offender and point to directions

for the future.

A little over 2 years ago, I recruited a new commissioner for our department of youth services.

His name is Jerome Miller. You will hear from him in a few

moments this morning.

Dr. Miller was faced with a department that had operated the same way for about 100 years. A system not much different from those that exist today throughout this country. Under this system we take a child who has gotten into trouble, lock him up in a cell, punish him for some period of time and then send him home to commit another offense. Almost 75 percent of the children who were released fell into this pattern. Frankly, that the remaining 25 percent did not return to an institution is a miracle, given the fact that they received no more than custodial care.

When I took office, I was soon convinced that there were better ways to deal with juvenile offenders. Better ways than simply shutting them away in institutions. I felt that a community-based treatment system would provide better rehabilitative services, and that

it would cost less to the taxpayers of our State.

With each new experience, I am more and more convinced that we were right. But it has not been easy, and the struggle goes on. Dr. Miller had to convince his own staff that the community treatment system was better, and I might say that he still has not been able to convince all of the employees of his department that the system is better and that he is fighting and struggling to do this. One of the problems, of course, is to have a broad public understanding of this. We have embarked on a massive public education program. Much of thes public clings to the myth that walls mean protection for society and for the offender.

Notwithstanding this lingering opposition, we have continued to move forward. At this moment, four of our five major State juvenile institutions have been closed. By the end of this month, we will have closed the last institution thus ending the use of large barren facili-

ties to care for youth who need services instead.

There will always be a need for some security setting to protect the community. But only for a small percentage of children who are convicted. It is easy to make buildings symbols and to measure success in terms of how many buildings are closed. But if we fail to provide quality services to youthful offenders in the new community setting we will have failed.

In Massachusetts, we have devised viable alternatives to our institutions. Of the 600 children in State institutions in October of 1969, only 29 remain. In the past month, we have opened 13 new group homes and we hope to open seven more as soon as possible. We have more than tripled the number of foster-care placements.

We have 120 young people participating in a new and exciting program called "parole volunteers." In this program, a child receives close personal guidance from a college student who is paid a nominal salary to maintain a continuing relationship. It is too soon to tell what long-term effect this new system will have. Our initial indications, however, are favorable. We are hopeful that a large number of these children will turn away from a potential life in crime to become productive citizens of our Commonwealth.

We did have some problems; there is no question about it. We did have arguments; we did have difficulties, but I believe that it is going to work, and we are hopeful that a large number of these children will turn away from a potential life of crime to become productive citizens

of our State.

The community-based concept has enabled the State to provide better rehabilitative services at lower cost. Under the old system we found ourselves supporting an entire system at a level that only a small minority of the population needed. We spent approximately \$10,000 a year to keep just one child in an institution—\$10,000 a year. It is hard to believe.

For this money, we could buy each child a complete wardrobe at Brooks Brothers, give him a \$20 a week allowance and send him to a private school, paying room and board and tuition. In the summer, we could send him to Europe and put a thousand dollars in a bank account for him each year, and we would still save the taxpayer over \$1.300.

This is the kind of money we have been investing in our institutions, and all of you know the results. If, however, we invest in a community-

treatment program, we can provide additional services, personal counseling, job training, specialized education, and healthy group home-

settings for about half the cost we formerly had.

For the child who needs an intensive parole counseling program, the cost is a little over \$2,600 per year, per child. And for those children who need a group home the cost is approximately \$7,500 a year for each child.

In Massachusetts, we have a dual system to treat the juvenile offender. We have the unfortunate distinction of being the only State in the country to send children who have educational problems to institutions known as county training schools. These schools, three in number, were started in 1873, and there have been studies ever since then saying they should be closed. They are filled with children aged 7 to 16 whose only offense is that they were truants. These children are not criminals. None of them has committed dangerous criminal acts. Rather, these are children who suffer from behavior problems rooted in social causes. Yet they are still locked behind walls.

I have acted to forbid the use of these schools in Massachusetts. The legislation before you also deals with the problem of eliminating

behavioral problems from the list of juvenile crimes.

Under present Massachusetts law, children with behavioral problems may be convicted of six different "crimes": habitual truant, habitual absentee, habitual school offender, stubborn child, runaway, and wayward child. I have filed legislation, in this session of our State legislature, which has the same intent as your S. 3418. That legislation

would do away with these so-called crimes.

Under my proposal, a child who would normally be convicted of one of these so-called offenses, will instead receive a civil commitment from a court. My proposal also provides the court with options. All of these options are designed to see that the child gets treatment, not punishment. I am convinced that this system will work. We have begun to initiate major reforms but if anyone thinks these reforms will be easily accepted by the public—or by administrators—he is only fooling himself. The resistance, however, cannot be allowed to stand in the way of making the necessary changes. In Massachusetts, we have begun to reallocate State funds as well as \$1 million in LEAA funds.

But if we are to continue implementing the community-based concept, we will need Federal financial assistance, similar to that called for in S. 3418. Eventually, the cost will be cheaper but we must invest

immediately in a host of community alternatives.

The community-based treatment concept can apply not only to juvenile offenders but to adults as well. In my opinion, it is new and needed

direction for corrections generally.

While offenders of different ages have individual needs, there is one need common to them all. They must be assisted in learning to live in their communities. No longer can we continue to close them in institutions that leave them absolutely and totally unprepared to be responsible members of society when they are released.

I believe the work of your committee is vitally important. I would hope that the information you will hear today on our Massachusetts experience will be of assistance to you, Mr. Chairman and the members of your subcommittee, as you further consider your bill and as

you probably hold hearings around the country.

We feel we are making a real start; we feel that our State has been the worst in relation to handling juvenile offenders, but we hope it will be the best. We are going through a traumatic experience of trying to

change the system that we have had for over 100 years.

Senator Bayh. Governor, that is a very forthright, direct, and courageous statement, particularly the last closing remarks. I would not want to argue with you but I would think that perhaps you might be a little harsh on yourself to say your State has been the worst in the handling of juveniles. But you have a lot of strong competition for a title that really none of us wants, and I think you are courageous in your willingness to strike out in a new direction to try to find a new solution.

I understand that you have with you several members of your administration that will testify this morning, Mr. Goldmark, Mr. Miller, Mr. Schuchter, Mr. Leavey—so, I will not burden you with a lot of specific

details.

I would like, if I may, to take a little more of your time to discuss

some of the points that you raised.

You touched on the political problem of selling a program; and, of course, in a democratic society, unless we can convince the people that there is a worthy goal to be accomplished by change we are not going to get the job done. What has been the record of recidivism as far as

youthful offenders in Massachusetts is concerned?

Governor Sargent. It has exceeded 75 percent, and it is surprising to me that it has not been even larger than that, because I have been throughout the institutions that we have had, that we are now closing, and they were simply dungeons in a certain respect. They were designed many years ago, built many years ago; they had no type of recreational opportunities or educational opportunities contained in them. And I just think that the recidivism rate could be close to 100 when you take and throw them into a cell, having them sleep on the floor or on mattresses on the floor, generally kick them around, giving them no guidance at all and then release them. It is no wonder they are bound to come right back, and they do.

And I might say it is tough to change a system like this, and it certainly should not be a partisan issue at all. It is an issue that all people should be concerned with, and there are dichards who are absolutely convinced that the answer to any problem or to any person who gets into trouble, be they adults or juveniles, is to put them behind walls and forget about them and the problem will somehow

go away.

But what they forget is that those people are going to be back out on the streets, either juveniles or adults, and we have got to somehow or other have them able to participate in society, and it is tough to change public opinion, and I have got scars on my back to prove it, Mr. Chairman.

Senator BAYH. It would be interesting to compare scars. When I used the term "political" problem, I think I am using a small "p" instead of a large one. How can you and I, members of different political parties, who are equally dedicated to solving social problems, educate the public on the need for social change.

Our inability to deal with this problem keeps it on the back pages

of our newspapers.

There are two stories that occurred over the weekend in just one

newspaper.

This is the story of a 14-year-old girl who jumped out of a window because she just had been committed to a juvenile institution. The other is about a girl who had run away from home a number of times, and now she is killed by a drug. I am not excusing this type of behavior. But we have not recognized the hard facts of life. Usually when you have problem children, you also have problem homes, problem communities, and educational problems. We could better deal with these problems before society is confronted with outright criminal behavior. It takes a relatively small amount of money to deal with the problems of the child before he or she becomes a juvenile delinquent and is put into one of these institutions where you suggest there will be over 75 percent recidivism. Eventually many of these children become hardened criminals and thus wards of the society for the rest of their lives.

You suggest that the measure which several of us have introduced—and I think there are 16 cosponsors of this measure now, S. 3148—would be helpful to you in Massachusetts in dealing with this problem. Would you care to elaborate on how this bill would help your State?

Governor Sargent. Well, in my view, Mr. Chairman, particularly when we are trying to change an archaic, antique system, it is going to be costly to do it, even though the care for each individual young person may be reduced. The cost of changing over a system and opening halfway houses and generally making these types of improvements initially is going to be expensive. So, for this reason we would hope that there could be a system, added assistance from the Federal Government, in addition to the funds that we have already. We already have available, or are trying to get in, at the State level funds; so, I think this is one of the very important features of your bill, that it would provide a true partnership between the Federal Government, the State, and the local communities and the private enterprise. I think this is a portion of your bill that is a feature I would certainly agree with, because I think, more and more, if we can have private persons running halfway houses, for example, on the private level. I think it is better and the better off we will be, because we have certainly learned that the great and huge State or Federal institutions are not the answer.

Senator Bayh. A number of these private agencies have some of these services available. They have had significant experience in their local communities but they are woefully short of funds. The thrust of S. 3148 is to try to take advantage of their local, voluntary, nongovernmental expertise to avoid the bureaucratic redtape that frequently strangles programs like this, and to use those people who are on the scene and know what the problem is.

I appreciate your feeling that this is important.

I noticed that you talked of some 600 children who were formerly in State institutions but that only 29 remain now.

Is that the total number of children who are institutionalized?

It strikes me at first glance that for a State as large as Massachusetts, 600 children in State institutions is not a large number as compared with some other States.

Governor Sargent. We have, in addition to the five centers we are closing, so-called detention centers where young people are placed while trying to determine the best eventual method of treating them: Should they go to other institutions, should they go to halfway houses or foster homes or whatever. The detention centers have quite a population in them, and what I would like to suggest would be that perhaps detailed questions, such as to numbers of persons, be directed particularly to Dr. Miller who will be following me.

Senator BAYH. Fine.

I am sure your people have given a great deal of attention to this already. Many times it is a problem with those high-walled, barbedwire institutions that the human beings in them do not get personalized treatment. We forget the fact that each one of them is an individual and has complex problems. Unless we are able to deal with the par-

ticular problem, we are compounding the overall problem.

Governor Sargent. It was interesting, Mr. Chairman, if I might digress and follow along your point: I visited all of these major institutions, and I have had a chance to talk to a number of the kids. And the last one I went to, I talked to a young girl. I imagine she was 14 years old, maybe 12, and she came up to me and said: "Governor, last week you went to one of the adult institutions. This was in Concord. And you met my father there, and I am awfully glad you talked to him."

Well, now, what chance has this kid got?

Now, here is her father who has been in and out of one adult institution or another most of his life, and here is a young person who has been in and out of juvenile detention centers or juvenile centers, and a brother also in another juvenile center, and a mother who is an alcoholic.

Certainly, putting these people behind bars and giving them no opportunity, no education, no understanding of how they should react

to society—certainly, this is not going to work.

My feeling is that that child probably should not, first of all, be in an institution, and, secondly, probably going home is not the answer if nobody is home, virtually speaking, and the foster home may be the answer, or the group home may be the answer. But this is something you find example after example after example of this type situation. The home scene is gruesome but the institution is not the answer either.

Senator BAYH. Certainly the fact that the present solution has been failing is obvious, not just in Massachusetts but all over the country. Commonsense would dictate that we try and find a new solution.

I note with a great deal of interest the comparative costs. The old solution was costing about \$10,000 a year per child. A whole range of new, innovative programs giving more personalized attention cost significantly less in immediate taxpayer expenditure without even taking into consideration the possibility of saving a lot of children and making them contributing members of society.

Would you prefer that I asked one of your staff?

Governor Sargent. Yes; I think they would be much more knowledgeable on the specifics of this, but I can just generally say that we have been able, by using LEAA funds, to have a little more latitude in terms of working out arrangements with half way houses, and so on, that would be very difficult to do if we had not had those funds.

And I know that LEAA has been criticized for many things. From our personal experience, they have been very helpful in this particular area.

Senator BAYH. That is interesting. I have been a bit critical of the allocation of resources by LEAA to the young offender. Considering the fact that more than half the serious crimes are committed by young people and only about 19 percent of LEAA funds go to dealing with their problems, it seems to me that sufficient tax dollars are not expended where the crime problem really starts.

Governor, thank you very much.

I really do appreciate the attention you have given to this problem and the boost that you have given our hearings by being the first witness.

Governor Sargent. Well, thank you very much, Mr. Chairman.

As I leave, I would like, if it is appropriate, to introduce Secretary Peter Goldmark, who is Secretary of Human Services, to you and the members of your committee; and, likewise, Dr. Jerome Miller, who is the Commissioner of Youth Services.

And I might say that both of these men are young, that they have a new outlook. They are trying to change the system, and I think that they need support, and we are trying to give them the support that they do need.

And I am very happy to introduce Secretary Peter Goldmark.

Senator BAYH. Thank you.

I should mention that my colleague, a member of this subcommittee and your senior Senator, Senator Kennedy, shares our joint concern that the problem of young people be dealt with in a more effective and compassionate manner. He had hoped to be able to come to the hearings this morning to pay his personal respects to you but he is conducting other hearings and, unfortunately, has not been able to make it yet.

Governor Sargent. Mr. Chairman, I might say that I have had several talks with Senator Kennedy and Senator Brooke, both of whom understand what we are trying to do and have been very supportive

of what we are trying to do.

Senator BAYH. I wish that we had more Senators like Senator Kennedy and Senator Brooke who are concerned, understand the complexity of this problem, and are willing to strike out and get involved in new programs.

Senator Kennedy, as a member of this subcommittee, has an immediate chance to help us and has been very cooperative as a cosponsor

of this bill.

Senator Kennedy and Senator Brooke, I know, will be in there fighting with us to try to get it passed.

So, thank you very much.

Governor Sargent. Thank you, Mr. Chairman.

(Governor Sargent's prepared statement is as follows:)

[Press for release Monday, May 15, 1972]

Senate House, Boston.—Governor Francis W. Sargent today testified before the Senate Subcommittee Investigating Juvenile Delinquency meeting in open public hearing in Room 2228 of the New Senate Office Building, Washington, District of Columbia. Following is the full text of the chief executive's address: I appear before you today to explain briefly what we have done in Massachu-

setts to rehabilitate the juvenile offender. I am also here to urge you and your colleagues to join with us in furthering our plans for the future.

Preventing crime is an activity which must involve every citizen in this country. There is no better place to begin than in forming a federal, state and local partnership to work with the juvenile offender. S-3418, filed by the Chairman of this subcommittee, contains a commitment to the philosophy of community based treatment centers such as we have adopted in Massachusetts.

It also calls for funds to implement this change in philosophy. Both forms of support are sorely needed. I would like to spend the next few minutes outlining what we have done in Massachusetts in trying to rehabilitate the juvenile offender

and point to directions for the-future.

A little over two years ago, I recruited a new Commissioner for our Department of Youth Services. His name is Jerome Miller. You will hear from him

later today

Dr. Miller was faced with a department that had operated the same way for about 100 years. A system not much different from those that exist today throughout this country. Under this system we take a child who has gotten into trouble, lock him up in a cell, punish him for some period of time and then send him home to commit another offense. Almost 75% of the children who were released fell into this pattern. That the remaining 25% did not return to an institution is a miracle, given the fact that they received no more than custodial care.

When I took office, I was soon convinced that there were better ways to deal with juvenile offenders. Better ways than simply shutting them away in institutions. I felt that a community based treatment system would provide better rehabilitative services. And it would cost less to the taxpayers of the Common-

wealth.

With each new experience, I am more and more convinced that we were right. But it hasn't been easy. Dr. Miller had to convince his own staff that the community treatment system was better. We had to embark on a massive public education program. Much of the public clings to the myth that walls mean protection for society and for the offender.

Notwithstanding this lingering opposition, we have continued to move forward. At this moment, four of our five major state juvenile institutions have been closed. By May first of this year, we will have closed the last institution thus ending the use of large barren facilities to care for youth who need real services instead.

There will always be a need for some security setting to protect the community. But only for a small percentage of children who are convicted. It is easy to make buildings symbols and to measure success in terms of how many buildings are closed. But if we fail to provide quality services to youthful offenders in the new community setting we will have failed.

In Massachusetts, we have devised viable alternatives to our institutions. Of the 600 children in state institutions in October of 1969, only 29 remain. In the past month, we have opened 13 new group homes and we hope to open 7 more as soon as possible. We have more than tripled the number of foster care placements.

We have 120 young people participating in a new and exciting program called "parole volunteers." In this program, a child receives close personal guidance from a college student who is paid a nominal salary to maintain a continuing relationship. It is too soon to tell what long term effect this new system will have. Our initial indications, however, are favorable. We are hopeful that a large number of these children will turn away from a potential life in crime to become productive citizens of our Commonwealth.

The community based concept has enabled the state to provide better rehabilitative services at lower cost. Under the old system we found ourselves supporting an entire system at a level that only a small minority of the population needed. We spent approximately \$10,000 a year to keep a child in an institution. Ten

thousand dollars a year. Think of it.

For this money, we could buy each child a complete wardrobe at Brooks Brothers, give him a \$20 a week allowance, and send him to a private school, paying room and board and tuition. In the manner, we could send him to Europe and put a thousand dollars in a bank account for him each year. And we would still save the taxpayer over \$1,300.

This is the kind of money we have been investing in our institutions—and

all of you know the results.

If, however, we invest in a community treatment program, we can provide individual services, personal counseling, job training, specialized education, and healthy group home settings for about half the cost.

For the child who needs an intensive parole counseling program, the cost is a little over \$2,600 per year, per child. A foster home which provides needed parential guidance costs \$1,200 per year, per child. And for those children who need a

group home, the cost is approximately \$7,500 a year for each child.

In Massachusetts, we have a dual system to treat the juvenile offender. We have the unfortunate distinction of being the only state in the country to send children who have educational problems to institutions known as county training schools. These schools, three in number, were started in 1873. They are filled with children aged 7 to 16 whose only offense is that they were truants. These children are not criminals. None of them has committed dangerous criminal acts. Rather, these are children who suffer from behaviour problems rooted in social causes. Yet they are still locked behind walls.

I have acted to forbid the use of these schools in Massachusetts. The legislation before you also deals with the problem of eliminating behavioural problems

from the list of juvenile crimes.

Under present Massachusetts law, children with behavioural problems may be convicted of six different "crimes"—habitual truant, habitual absentee, habitual school offender, stubborn child, runaway and wayward child. I have filed legislation, in this session of our state legislature, which has the same intent as

S-3418. That legislation would do away with these crimes.

Under my proposal, a child who would normally be convicted of one of these so-called offenses, will instead receive a civil commitment from a court. My proposal also provides the court with options. All of these options are designed to see that the child gets treatment, not punishment. I am convinced that this system will work. We have begun to initiate major reforms, but if anyone thinks these reforms will be easily accepted by the public—or by administrators—he is only fooling himself. The resistance however, can not be allowed to stand in the way of making the necessary changes. In Massachusetts, we have begun to reallocate state funds as well as \$1 million in LEAA funds.

But if we are to continue implementing the community based concept, we will need federal financial assistance, similar to that called for in S-3418. Eventually, the cost will be cheaper, but we must invest immediately in a host of community

alternatives.

The community based treatment concept can apply not only to juvenile offenders but to adults as well. In my opinion, it is a new and needed direction

for corrections generally.

While offenders of different ages have individual needs, there is one need common to them all. They must be assisted in learning to live in their communities. No longer can we continue to close them in institutions that leave them ill-prepared to be reasonable citizens when they are released.

The work of your committee is vitally important. I would hope that the information you will hear today on the Massachusetts experience, will be of as-

sistance as you proceed.

Senator Bayn, Mr. Goldmark, And Mr. Miller. I understand that Secretary Goldmark will be first.

STATEMENT OF HON. PETER GOLDMARK, JR., SECRETARY, EXECU-TIVE OFFICE OF HUMAN SERVICES, COMMONWEALTH OF MASSACHUSETTS

Mr. Goldmark. Mr. Chairman, I am Peter Goldmark, the Secretary of Human Services in Massachusetts. I am not going to read my testimony; I am just going to make a couple of brief remarks and then introduce Dr. Miller.

Mr. Goldmark. Human Services in Massachusetts is one of the new umbrella agencies that has been created in a number of States. It puts together under one roof a number of agencies and departments in Massachusetts, including welfare, adult corrections, parole youth services, mental health, public health, vocational rehabilitation, and veteran's services.

I want to say a word about the ideas that underlie the creation of these umbrella agencies in Massachusetts and elsewhere. In one respect I differ with their purpose and the main way they are commonly understood.

One idea that is very popular in Washington, is that what really you have to do with all of these programs is to coordinate them. If you can just get them all together in one place and put some group of people on top of them, then they will begin to interrelate. People will stop falling through the cracks and services will go to the places where

big gaps are now.

I guess I do not really believe that coordination is the main problem. When you take a tough-minded look at many of these programs, including Mental Health Adult Corrections as well as Youth Services, the area you are discussing this morning, you see that these programs are not working, and that the problem is far more than one of coordination. And you see that the more critical approach that is the one we have started to take in Massachusetts in a number of areas. We have said that these programs are not working and we have got to build a new one and reorient the existing ones, not simply relate them to each other.

In the area of adult corrections, we have a system of corrections that does not correct. In Massachusetts, under the leadership of a commissioner who I believe to be far and away the best correctional commissioner in the country, we are beginning to move in the direction of community corrections and taking a number of new directions within existing institutions.

In mental health, we are well on the way to closing the oldest mental hospital in the country as part of our drive to move people out of large institutions where they essentially have been warehoused, into

community placements.

In the area of mental retardation, again, we need more than just coordination. I can order the department of public health to bring medical services to people who have been in the large institutions for the retarded. That is one form of coordination, but what you really need there, again, is to move into the community, to group homes. You have to get the retarded children out of the institutions. Their IQ's begin to drop, and they begin to fall below their potential rather than fully realizing it.

In alcoholism, we have 2,000 or 3,000 alcoholics in State mental hospitals. They do not need to be coordinated with anyone. They need a totally different program. Under a bill passed by our legislature last year we are beginning to set up a serious, working alcoholism pro-

gram in Massachusetts.

So the lessons, really, we have to learn from the setting up of these umbrella agencies really boil down to these: First, to beware of coordination and integration of services when nobody is evaluating how good particular programs are. Eight bad programs coordinated do not equal one good program. There is no way anybody is going to make that happen. Second, you have got to involve the consumer in linking together these programs. Nowhere along the line in many programs has the question been asked, "Are there additional tools or powers that the consumer, the person being helped, should have?" This might have saved us some false steps along the way.

In the direction of coordination of services, this country has mental health centers, Senator, from California and the west coast to right here in Washington. I think what we have learned is that the centers are good at coordination, good at keeping track of people's problems. But we are not necessarily intervening more effectively to solve those problems, and we desperately need that.

And the last thing is something I think we have learned again and again in this game; the importance of purchase of service. I under-

stand your bill goes in this direction.

I am one of those who believes that Government does not act very well in a retail situation. By "retail situation," I mean I do not think we in Government put people on and off welfare rolls very well. I do not think we control rents in individual apartments very well. I think the job of Government is to set the broad directions. Government, when it is contracting out to some of the private agencies you described earlier, Mr. Chairman, can be very effective as a "pry" and as a force for raising the level of quality; and, in fact, that is the role that Jerry Miller's department has been playing in the youth services in Massachusetts.

I now turn to Commissioner Jerry Miller who, incidentally, preceded me in Massachusetts and has been a bellwether for almost all of us. He has moved in almost all of the directions that I have mentioned and has done it at great personal and political risks to himself.

I think he deserves a lot of credit for the direction he is taking in Massachusetts. He is certainly displaying, and has displayed, a lot of

guts in doing it.

And, I think his experience is in large degree going to determine, inasmuch as this is a very hot controversial issue in Massachusetts, the extent to which we can follow the same directions in some of the other fields we have mentioned: Mental health, retardation, and perhaps above all, adult correction. It is a pleasure for me to appear with Jerry Miller.

(Mr. Goldmark's prepared statement is as follows:)

PREPARED TESTIMONY FOR HEARINGS MAY 15, 1972, WASHINGTON; PETER C. GOLD-MARK, JR., SECRETARY, EXECUTIVE OFFICE OF HUMAN SERVICES, COMMONWEALTH OF MASSACHUSETTS

Gentlemen: We are in a period of movement away from institutions as our major mechanism for treating human problems. The development of community-based treatment programs for youthful offenders is only part of a larger trend towards a greater reliance on the community as an important resource for treatment. As Secretary of Human Services in the Commonwealth of Massa-chusetts, I can observe and take part in this transition not only in Youth Services, but in Public Health, Mental Health, and Corrections. I think it's useful in considering the problems of youth to view the issue in this larger context.

The large institutions we currently depend on for treatment share certain characteristics: they're self-contained, insulated institutions that deal with the problem person by segregating him from the community, and providing treatment to him and others who share his problem in an isolated, carefully-structured artificial environment. Until recently, this kind of institutional treatment

has been the heart of our approach to human problems in this country.

The basic reason for this shift is a simple one: the institutions can't serve all the many purposes that they were created for. In Public Health, we set up general hospitals to ensure the continued good health of the community. We find now that enormous hospital resources are devoted to a holding action for the chronically ill, while the day-to-day health needs of the community too often go unmet. In Corrections, the state prisons that were constructed to isolate and rehabilitate criminals have become graduate schools for a life in crime. Many

institutions around the country that were meant to aid and protect the mentally ill or mentally retarded have become dehumanizing warehouses for their residents. In Youth Services, the industrial schools that were intended to provide a healthy environment for troubled youth have become training schools in crime.

While institutions have a role to play, for many human problems institutional treatment just hasn't worked. The most promising alternative is the community

program. It makes sense for two reasons:

 It's more effective in human terms—mentally retarded youngsters, for example, often show a marked decline in I.Q. after entering an institution, because of lack of stimulation and motivation offered in an institutional environment. Community-based treatment can offer all the support, personal interaction, hope and diversity of life to be found in the community.

(2) Community alternatives to institutional treatment are frequently cheaper. Commissioner Miller's experience, which I'll let him tell you about first hand, amply demonstrates the savings that can be achieved, while providing more

humane and effective treatment.

In Massachusetts, we have begun to put this thinking into practice in several aspects of Human Services. The Department of Youth Services has moved rapidly and decisively in this direction. In the area of Corrections, we have a bill before the State Legislature which would give us the resources needed to develop a comprehensive community-based corrections program for adult offenders. Passage of this legislation will dramatically increase the chances for successful integration of the offender back into productive life in the community. In Public Health, we have a new commissioner who is an expert in community health care. As the number of general practitioners dwindles, communities will have to depend increasingly on community health centers for family health care. In Mental Health, we have closed the State's oldest mental health hospital, and have just initiated a statewide community placement effort to move many of the mentally retarded who are currently in institutions back into the community with the necessary care and supervision.

All of these efforts complement each other. Community Mental Health and Public Health programs, for example, facilitate the development of comprehensive community treatment for youthful offenders. In the larger perspective, we can see what may in the long run prove to be the most important contribution of community-based programs. The community-and particularly the consumer—can act as the most effective and flexible mechanism for coordinating services in the treatment of human problems. The community promises "services integration" at the most important—the human—level.

Senator BAYH. Dr. Miller.

STATEMENT OF DR. JEROME MILLER, COMMISSIONER, DEPART-MENT OF YOUTH SERVICES, COMMONWEALTH OF MASSACHU-SETTS, ACCOMPANIED BY ARNOLD SCHUCHTER, DIRECTOR OF PLANNING OF YOUTH SERVICES; JOSEPH LEAVEY, ASSISTANT COMMISSIONER FOR AFTERCARE, DEPARTMENT OF YOUTH SERVICES, COMMONWEALTH OF MASSACHUSETTS; SCOTT N. WOLFE, PRESIDENT, COMMUNITY AFTERCARE PROGRAMS, INC., BOSTON, MASS.; AND JOHN AND BILLY, JUVENILES HAVING EXPERIENCE WITH THE JUVENILE JUSTICE SYSTEM

Dr. MILLER. I appreciate the kind comments and the opportunity to appear before this committee.

Senator Bayh. Excuse me just a moment.

I want to pursue a couple of questions with you.

Mr. Goldmark. I have to go fairly soon, Mr. Chairman. Can we do that now perhaps?

Senator BAYH. All right. You seem to take a dim view of co-

ordination.

Nobody can argue that coordinating eight bad programs does not necessarily mean you are going to have one good one, but if we are talking about a total program effort as you describe in Massachusetts, is it not better to at least have somebody aware of the overlapping that one program may have with another?

Mr. Goldmark. I think certainly it is.

Senator Bayn. I am not suggesting that all of a sudden all of the problems go away, but right now a lot of the programs are self-defeating, it seems to me. The very experience you have had in Massachusetts

would tend to substantiate this position.

Mr. GOLDMARK. I think you are right. The reason I exaggerated the position I took was because I spent a lot of my time down here in Washington with Federal agencies who are, in effect, asking me to put a very high premium on coordination, a much higher premium than I think it deserves, and I really think they need a mix of the two. We have got to worry about the overall effect of the program. Is the blooming thing working? And then you can worry about weaving them together in a way that makes sense to the consumer or the client of the program.

And I guess I am trying to resist a little of what I feel is an overwhelming pressure from Washington, which keeps asking me, in a variety of ways, by saying "Well, how are you coordinating programs?" or "Is this related to this?" or "How are you working your entry system?" and "How are you keeping track of different kinds of clients?" which I consider, you know, now an equally sharp or pressing amount of questions about "Is this program any good to begin with?"

Senator Bayh. I do not think we gain our money's worth if all we get is a more sophisticated set of books or more specific, precise data about the number of alcoholics, runaways, truants, and third-time felons. But the Governor mentioned earlier a problem family in which you have a father who is a felon, a daughter who is in a juvenile institution, a son who has been in a juvenile institution, and a mother who is an alcoholic. This is obviously a problem home which no one service really is going to deal with alone. This has to be dealt with in a total environmental concept, whether or not you call it coordination.

Mr. Goldmark. OK, exaggerating the differences again, if you go after only one thing, this is an artificial way of dealing, and rather than having a record in that agency that that father and daughter are related, I would rather have a program in that prison that the father was in that worked, that helped that guy get a job and helped that guy get out of the cycle of crime he has been in, and that might have as powerful an impact on the daughter alone as anything that Jerry

Miller and I could go.

Again, I have exaggerated the differences. I do not think there is that great a difference, and I am doing it, as I say, just because I feel the need in a lot of these areas for some tough looks at what the program is itself, and I think, incidentally, in youth services that is something your bill does. It does set out some new directions for youth services in the area of juvnile delinquency.

Senator BAYH. Could you give me any thoughts you might have as we prepare to enact legislation which would hopefully pump a significantly increased amount of Federal dollars into the local volun-

tary agency programs?

What can we do to lessen the chances of depersonalizing the services that now make a voluntary agency more effective than a governmental agency in dealing with the delinquency problem? I think that is something we need to be aware of. I think we want to make sure that we

preserve the unique service capacity of private agencies.

Mr. Goldmark. I guess the only plea I would make, Mr. Chairman, is that, you know, in such a program when such a program is set up, it contain capacity for a very strong quality monitoring activity, and so that it contain the capacity for the Federal Government either to do directly or do through the States or a third party if it chooses, a first-class job of technical assistance of training and, in some cases, of recruitment to get good people into the process so that there is an ongoing bit of pressure on the program for improving the quality of these programs rather than so many programs whose essential quality is set on the first round of funding and grants given out, and it remains static for the next 3 or 4 years until somebody comes along with a better program or new emphasis, and I do not think we have done a very good job at the Federal level or any other level so far, and I think there needs to be built in, institutionalized, in-house pressure to push these programs up and make them improve and get better people, get the people already in them capable of doing additional things, get them better connected with the community.

And I have worked in a number of Federal agencies, and I felt the same thing from inside as I think I now face from outside. If we do get n program and really have that dynamic in it right from the beginning, to improve those programs, then we would have done something that we really needed, and I think that is true certainly in the

area of youth services.

You are not going to find, I think, every State willing to take the risks that Massachusetts has been taking in the area of the youth services, and, as we have seen some other Federal programs and. as you have mentioned, LEAA, you run a risk in a program such as the one contained in the bill now before this committee of funding an effort which really does not have that much of an impact in the long run unless there is that kind of mechanism built inside of it from scratch.

Sentaor Bayn. Thank you very much.

Mr. Goldmark. Thank you very much, Mr. Chairman.

Senator BAYH. I understand you have to leave. Thank you very much for your contribution.

Dr. Miller, we will let you carry the ball now.

Dr. MILLER. Thank you, Mr. Chairman.

I have a brief statement that I would like to read, and then I would like to ask Mr. Schuchter and Mr. Leavey from my staff to join me and then we may be able to engage in some discussions around some

of the problems.

The problem of juvenile delinquency, though a difficult and complex one, has often been made more difficult and confused by the "solutions" we have put into effect over the past 100 years. Generally, State and National approaches to delinquency have been characterized by ineffectiveness at best and destructiveness at worst. Although there have been successful prevention programs in isolated instances and although there have been juvenile correctional or rehabilitative

programs which cut recidivism dramatically, there has been a lack of national policy direction around which new programs can be ral-

lied in a coordinated effort toward solving the problem.

I am of the opinion that the primary and most crucial need, if we are to deal effectively with serious delinquency in contemporary American society, is to reform and restructure, at most basic levels, the juvenile correctional system. Although there can be little question that ultimately delinquency prevention and diversion programs will be the backbone of a reconstituted juvenile justice system, such programs will not be effective until such time as we have provided alternatives for these youngsters who are most deeply involved in the juvenile justice system, those thousands of youngsters between ages 7 and 18 who are presently kept in jails, detention centers, reform schools, and training schools throughout the Nation. Until these young people are handled in other ways, our present State and National systems of juvenile rehabilitation will continue to be, not only ineffective in treatment and rehabilitation, but for the most part actively destructive of human beings. In sum, the best immediate measure of delinquency prevention which we can take is to disengage ourselves from a vast complex of so-called treatment or rehabilitation institutions which, in fact, have seldom rehabilitated and more often made matters worse.

Despite occasional community-oriented programs, the vast majority of those adjudicated and committed, or of detained youth awaiting trial, are kept in penal-like settings that in more liberal States masquerade as "children centers," "juvenile halls," et cetera, but most often remain jail-like in their approaches, ideology, and policies. This is not to mention the majority of States which still keep youngsters in

city, county, and State jails and houses of correction.

The Massachusetts Department of Youth Services is the agency responsible for serving the needs of detained and committed delinquent youngsters in the Commonwealth. We are responsible as well for juvenile parole, and we have a mandate for establishing prevention programs in the cities and towns. The average age of youngsters committed to the Department is 14½. Eighty-nine percent are at welfare level of poverty. For the past 100 years, Massachusetts, as most other States, developed and sustained a large complex of State-run "training schools" and detention centers which not only did not correct or rehabilitate but which probably made matters worse. The recidivism rate of these systems has been a phenomenal 60 to 80 percent.

I might add, Mr. Chairman, that Massachusetts was the first State in the Union to have training schools, so I think it is symbolically correct that we be the first to get rid of them, such as the Lyman School for Boys, which is the oldest training school in the Nation, at Lancaster, and the Girls Industrial School, which is likewise the oldest

girls' school.

The earlier a youngster entered a training school or reform school, the more likely he was to come back; the longer he received our treatment, the more likely he was to be returned on a more serious offense. In brief, we have been sustaining a juvenile correctional system that in all probability actually contributes to a rising juvenile crime rate.

We, in Massachusetts, have therefore made a politically difficult but professional sound decision to drastically alter the methods and modes of treatment of young people who are sent to us by the courts,

We will no longer rely on large impersonal, bureaucratic penal institutions as the treatment of choice for youngsters in trouble. We will no longer provide false reassurance to the community by acceding to a philosophy that isolation of the delinquent from the community makes him better able to function in the community. We will no longer claim that we protect public safety by locking up the offender. The only public safety guaranteed is that of a certain timelag while the youngster is locked up. But he returns, less able to function, more cynical, more isolated from positive peer influence, and more likely to get in deeper trouble. We will no longer engage in the bureaucratic game of calling punishment "treatment," or neglect "rehabilitation." This is why we have moved in the direction of community alternatives to institutionalization. Unless there is definitive movement in this regard, there is no hope for substantive reform of the juvenile correctional system. Institutions have characteristically devoured the best intentions and programs of reformers for the past 100 years, with very little basic change. The institutional system is self-sealed, self-protective, and self-fulfilling in the sense that it produces the very scapegoats it is supposedly set up to treat.

When the reorganization of the Department of Youth Services was implemented in November of 1969, we made a basic decision regarding the direction the reform should take. There were essentially two basic directions—the question being to which of the two to devote our limited resources. We could: first, develop as many programs as possible to bring the training schools up to par as educational institutions, with stress on vocational training, clinical services, special education, at cetera. Unfortunately, nowhere does the research show that such services given in training school settings have been effective at cutting the recidivism rate or insuring the ability of the inmate to function better in society. In addition, the history of correctional reform is replete with so-called program solutions in training school and penitentiary settings. The consensus is that for the most part they will not work and, if they do work, they are not sustained for long

in the system.

The second direction open to us was to try to get out of the institutional system altogether and to provide, at the same time, a series of alternatives for formerly institutionalized voungsters. This is the direction which we took and we have ventured quite far in the past

2 years.

In the past 2 years we have closed the Bridgewater Institute of Juvenile Guidance—maximum security school for boys—the girls detention unit in Boston, the Shirley Industrial School for Boys which is for older boys, the Lyman School for Boys which, as I mentioned, is the oldest training school in the Nation, and the residential treatment unit which is a training school for boys 12 and under.

Incidentally, this latter institution is a brandnew school, beautifully built, with a good staff and virtually a 100-percent recidivism rate.

Within a few weeks, we will close the last training school, the Girls Industrial School, the oldest girls' school.

We began with the bias, that the training school complex was itself a danger to public safety. Although we felt a need to develop alternatives to training schools, we were of the opinion that given

the average training school experience, by simply closing them down we could probably enhance the chances of those incarcerated. We were, in fact, able to cut recidivism quite dramatically at one institution by

simply shortening the stay of the youngsters.

We decided to rely on a series of alternatives to incarceration and isolation. Among these alternatives, which will be discussed in detail by my staff here today, are 1-to-1 intensive care and counseling, youth advocacy, extensive use of volunteers, group therapy, individual tutoring, family counseling, foster homes, group homes, half-way houses, self-help drug programs, and for the small minority of incarcerated youngsters who are dangerous in terms of violence toward persons, we are developing small, secure, privately run psychiatric facilities.

Our initial impressions are that the program alternatives are working quite well. We have not missed the institutions. The biggest problems we have had in the transition are in those areas in which we are still institutionally bound, either physically or budgetarywise.

There are, of course, many problems in making a major transition from one system to another. But, interestingly, the problems we have encountered, for the most part, have little to do with the care of youngsters or whether or not the new programs are more effective than the old. Rather, the problems have to do with budget allocations or reallocations, really, need for flexible funds, staff reassignments, usages for abandoned institutions, et cetera. It would be tragic if these factors were to effectively slow the transition to community alternatives. But that, of course, remains a threat until the transition is complete. The question here is not a matter of needing additional funds to sustain the new community programs. Rather, it is demonstrably more expensive to maintain youngsters in large institutions than it is to provide community alternatives. The problem is that nine-tenths of the average State juvenile correctional budget is tied up in institutional needs staff, maintenance, et cetera. If that money could be used flexibly in the community, we, for example, could cut our budget by one-third or more. But to do this has political implications which can tragically override the purpose and goal of the agency, that is, to provide decent and effective care to troubled young people. That is why a bill such as that being heard before this committee is so crucial to substantive reform of the juvenile correctional system. The provision of flexible funds to provide alternative methods of rehabilitation is essential in getting out of the old system. Once we are out of it, it is possible that the funds that were wasted by the States in the institutional sysems can be reallocated to community alternatives. However, the flexible Federal funds are crucial to the transition period since they provide the "stretch" whereby the administrator can stimulate community alternatives which will allow the closing of the institutions.

In summary, our directions in Massachusetts are clear. We wish to provide a program of care for young people in trouble that will be effective. But more importantly, we wish to provide a system which does not betray the public by pandering to our most base impulses of fear and retribution. Rather, we hope to sustain a system of care that, while effective, will give us all a chance to enhance our most human qualities: those of care and concern for another.

I would like to ask Mr. Leavey and Mr. Schuchter, our director for planning of youth services, and Mr. Leavey here is assistant commissioner for aftercare, to join me.

Senator BAYH. Why don't you have your staff join you there?

I notice that my colleague, Senator Kennedy, is with us now. Dr. MILLER. And I am also asking Mr. Scott Wolfe and a couple of young people who are with us to come up, and Mr. Larry Dye is also here with some young people, and he will have a separate presentation to the committee.

Senator Bayh. Now, please introduce-everyone to us, Dr. Miller.

Dr. MILLER. This is Mr. Leavey, Mr. Chairman, assistant commissioner for aftercare in the department, and this is Mr. Schuchter, who is our director of planning. This is Mr. Scott Wolfe, who is director of our volunteer program, and a couple of people that he brought along with him from the program. They are boys from the program.

And then following this, we will have Mr. Larry Dye who also has

another type of program involving young people, and he has some young people with him. They will make a separate presentation.

Senator BAYH. Very fine.

Senator Kennedy has not been able to join us until now because he has some other hearings. I am pleased that Senator Kennedy is with us now and I know he has comments or questions for Dr. Miller.

Senator Kennedy. I apologize, Dr. Miller, for missing part. I was up at another committee meeting. I am a great admirer of what you are trying to do, and what I think is a very far-reaching and forwardlooking approach towards providing opportunities for young people who have been involved with the law.

I visited—and I was just trying to check with my staff—out in Western Massachusetts—I think it was in the Northampton area a home out there. I think it was in January of this year, and, as I understand that, I think in that Northampton area they had, I thinkor there were three homes they were just beginning to start.

Dr. MILLER. Probably, the Downeyside Homes.

Senator Kennedy. That is it. It is the Downeyside. And I just spent a couple of hours, an hour and a half or so, there with some of the young people and was just enormously impressed by what they were doing and by what they were achieving and their whole attitude in relation to this. I guess they had some problems in establishing a home in this given community, and I do not know the extent, if any, you touched on that in your testimony. I will read your testimony-looking forward to it. But once this had been established, the community really reached out to these young people, and it has given an entirely different insight to the community about some of the problems young people were confronting in today's world. They were very much involved in community activities, and they were just

doing an extraordinary job.

Another point which is not the most important but I think must and should weight on people's minds—The first one is the question: Is there opportunity for opening up new vistas for young people in the areas of our youth short of rehabilitation—or whatever the word is you use in this area? Secondly, is the cost—you know. I do not know what they are in Massachusetts. I do not know that figure for institutional-

izing young people.

Dr. MILLER. For an institution, Senator, the cost is a minimum of \$10,000, and in the county training centers, I believe it is over \$12,000 to keep a youngster in a training school. We can keep him for instance in Downeyside Homes for \$4,000 to \$5,000 less than that.

Senator Kennedy. \$4,000 or \$5,000 less. I mean, this is something which is extremely important. I mean, it is something which many, in any kind of priority list, would probably think it is down there a

bit, but this is something.

Have you put those kinds of figures in ? Are they already a part of the record?

Dr. MILLER. They are part of the record that goes in, yes, sir.

Senator Kennedy. And you have talked a little bit about what the

future of the program is in our State?

Dr. MILLER. We hope to be able to sustain virtually all of the youngsters who were previously in institutions in community situations. I think that the number of youngsters kept in institutions has grown so tremendously over the year that it has made so little sense—that is has made things so bad for so many people with, as I mentioned earlier, 60 to 80 percent—probably 80 percent—of those who had been in institutions not long in coming back. I do not think that we had guaranteed public safety that way at all, and we feel convinced that we can have 80 to 90 percent of the youngsters who were previously institutionalized taken care of in other sorts of settings. A large number can be maintained in their own homes with other help, from volunteers and other sources. A large number can be kept in half-way houses or group homes, and I think we can provide a whole spectrum of services.

Incidentally, all of them would be much cheaper besides being much more humane than the institutions have been. We struck at the heart of our system initially by closing our Bridgewater unit which was our maximum security unit. That is bad correctional practice, if you will, but it is decent human ideology, because that is what holds these sys-

tems together.

You ilso find the complex of institutions held together with a large stick or a large threat of a lock-up place, and we felt it important to hit this and to provide alternatives so that for "committed" boys in the State, we have been out of training schools since January, and we really have not missed them at all.

Senator BAYH. Will the Senator yield just one moment?

You mentioned one thing which seems inconsistent with your own and previous testimony. It seems to me it is rather inconsistent to say "closing down maximum security institutions is bad correctional policy;" yet the statistics that you show indicates a recidivism rate of 75 to 80 percent, and in one institution you mentioned the rate was almost 100 percent. How can you say it is bad correctional policy to close down that type of institution?

Dr. MILLER. Perhaps I am using the term facetiously.

It is bad policy in terms of traditions, because, essentially, then, you blow up the other institutions, and what, characteristically, people have judged institutions on has nothing to do with their purpose which is to cut recidivism and to provide decent care. Characteristically, as a correctional administrator, you were judged on whether or not you have incidents and whether you are keeping within your budget and whether the staff is happy, and as long as those three conditions are met you can survive forever within the system and no one will really ask you much about your recidivism rate.

So, I do not mean that it was sound correctional policy in a strict sense; and, of course, correctional policy generally is not very sound

in this country.

Senator BAYH. Excuse me. I just did not want to leave the record

that way.

Senator Kennedy. No. Tell me, one of the things, one of the problems, has been the attitude of law-enforcement people about this and whether they are really serious about doing something about lawbreakers and offenders. Have you been able to work out any kind of a program of bringing the police in, putting them into the program, and trying to make them a part of this as well, or is this a problem?

Dr. MILLER. This has been something of a problem, although nowhere near the problem, Senator, that we had expected. The police have been generally quite supportive. We have a police training program for juveniles that emanates from our department, and we have not had that much problem. I think here and there has been a problem when a particular area is used to sending a youngster away and not expecting to see him for a number of months. When they see him home a little early, that presents some problem.

But, on the other hand, I think the police know better than anyone the failures of this old system, because they see these young people coming back and they see them getting arrested as soon as they are back or certainly within a few weeks or a few short months. But

I think that that is an issue that will have to be addressed more.

Senator Kennedy. Did you have any difficulty getting sort of—well, Downeyside had a young couple, I believe. Do you have difficulty

getting young people that will assume this responsibility?

Dr. Miller. We have had tremendous success in finding people in Massachusetts. The numbers that want to be involved are tremendous, I think. And when Scott Wolfe talks about his program, for instance, we have college volunteers that get no money for themselves and are willing to make a commitment to a youngster in his own home or to spend 2 or 3 full nights a week, plus a full weekend day, with that youngster. We have had tremendous support. I think part of the problem in this area has been one of recruitment and of letting people know your needs. I do not think there is any shortage at all of people to get involved.

Senator Kennedy. We ought to be hearing from the young people; so, let me just ask finally: How can you sort of avoid the institutional-

ization of this kind of a program later on, I mean?

Dr. Miller. I think part of it is built into this bill, the idea of purchase of care. I think this is essential to that, so that you can have a certain competitive relationship between agencies, and, so that there can be a constant reevaluation of programs, and, then, in addition, the fact that you are insisting that most of these settings be quite small. I think just that in itself does not allow for some of the things that occur in large institutions.

Senator Kennedy. Well, I look forward in the time we have, to hear from the others, but I want to commend you for the effort that has been made. I think it gives an enormously far-reaching and imagina-

tive program, and I think it is really the kind of an approach that we ought to be seeing supported at the national level.

I just want to commend you and your group for having done this.

Dr. MILLER. Thank you.

(Dr. Miller's prepared statement is as follows:)

PREPARED STATEMENT (SUBCOMMITTEE OF JUDICIARY) OF JEROME G. MILLER, COMMISSIONER, DEPARTMENT OF YOUTH SERVICES, COMMONWEALTH OF MASSA-**CHUSETIS**

The problem of juvenile delinquency, though a difficult and complex one, has often been made more difficult and confused by the "solutions" we have put into effect over the past one hundred years. Generally, State and National approaches to delinquency have been characterized by ineffectiveness at best, and destructiveness at worst. Although there have been successful prevention programs in isolated instances, and although there have been juvenile correctional or rehabilitative programs which cut recidivism dramatically, there has been a lack of national policy direction around which new programs can be rallied in a coordi-

nated effort toward solving the problem.

I am of the opinion that the primary and most crucial need, if we are to deal effectively with serious delinquency in contemporary American society, is to reform and restructure, at most basic levels, the juvenile correctional system. Although there can be little question that ultimately, delinquency prevention and diversion programs will be the backbone of a reconstituted juvenile justice system, such programs will not be effective until such time as we have provided alternatives for those youngsters who are most deeply involved in the juvenile justice system—those thousands of youngsters between ages 7 and 18 who are presently kept in jails, detention centers, reform schools, and "training" schools throughout the nation. Until these young people are handled in other ways, our present State and National systems of juvenile rehabilitation will continue to be, not only ineffective in treatment and rehabilitation, but for the most part actively destructive of human beings. In sum, the best immediate measure of delinquency prevention which we can take, is to disengage ourselves from a vast complex of "treatment" or "rehabilitation" institutions which in fact, have seldom rehabilitated and more often made matters worse.

Despite occasional community-oriented programs, the vast majority of those adjudicated and committed, or of detained youth awaiting trial, are kept in penallike settings that in more liberal states masquerade as "Childrens' Centers" "Juvenile Halls," etc., but most often remain jaillike in their approaches, ideology, and policies. This is not to mention the majority of states which still keep young-sters in city, county and state jails and houses of correction.

The Massachusetts Department of Youth Services is the agency responsible for serving the needs of detained and committed delinquent youngsters in the Commonwealth. We are responsible as well for juvenile parole, and we have a mandate for establishing prevention programs in the cities and towns. The average age of youngsters committed to the Department is 141/2: 89% are at the welfare level of poverty. For the past 100 years, Massachusetts, as most other states, developed and sustained a large complex of state-run "training schools" and detention centers which not only did not "correct" or rehabilitate but which, probably made matters worse. The racidivism rate of these systems has been a phenomenal 60-80%. The earlier a youngster entered a training school or reform school, the more likely he was to come back; the longer he received our treatment, the more likely he was to be returned on a more serious offense. In brief, we have been sustaining a juvenile correctional system that in all probability actually contributes to a rising juvenile crime rate.

We in Massachusetts have therefore made a politically difficult, but professionally sound, decision to drastically after the methods and modes of treatment of young people who are sent to us by the courts. We will no longer rely on large impersonal, bureaucratic panel institutions as the treatment of choice for youngsters in trouble. We will no longer provide false reassurance to the community by acceding to a philosophy that isolation of the delinquent from the community makes him better able to function in the community. We will no longer claim that we protect public safety by locking up the offender. The only public safety guaranteed is that of a certain time lag while the youngster is locked up . . . but he returns, less able to function, more cynical, more isolated from positive peer influences, and more likely to get in deeper trouble. We will

no longer engage in the bureaucratic game of calling punishment-treatment, or neglect-rehabilitation. This is why we have moved in the direction of community alternatives to institutionalization. Unless there is definitive movement in this regard, there is no hope for substantive reform of the juvenile correctional system. Institutions have characteristically devoured the best intentions and programs of reformers for the past 100 years, with very little basic change. The institutional system is self-sealed, self-protective, and self-fulfilling in the sense that it produces the very scapegoats it is supposedly set up to treat.

When the reorganization of the Department of Youth Services was implemented in November of 1969, we made a basic decision regarding the direction the reform should take. There were essentially two basic directions—the question being, to which of the two to devote our limited resources? We could 1.) develop as many programs as possible to bring the training schools up to par as educational institutions, with stress on vocational training, clinical services, special education, etc. Unfortunately, nowhere does the research show that such services given in training school settings have been effective at cutting the recidivism rate or insuring the ability of the inmate to function better in society. In addition, the history of correctional reform is replete with "program" solutions in training school and penitentiary settings. The consensus is that, for the most part they don't work—and that if they do work, they are not sustained for long in the system.

The second direction open to us was to try to get out of the institutional system altogether, and to provide at the same time a series of alternatives for formerly institutionalized youngsters. This is the direction which we took and we have

ventured quite far in the past two years.

In the past two years we have closed the Bridgewater "Institute of Juvenile Guidance" (maximum security-school for boys), the Girls Detention Unit in Boston, The Shirley Industrial School for Boys. The Lyman School for Boys (oldest training school in the nation) The "Residential Treatment Unit" (training school for boys 12 and under). Within a few weeks we will close the last training school, the Girls Industrial School.

We began with the bias that the training school complex was itself a danger to public safety. Although we felt a need to develop alternatives to training schools, we were of the opinion that given the average training school experience, by simply closing down we could probably enhance the chances of those incarcerated. We were in fact able to cut recidivism quite dramatically at one insti-

tution by simply shortening the stay of the youngsters.

We decide to rely on a series of alternatives to incarceration and isolation. Among these alternatives, which will be discussed in detail by my staff here today, are one-to-one intensive care and counseling, youth advocacy, extensive use of volunteers, group therapy, individual tutoring, family counseling, foster homes, group homes, self-help drug programs, and for the small minority of incarcerated youngsters who are dangerous in terms of violence toward persons, we are developing small, secure, privately run psychiatric facilities.

Our initial impressions are that the program alternatives are working quite well. We have not missed the institutions. The biggest problems we have had in the transition are in those areas in which we are still institutionally bound, ei-

ther physically or budgetary-wise.

There are, of course many problems in making a major transition from one system to another. But interestingly, the problems we have encountered, for the most part have little to do with care of youngsters, or whether or not the new programs are more effective than the old—rather, the problems have to do with budget allocations, need for flexible funds, staff, reassignments, usages for abandoned institutions, etc. It would be tragic if these factors were to effectively slow down the transition to community alternatives; but that of course, remains a threat until the transition is complete. The question here is not a matter of needing additional funds to sustain the new community programs. Rather, it is demonstrably more expensive to maintain youngsters in large institutions than it is to provide community alternatives. The problem is that nine-tenths of the average state juvenile correctional budget is tied up in institutional needs . . . staff, maintenance, etc. If that money could be used flexibly in the community, we for example, could cut our budget by one-third or more. But to do this has political implications which can tragically override the purpose and goal of the agency, i.e., to provide decent and effective care to troubled young people. That is why a bill such as that being heard before this committee is so crucial to substantive reform of the juvenile correctional system. The provision of flexible

funds to provide alternative methods of rehabilitation is essential in getting out of the old system. Once we are out of it, it is possible that the funds that were wasted by the states in the institutional systems can be reallocated to compunity alternatives. However, the flexible federal funds are crucial to the transition period since they provide the "stretch" whereby the administrator can stimulate community alternatives which will allow the closing of the institutions.

In summary, our directions in Massachusetts are clear. We wish to provide a program of care for young people in trouble that will be effective. But more importantly, we wish to provide a system which does not betray the public by pandering to our most base impusles of fear and retribution. Rather, we hope to sustain a system of care that, while effective, will give us all a chance to enhance our most human qualities . . . those of care and concern for ane another.

Senator BAYH. I want to reemphasize what I said earlier in Senator Kennedy's absence, the appreciation that I, as chairman of the subcommittee, have for his efforts as a cosponsor of S. 3148. This measure which you, and the Governor and others have been addressing yourselves to, is designed to try to make the Massachusetts experience possible in other parts of this Nation and to give us a whole new nationwide approach to these problems.

Now, how do you suggest we proceed?

Should we have questions now of you gentlemen or do you have individual statements?

Dr. MILLER. I think Mr. Schuchter and Mr. Leavey, both, have brief statements, and then I might ask Mr. Wolfe and the others.

(Mr. Schuchter's prepared statement is as follows:)

PREPARED TESTIMONY IN SUPPORT OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

Undoubtedly enough witnesses have already appeared before this Subcommittee to testify that training schools or reformatories are outmoded and dehumanizing. However, aMssachusetts is virtually out of its State-run training schools. This fact uniquely qualifies the Department of Youth Services to give testimony before the Senate Subcommittee to Investigate Juvenile Delinquency with respect to the importance of S. 3148, the Juvenile Justice Delinquency Prevention Act of 1972. In part we are here today because in order to accomplish the purposes of S. 3148, in a very real sense, the Department has gone way out on a fiscal limb with the decision to close training schools, in anticipation of substantial new or additional Federal resources to develop and implement effective delinquency prevention, diversion, treatment and rehabilitation programs.

We completely concur with Senator Bayh's conclusion that existing Federal programs, particularly the Omnibus Crime Control and Safe Streets Act of 1968, administered by the Law Enforcement Assistance Administration, has not provided the resources or the leadership to deal with the crisis of delinquency. Our experience with the pattern of LEAA funding in Massachusetts unfortunately highlights the national problems of delinquency prevention and treat-ment—namely, lack of priorities, emphasis and direction.

From the perspective of a State agency responsible for juvenile delinquency

prevention and treatment programs, there is very little evidence of forceful advocacy at the national level within Federal agencies for reform of the juvenile justice system, or even minimal inter-agency coordination, such as among Justice, Labor and HEW. The same situation of fragmentation and confusion exists at the State level in Massachusetts, which is the reason for emphasis in the Department's testimony on the need for reorganization of children's and youth services in the Commonwealth. We recognize that coordination and leadership for all delinquency-related efforts requires a new national program that articulates Federal, State and local efforts. At the present time, Federal assistance through LEAA for State and local juvenile delinquency programs in com-pounding, rather than remedying, the problems of developing and implementing effective and coordinated delinquency prevention, diversion, treatment and rehabilitation programs.

The specific problem in Massachusetts, which would be intensified by S. 3148, is twofold: there are two planning agencies in the State for juvenile delinquency prevention and treatment, with one of them—the Committee on Law Enforcement and Administration of Criminal Justice—having the authority to receive and dispense LEAA funds and the other, the Department of Youth Services, re-

sponsible for privision of:

a comprehensive and coordinated program of delinquency prevention and services to delinquent children and youth referred or committed to the department by the courts; community services for the prevention of juvenile delinquency through grants-in-aid to cities, towns, and other public agencies and through purchase of services from private non-profit agencies; and services and facilities for the study, diagnosis, care, treatment, including physical and mental health and social services, education, training and rehabilitation of all children and youth referred or committed . . . [and maintenance of] a program of research into the causes, treatment and prevention of inventie delinquency, including new methods of service and treatment.

juvenile delinquency, including new methods of service and treatment. S. 3148 provides for direct grants to public and private agencies to develop and implement new methods of delinquency prevention and treatment, with an emphasis on funding private agencies. The Department's emphasis also is on funding private non-profit agencies in order to create viable alternatives to the traditional juvenile justice system. But 75 percent of LEAA's funds for delinquency prevention and treatment are allocated by another agency based on funding decisions that are unrelated to the Department's needs for closing outmoded juvenile train-

ing schools and detention centers.

In order to ensure that the funds available under S. 3148 are spent in the most effective manner, with the great degree of public accountability, to divert juveniles from the juvenile justice system and to provide community based alternatives, we would urge that S.3148 ensure that the designated State planning agency also be the legislatively mandated implementing agency for juvenile delinquency

prevention and treatment programs.

As set forth in pargraphs (1) and (2) of Sec. 503 of S. 3148, the single State agency that is the "sole agency for supervising the prepartion and administration of the plan" must have "authority to implement such plan" in conformity with Federal policy. In Massachusetts, under the LEAA program, the authority to plan, to approve plans and to implement plans for prevention, diversion, treatment, rehabilitation, education, training, evaluation and research and to improve the juvenile justice system are split, with the funding priorities of the LEAA state planning agency heavily oriented to equipping, training, and providing computerized data to police agencies unrelated to diverting juveniles from State

operated correctional facilities.

This year and next year the Department probably will face a major struggle in converting the inflexible categories of its State budget to flexible resources for purchase of services. Hopefully, the Department's excessive number of personnel will be substantially reduced by attrition. Each 10 percent drop in personnel saves the Department about \$800,000 annually, but there is no assurance that the Legislature will rebudget these funds for purchase of community based alternatives to confinement. Every state which closes its detention and correctional facilities has to pass through this transitional budgetary phase. The significance of this fact in relation to S. 3148 is that, without major new sources of Federal funds, inflexible and limited State budgets will prevent the closing down of correctional and detention facilities and the development of community based alternatives. Furthermore, in Massachusetts, State funds have not been available for the development of an adequate planning, fiscal management and administrative research and evaluation or training capacity within the Department of Youth Services. All of these capabilities have been created with LEAA funds, but with money flowing so sporadically that staff at best gets paid in 60-day cycles. Here again, this situation is attributable to the split between planning and implementation agencies which allows the funding agency to use the delay of staff salaries as leverage in the negotiation process.

For another example, the Department has been informed that all the LEAA funded resources for information systems, about \$1.6 million in 1972, will be poured into the conversion of adult criminal history information for data processing, which precludes setting up even a modest computerized system for tracking the thousands of children we have in the community based programs. The Department's system is designed and waiting \$46,000 to make it operational, which could be provided if the State LEAA agency operated on an adequate cash

flow basis.

This situation leads us to the conclusion that the provisions for fiscal control and fund accounting procedures for the Single State Agency, under paragraph (12), has to ensure that the actual (versus projected) rate of spending for various programs does not leave large unexpended sums of money which are not productively used, or that bureaucratic delays in processing of paperwork does not deprive programs or personnel of financial support. Frankly more attention by Federal program evaluators to the flow and effectiveness of dollar expenditures for institutional change in S. 3148 funded programs, and less money spent on sophisticated research designs for alternative community based treatment modalities, and the greater likelihood of State's moving away from prison-like training schools, reformatories and detention centers.

With adequate financial support from Federal sources, to pave the way for State funding, the Department of Youth Services is ready to develop and implement a wide range of radically new and innovative approaches to juvenile delinquency prevention, statewide mechanisms within and outside courts for diverting juveniles from the adjudication process, involvement of private organizations and institutions, educational institutions, corporations, other State and

regional agencies, and so forth.

Any new programs funded under S. 3148 would have to be tailored to the specific characteristics and needs of delinquent youth. Perhaps one of our most valuable contributions here today would be to present, based on an analysis of psychological and medical tests given to over 400 boys and girls moved out of training schools over the past three months, a description of a typical juvenile delinquent, if such person exists, who would benefit from the proposed legislation:

First and foremost, he is usually a basically inadequate and insecure in-

First and foremost, he is usually a basically inadequate and insecure individual. During his early life, he has received neither the support nor the acceptance necessary for the development of his self-esteem. Thus, he has a highly negative self-image, usually characterized by feelings of insecurity, social inadequacy, general ineffectiveness, inferiority, low self-assurance, and being at the mercy of environmental forces. He is afraid to venture forth out of fear of failure and rejection. His means of compensating for these feelings is his aggressive and acting-out behavior. By playing the role of the 'big, tough, strong guy' he is able to cover up for his deep-seated feelings of weakness and insecurity.

A second characteristic usually found in delinquents is a tendency toward rather impulsive behavior with a low frustration tolerance. Because of these two facets, delinquents are more apt to exhibit expansive and acting-out behavior when placed in highly stressful situations. Also, they are not able to tolerate frustration and failure as well as other individuals their age. This problem is especially critical since they are usually faced with a higher incidence of failure and frustration than most because of their environment.

Another characteristic is an intellectual functioning level usually found in the classification of Slow and Low Average Learner. Although one will find a large segment of delinquents functioning at a borderline level the majority of them have the ability to function adequately under more optimum conditions. It seems that the inadequacy of the home and a highly constricting environment are as much, if not more, responsible for the individual's adjustment difficulties. Those delinquents who would be classified as borderline and basically inadequate personalities appear to be an almost separate entity in themselves. Their offenses are usually in the area of aggressive behavior, school offenses, and glue sniffing rather than more criminal types of offenses, such as breaking and entering and stealing cars. Their difficulty lies in their inability to meet problems of everyday life in a socially acceptable manner due to their overall low functioning level.

A further attribute usually found in delinquents is some type of psychosexual conflict. This conflict varies from the undergoing of a sexual identification conflict with its accompanying feelings of sexual inadequacy and ambivalence to more serious conflicts involving overwhelming castration fear and the exhibiting of homosexual tendencies. The reason for the extensive occurence of this problem appears to be the recurring factor of the lack of an adequate male identification figure in the home. Either there is no man in the home at all, and the individual is completely dominated by the females of the home, or, the male in the home is a highly aggressive, punitive, and irresponsible type of an individual who turns his sons away from

identifying with him.

Along this same line of thinking, is the delinquent's usual history of a highly unstable home situation, characterized by a lack of warmth and acceptance. If this is not the case, one can usually find some traumatic event in the delinquent's life which brought about a sudden change in his adjustment abilities. Many times, the rest of the family is not even aware that such an event has occurred. In short, a basic need for love, acceptance, and

understanding permeates all the delinquent's problems.

Next on a list of usual characteristics is a difficulty in establishing meaningful interpersonal relationships. Most delinquents tend to be rigid, fearful, hypersensitive to criticism, and somewhat withdrawn in their relationships with others. This is largely the result of their low self-assurance and lack of self-esteem. Because of these feelings, the individuals are so afraid of being rejected that they will not place themselves in any situation which they feel might make them vulnerable. As a result of their highly restricting and inadequate environment, delinquents find it very difficult to trust others, especially those in authority. This basic distrust in others can be a tremendous hindrance in establishing meaningful interpersonal relationships.

A final characteristic would be an interest profile which points toward the various trade occupations, such as auto mechanic, carpentry, plumbing, construction work, etc. A majority of the delinquents exhibit a preference for situations which will allow them to use their manual skills in an outdoor setting. A problem faced here is in finding the training necessary for these occupations. Although the most obvious choice, a vocational trade school, is acceptable to many, there is a large percentage of boys who have been so 'turned off' by any type of school setting due to their history of failure and frustration in school, that such a placement is completely intolerable. Thus, there is a strong need for apprenticeship and workshop type of settings for these boys. Through these types of settings, the boy is able to develop a work skill and, more important, develop his own self-esteem, which is perhaps the most important factor if rehabilitation is to take place.

In summary, one might say that a delinquent is found to be highly insecure with an extremely negative self-image; to be rather impulsive with a low frustration tolerance; to be functioning in the intellectual classification of Slow or Low Average Learners; to be undergoing some form of psychosexual conflict due to the lack of an adequate male identification figure in his life; to have been brought up in an inadequate and unstable home situation, characterized by a lack of warmth, acceptance, and understanding to have difficulty in his interpersonal relationships due to his tremendous fear of rejection and failure; and to exhibit an interest profile in situations that

will allow him to use his manual skills in outdoor setting.

No more than 40 percent of those youngsters adjudicated delinquent come from intact homes. At least 25 percent are living with their mothers only. Many of the intact and female-headed households can be characterized as highly disorganized. Bad rapport and conflict with parents, and particularly, males in the home (e.g. stepfathers or mother's boy friends), is a common feature of home life. Trouble at home is added to and reinforced by trouble in school and poor

academic performance.

Typically, the boy's first appearance in court is at around age thirteen (13), with about two-thirds appearing for breaking and entering, stolen car, runaway or stubborn child offenses (Blacks on the average appear in court a year or two earlier). In addition to the first offense for which a typical boy appears in court, he has been arrested several times and committed numerous offenses for which he hasn't been caught. In general, he knows that his acts are criminal, and commits them for money, fun, and excitement. As many as three-quarters of these boys are engaged in a persistent pattern of drug use, mostly marijuana accompanied by on-and-off use of a wide assortment of other drugs.

Notwithstanding this pattern of criminal and delinquent behavior, as many as two-thirds of these boys subscribe to the mainstream of middleclass American values, including a steady job, marriage and raising a family. They want to suc-

ceed in life-work and pay their way in the pursuit of happiness.

However, those lower and working class youth who fail in or are rejected by school, commit various infractions of the law and establish a pattern of delinquent behavior, soon find themselves blocked from opportunities to go straight. Life becomes a preoccupation with involvement in or avoidance of trouble. The younger the age at first court appearance, the more court appearances, the more petitions sustained, the more times on probation or committed, the more likely

that recommitment and criminal careers will result. Since juvenile court judges generally make their judgments based on social, delinquency and psychological characteristics usually associated with delinquency risk, court dispositions almost inevitably reflect and reinforce delinquency patterns associated with the paucity of family resources. For youth in trouble, the cycle becomes more delinquent behavior, greater risk of further delinquency, more probation/commitment ex-

perience, and more delinquent behavior.

Probation/commitment experience generally fails to change antisocial behavior, improve control over impulses, remedy maladjustments and psychiatric disturbances, lessen anxieties and hostilities, improve work attitudes, self-concept, or social responsibility. Moreover, treatment of delinquent behavior by juvenile corrections stresses the remedying of personal deficiencies in "therapeutic environments" which confirms to the children that being delinquent, like being poor, stems from a character disorder and lack of inner resources. Against the background of the psychological characteristics prevailing among delinquent routh, this reinforcement of the sense of personal deficiencies as part of the treatment process of course has profoundly negative consequences.

Since it is assumed that juvenile correctional institutions caunot alter the presence or absence of resources in the youth's home situation, such as money, good: education, family coherence, etc., the emphasis of "rehabilitation" is on treating deviant or neurotic reactions to everyday life without adequate resources. The "success stories" of the juvenile correctional field are those youth in trouble who manage to survive economic and social deprivation, the failures of educational institutions, storage in remote correctional facilities or "treatment" facilities run by poorly or untrained persons, etc., and still somehow avoid arrest, the

juvenile courtroom and eventually criminal careers.

There are a vast number of troubled youth in the Commonwealth, as in the nation, who do not wind up in juvenile court, even though their behavior patterns can be described ast delinquent as their family circumstances push them towards anti-social and delinquent acts. These teenagers need substitutes for inadequate family support and activities in their neighborhoods which offer sufficient excitement, challenge, status rewards and income earning opportunities to counteract the attractions of delinquent behavior. These home substitutes, social, recreational and economic activities, which supplement and enrich the personal and family life of teen-agers, are what juvenile delinquency prevention and treat-

ment programs are supposed to be all about.

Within this large group of troubled youth are those children ages 7-17 who frequently wind up in court accompanied by a poor school record. By default, juvenile courts and DYS take responsibility for these youths, since family resources generally are inadequate and schools have failed to respond to the needs of these youth because of limited mission, bureaucratic structure and inadequate resources. The courts and DYS also are limited in their resources and their capabilities to directly influence the functioning of families and environments affecting youth in trouble. The juvenile delinquency prevention and treatment strategy of DYS, therefore, is basically constrained by (1) limited resources, (2) lack of community based mechanisms for developing and sustaining community responsibility and programs for helping youth in trouble together with other troubled youth, and (3) the large numbers of youth needing help at any one time and cumulatively.

Th focus of the DYS strategy for allocation of its limited resources reflecting

these basic constraints, must be as follows:

1. To directly help children and youth in trouble, especially the most troubled delinquent youth, by providing specific direct or purchased services to meet specific personal and familial needs.

2. To encourage and pressure, by every appropriate means, communities—rather than courts or DYS—to take responsibility for their troubled youth, and to develop community-based programs capable of preventing and dealing

with delinquent behavior.

3. To change the priorities, types of programs and services, service delivery mechanisms, personnel, evaluation procedures, etc., of any and all publicly funded state and local institutions and agencies dealing with or impacting on troubled youth, starting with DYS itself, to enable them to deal more effectively with the causes of delinquent behavior among troubled youth, with special emphasis on schools, social welfare, and job creating agencies.

Legitimate ways to earn money and, incidentally, to obtain work experience and vocational skills, must be an extremely important component of the DYS delinquency prevention program. However, the realities of the job market for youth 15 and 16 years of age in the custody of DYS are extremely bleak. The number of jobs available to young school drop-outs is declining. Unemploymentis a problem of youth, hits the teenage drop-out harder, and is hardest on blacks. Trouble with the law is only a minor factor determining opportunities for jobs among delinquent drop-outs. Color, place of residence, family income, educational attainment and scholastic achievement, etc., in addition to age, for the youth committed to the Department, make the outlook in the world of work blenk and increasingly so.

To focus on the employability or trainability of the delinquent or deprived youth without considering also the school system which is irrelevant for the majority of these youth will not solve the problem. Education and employment of youth in the Department's care and custody, and many drop-outs who have not been adjudicated delinquent, are fundamentally political issues that have to be dealt with by programs reflecting political resolution.

Our perceptions of educational problems and needs of delinquent or potentially delinquent youth essentially correspond to the conclusions of the Office of Economic Opportunity with respect to the educational needs of the poor. An OEO

report contends:

It is readily apparent that the educational system is failing the poor both by failing to provide adequate skills and by failing to retain children in school . . . The poor have no means by which to make the education system more responsive to their needs and desires. More affluent parents usually can obtain a good education for their children because they can choose schools for their children to attend-either by deciding where to live or by sending the children to private schools. Poverty and residential segregation deny this choice to low-income and minority parents,

Youth who are pushed out of schools because schools are not flexible and adaptable and creative enough to accommodate to their special needs are a political problem. These youths are labelled "drop-outs" and, when they get in trouble with the law, are relabelled "juvenile delinquents", placing the onus on the youth and not on the schools or society. These same youths who are rejected by community service agencies are labelled as "uncooperative or incorrigible clients" who do not want to be helped. To deal with the personal problems of these youths, i.e. rehabilitation, is not to prevent delinquency, which requires measures to change social control systems (as distinct from personal control

Most of the youth in the Department's custody at any time, if queried, would be likely to express feelings about school which say it is confining, unuseful, egodestructive, boring. Most of the youth in the Department's custody experience varying degrees of difficulty in succeeding in formal classroom work. Many are excluded from local high schools for "behavior problems". Most will never graduate from high schools and will obtain only marginal employment. Until such time as schools can be made more responsive to the needs of youth in trouble, these youth need alternatives to existing school systems which are failing to meet their needs.

The basic long-range DYS delinquency prevention and treatment strategy. which focuses on institutional change in school systems, can be summarized in

the following line of reasoning:

Youngsters that fail to find satisfying learning processes in schools and schools that fail to hold onto children by meeting their service, activity, and resource needs, to supplement and enrich home resources, are the principal determinants of delinquent behavior patterns. Yet, despite traditional and bureaucratic limitations, school systems possess the capabilities for being vastly more responsive to the needs and desires of troubled youth and youth in trouble. Like other public institutions, including DYS, school systems have been inept at putting new policies into operation and learning from past mistakes. Fundamentally, this is a political problem which calls for governmental responsibility to bring about

needed changes in organization, program, and learning processes.

The locus of this institutional change responsibility in the Commonwealth, under its delinquency prevention mandate, should be DYS. However, radical reform of local school systems will be a long-term and painstaking process. Concurrent with efforts to accomplish this long-range goal, DYS will have to foster and support the creation of a wide range of alternatives to existing school systems for troubled youth and youth in trouble. These alternative educational or learning environments, supported by a full-range of supporting family and child welfare services, should be the focus of community-based advocacy and help for

youngsters in trouble and other troubled youth.

More specifically, an institutionalized locus of community-based accountability, responsibility and advocacy for youth should be created in each community along lines of the Child Advocacy Councils proposed by the National Joint Commission on Mental Health of Children. The primary purpose of such councils, composed of representatives of all agencies concerned with children would be fostering radical reform of local school systems to focus services, resources and advocacy for children and youth in the schools which reach all children and have more contact with children than any other institution.¹

The purpose of the Child Advocacy Councils would not be to improve referrals for children and youth within existing inadequate and fragmented service systems. Rather, it would be to make school systems the focus of any and all services and resources needed by youngsters and their parents—food, clothes, a place to sleep, medical and psychiatric aid, birth control and narcotics information and treatment, job finding, remedial tutoring, etc. And equally important, schools must be made into viable learning environments which hold children because the curriculum offers children knowledge worth learning, and varied opportunities to develop intellectual capabilities and workmanship.

Briefly the programmatic outcome of the foregoing long-range DYS delinquency prevention and treatment strategy contains the following two main elements:

1. Community based advocacy/institutional change mechanisms which focus community and interagency support on changing the role, functions and operations of local school systems and, at the same time, seek and mobilize federal, state, and local resources for youth and family service.

federal, state, and local resources for youth and family service.

2. Alternative community based school settings (residential and non-residential) with built-in income-carning opportunities, organized around goals of reduction of deviance by means of influence (i.e., internalization of new values through group and milieu therapy) and rehabilitation (i.e., the learning of new skills and abilities) and stressing a high level of youth participation in a demogratic decision, making process.

participation in a democratic decision-making process.

The Department of Youth Services views the purposes, organization and resources incorporated in the Juvenile Justice and Delinquency Prevention Act (S. 3148) as vital to accomplishment of these strategy elements which are basic to dealing with the crisis of delinquency in Massachusetts and in the nation.

Mr. Schuchter. First of all, I want to commend Senator Bayh's subcommittee and other people on the committee and staff for the philosophy, wisdom, and understanding that is incorporated in S. 3148. It seems clear to me that you have been listening to the experiences around the country very closely and that you have extracted out of that a great deal in the way of understanding as to the new kinds of resources and how they should be deployed in dealing with the problems of juvenile delinquency. And we, in Massachusetts, are extremely hopeful of success in getting the legislation passed and seeing it implemented.

My comments, in particular, are going to be addressed to concerns that I have, not about the philosophy and understanding of juvenile delinquency problems that are reflected in the legislation but concerns about questions of organization, administration, delivery of

Although DYS is primarily concerned with the needs of youngsters ages 7 to 17, the research literature on child and youth development relevant to the problems of delinquent youth shows that help has to start among children when they are in infancy, indeed with prenatal care. There is increasing evidence to suggest that functionally (as distinct from organically) retarded parents living in unsatisfying environments are more likely to bring up children who are emotionally handleapped and mentally retarded. Studies of Headstart children for example, have indicated that somewhere between 10 and 25 percent are already damaged in their emotional and intellectual development by the time they enter the program at age four. Consequently, we are hopeful of seeing the passage of legislation in Congress providing for a comprehensive child development program, including prenatal services, health and nutritional care, preschool education and other means of enriching and supplementing familial resources and cultures.

services and evaluation, and, in a sense, it is going to echo some of the remarks that Peter Goldmark made and which had as their essence the simple fact that the purpose and the worth of programs are the most important, and, as he put it, perhaps in extreme or oversimplification, the coordination of individual programs is obviously not sufficient. But I think if you look at the mass experience and you understand that experience you will see not only has coordination not been essential, the principal ingredient in the changes that have come about in our system is as a result of an individual, in particular Dr. Miller, and the individuals that support him, in bringing about institutional change to the extent that we have it and to the extent that we will have any success in the future.

And this is not simply an effort to give credit in testimonial where it is due to Dr. Miller and what he has done and his leadership in the department of youth services but to emphasize no matter what kind of resources, no matter what kinds of administrative mechanisms are designed to deal with the kinds of problems we are talking about here today, in the final analysis it is men who create the institution which has been harmful to children and it is men who undo those institutions. And it is really the kind of support, even with limited resources, that they can get to do their job that in the final analysis

is most important.

The thing that I think I am particularly concerned about is that this new legislation not follow the route of other legislation which is supposed to deal with the social and economic problems that the disadvantaged has, because we are dealing with basically the low-income, disadvantaged population—that it not follow the same route as the antipoverty program or the model cities program and other programs which have been federally sponsored and funded, which, as I see it, are, essentially, designed to feed the sparrows by feeding the horses. And what that says is that we are pumping money into existing bureaucratic enterprises, an existing institution which has proven conclusively to be failures, and, even when we design new institutions that are supposedly focused on programs of institutional change, those mechanisms themselves become altogether too quickly institutionalized around the maintenance of the status quo and begin to develop leakages that, with the existing political establishment and with other forces in the community, insure status quo rather than change.

So, the kinds of safeguards that your legislation can have built into it which would insure that the moneys that reached the sparrows and do not feed the horses is of particular concern to me. Having been involved from 1961 to 1964 in the rehabilitation programs, of urban renewal on housing and the antipoverty and model cities, and having evaluated as a private consultant probably every program in the human services and educational area over that 3 or 4 year period, they all turn out eventually to arrive at the same kind of solution, which is that bureaucracy thrives and the people who are supposed to benefit

the most usually get the least.

Now, this is perfectly clear in relation to the LEAA program about which some questions have been raised—moneys that moved through LEAA and how they moved in order to bring about change in the criminal justice system in general and the juvenile justice system in particular—that is. We have had quite a substantial experiences

already in working with our LEAA program in Massachusetts, and Senator Bayh asked a question about the financing and what pattern appears to be evident in terms of the past pattern of allocation of resources versus the future.

And I would be very happy to answer any questions you have about

that as the session goes on.

One thing that is very clear to us in the Department of Youth Services—and I think we can say this fairly categorically at the moment—and that is that the Omnibus Crime Control Act, the Law Enforcement Assistance Administration, and the various State vehicles for the delivery of LEAA moneys were not designed to deal with the problems of prevention and rehabilitation of juvenile delinquences, and if they were designed to do that they are not doing it and they are not doing it for a number of historical and circumstantial reasons, as well as just the general thrust as federally funded programs which do not have in them the kind of safeguards that I am talking about

In fiscal 1971, if you look at the allocation of the LEAA resources, roughly 20 percent of the money went into something called Juvenile Delinquency Prevention and Rehabilitation programs. This is not to say that that 20 percent went to those programs within the framework of the comprehensive plan. This is not to say that there were programs which had purpose and merit to them that would be worthwhile funding. This is not to say that there was proper coordination or evaluation, and this is not to say that there was the kind of research tied into those programs which would enable us to know whether indeed they work well or not at all. This was just to say that the money was passed out through a program designed as a money-management program. Basically, what we know about those programs is how to relate expenditures to budget, and there is a great deal that can be said about how you organize and administer and evaluate programs in the juvenile delinquency area that would shed light, I think, on the future prospects for the LEAA program having the kind of impact which your legislation is aiming for.

I am rather skeptical about the moneys that are coming to our system, and it represents, really, a kind of a token contribution to the efforts we are making toward community based programs, and we can go into some of the details on that when you want to ask your ques-

tions.

The thing that impresses me about your legislation, in one sense, is the obvious emphasis on the coordination of resources as apart from its emphasis on the creation of new financial resources for these programs. As you know, there are more than \$1 billion of resources which are being passed out into communities through HEW, OEO, Labor, HUD, and other programs which presumably are supposed to reach delinquent youth and are to be spent for youth development purposes. In the Commonwealth, the Department of Youth Services in calendar year 1972 they will ge getting about \$1.7 million of those dollars. In fiscal year 1972, probably only about \$700,000, which means that out of a total amount of money going through these various Federal programs we are, either in calendar 1972 getting one-thousandth or in fiscal 1972 seven-tenths of a thousandth, or if I do not have my decimal points right, it is very, very small.

Now, this is not to say that we need a large slice of those moneys, Neighborhood Youth Corps moneys, OEO moneys, HEW moneys, and so forth. It is not the amount of money that is important, although we could obviously use considerably more than we get, but it is the struggle that one has to go through in order to, No. 1, persuade them of the goals that we are committed to which other Federal agents are not committed to. It is the whole mechanics of the grant preparation, the grant implementation process where the greatest rewards are for the pros and not for those who grasp the problem. And I think what we have happening in all of our Federal programs which affects us is that if we have the right or the wrong solution to the wrong problem, then, this is what your Federal programs are funding, the right or the wrong solution to the wrong problem, because, in the final analysis what we are dealing with in our agencies is the problem of institutional change.

Our goals are rather explicitly set in terms of institutional change goals with the outcome being justice for children rather than simply

an improved juvenile justice system.

And we have explicitly set goals of that sort which have to do with the existing functions of our juvenile justice system which includes the philosophy and the mechanics of our juvenile court system, of probation, of the way our school systems work, and we are obviously talking about taking a very considerable risk, and the reform of juvenile correction is, in the final analysis a risk-taking enterprise which has to have people involved in it who are willing to take risks, which is what Peter Goldmark said about Dr. Miller's willingness and propensity to take risks on an hour-to-hour, day-to-day, and month-to-month basis.

Now, if we cannot have a new national program to deal with the prevention and the rehabilitation needs of juveniles which has built into it a knowledge that risk-taking is essential and that there is a premium for change and for risk-taking rather than for maintenance of the status quo, I think that we have change in the pattern of institutionalization of youngsters, yes, toward more community-based programs, because the rewards and the incentives will be to move to community-based programs. But I am not sure in the final analysis

that the youngsters themselves will be that much better off.

Senator Bayh. Excuse me. I just want to interrupt you here just a moment. Nobody knows whether what you say is true or not. All of us are taking the necessary risk. But I would suggest that anybody right now who tries to rationalize the present system is taking a bigger risk. And I think the general public is ready for somebody to stand up and say, "OK, I am going to treat the problem of the child before he becomes a hardened adult criminal who may knock me over the head, rape my daughter, or burgle my home."

I salute Dr. Miller and the rest of you who are taking these risks. But I think the biggest risk of all is to try to rationalize the total failure of some of the present programs that are not doing the job of

rehabilitation.

And, Mr. Schuchter, I think we are both on the same wavelength. Let us not be fainthearted. I think that the public opinion is there, if we will just take advantage of it. I salute you and your colleagues for doing that.

Mr. Schuchter. I think it is catching up.

Senator BAYH. Do not sell some of us in public life short.

Right now I think the people want results. I, for one, have been pretty much a compassionate kind of person in public life; and if you invest a dollar for education to prevent human suffering, then this was a good enough reason for a program. But this is not a good enough reason for a lot of people. I think that these people can be convinced by the hard facts of life, that the youth who are supposed to be being treated are not being treated. The youth's problems are being compounded so that the taxpayer is paying the bill for the supposed treatment and the youth remains a problem to society.

A little different rationale can be used for those who believe in compassion and human kindness; but for those who are fearful, let us show them that the present program really increases reasons for fear and capitalize on the "fear" to create more humanitarian programs.

Maybe that is not as forthright as you would have me be, but to solve the juvenile delinquency problem I have to use the emotions that exist in the country today, and harness those emotions for the results that we are trying to accomplish. If we get the desired results, I think I would be happy.

Mr. SCHUCHTER. Amen.

Senator Bayh. I might observe that Senator Mathias, who has studied this problem and has introduced a significant measure in his own right, is now with us. Senator Mathias has shown a great deal of interest in juvenile delinquency, and we are going to be working together to find the best solution to this problem. And he is one of those Senators who approaches juvenile delinquency from a compassionate, innovative point of view.

I do not know whether Senator Mathias has any remarks that he

would like to make for the record.

Senator Mathias. Thank you very much, Mr. Chairman. I appreci-

ate your kind words.

I think the chairman and I have been working in the same direction. We have employed slightly different approaches but ones which I think can be reconciled, because the chairman's bill and mine do not differ in spirit. I think we both want to see, and we both, first of all, begin from the proposition that there has to be, a greater Federal commitment in this area to encourage a greater local commitment, and we observe the failure of the present system, both in its larger social consequences and in its individual impact. And, of course, in both areas there is no more time for delay.

So, we are working together toward the goal of a new approach,

and we appreciate your interest and your being here today.

Mr. Miller. Thank you. Senator Bayh. Thank you.

Mr. Leavey?

Mr. Leavey. Right. Mr. Chairman, I am Mr. Leavey, Assistant Commissioner for Aftercare, Delinquency Prevention and Community Services.

I would just like to make a few comments and address myself to an aspect, major aspect, of your bill and also to the whole movement within our Department, and that is the question of purchase of services. I have been involved in purchasing services from private agencies for about the past 7 years, and I think that what we are looking at is the movement toward local communities taking more responsibility for their youth, and I believe, also, on the other hand, in having the State get out of the business of delivering direct services.

Now, everyone points to the fact that it is less expensive. And we can bring in all sorts of statistics to show that. We also can show that it is much more efficient. We can show that there is a higher quality of care when we talk of purchasing services from private

agencies.

But I look at it a little bit different. People ask us what are going to be the alternatives of this youth, and I think it is kind of ridiculous for the alternatives to be as to institutions, and I think it is kind of ridiculous for us to sit around in the room and try to decide what we are going to do with every child in Massachusetts, and, particularly, when we have a wealth of opportunities out in the community, and we have a tremendous amount of people who are really concerned about these youth.

We have found that if we are able to give some support—and the main kind of support is the financial support at the moment, but some financial support, some consultation, some guidance—there is a tremendous amount of citizenry in our State that wants to get involved.

For instance, when we started talking about setting up group homes, we had over 100 proposals, over 100 different groups. These are not individuals, but over 100 different groups came to us and said that they wanted to get involved. We had a tremendous amount of university sources and a tremendous amount of real grassroots citizens that really

want to get involved with the youth in our area.

What happens is that everyone looks to us and says, "You want to abdicate your responsibilities and you want to become just a funding agency." And I am not saying that at all. I really feel that we are not abdicating our responsibilities. What I want to do is come into a system and set up a system whereby the State is a coordinator, is a manager, is an evaluator, but also—and I feel this is very important—retains legal responsibility for the children. And I am not trying to say that we should do away with the Youth Authority. I feel that if we still have the legal responsibility for the child; and if we are able to divorce ourselves from the bureaucratic structure that really restricts us, that we might end up being an advocate of our clientele, which, really, I think, is what our Department is supposed to be all about.

Mr. Miller. I would like to introduce Scott Wolfe to the committee. Scott is a Harvard student who is in the community-advocate program for us first at Philip Brooks House at Harvard which developed

into a number of other things.
Mr. Wolfe. Thank you.

The Community Aftercare Program. Inc.—and hereafter I will just refer to it as "CAP"—is a private, nonprofit agency servicing over 140 parolees from reform schools of the Massachusetts Department of Youth Services.

CAP provides educational, vocational, recreational, and individual and group counseling programs in nonresidential community-based units of boys and girls from the Boston and Worcester areas. Seventeen units are now operating: nine in Boston (Róxbury, Dorchester,

Cambridge, Somerville, et cetera) and eight in Worcester, centering

around a large storefront facility.

Each CAP unit meets 15 to 25 hours a week in both structured and flexible programs under the direction of a paid unit leader and a group of volunteers from the community and college campuses who

are matched 1 to 1 with every CAP member.

The equality, respect, and trust between CAP workers and CAP members enables us to achieve quite a remarkable success. From this foundation, each unit tries to solve its own problems, and at the same time I have seen there are great advances in self-esteem and unit or community spirit in the course of the year we have been in

operation.

During this summer CAP will be expanding and broadening its programs tremendously. First, we will be opening up two ice-cream parlors in June, and there is a possibility that we will be receiving a gas station franchise in Worcester. These businesses will provide valuable training, experience, and jobs for many CAP members. Second, we have set up a small summer camp for part-time, mostly weekend

use by the guys in our program.

Senator MATHIAS. Let me interrupt you for the benefit of the stenographer. Having a Massachusetts wife, when he says a "pot time" he means "part time." That might be an unfortunate mistake.

Go ahead.

Mr. Wolfe. Third, a small foster care operation will start this summer, allowing youngsters unable to live at home a chance to stay

in their own communities by living with the CAP unit leaders. CAP has gained the confidence and support of almost every group in Boston and Worcester: Parents, courts, police, and, most importantly, the kids. It has shown to be a viable alternative to institutionalization. Observers have called it the most creative, humane,

and successful program anywhere.

I would like to introduce the two guys to my right. John is in our Worcester program, and he has been in the program since January. We have gotten him a job. He works with some friends of his who are also in the program, and he attends our unit meetings and also runs around on the storefront as often as he wants. We have the storefront open about 100 hours a week, and we have a pool table, Ping-Pong table, where all the kids can hang around and talk, and also they have their advisers to talk to. He has been in Lyman School couple of times, and he had been in quite a bit of trouble; he has not been in the last 3 or 4 months.

Bill is in our Somerville unit of about eight kids. He has been in the program for a little bit longer. He was paroled from the forestry camp in November and has been in the program since. He also has a job now and is working quite well and will be wrapping up his parole relatively shortly. I have heard, also, from his counselor, that he is thinking seriously about returning to school and maybe playing

some ball next year.

I do not know if they want to make statements, but they will cer-

tainly be available for questions.

John, did you have anything you would like to say?

JOHN. When I first got out of Lyman, my parole officer, he told me, he said he was going to give me a job, get me back into school. I waited almost 3 months, and I never even seen him.

So, then, Scott's brother came to my house one day with his program, and he asked me if I wanted to join, and I said, "Yes." And, so, he told me he was going to get me a job and get me back into school.

So, so far they have gotten me a job, and I work every day, and, in fact, I missed today to come here. And they are getting me back in school in September.

Mr. Wolfe. Do you want to say something about the kinds of things

you have been doing?

John. Well, we have a group leader, and I have my own counselor. He takes me to his school, Park University, and we go to meetings with him—you know, and they take us horseback riding, to the movies, they take us to Boston, and since we live in Worcester that is a long ride. They take us to Boston to concerts, and they take us out to eat, you know, and they just try to help us all the ways they can.

Mr. Wolfe. How about the storefront?

We opened the storefront about a month ago, and it seems to be working very well, and when Dr. Miller came out, there must have been about 65 kids, including community kids who are not really associated with our program. They may, in the future be, but right now, you know, they just enjoy the facility, and I think it is proving that we can operate that kind of facility and that the kids will use it.

Bill, do you have something you would like to say?

BILL. No.

Mr. Wolfe. OK.

Senator Mathias. If I may, Mr. Chairman, within the storefront activities, within the ice cream parlors, how do you make contact with the kids who have a problem, the kids who want to approach their

adviser who may be a little hesitant about it?

Mr. Wolfe. As John said, he has a group leader who is in charge of about 10 kids. and 10 advisers, and he knows the telephone number, and he can call anytime. We have a hotline service that can be reached. He also has a personal adviser, a guy by the name of Doug Rutherford, who spends 15 to 25 hours a week with John, and they form a kind of relationship where, if he does have a problem, he can go to him.

There is also my brother who runs the storefront facility there, and he is there about 98 hours a week and quite available. John got a job through us, and he is doing well, and he would like to return to school.

Well, what we do is we try to do it, and this is the most important thing. If we lose any kids it is within the first 3 weeks, and that is because we just cannot form that kind of trust.

Senator Mariiias. The first 3 weeks?

Mr. Wolfe. The first 3 weeks of their entering the program. The reason is that some of the people we come into contact with just will not allow us to form that equality, trust, and respect we were referring to earlier.

After those 3 weeks, we have a pretty remarkable recidivism rate. It is less than 5 percent, and there are just very, very few people in the Somerville group which has been operating since November 1, and right now out of that group two of the individuals are now in the Marines, and one left just about a week ago. We had a great going-away party for him, and when he came into the program he had three out-

standing offenses. And we went to court with him, and we told the judge of his plans, and the judges generally support us. We have gained that kind of respect. They know we are not fooling around, that we are not just college kids out to write a paper, and that is generally how it is seen in all of the community.

We operate community-based programs where Billy and many of his friends he knows, all of the kids just from the street, meet together

three or four times a week.

Dr. MILLER. I might add here, Mr. Chairman, that these are boys that would normally be institutionalized. We are not talking now about a straight-out prevention program; we are talking about boys that can function very well in other programs that would normally be institutionalized.

Senator Bayh. Let me ask, if I might-

Senator Mathias. Just one other question, Mr. Chairman.

After you came out of—what school did you say?

Jони. Lyman, sir.

Senator Mathias. Lyman. How did you make contact with this

Did they come to you, or did you find them?

JOHN. They came to me.

Mr. Wolfe. We had been running programs in the Boston area for quite a while, but we had not really developed the kind of program in Worcester and the resources. In January, I went to Clark University, and I asked to set up a course there for about 35 to 40 students. In this way, I could get people that not only would be working for us but they would fill a commitment, mainly because they are getting credit for their work in school. They have to spend 15 hours a week in the field project, and they also spend about 10 to 15 hours a week in the classrooms studying these problem just in an open forum.

Senator Mathias. Let us back up just a minute to Lyman School. How was your experience there? Was it helpful?

John. It was not that helpful. The place I was before that, Roslindale, in Boston-

Senator BAYH. What was that again?

John. Roslindale, in Boston. Senator BAYH, Roslindale?

JOHN. Yes.

Senator Mathias. How about that?

JOHN. I went to Walpole to see someone and compared that to Roslindale, and I would rather be in Walpole.

Dr. Miller. Walpole is the adult penitentiary.

Senator Mathias. You thought that was a very bad experience? JOHN. Yes.

Senator Mathias. Why?

John. Well, they do not treat you like people. If they like, you now—it is dirty, it is a real dirty place. You cannot use anything hardly in there, and the showers are anything-they are broke, and they do not have them fixed or anything. They usually take—like when I went in there one boy was leaving, and he took his clothes aside, and they give you-you have to take off all of your outside clothes, and they give you dungarees and sneakers and things, and he took his off, and the man told me to put his on. He must have been there at least

2 months. It is not good at all.

Senator Mathias. The Lyman School was the better experience? John. Yes. They let you wear your outside clothes, and you could go out, off-grounds, too, with the college master if they wanted to go to the store or anything. The food up there was real good. It was not like instant things or anything like that.

Senator Mathias. You felt you really made some progress?

Senator BAYH. I would like for you to explain your personal experiences, John and Billy, to help us gain an understanding which we can only have by being there.

Now, the Lyman School for Boys, which is the oldest school in the

Nation, that is not a maximum security institution?

You closed that one down?

Mr. MILLER. That has been closed; yes.

Senator BAYH. Could both of you give me a general idea of what your previous experience has been with law violations and courts. What have you done that has been considered wrong and what has the judge done to you or for you?

Could you tell me a little about your family background so that we

can see how this related to your problems?

John. Well, see, when I moved from New York City to Worcester, I started knowing the wrong kind of people, older people, you know, and they wanted me to do this and do that, and, so, normally, I, you know, I just did it, and I got myself into trouble. And then——

Senator Bayh. How old were you when you first got into trouble?

JOHN. About 12.

Senator Bayh. How about you, Billy, how old were you?

BILLY, 12.

Senator Bayh. In other words, you were running around with older boys?

BILLY. No; I just got in with the wrong crowd. Senator BAYH. What did you do the first time?

BILLY. Stole a car.

Senator BAYH. A stolen car at the age of 12?

BILLY. Yes.

Senator BAYH. What happened, then?

BILLY. They gave me probation.

Senator BAYH. Were you living with your mother and father?

BILLY. Lived with my mother.

Senator BAYH. Did you have any brothers and sisters?

BILLY. Yes.

Senator BAYH. Pardon?

Billy, Yes.

Senator BAYH. How many?

BILLY. Seven.

Senator Bayn. Have any of them had any problems?

BILLY. No.

Senator BAYH. You were put on probation first, and then what happened after that?

Billy. I kept—I kept on stealing cars, and then——

Senator BAYH. And did you come before the court again?

BILLY. Yes.

Senator Bayh. How many different times?

BILLY. I think five.

Senator BAYH. Five times?

BILLY. Yes.

Senator Bayn. And were you put in an institution?

BILLY. I was put in the forestry camp.

Senator Barh. Forestry camp? What did you do or learn in the forestry camp?

BILLY. A lot. It is an Outward Bound program, and I went out in

the woods and stuff.

Senator BAYH. Did you continue to learn the type of things you learn in school or——

BILLY. No.

Senator Bayh. Is it some sort of an educational program that is involved with Outward Bound?

BILLY. No.

Senator BAYH. Well, John, could you give me a little more detail about what was the first thing you did wrong?

You say you started going around with older boys and doing what

they wanted you to do.

John. Yes. So, then, we started stealing cars, and breaking into places, and then seeing, I guess, how they were older they were always coming—you know, a little more afraid to do what I would do, you know, and, so, if I got caught or anything, none of them, none of them, would back me up or anything. They would always take off, and the last offense I had was when this 21-year-old guy, he stole a car, and he told me, and my brother and I, to go with him, you know, that he was going to do something.

So, about eight of us got in the car with him, and the State police stopped us and they caught us, and they put him in the Summer Street Jail in Worcester for 2 weeks and they put us in a county jail for a week and a half, awaiting trial, so all of us got tried together, even the adults and they let him go and gave me 6 months at Lyman School.

Senator BAYH. They let him go?

John. They let him go.

Senator Bayn. Are you living with your mother and father?

JOHN. Yes.

Senator BAYH. Do you have any brothers and sisters?

JOHN. Three brothers and six sisters.

Senator BAYH. Have they had any problems with the law?

John. My younger brother.

Mr. Wolfe. He is in the program also.

Senator BAYH. What type of job do you have now?

John. I work for the Model Cities cleanup, it is working with most of my friends and they have got jobs, too, and it is on Army trucks, and we clean up all of the neighborhoods in Worcester, in parts of Worcester.

Senator Bayn. How much do you make at that job?

JOHN. \$2 an hour.

Senator BAYH. How long have you had it?

John. About three weeks.

Senator Bays. What type of an experience have you had with your counselor?

John. Most of the time he is busy because it is coming toward the end of school, and he has exams. But, there are other counselors in our group that, you know, they take me along with the other ones, and they take us, but most of the time I have to, you know—I do not have to, but I call my counselor every day and get in touch with him to let him know what I am doing. He comes down to the storefront after he gets out of school, and I get out of work, most of the time, and he goes right across the street and we play basketball with a bunch of the guys and then I just go home, and we come back at night, and it stays open until about 9:30.

Senator BAYH. What do you do there?

JOHN. They have got a pool table, a lot of couches and things if you just want to sit around, ping-pong, and they have got a stereo set that you can listen to, they have got the radio going all the time.

Senator BAYH. How old are you now, John.

John. Sixteen.

Senator BAYH. What do you want to be doing next year and the year after?

John. I want to go back to school.

Senator BAYH. How about you, Billy, how old are you now?

BILLY. Sixteen.

Senator BAYH. Are you working on this model cities program?

BILLY. I work for a car wash. Senator BAYH. Pardon me?

BILLY. I work for a car wash. I am going back to school next year. Senator Bayh. What grade will you be in next year?

BILLY. Tenth.

Senator BAYH. Do you know what you want to do when you get out of high school?

BILLY. Not really.

Senator Bayn. But you do not want to go back to a place like Lyman? Billy. No.

Senator BAYH. What is it that you like better about the present program than you did about Lyman?

BILLY. Pardon me?

Senator BAYH. What is it you like about the present program; are you treated in a different way than you were being treated at forestry camp?

BILLY. You get more counseling. You are out on the streets and are

taken places. It is really better than forestry.

Senator Bayh. You really feel that you have somebody to lean on now and to listen to your problems.

BILLY. Yes.

Senator Bayh. The program has been operating since November, Mr. Wolfe?

Mr. Wolffe. We have been operating in Somerville since November, and in Worcester since January, but we have been operating in the Boston area since June.

Senator Bayh. How sophisticated a community do you have to have to make this kind of program work? Do you have to have a Harvard?

Mr. Wolfe. Well, as far as the people that are working for me, you know, they are truly wonderful people, college students who are

concerned, and as community figures, and people who have some spare time, they will help us out, and we need extra help, or if we need, you know, somebody to do some spotwork, maybe some casework, and we have some psychologists sort of working with us. The college students are certainly just a large, available pool of resources that just has not been tapped, and I think we can manage that with the extra sort of carrot of getting court credits and it is a little bit easier, and another sort of carrot of having some paid jobs for the more responsible people who can give more time, especially through Federal work-study grants, where I would pay 20 percent of their salary and the Government pays 80 percent, and they would work 15 or 20 hours a week and make \$40 that I would have to pay a percentage of it. This enables me to get quite a few concerned black kids into the program so that I can have black volunteers for each black kid in the program, and the same with the Spanish-speaking people.

Senator Bayh. You would work on a one-to-one basis?

Mr. Wolfe. We work on a one-to-one basis, but in a group atmosphere. In the Somerville group we have about eight kids. We have a group reader who is a work-study student, pre-med student from Ohio at Harvard, and Billy has a volunteer from the District of Columbia, a guy by the name of Frank who works with Billy individually. Billy also can come over to Peter's room whenever he wants, to that group leader and a lot of informal work, not always meeting in teams of eight kids and eight volunteers. Sometimes it would be five and five, and all of the kids do not like to go to concerts or the same concerts, so we can vary that. We had a camping trip to New Hamphire when everyone went. We have some activities one to one, three to three or eight to eight, or all of the kids in the programs.

Senator BAYH. I hate to bring up this pragmatic fact. What is your

estimated cost per capita per year?

Mr. Wolff. We receive from the State purchase of services at \$30 a week per kid. Of that \$30, \$5 goes directly back to them, in terms of allowance, spending money; \$5 goes into sort of administrative salaries, group reader salaries; \$5 goes into sort of the storefront facilities, the rent on that, the office, the hot line, and the remaining \$5 goes into the group expenses. We have referrals for dental care, mental health and psychological testing, and we beat the process of getting new clothes for kids during, you know, different seasons. And we also have the available resources so that when a guy from the District of Columbia is going home for Christmas vacation to New York, he can take his kid with him, you know, and stay there for a week.

Senator Bayn. You are talking about what, \$1,500 a year?

Mr. Wolfe. \$1,500 a year, correct.

Senator BAYH. Do you have the opportunity to deal with young people in the community before they get committed to the forest camp

or Lyman i

Mr. Wolfe. Recently, with sort of this confidence that has built up. At first we were a bunch of college kids who were not professional, and we were able to get the parolees from the reform school by mainly saying, listen, parole officers just do not have time, they have large caseloads, they do not have the time to spend doing the things which we think are very important, and so all we are doing is providing an extra service for these kids. Now, as far as kids on probation or predelin-

quents, recently we have been getting some referrals from the court. The court will call, a judge will call us up and say, would you handle this guy, and in the Somerville group already there are a couple of kids who have not been committed to the Department of Youth Services, and have had just a couple of experiences with the court. But come to the program, and we do not get funded for them, but we are certainly not going to tell them to leave. In the storefront in Worcester, there may be 30 kids in our program in the storefront at one time, but there may also be 10 kids just from the community. So, the problem is funding, and that is that the courts do not seem to have the money. The Department recently has instituted a way so that court referrals can be made to the Department, but that has to be done on a small level since there are 13,000 probationers in Massachusetts. It is very select. One of our guys has a brother on probation and his brother has entered the program, but other than that it is a strain on our resources. But, since we are funded \$30 per kid, not in terms of a large grant, we cannot be as selective with what we are working with.

Senator Bayh. I do not know whether I should direct this question to you or some of the other gentlemen. Has any effort been made to try to utilize other citizens in the community, other than college students? For example, the Jaycees in Indiana are starting a program which is totally volunteer, without any remuneration. They want to start a big brother-type operation. Is there not a role for these kind of

volunteers?

Mr. Leavey. I think I can answer that. In addition to the college program we are talking about, we also have a 1-to-1 parole, volunteer program which also has over 100 volunteers now, and these people work with, in the same kind of structured setting we are talking about with Scott, but they do take on the responsibility of one youth. This varies sometimes, and it could be a youth who needs tutoring help, or it could be a youth who has even say a special medical problem, and he is going to have to go to the doctor once a week. We ran a very small ad in the newspaper one time just about volunteers, and we were swamped with phone calls. The program, Scott's program, actually did start out as a straight 1-to-1 complete volunteer program, but we then decided to do-what we decided to do was try to give it some funding so they could set up more activities for the youth, but the response has been tremendous. We also have a very good response from the clerk, the sisters, and the priests in our State, some seminarians, and they are definitely coming to the fore. Also, there are quite a few colleges now that are coming to us, and they want to get involved, and they want to just say, we are here to volunteer, we want to help out. Plus, when they start hearing about the program we have with Scott, they want to set up something comparable to that.

Senator BAYH. Give me some idea of the size of the job here. Mr. Wolfe mentioned 13,000 probation cases. In a State the size of Massachusetts, how many young people would come into some sort of confrontation with the law during a year's period? How many could

utilize this kind of service?

Mr. Leavey. You would be including all police arrests? Senator Bayh. Yes. Is there any way of judging that?

Mr. Schuchter. The 25,000 juveniles, 25,000 are handled by the juvenile courts in the States, and it is estimated that only one out of four

who have contacts with the police actually go through the court process. So, we might be talking about 100,000 juveniles who have some contact with the law. Out of the 25,000 juveniles who go through the courts, 13,000 roughly at any given time are on probation. As far as the Department is concerned, the commitment to the Department, of adjudicated delinquents, averages around 1,200 or 1,300 a year at any given time, and we have had about 1,200 or 1,300 in a parole status, which is, I think, about what we have now. So, we are really dealing with the bottom-type of a pyramid of potential population.

Mr. Miller. I think if we can show that with our youngsters we can provide alternatives that there is no question that these alternatives can be provided for the vast bulk of youngsters, because we are supposed to have the worst, and I stress this is not my view; but when I came here I was told, you know, "Your Department has the worst kids in the State." They are supposed to be the kids that have gone through the

whole system.

With reference to the volunteers, as you may be aware, Senator Bayh, some other countries stress that a great deal. Japan, for instance, has virtually all of its adult parole done by volunteers, adult and juvenile parole. One of the sources of volunteers that was not mentioned, that is one of our best group of volunteers, are senior citizens, which may be something of a surprise, but they do beautifully with our youngsters. And we have been able to make arrangements with senior citizens groups, and they have been able to deal with youngsters that people

their parents' age could not deal with.

Mr. Wolfe. Let me just add one other thing. When we started out our program in, let us say, the East Boston area, I did have most of my own people who were trained to work down there. As we sort of became more and more visible; and we certainly are, the kids are on the street and they are not getting in trouble, community people would come to us and offer their services. I have a guy who spent some time at Dare Island and he has been working now very closely with the East Boston program. We have other people in the same kind of situation. Sometimes parents of the kids would come. We have basketball games, and we had a referee, and we had a television crew that came down to film the game of East Boston's group against another group and there must have been 50 spectators from the community coming down, and our kids do not play basketball all that well, but it is just the idea of this team spirit, and community spirit, which has just developed phenomenally.

Senator Bayn. You mentioned that you lost less than 5 percent after

the first 8 weeks?

Mr. Wolfe. Right.

Senator BAYH. Is there any special attention we can give to that first

8-week period ! How many do you lose in that first 8 weeks!

Mr. Wolfe. Oh, in the first 3-week period is where we first go out and interview the guy, or the girl, and his parents, and try to find out, try to have a general understanding of what his total situation is, as far as his problems with the courts, his social history, his school history, and his desire or plans for the future. During that period, most of the kids that are lost are just kids that say, you know, we do not really need you, or people that just are not willing to spend the kind of time we want with the group. I would say that out of the kids we inter-

view, 15 to 20 percent of them just are not interested, and most of them we sort of ask them to try it for 3 weeks, and after 3 weeks they can drop out. Of those, maybe 5 percent do, and many of them stay. After the first 3 weeks, we do not have many, or any dropouts from the programs. Even when a kid wraps up his parole, a couple of them have asked their parole officers to keep them on parole so they can continue to get their services, the services we can render, and they feel that since there is this problem of not being able to find many poor kids that just do not have that-have not been committed to the department or already have been discharged, they feel they want to retain their parole status just so they can continue on the program.

Senator Bayir. It is certainly an anemic system where a child has to be made a ward of the court in order to get the kind of services he needs as a human being. We are trying to change that kind of situation with this legislation, S. 3148, and with the help of farsighted State

officials like yourself.

Let me deal with some practical questions, if I may, from the administrative standpoint. Several of you have emphasized the political problem when an institution assumes an identity of its own. In existing facilities, staff have a vested interest in maintaining the status quo. Is there some way we can use a significant amount of these existing facilities or personnel in the new program? Is there necessarily a direct conflict? I am thinking of a way to lessen the opposition that is going

to exist in the community.

Dr. Miller. We have tried that, and I think with some mixed success, Senator Bayh. We have arranged, for instance, in our move from institutions for alternative assignments for all of the institutional staff into the community, such things as parole aides, helping out in our regional offices. A couple of my own staff, I believe, are working with Scott and his storefronts, and I know to a large extent that has helped, although very often, when you get into an institution, which has existed a long time, you get into a whole life style that is very, very difficult to change, and it lends itself to some problems. But, it is, I think, something that can be lessened by finding these alternatives, and over a period of time. However, I think one needs less staff in the community programs, and maybe by attrition allow that funding to go over to purchase of care, because the institutions are quite expensive. For instance, of our approximately \$12 million, between \$12 and \$13 million budget, \$9 million of it is taken up in institutions and institutional staff salaries, so that you are dealing with very few flexible funds when you are moving into this kind of a program.

Senator Bayn, Pardon me, \$9 million out of \$12 million? Dr. Miller. 80 million out of between \$12 and \$18 million.

Sonator BAYH. You said institutions and staff salaries?

Dr. Miller. Yes, yes. Sonator Bayn, Can you differentiate between the two?

Dr. Miller. In running the institutions and paying the salaries of the staff that staffs the institutions.

Senator Barin What I was wondering is you were talking about maybe food, medical care, recreational services, and other things.

Dr. Miller. That is interesting. There is not that much involved in that, and that is where we have had a major political problem in the past few weeks in Massachusetts. We tried to get a transfer of the money from the closed institutions into the community, flexible funds that were involved in food, clothing, this sort of thing, and it amounted to about \$1 million. That was taken out of the budget, although the staff was kept in, so that we were actually running the Department in the community now without these institutions, and we are running it on about \$2.5 million versus about \$0 million to keep the kids in the institutions. Now, we will not be able to do that for long. We will be in dire straits, although if we were entirely out of institutions and had the flexible funds we could run the Department probably for about \$6 million—\$5 million or \$6 million—in the community.

Senator Bayn. You talked about 500 young people that were institutionalized when you shut down the institutions, and I think you said 20 of them now are still institutionalized. Is that about the ratio of children who need maximum security care, or is it higher than

that?

Dr. Miller. Those 20 are still in one of the training schools. In terms of those needing maximum security, taking the round figure of a thousand youngsters who formerly would have been institutionalized in the old days, we do not feel that we should have evermore than 20 in a maximum security unit. Now, that is a figure, I think, that many States would not agree with, that they would want the figure higher.

Senator Baym. Two percent?

Dr. Miller. I think the need for maximum security is vastly overrated. When we closed Bridgewater, it always had run around 100 or 120 boys at Bridgewater, supposedly this was our maximum security center for the most dangerous kids in the department. And the week we closed it, 65 were left in it, and of the 65, 45 were there because they had management problems at other institutions, not because of any particular heinous crime. And when you distill that number down in terms of violent crimes, the remaining 20 or so, it again could be dissected out. It is very unusual to field a youngster who is dangerous at all times under all conditions and all circumstances with all people. People are dangerous at a given time, with given people, under given circumstances.

Senator Baym. Well, of course, I think we have to be careful when we close down an institution that you protect society from any dan-

gerous individual.

Dr. Muller. Yes, Well, we did that. But, what I am suggesting is that we distilled it down so rather than having 65, we ended up with about, I believe, 15 being kept in a closed setting.

Senator Bayir, Now what has happened? How long has Bridge-

water been closed?

Dr. Millen. It has been closed 2 years.

Senator Bayn. What has happened to those maximum security

cases? How many have committed serious crimes?

Dr. Miller. We are not aware of any. In the old days when they came out of Bridgewater after doing a certain number of years and then leave, we had more problems. In fact, I think, times have been much calmer without that maximum security unit. Now, we have in Boston a small maximum security unit, in which there are about 15 or 16 youngsters. We contract with a private psychiatric group to provide some of the services in this, including the on-the-floor staffing

and they are very much in control of it. And what we would like to do for those few kids who are a danger to society in terms of danger to persons, we want to provide for them the options that have always been provided for wealthy dangerous; that is, a private psychiatric placement. As you may be aware, I think if you were to go to any private psychiatric hospital around the country to Chestnut Lodge in Rockville or the Institute for Living at Yale, or the others in the country, you would find a fair number of people there who committed serious offenses, but they are affluent, and I think we would prefer to expend a great deal of money on this smaller percentage of kids to provide a decent sort of care rather than to keep them under lock, say.

Senator Bayii. Could you give us a general description of these

juveniles?

Dr. Miller. The crimes of violence towards persons, serious assaults, murder, rape, manslaughter, this sort of thing, and, incidentally, there are very few youngsters who come to us under those offenses in terms of the total number. And then there are a few youngsters who for emotional reasons, even though they may not have committed a terribly serious crime, are potentially dangerous, and we have to provide options for them. But, I am not sure that the option in all of those cases, even for dangerous people, is always the maximum security at all times, but it is maximum security at the appropriate time to be

able to learn and mature.

The kind of rut that you get caught in as a correctional administrator is that it is very easy to look people up and to survive as an administrator, and the blame is never put on you—if you lock someone up sufficiently long, that is. I can remember in my first couple of weeks in the job a boy out of Bridgewater shot a Boston policeman, and I thought, the papers would be calling, and they would be on my back. No one said a thing, because he had done a great deal of time in Bridgewater. He had done his time, so to speak. Now, that seems to me to be a real fallacy, if, in fact, he had done a year or a couple of years in a unit of ours, and then he would come out and get involved in more serious crimes. I think we need to share that sort of responsibility, and it is one of those risks that I don't feel that the new programs are ultimately, a risk. Without the large maximum security unit, I think we have deescalated the amount of violence in the Department generally, just as without a training school we have youngsters in less trapped situations where there are less "either/or" type situations.

Senator BAYH. Let me ask one last question. The orginal decision was made to close down these institutions in November of 1969, is that accurate? We are halfway through May of 1972, and that is about two and one-half years. What has been the recidivism record of those young people who have been handled under the new program, as compared to the similar Massachusetts experience prior to this new pro-

gram?

Dr. Miller. I think it is still too early to give definitive figures, but I think that generally there is no question that the recidivism rate in the small settings is lower, significantly lower than it was in the institutions. And the recidivism rate in programs, such as Scott's is, you know, very, very much lower. And I do not think there will be any question that the figures will bear us out on this. The Harvard Institute for Criminal Justice is doing a five-year study of the Department

and will have some very solid figures to document this as the years go by.

Senator Bayn. Give us some appraisal, would you?

Dr. Miller. I would say generally a group home recidivism rate in group homes we would get about 15 to 20 percent versus 60 to 80 percent in institutions. In Scott's program it is lower than that. It is probably 5 to 12 percent. I think over a couple of years, we may see it go up as high as 30 percent, and even then we have cut by more than onehalf, the old recidivism rate. In addition to that, my feeling is that even if we were to find our recidivism remain the same as it was in institutions we would be doing the right thing, in what we are doing, and we would not be destroying ourselves. We would be running a system where we know we tried our best to treat people humanely. I do not think there is any excuse for continuing what we have been doing for the last 100 years.

Senator Bayii. Well, that is a good and appropriate note to end on, Dr. Miller, I appreciate your taking the time to share with us your thoughts. I hope we can keep in touch in the months ahead, at a staff level. I would particularly like for all of you to give us some thoughts as you get back on avoiding unnecessary bureaucracy. The governmental bureaucracy should not spill out and infect voluntary agencies so that they are no longer effective in working with youth. I hope you will keep us informed about your progress in creating community-based programs for juveniles so that S. 3148 can continue to benefit

from your experience.

Thank you very much, gentleman. We appreciate it.

(Additional information supplied by Massachusetts witnesses for the record is as follows:)

[Boston Globe, Thursday, Jan. 18, 1972]

Mass. Will Close Lyman, Lancaster Training Schools

(By F. B. Thayer, Jr.)

WESTBORO.—The Lyman School for Boys is closing Monday as a training school for delinquent teenagers.

Opened in 1848 on a 500-acro farm on Rtc. 9 here, Lyman is the second reform

school for boys to be phased out by the state Dept. of Youth Services.

The Industrial School for Boys in Shirley, opened in 1909, was closed Jan. 1,

except for its privately-run drug rehabilitation program.

The Youth Services Dept. plans to close its third large institution, the Industrial School for Girls in Lancaster, by the end of April. Lancaster has been

a training school since 1857.

Youngsters formerly housed at Lyman and the other schools are to be moved into community-based programs, including foster homes and group homes. Already, 175 boys and girls are living in group homes scattered throughout the state.

"It represents a move away from large impersonal settings and a move toward treatment programs that have often been talked about," Youth Services Comr. Jerome G. Miller said yesterday.

"I don't think any of the training schools will be missed. We have to have settings that treat kids and hold the failure rate down. Institutions don't do

Beginning Monday, 50 boys from Lyman, joined by two dozen girls from Lancaster and the Westfield Detention Center, will spend the next month on the University of Massachusetts Amherst campus.

Each boy and girl will have an "advocate," a UMass, student from his home town. The students, at \$40 a week, will counsel the youngsters and help find them a suitable place to live after the college period ends.

There will be discussion groups on such topics as drug therapy and education, trips with advocates to the youngsters' home communities, entertainment and recreation.

"The conference will deal with problems that face kids in trouble," said Arnold

Schucter, director of planning for the Youth Services Dept.

Schuchter said the conference was designed by Lawrence Dye, a UMass, professor of education and Youth Services consultant, endorsed by Dean Dwight Allen of the School of Education and is being sponsored by the Recognized Student Organizations.

Although Lyman closes Monday as a training school, it will still have 35 girls and 20 boys in separate detention cottages until early February. Youngsters in

detention status are awaiting court disposition of their cases.

Comr. Miller said the concentration on community-based treatment will enable his department to put the Youth Services Forestry Camp in East Brewster on Cape Cod at the disposal of juvenile court judges and probation officers.

By reducing the camp's Homewardbound confidence-building course from eight weeks to five, Comr. Miller said, the program could accommodate 850 boys a year.
"The forestry camp was really just to save our kids from institutions anyway," Miller said. "Now that the kids will all be back in the community, we don't need it."

[Boston Globe, Tuesday, Jan. 18, 1972]

LYMAN SCHOOL SHUTDOWN BEGINS

(By F. B. Thayer, Jr.)

Westrono.—Their belongings stuffed into shopping bags and cardboard cartons, 87 teenagers left confinement at the Lyman School for Boys yesterday for a one-month conference called JOE at the University of Massachusetts in Amherst.

JOH stands for Juvenile Opportunities Extension. Its opening at UMass marked the beginning of the end for the Lyman facility after 124 years as a reform school

for delinquent or neglected youth.

"They should close all the training schools," remarked Ricky, a 10-year-old from Brockton, as he left Westview Cottage with 10 other boys; "They're not doing the kids any good."

Comr. Jerome G. Miller of the state Department of Youth Services agrees. By the end of April, he plans to shut down the last of three large institutions recently slated for closing, the Industrial School for Girls in Lancaster.

The Industrial School for Boys in Shirley closed Jan. 1.

Joining yesterday's exodus from Lyman were 10 other boys paroled to their

home communities or halfway houses.

Last night there were 42 boys and 35 girls at Lyman. All of them will be gone by mid-February, according to Youth Service officials. In the mid-1960s, Lyman housed 500 boys.

The UMass conference, which also is drawing two dozen girls from Lancaster and two dozen boys and girls from the Westfield Detention Center, is designed to help the youngsters confront their problems with the aid of UMass student advocates. The students will help the young people find a place to live in the community once the university solourn ends.

Gov. Sargent has scheduled a visit tomorrow morning at the UMass Campus, JOE's headquarters. (Joe is also the first name of a boy who helped plan the

conference.)

After a lunch in Hampden Dining Commons yesterday, UMass Prof. Larry L. Dye, 20, an alumnus of the California correctional system and JOE director, of-

fered the youth some advice.

"Don't screw yourself by splitting," Dye said. "Let's negotiate. Let's work it out. Come with your advocate. I'll be available 24 hours a day for the next month. You're all technically on parole, If you think you should be home, come see me with your advocate and we'll negotiate it."

Among other negotiable features of the conference, Dye told the youths, were group trips to New York City and skiing excursions to the Berkshires or Vermont.

With each youngster living in a dorm or off-campus housing with his advocate, the conference offers a mixture of recreation, entertainment and discussion of such topics as drugs, racism, prisons, family relations, employment and youth rights.

Every weekend, each youngster will visit his home town with his advocate to

explore local resources and placement possibilities.

"This is a revolution in rehabilitating delinquents," said Steve, 16, who wears long hair and an American flag sewn to his jacket. "I know how screwed up kids coming out of industrial schools are," he added: "I didn't know how to steal a car until I went there."

[Hampshire Gazette, Feb. 15, 1972]

JOE WINDS UP: OFFICIALS PRAISE IT

(By Stephen Smith)

AMBERST,-"One of the finest things I've seen at this university in many a year"-"tremendously successful"-"the program itself exceeded our expectations of success by a wide margin."

These were some of the accolades given the recently completed JOE (Juvenile Opportunity Extension) program by Asst. Dean of Students Gerald Scanlon, JOE co-ordinator Larry Dye, and Dean of Students William Field at a press conference

In contrast with the program's rave reviews, Dye noted that it was probably the first and last of its kind here. He explained that with the Department of Youth Services' decision to phase out juvenile correctional institutions and to establish residential treatment centers, "it will not be necessary to use this concept again in the state of Magazehanetta". in the state of Massachusetts.

While JOE's day in the sun in Massachusetts was of relatively short duration, Dye predicted that "the implications for other states . . . are tremendous." There are currently 80,000 youngsters confined to 284 juvenile correction institutions

across the country.

The month-long rehabilitation and social reorientation program for youths aged 15 to 17 officially ended Sunday. During their stay, each teenager was assigned a student "advocate" who counseled them on a one-to-one basis,

Th goals of the project were to provide a "buffer" before the youngsters re-turned to society from institutional settings and to arrange home placements

after they left the University.

JOH was originally planned to accommodate 75 youths, but it ultimately swelled to 10). The majority came from three state correctional facilities (Lyman, Lancaster, and Westfield), while six youths came in "off-the-run" and several others from unsatisfactory home placements.

The principal yardstick of success—the recidivism rate, which stands at an astronomical 75 percent for juvenile offenders nationally—pends follow-up studies, according to Dyo. He predicted, however, that 75 percent of the JOE youths would get back on the right track, and added that "If we get 50 percent, we'd be batting at twice the national average."

The only yardstick that can be used to measure success at present, said Dye, was home placement statistics. The JOE chief felt that the program had sur-

passed the Department of Youth Services in this respect.

Dye reported the following: 41 youths returned to their own homes, 11 were placed in foster-care home environments, and 34 were placed in group homes. In addition, seven youngsters were returned to institutions, two of whom into "closely security programs," and six are on runaway status. Dye said five of the latter group had failed to return to the progam fom weekends spent with their families.

Asked what change he would make if he had to do it all over again. Dye said he would institute "a little bit stronger selection and training process for both

the advocate and the kid."

He explained that "difficult situations" had been encountered with about 18 advocate youth relationships, with "not more than 10" advocates having to be dropped from the program and others switched around.

However, much of the praise for JOE's success was directed to the advocates. Dre pointed to the constructive channeling of the students' idealism: "Here we saw the student take on a new sense of responsibility, a responsibility for another

Field felt the work of the advocates had awakened the campus to the whole issue of young people and their development. All over the University, said Field, there is "a new sense of understanding because those students this year, with

the staff, took the first big gamble."

The program was not without its rough spots, however, especially during its first two weeks when it suffered several widely-publicized mishaps. Dye said that a total of 12 youths had been involved in incidents, "ranging from the drinking incident to stolen cars to breaking and entering." He noted that five of these youngsters had been returned to institutions.

Although the program is technically over, Dye commented that "I don't see us out of the service ballgame." He explained that many advocates, as well as

himself, were still in contact with JOE alumni.

"We have an obligation to follow up on our commitment," he said, maintaining that JOE personnel were "just getting into it."

[Holyoke (Mass.) Transcript-Telegram, Thursday, Feb. 3, 1972]

Youth Services Gets \$826,760 Anti-Crime Grant

Boston.—The Sargent administration today announced the Department of Youth Services has been awarded \$320,760 in federal anti-crime funds for project expansion.

Gov. Francis W. Sargent's office said the grants are intended to initiate and expand two projects in the department's recently announced deinstitutionaliza-

Some \$285,000 will pay the initial set up costs and operation of 20 group homes across the state, the announcement said. The entire project is expected to cost

about \$1 million.

Some \$91,000 will provide specialized equipment and training material for the "homeward bound" program ,which provides boys an opportunity to participate in outdoor recreational activities.

[The Evening Casette]

LYMAN SCHOOL TO SHUT MONDAY

(By Jan Curley)

WESTBORO.—The Lyman School on Route 9 will close Monday as a training school for delinquent boys.

Arnold Schucker, director of planning for the Youth Services Department, made

the announcement today.

Schucter said that by mid-February, the boys and girls who do not leave Mon-

day will also be moved and the school will be empty.

The school, opened in 1848, is the second training center to be phased out this year. The Industrial School for Boys in Shirley was closed Jan. 1 with the exception of its privately-run drug rehabilitation program.

Schucter said there are about 80 boys and 80 girls at Lyman now. The school

went coed in May, 1970.

Most of the boys will be moved Monday. "There will be some youngsters still there," Schucter said, "but we're not sure how many." The boys are being moved into group homes across the state, or paroled to homes. The remainder, he said, who don't need secure care, will go to the University of Massachusetts in Amherst.

The school of education and a newly organized student group, Juvenile Opportunity Extension, which is involved in volunteer work at the Westfield Detention

Center for Girls, will work with the boys.

Students from the home towns of the boys will become advocates, counseling the boys and helping to find a suitable place for them when classes at UMass end this spring. The advocates will arrive in about 40 to 50 cars Monday at the school to pick up the boys.

There will be group discussions on such things as drug therapy and education, trips with the advocates to their hometowns, entertainment and recreation. The boys will live in school dormitories. Girls from Westfield Detention Center

will also be in the program.

Girls at Hillside Cottage at Lyman School are stil lon detention status awaiting disposition of their cases, Schucter said. They will remain at the school for the time being, but will be gradually moved to foster homes.

Some of the boys will also remain at Lyman School, those "who are more disturbed and considered more dangerous to themselves," Schucter said. Intensive care facilities are being developed for them, and they will be gone by mid-

February

He said there are no plans at present for use of Lyman. The newly formed Human Services Department will be involved in making that decision. "We will only be contributing to it," Schucter said. "We will be looking at the school in terms of its value to human services."

[From the Telegram Westboro Bureau]

LYMAN STUDENTS TO JOIN UMASS PROGRAM

(By Jan Curley)

Westboro.—The arrival Monday of a caravan of cars at Lyman School will mark the end of institutional life for some boys and the start of JOE II, a way back into the community.

JOE II, Juveniles Opportunity Extension, is a student-run organization at the University of Massachusetts in Amherat. The group was organized in October. JOE I volunteers have been working for a year with girls from the Westfield Detention Center.

Mrs. Cindy Dunbar, a senior at UMass majoring in elementary education, was instrumental in organizing JOM I and II. The student senate voted \$700 in funds

for travel and \$200 for educational supplies for the group.

Mrs. Dunbar said JOE became involved in the layman program through Edward Boudelmann, Region One Commissioner for the Department of Youth Services (YSD). She said he approached them because of their affiliation with Westfield Detention Center and because they had been trying to find out where the JOE volunteers would be the most useful. "When the plan was proposed in Boston, he thought of us," she said.

"Advocates"

JOE has 125 volunteers and about 75 in JOE II who will become "advocates"

to the boys from Lyman and the girls from Westfield.

The month-long program at UMass is being called a conference. The advocates will be with their charges for 24 hours a day, "Because of the 24 hour intensive care they will receive," Mrs. Dunbar said, "we will build up a trust with the youths and work to get them back into the community, in their own homes, a half-way house or a foster home."

When the youths are back in the communities, they will be going to school or involved in a work study program which will be arranged before leaving UMass Feb. 18, she said. The advocates and their charges will have the same hometown, if possible. They will see the boys and girls once a week after leaving UMass and be available should they need help.

Dormitories

Arrangements have been made so the youths can live in the dormitories with their advocates and they will also eat in the dining commons with them. Not all students live in dorms, though, and the youths will be worked into whatever kind of living situation the advocates have, School administrators, area coordinators and heads of residences have been very helpful, she said. "They want to see the program work well."

The students will be given \$40 a week by the state for expenses which will be used to buy incidentals for the charges and also to provide entertainment such as

movie

The advocates will try to negotiate with their professors to make up work in classes on their own for the next two weeks. In some cases, the advocate will be able to bring the boy or girl to class. There are also back up people so at all times there will be a one to one relationship between the advocate and the youth. Some of the youths could also become involved in the University Without Walls where courses are taught in a less formal atmosphere than a classroom.

Those who wanted to become advocates submitted applications. Personal interviews were conducted by Mrs. Dunbar and two JOE workers, Miss Patricia Cutts

and Ernest Reis.

(From the New York Times, Jan. 31, 1972)

MASSACHUSETTS REFORMS TO DOOM YOUTH PRISONS

By Bill Kovach)

AMHERST,—Massachusetts is moving rapidly ahead with a program to abolish institutions for juvenile offenders and to replace them with community-based work and educational programs.

The program, in the formative stages for nearly two years, is designed to, within the next six months, make this the first state to abolish all juvenile

prisons.

The experiment is being closely watched by penologists and social workers around the country and has received Federal grants for its implementation.

In the last two months, three juvenile institutions—including the nation's oldest jalls for boys and girls—have been closed and over 200 of the state's 800 young offenders are in community-based facilities.

According to Dr. Jerome G. Miller, commissioner of the Youth Services Department, who directs the effort, the only way to reform the penal system is to dis-

mantle its institutions.

"We made a basic decision after I took this job two years ago," Dr. Miller explained, "that it would do no good to pump more money and more programs into the existing system because the system can chew up reforms faster than you can dream up new ones. It is a sick system that destroys the best efforts of everyone in it and we decided to look for alternatives."

Among other criticisms noted by Dr. Miller in his analysis of the existing juve-

nile penal system were:

TRecidivism (the return to jail of former inmates) ranged from 60 to 80 per cent in the juvenile institutions.

Brutality was common in even the most "enlightened" institutions.

The per capita cost of jailing a juvenile for a year was about \$10,000, or, as Dr. Miller observed, "enough to send a child to Harvard with a \$100-a-week allowance, a summer vacation in Europe, and once a-week psychotherapy."

ance, a summer vacation in Europe, and once-a-week psychotherapy."

Most of that money was required to maintain the institutions and, he decided, it could be better spent for more personal work with the youthful offender in a program designed to integrate him into the community rather than to segregate him.

A PROMISING PROGRAM

One of the most interesting and promising programs offered as an alternative to buildings and bars is a program at the University of Massachusetts campus here called Juvenile Opportunities Extension, or JOH.

Directed by Larry L. Dye, a graduate student, JOE is funded and run by the students and is part of a major effort by the students to involve themselves in community affairs. Through JOE, 100 former inmates of the now-closed juvenile prisons are paired up with student volunteers from their home community.

prisons are paired up with student volunteers from their home community.

The juvenile and the student (called an advocate) live together in dormitories or apartments and work together to find a way to bring the juvenile back to his local community. During a month-long program, the juvenile and the student are expected to develop a living arrangement, at home if possible, and educational or employment schedule.

"In short, the student advocate is a person who will go to bat for someone who may never have had anyone to go to bat for him before," explains Mr. Dye.

180 IN GROUP HOMES

Another 180 former juvenile immates are being housed in group homes around the state, where they are directed and supervised by foster parents. Some of the larger group homes have staffs enlarged by the addition of state employes who formerly worked at the institutions that have now been closed.

formerly worked at the institutions that have now been closed.
"Whatever the arrangement," Dr. Miller said, "the thrust is the same—to get the kid out of an impersonal institution and into a more personal situation where

he or she can be worked with more intensively."

With a grant from the Law Enforcement Assistance Administration, Dr. Miller expects to have enough group homes in operation within six months to absorb all those juveniles now in the remaining state institutions. And, he plans to open those by "purchase of service" from private groups like the Y.M.C.A., self-help narcotics treatment centers and other existing agencies.

"We have made a study and found that because of the politics and patronage, civil service requirements and the general bureaucracy it would cost \$200,000 for each home operated by the state," Dr. Miller said.
"We can buy the same service from a private organization for \$85,000 and have

the added benefit of being able to cut off any that we find unsatisfactory."

Although his program has strong support from Gov. Francis W. Sargent, a Republican, and the Democratic Speaker of the House, David Barkley, Dr. Miller has already begun to feel political pressure against his program. Some legislators complain that he is "to liberal" or that he is "moving too far, too fast." There is also resistance from the interests that have over the years, become vested in maintenance and supply at the large juvenile institutions.

"None of these has yet built to the point they threaten the program." Dr. Miller says record we develop and the cost savings that we will be able to show will

head off any serious threat in the future."

Among those watching the program for signs of national applications is John Conrad, supervising research sociologist for the National Institute of Law

Enforcement and Criminal Justice in Washington.

'I applaud the courage and general vision that this decision by Dr. Miller to irroversibly inactivate all youth corrections institutions." Mr. Conrad said. "The objectives are so important that many of us in the corrections field are very anxious to see it work. Juvenile corrections has been a revolving door affair for many years--it has been aimless and useless.

"The system takes kids off the street, classifies them in ways that mean nothing, keep them in an institution for eight to twelve months, and delude ourselves that we are protecting society. What we really do is raise a group of reformatorytrained kids in an extremely bad social and psycholigical atmosphere and turn

them lose again."

THE BOLDEST ATTEMPT

The Massachusetts experiment, Mr. Conrad said, is the boldest attempt to change the system of juvenile corrections in the country. Washington, Minnesota and California are also experimenting with programs to eventually eliminate

juvenile jails, "but no one is moving so fast as Massachusetts."

A program similar to JOH has been established for those juveniles who are paroled directly from court. Through the use of volunteers—mostly college students-100 parolees are assigned to the students on a one-to-one basis. The volunteer spends three nights a week with his parolee and all day Saturday or Sunday. During three months of the operation only two of the juveniles have jumped parole, a figure juvenile authorities in the state say is encouraging.

The most critical part of the dismantling of the custodial system has been the designing of a program for those juveniles returned to their community. State officials estimate that there are about 30 such dangerous juveniles in the delinquent population. Plans now call for these to be kept in closed institutions.

"Eventually, however, I hope to be able to work out a program to get them into private psychiatric facilities. They all are in need of intensive care and therapy and we hope to get them where they can be worked with and, hopefully, back to their communities," Dr. Miller said.

"In short," he concludes, "it is our hope to provide each child committed to us

with a specific treatment plan geared to his or her personal needs. And, to conduct that treatment in the community where the child is eventually going to live,"

[From the Collegian, Jan. 24, 1972]

University Volunteers Needed

A Personal View

JOB Program Needed

(By Janico Gamache)

Didi is small for her age—only 4'10". A lot of the other kids call her "Shrimp" in fun. She retorts with a shove or a whack on the arm—this in fun too.

She's really an attractive girl with light brown hair and hazel eyes that dance when she's relating something that turns her on. Someone that doesn't care to look beneath the surface in people would only see the wrestling, only hear the

swears that try to convince you of how tough she is.

She's like many of the kids committed to the Department of Youth Serviceskids who've been around and seen a lot for their age, who want to make you believe that they're really where it's at and invulnerable to you . . . who may even take pleasure in seeing that you fear them. But basically, she's like you and every other human being that ever lived. Though she's painted her exterior in

defense, she wants you, she wants someone to love, care and understand.

You may be curious about some of the young faces that you see around campus in the next few weeks. But then, you may have already read about them, or heard or even seen them on T.V. While most of you were taking exams or away on vacation, a small task force worked many long days setting up what is now the JOE II National Conference on Juvenile Delinquency and Crime, and

since then UMass just hasn't been the same.

Starting January 18 and 14 students from Hampshire College and UMass attended precenterence advocate training—training we would need once the kida got here, and that was not iong—Monday, January 17. This day a motorcade of cars left campus at 7 A.M. to drive to the Lyman School in Northboro, and initiate what will hopefully be looked back upon as the beginning of the end.

For on Monday we closed the Lyman School, and in so doing took the first step

in abolishing punitive child maintenance and incarceration, and established what

we hope to be a successful model of rehabilitation.

The idea is not really now. Westfield Detention Center has been doing basically the same thing for quite some time. What is new is the media's interest in such a program, creating a greater awareness of existing problems and helping to

disperse information relevant to possible solutions.

This past Wednesday also saw an influx of new people. Twelve girls from Lancaster School for Girls joined those already at the University from Lyman, Westfield, and the new boys from Roslindale. Here to greet them were Governor Sargent and his wife who spent a few hours talking with them, advocates, staff, and press. Particularly interested in seeing where youth and student heads were at, each discussed present situations and future hopes in great detail. As Governor Sargent expressed his sentiments: "We're making waves here in Mass. I think that the advocates are going to learn and really have a chance to do something for the young people."

This brings us to an aspect of the program that I feel to be a real plus; for once this is not the federal or state government administering to the social needs of the people. People helping people—that's what JOE II is all about Each visiting youth is paired with a student advocate, one of the main objectives being the development of a personal relationship that affords the student knowledge of the youth's needs and wants. With this awareness of the youth's present position he can then work with him and the staff in designing a program which will hope-

fully interest, enrich, and satisfy the youth involved.

But in just one week, I think that most or all of our advocates would agree that the rewards involved are not one-sided. Our days are long, our nights much longer. There have been adjustments to make, some of them very difficult, but this is not surprising considering that some of our kids have spent over 0 years removed from society. It will take a long time to soothe the wounds of some, often born without love, and having spent portions of their lives in institutions, surely without love. We're finding that this sense of caring and personal commitment to another human's life is what our conference is all about, After all the politics, headaches, and bureaucratic hassles have been negotiated and resolved, if your real concern is not people, you still have no workable program.

Perhaps one indication of the view that many of the DYS youth themselves hold is expressed by the fact that the conference has absorbed a number of runaway youth and youth who have asked, or whose parents have asked that

they be admitted to the program.

One of the problems involved in admitting still more is the fact that it has been very difficult to contact interested University students during the semester break; there are still a limited number of advocate slots available for interested and qualified students. Not all of you will want or be abe to hep these kids in this way, but you can all help or hart in the attitude that you choose to adopt in relation to them. You may have an afternoon to give, you may have a smile.

Whatever it is, you may be sure that it is important to someone young, in-secure, and maybe just a little anxious about the future.

[From the Hampshire Gasette, Jan. 15, 1972]

UMASS LAUNCHES PROGRAM FOR DELINQUENT YOUTHS

(By Stephen Smith)

AMHERST.—Approximately 75 youths from three Massachusetts correctional institutions will participate in a unique month-long rehabilitation and recrienta-tion program at UMuss starting Monday.

The 15 to 17 year olds, who are coming to the University from the Lyman School for Boys, the Industrial School for Girls in Lancaster and the Westfield Detention Center will be paired with undergraduates and graduates in the School of Education and Hampshire College students.

The program is designed to recrient the delinquent youngsters to society by deinstitutionalizing their training. It is an intermediate step before placing them in foster homes, group homes and individual homes throughout the state,

or before they return to their own communities.

10r. Robert Gage, acting vice chancellor for student affairs, described the plan at an emergency session of the Board of Selection here yesterday. He attributed the short notice given the town to some rapid-fire administrative decisions made by Massachusetts authorities. According to Gage, the program only began to take definite shape a week ago.

WELL PLANNED

Although conceding "very little advanced administrative programming had been done," Gage claimed that the concept was "well thought out" and that participating students had received adequate training.

He explained that most of the students have been working for the last six months with delinquent youths at the Westfield Detention Center and that it had been previously planned to bring a small number of the Westfield youngsters to the campus next fall. The students who have not worked at Westfield are currently engaged in intensive training to prepare themselves for the program. The state Department of Youth Services will close Lyman on Monday and

plans to close Lancaster on April 1. Gage said the program beginning next week

was a "high priority in the governor's eyes."

The rehabilitation sension was designed by Lawrence Dye, a professor of education at the University and consultant to the Youth Services Dept. It was endorsed by School of Education Dean, Dwight Allen, and is sponsored by the Recognized Student Organizations.

The 50 boys from Lyman and 25 girls from Lancaster and Westfield will be each assigned to student "advocate" who will be their counselor and constant companion in the subsequent month. The majority of the teenagers will be housed on campus (primarily in the Hamlin dormitory), and about nine will live with their "advocates" at various places in Amherst. There will be a faculty ndviser for every ten youngsters.

"The intent is to keep these people busy in a variety of activities," said Gage. The ultimate goal is to "get them interested in life" and "to rehabilitate them."

Contacted by telephone this morning, Dye said the youths would attend lectures every day on such topics as drugs, school and future employment. In addition, he said, there will be recreation and social programs. Also planned are a one week stay at an Outward Bound Center and a five day auto trip to be taken with their "advocates." Dye denied keeping the teen-agers busy would present any problem.

Onge speculated the program would be "remarkably successful" if 30 to 40

per cent of the group were rehabilitated.

REDIRECTION IS AIM

Dre viewed the project more in terms of reorientation than rehabilitation. He explained the teen agors were technically on parole and described their stay at

UMass as a "one month intensive seminar geared to pre-release."

In effect, he said, it was a "cushloning base" to go back to the community.

"Ordinarily, kids leaving an institution are just dumped out . . .", he explained.

He added that the "advocates" will not only counsel the teen-agers, but will help them get established in their own communities as well.

The program is being funded entirely by the state. The student counselors will be allocated \$40 a week for food and entertaining, and the youths will each re-

ceive \$12 weekly.

Although the youngsters will be closely supervised, Gage said "the intent would not to be coerced into their rooms at sundown." According to Dye, their offenses range from running away and trunney to breaking and entering and car theft. He hastened to point out, however, that the teenagers in all cases were finishing out stays at the state schools and were not right out of court.

The selectmen thanked Gage for informing them of the program, and asked him to brief the Amherst Police Department as well. The Board and Gage deelded against having a public information session, reasoning that it would only

increase residents "anxiety."

"I think it's a wonderful idea," said Town Manager Allen Torrey, "I just hope something doesn't go wrong to give it a bad name.

(From the Telegram-Gazette, Jan. 18, 1972)

Ern of Child 'Warehousing' Is Past

LYMAN GATES CLAND SHUT

(By Fred 8, Kardon)

WESTBORO,-They closed Lyman School yesterday and the closing was met with laughter and cheers and some tears.

The juvenile training center, oldest in the nation, is being phased out. Residents yesterday were transferred to the University of Massachusetts in Amberst for a pliot residential treatment center project.

A few were transferred directly to halfway houses and a small group was

released to their homes.

While many of the residents were gleefully packing sultcases and cartons, one boy, about 16, tearfully confided to a staff member, "You were good to me, You were real good. And I ain't gonna forget that."

The Lyman School closing is in line with the thoughts of Dr. Jerome Miller, commissioner of the Department of Youth Services (DYS).

Miller, now sporting a mustache and nearly shoulder-length hair, was appointed commissioner in Sept. 1970.

An opponent of institutionalization, Miller has been responsible for the closing of the Juvenile facility at Bridgewater Correctional Institution, the closing Jan. 1 of Shirley Industrial School and the project demise of Lancaster Industrial School.

Miller, on hand for yesterday's Lyman School phase out, said that with few

exceptions institutions have done their residents no good at all.

"They (institutions) just haven't done what they were supposed to do," he

Miller's aggressiveness won him few friends among the old-line cottage staffers at Lyman School.

Most cottage masters felt that his policy of therapy and counseling was too permissive. "After the counselors leave we end up being the heavies because we've got to get the kids back in line," one cottage master said.

Now, these same staffers are faced with another problem of their own. How will they fit—and will they, in fact, fit—into Miller's plans for all but eliminating

the large institution.

Miller said they will have a chance to try and adjust. According to Miller's executive assistant, Kenneth W. Guza, nearly 850 cmployees of Lancaster, Shirley and Lyman Schools will be given the opportunity to seek other assignments within the DYS.

Placement Counselors

Guza said teams of placement counselors will be meeting with employes of both Lyman and Shirley School in the near future. The meetings will be used to determine how these staff members can best serve the DYS, Guza said.

He said staff members, including cooks, custodians and non-professional help, will be given an opportunity to work in DYS group or community homes, in

prevention and after-care projects or as paid foster parents.

"There also are alternatives that we don't even know about yet because so many things are happening at one time that it's hard to project a month in advance what might be available." Guz said.

He said, "Every effort is being made to relocate staff in areas that are con-

sistent with what they (staff) want for themselves."

About 150 Lyman School staff members are scheduled to meet this month with DYS placement counselors, Guza said, and it is expected that nearly all will be satisfied with results of the meeting.

"We're obligated to provide employment to any staffer who wants to continue employment," Guza said.

Halfway House Problems

There are many in the department who are approaching retirement age. Guza said, and they may choose to retire rather than be retrained and relocated

He said he expects an incease in the normal attrition rate of about 25 per cent. Miller may also be faced with problems in relocating some Lyman School

Some communities, while agreeing that local halfway houses are a good thing, don't want the halfway houses within their boundaries.

Miller said he is aware of community apprehension at the thought of group homes and said his department will try to educate the general public on what to expect.

He said hostile or aggressive juveniles will be kept in custody in at least two maximum security institutions to be maintained for that purpose.

Even these (institutions) will be humanized, he said, because the graduation rate from juvenile institutions to places like Walpole Prison is too high.

"And that means we're failing these young people somewhere along the line." Miller said.

Month-Long Program.

Miller said he is against "ware-housing" children. "There's too little individunlized care in a custodial institution."

Nearly all Lyman School residents are being resettled at the University of Massachusetts where they will participate in an intensive pre-release program.

In conjunction with the university's school of education, the Juvenile Opportunities Extension (JOE) and Advocacy, Inc., former Lyman residents will be teamed one-to-one with university student volunteers for one month of counseling.

During the month-long program, university students will be exploring family

situations and living arrangements for the former Lyman School residents.
University students will also be negotiating for the juveniles with various community agencies such as schools, courts, group homes and rehabilitative and welfare agencies.

Temporary housing for the juveniles has been established in a university dormitory.

Miller said a major factor involved in community or halfway houses is that "we can get the youngster back into an environment familiar to him."

'Old Man's in Walpole'

He said plans have been made to absorb youth in the University of Massachusetts project into community or halfway houses upon completion of the program. "Many of these youngsters will be able to return to their own homes," he said.

At least one won't.

Tony was arrested for shoplifting on his 16th birthday. Before that he had run away from home a half-dozen times.

A drug user ("everything but heroin"), Tony said he ripped off (stole from) his mother and grandmother to get money to buy drugs.

"My old man's in Walpole and my old lady said she never wants to see me again," he said, as he emptied his locker at Lyman School's Elm Cottage.

Tony has been accepted in the University of Massachusetts' rehabilitation program.

Happy to be leaving Lyman School, Tony is apprehensive of the future. "What

are they gonna tell me . . . that I gotta straighten out.
"Hell, there's only way a guy like me is gonna make it on the street and that's

by selling dope.
"They can hold me 'till I'm about 18 and they they gotta let me go. That's all I'm waiting for. Then watch me move.

"Man, I'm gonna have it made," he said.

[From the Daily Hampshire Gazette, Jan. 20, 1972]

SABGENT LAUNCHES PROGRAM AT UM

(By Stephen Smith)

AMHERST.—Gov. Francis Sargent, paying a brief visit to the University of Massachusetts yesterday, helped inaugurate a unique rehabilitation program for delinquent youths by terming it the "most exciting thing that could possibly happen to the state of Massachusetts."

"We want to get you back into society," Sargent told the youngsters. "This is what it's all about."

The basic premise of the program, which is aimed at reorienting the teenagers to society, is to deinstitutionalize their training by assigning them student counselors (from UMass and Hampshire College) who will work with them on a oneto-one basis.

The 75 participants, aged 15 to 17, arrived here this week from three state juvenile correctional institutions. During their month-long stay, the youths will attend lectures, receive individual and group counseling, and make arrangements for their return to society.

Talked With Youths

The Governor, well-tanned and appearing relaxed, devoted much of his two hour visit to talking with the youngsters. His itinerary included a tour of the teenagers living quarters and a box lunch with some recent arrivals from the Lancaster School for Girls.

Sargent was unrestrained in his praise for the program, "We're going to be leaders getting you back to society," he said, at the same time predicting "a re-

markable series of advances."

According to Sargent, "the one-to-one basis with the students is the key to the whole thing." It is the feeling of the Department of Youth Services (DYS) that this individualized treatment is "vital to the child's successful reintegration into his home community."

High Hopes

Jerome Miller, commissioner of the DYS expressed high hopes at an earlier press briefing that the program would drastically cut the relapse rate which currently stands at 60 to 80 per cent. "Of the first 50 (in a similar program), we only lost two in terms of being recommitted to the department," Miller said, "If we lost 30 to 40 per cent, we'd still be besting our institutional track record."

While stressing the value of the program in human terms, the Governor also argued that it "makes sense from a dollar point of view." He explained that it costs a minimum of \$10,000 to keep a child in an institutional setting, while it

only costs \$7,000 per youth in a foster or group home.

Many of the children participating in the UMass program will go on to these homes. By the end of the week, the Department of Youth Services expects to

have 200 children placed in this type of setting.

Sargent hailed the phasing out of state juvenile correctional institutions and termed the closing, or upcoming closing, of the Lancaster, Lyman, and Shirley schools are "exciting." I just want to say that we've learned in this state that we've got to get away from institutionalization," he said.

Shirley Industrial School for Boys was closed Jan. 3, with Lyman Training School scheduled to close Feb. 1. A third state institution, Lancaster School for

Girls, will be shut down May 1.
"This is the most exciting thing that could possibly happen in Massachusetts," an obviously moved Gov. Sargent said Wednesday as he met with freed offenders on the UMass campus.

"We are going to show everyone in the United States that Massachusetts is ready to help people in trouble, not put them behind bars. We are going to get our children back into society, and society is going to be the main beneficiary."

He was joined in the two-hour tour by his wife, Jessie, who has long been active

in volunteer work among institutionalized youngsters; UMass Pres. Robert T. Wood; Secretary of Human Affairs, Peter Goldmark; Dir. Jerome Miller of the State Youth Service Board; Advisor Albert Kramer, and Larry L. Dye of the UMass School of Education, who is in charge of the UMass phase of the program. "Our institutionalized system is a failure," Gov. Sargent said. "It fails to

protect society, and it fails to rehabilitate those we have consigned to it. We are

going to stop pretending we have solved problems when we have only hidden them from eyes that do not wish to see them.

"There may be foul-ups in this program, but I am confident that it will be extraordinarily successful, not only for the children involved, but the student

volunteers, and society as a whole."

The UMass program features a unique "one to one" relationship between freed youthful delinquents and student volunteer "advocates" who will not only live

with the youthful offenders, but counsel them.

During the month of January, the volunteers and their teenagers will attend discussions and talks on a wide range of topics, from drugs to education to job possibilities. Wednesday, Dean Dwight Allen of the UMass School of Education spoke with the group, and other speakers are scheduled from throughout the state.

While unpaid, student volunteers will each receive \$40 a week for food and entertaining their charges, while the teenagers will each receive \$12 as spending

The teenagers will spend a week or two at Out Bound Centers in Middlefield

and in Vermont, and a five-day motor trip with sponsors is also planned.

When the program is completed Feb. 1 the youthful offenders and their advocates will help to decide where they will be placed—either in foster homes, group homes scattered throughout the state, or in their own homes. But the advocates with the state of the cates will work with their charges throughout the community phase of the release

Both Gov. Sargent and Dir. Miller pointed out that in addition to the obvious human benefits derived from the closing of state operated institutions, the new program will also save money for Massachusetts taxpayers. Both noted that, while it costs in excess of \$10,000 a year to keep a youthful offender confined in institutions, the new community oriented rehabilitation program will cost less than \$7,000 a year for each youngster.

Miller told Gov. Sargent he is confident the program of alternative care in the community will result in a dramatic drop in the state's recidivism rate, for teen-

aged offenders which is now 80 per cent.

Sargent also yowed to "do all in my power" to close all county training schools.

but noted the legislature must act to do so.

Some of these children here today have been in county training schools," Gov. Sargent said. "One boy I talked to was forced to cut his hair simply because training school personnel found a pack of cigarettes on him when he was admitted. Later, he told me that he was forced to stand—never sit—all day long, and to do push ups for three hours a day.

"Does this make sense in the 20th Century? I don't think so, and I am committed to helping children who, due to problems, have gotten into trouble with the law. We are going to make available to each one of them a specific treatment

plan, and return them to society as productive citizens," Sargent said.

In addition to community care for court committed youths, the program also provides for "phasing down" of detention centers and setting up shelter care

and foster care placement for youngsters awaiting trial.

Youthful delinquents adjudged seriously disturbed or a danger to themselves or to the community, will be placed in intensive care units to be located in Roslindale and the former Worcester Detention Center. In addition, the Department of Youth Services will establish a "secure detention center" for youth who cannot be held in community-based settings while waiting trial.

Group homes finances through federal funds will be established in the Springfield, Worcester, Middleboro, Fitchburg-Athol, Lawrence-Lowell, Lynn. Cam-

bridge-Somerville and Roxbury areas.

[From the Springfield Union, Jan. 23, 1972]

SARGENT LAUDS "ONE-TO-ONE" REHABILITATION OF DELINQUENTS

(By Tom Harinelli, Union Staff)

AMMERST.—Gov. Francis W. Sargent yesterday called community-based care of delinquent youth a "tremendous accomplishment" and said he would work to phase out large institutions which traditionally have had custody of troubled youngsters in Massachusetts.

Following an informal visit and box lunch with 75 delinquent teenagers participating in a special program at the University of Massachusetts, the governor held a press conference during which he attacked the county training school

system.

He said youngsters in the schools are "misused and mistreated" and that he is supporting legislation which would do away with these institutions in Feeding Hills (Hampden County Training Center), Lawrence and North Chelmsford. They are used for youngsters judged by a court to be truants, absentees of school malcontents.

A 16-year-old boy from Lyman School for Boys told the governor that when he was at Essex County Training School in Lawrence from December, 1969 to May, 1971, he saw several youngsters punished by being made to stand from 6 a.m. to 9 p.m. for a month, except when in class.

The boy said this was the standard punishment for captured runaways. Even

while eating, the boys were forced to stand up, he said.

"If I don't do anything as governor of this state, I'm going to stop that damn thing," Surgent said.

During the conference, the governor told of two other training school incidents he learned about yesterday from his informal chats.

One involved a boy whose hair was cut off because he was found with a package of cigarets on the day he arrived. In another incident, a youth was forced to do an excessive number of pushups.

"Does this make sense in the 20th century?" the governor asked "The answer

is not to put the youngsters behind bars."

He said the county training schools are archaic and provide little or no

rehabilitation.

The governor was asked whether he is planning to appoint a committee to conduct public hearings at which youngsters who have been at the schools could testify about the treatment they received at the institutions.

"We haven't set up such a committee, but such things may well follow," Sargent replied. "Our emphasis now is to support legislation to change the county training school system."

Sargent Praises One-to-One Plan

After the two-hour tour yesterday with his wife Jessie, Sargent said, "I've been

tremendously impressed by my short visit here."

They flew to Northampton's LeFleur Airport from Norwood. After their arrival on campus, Sargent said, "my wife and I came to view what we think is the most exciting thing that can happen in Massachusetts-the phasing out of the Department of Youth Services institutions and the working out of problems on a one-to-one basis."

"It's exciting to me that we have closed Shirley (Industrial School for Boys on Jan. 3) and will be closing Lyman (Training School) by Feb. 1 and Lancaster (School, for Girls) by May 1," Sargent said.

According to the governor, "the one-to-one basis is the key to the whole thing."

Sargent was referring to a program under which personnel relationships are established between 75 youths from the Lyman and Lancaster schools and the Westfield Detention Center and 75 college students from the University of Massachusetts and Hampshire College.

For the next four weeks, each subject will be living with a college student,

called an "advocate." in a dormitory or private apartment.

During the month-long period, the delinquents will be de-institutionalized and phased back into the community, working out their future with the help of their

At the end of the program, youngsters will either go to their own homes, foster homes or group homes where they will work with counselors as they were doing in the University of Massachusetts program.

"This is a tremendous opportunity for Massachusetts and I'm glad to be play-

ing a small part," Sargent said.

At the press conference, DYS Commissioner Jerome G. Miller said, "Eventually, I hope we'll have no one in a large institution."

"Only a very, very small percentage of youths are dangerous to the community," Miller.

"These should be placed in small units where they can receive intensive psychiatric care," he said.

For those who can't participate in special programs while remaining at homebecause of difficulties there, Miller said, the DYS is acquiring with federal funds 20 group at the rate of five a month for 200 youngsters.

He said the DYS already has space for 200 youngsters in group homes and several openings in foster homes. The department will continue to look for more foster home openings, he said.

Both the governor and Miller said it costs about \$7000 a year to maintain a youngster in a group home. This contrasts to at least \$10,000 to maintain each

delinquent in a large institution.

"If you include capital outlay," Miller said, "It's well in excess of the \$10,000."

"That's \$10,000 for custodial care without treatment and rehabilitation," the governor commented "With the new arrangement for \$7000 a year, the kids will be learning how to return to society."

"We are not talking simple crime and punishment," Miller said. "The best kind of law and order is providing the best care. We cannot afford the luxury

of just locking people up."

[From the Springfield Union, Jan. 23, 1972]

GOVERNOR LUNCHES WITH NEW UMASS TENANTS

AMHERST,--"See if you can wrestle me up one more sandwich-or did you eat every darn thing?"

SHARING LUNCH

That was the governor of Massachusetts speaking to one of his aides yesterday while sharing an informal box lunch with a group of delinquent teenagers at the University of Massachusetts.

Sargent and his wife Jessie were on campus to welcome 75 boys and girls from Lyman School for Boys, Lancaster School for Girls and Westfield Detention

Center.

The youngsters are participating in a four-week program to de-institutionalize them in preparation for return home or placement in group or foster homes, where they will continue to work with counselors on a personal basis.

PHASING OUT

The program was developed for the Department of Youth Services which is plusing out 10 institutional residences, by Larry L. Dye, a lecturer at University of Massachusetts School of Education.

For about an hour, the governor and his wife split up while visiting the

teenagers. They live in the dormitories, each with a student.

In Hamlin House dormitory, the governor chatted with a number of the boys and said to one, "We've certainly learned that it makes no sense to take a guy who's been in trouble, and kick him in a cell."

Speaking of the program being continued at the university, Sargent told

another boy, "I really think this is going to make sense."

FIRST BOY

A 17-year-old boy who arrived from Lyman School Monday was the first to be visited by the governor.

Shaking his hand, the governor commented, "Hope it works."
The boy replied, "Me, too. So far, so good."
The boy later told The Union that he had been at Hampden County Training School in Feeding Hills twice, and ran away the second time because he "couldn't

He said the youngsters there always were forced to walk in lines when going from one place to the next, and had to keep their hands in their pockets while in line.

Asked about the programs at HCTS, he answered, "You spent your time just sitting down."

(From the Boston Globe, Jan. 20, 1972)

'IT'LL WORK,' SARGENT TELLS YOUTH

(By Jean Caldwell)

AMHERST .- She was blonde by choice and very young. She looked as if she had been knocked around a lot and she was a lot more skeptical about life and people than a kido 15 or 16 ought to be.

So, if she greeted Gov. Sargent's enthusiasm with a muttered, "how lucky can we get"--it sounded as if she didn't believe there was anything really good

The scene was a conference room in the UMass Campus Center, Gov. Sargent and his wife had come to watch a program which aims to close down the institutions for youthful offenders and return them to the communities. It's the first such program in the nation.

For a month, 75 of these youngsters from the Lyman and Lancaster training schools and the Westfield Detention center are going to be living on a one-to-one

basis with college students at UMass.

After consulting with their "advocate"—the title given to their college "friend"—they will go to their own homes, to foster homes, or group homes, Arrangements will be made for them to return to public schools or to enter an "alternate" school, such as Springfield's Genesis II or SASSSI Prep or the Holyoke Street Academy. Employment opportunities will be lined up.

Gov. Sargent was filled with enthusiasm yesterday, "It's the most exciting thing

that could possibly happen in Massachusetts.'

The "advocates" he talked with were full of enthusiasm, too. wood, a senior Sociology major, says, "We're just beginning, but we're having a good time... Something good will come out of it."

It was hard to tell the advocated from the teenagers. As Robert Padgett, a UMass senior, told the governor, "We don't wear signs saying we're advocates," In the age span, there was as little as two years and as much as 11 years between Dept. of Youth Services youngsters and their advocates.

Gov. Sargent repeated at an end-of-tour news conference the story one youngster had told him: "He came from a county correction school. The day he arrived he had a pack of cigarettes that they found-so off with all his hair.

He and others were forced to stand—never sit—all day long, day after day. For three hours at a time they had to do pushups. Does this make sense in the 20th Century to be doing this?

Jerome Miller, director of Youth Services Dept., said that keeping a youngster in a large institution such as those being phased out, costs more than putting him through Harvard, sending him to Europe for the summer, giving him private psychiatric care and \$30 a week spending money—all at the same time."

The new community care is estimated to cost \$7000 a year compared to \$10,000

spent yearly per youngster in a training school.

Gov. Sargent, Dr. Miller, and a lot of college students were telling them yesterday: "You're going to make it, you're going to succeed, no more lockups, no more failures."

Danny, who lives in Genesis II in Springfield looked sideways and couldn't answer when Gov. Sargent asked him, "Do you think it's going to work?"

So the governor answered his own question: "I think it's going to work!"

(Friday, Jan. 21, 1972)

YOUTH MORALE SOARS AT UMASS EXPERIMENT

(By Frank Greve)

Karen, a Springfield teen, thought the door to opportunity had just slammed in her face. She'd come in Tuesday, a runaway, to join the JOE II juvenile reform program at UMass. On Wednesday her parents came to pick her up, despite her vow that she'd run again.

Gov. and Mrs. Francis Sargent arrived at about the same time. Unable to find Karen right away, the parents sat in on Sargent's press conference. When they finally located Karen, they'd decided to let her stay. "If the Governor has this much faith in the project," her father said later."I think we should go along

MORALE HIGHER

Morale elsewhere for the 75 Youth Service wards, their hosting student "advocates," and JOE II staff was higher today than anywhere this side of

Sunday's Dallas Cowboy locker room following the Sargent visit. He shook every hand in sight Wednesday, lunched from a paper bag with girls newly released from Lancaster Training School, and seemed to have almost a parent's concern for their progress, "You can really get something out of this," said Sargent, a huddle of a dozen girls and advocates. He inquired repeatedly about homes and histories, listening more than talking.

Three times in his press conference which followed Sargent described himself as "tremendously impressed" by the efforts of the Dept. of Youth Service and UMass, to drain youths from the state reform schools and after counseling, return them to their homes or alternate facilities.

"We're going to make remarkable advances," Sargent predicted. "We're going to close down the large state institutions that don't make sense in the 20th century and instead send people to their home communities, to small centers that can help."

MAKES SENSE

"This makes human sense and it makes fiscal sense," he continued. "Custodial care alone in the institutions costs \$10,000 per year per youth. Residential centers cost \$7,000 and our evidence is that we do some good for that money." Sargent promised that Commonwealth taxpayers could expect a reduction in state expenditures next year for Youth Services as a result, "but I'm not able at this time to disclose the figure."

The governor indicated that the pattern of institutional shutdowns could be expected in other human service fields as well, particularly in Corrections and Mental Health and Retardation. He lauded the Cabinet structure he has designed as an ideal way of managing what an aide called "across-the board"

Sargent's sharpest criticisms were reserved for the county training school system. After hearing a youth describe his treatment at the Middlesex Training School, Sargent muttered through elenched teeth that "If I don't do anything else as governor, I'm going to stop that—damn thing."

Training schools are not the service jurisdictions, though Comm. Dr. Jerome Miller has been sharply critical of their operation. State House legislation would be required to wipe them out, and that, apparently, would come only despite the opposition of Senate Pres. Kevin M. Harrington.

Comm. Miller, on hand with Human Services Secretary Peter Goldmark and UMass. Pres. Robert Wood, revealed plans to open residential centers as fast as the larger ones close. "We have 20 now and 200 youths in them." he said today. "We will continue to open new ones at the rate of five a month until we can handle the flow."

OTHER PROPOSALS

Other proposals for aftercourt treatment include voluntary probation assistants, foster parent systems, and casual centers apart from more serious felons for minor offenders. Pilot Mass, projects in each of these areas have had repeat offense rates of under 10 per cent, Miller said.

"The basic thinking behind this is to eliminate the either/or dilemmas of the state's court. They used to have only a choice between home and reform school. We will provide an array of services much closer to the needs of the individual

youth," Miller explained.

For the state's first lady, the visit to JOE II was far more than ritual. "Jessie has visited most of the state institutions," Sargent explained with a grin, "and she has a kind of access to me that others don't."

Mrs. Sargent spent the day in a pattern similar to the governor's but minus the spotlights. After conferring informally with the youth, advocates, and JOE II staff she too came away "tremendously impressed."

[From the New York Times, Feb. 6, 1972]

Youngsters in Prison

The decision by Massachusetts to abolish institutions for juvenile offenders during the next two years is a courageous step in the right direction. The substitution of a range of programs designed to rehabilitate and integrate the juvenile into a community instead of jailing him is a rational approach to dealing with young offenders.

All states ought to examine what they are doing, not only with delinquents in their institutions, but with the thousands of incarcerated youngsters who have never committed a single act which could be considered criminal if they were adults.

Programs such as New York's Persons in Need of Supervision (PINS) or its counterpart in other states, needlessly put the nondelinquent youngster in with the delinquent. Both get the same grim custodial care, minimal education and little rehabilitation help. It is no wonder then that so many of these children, either delinquent or nondelinquent, later appear in our criminal courts charged with serious crimes.

So questionable is the routine institutionalization of youngsters in New York that the former director of the State Division for Youth could say, "The way things are now, it is probably better for all concerned if young delinquents were not detected. Too many of them get worse in our care."

The Massachusetts program ought to stimulate New York and other states to think along the same lines of getting children out of our prisons and into supervised community-based programs.

MILTON G. RECTOR, Executive Director, National Council on Criminal Delinquency, Paramus, N.J., February 1, 1972.

SARGENT HAILS JUVENILE "PAROLE VOLUNTEER" PLAN

(By Don Clark)

AMHERST.—Gov. Sargent traveled to the University of Massachusetts campus yesterday to observe the beginning of a pioneer program to have studen't volunteers help rehabilitate juvenile offenders.

Jerome G. Miller, head of the state Department of Youth Services, who accompanied the governor on the visit, described the "parole volunteer" program as the first to be officially sponsored by any state. Similar approaches, however, are working "with great success" in Japan, Holland and Belgium, he said.

Sargent termed the program "one of the most creative alternatives of a variety

Surgent termed the program "one of the most creative alternatives of a variety of approaches" designed to move away from large institutions toward smaller, community-based programs.

The program brings together about 100 "parole volunteers" with an equal number of juvenile offenders, both boys and girls. They will live together on a one-to-one basis for one month as a transition between traditional correctional institutions and open society.

The students and young offenders will live, eat, work and play together in the same four story brick dormitory, where they will both get daily guidance from correctional specialists.

Ideally, each volunteer will act as an "advocate" for the young person in his charge, serving as a go-between to get the youngsters back into school or returned to their own homes or placed in jobs, job training programs, group homes, or foster homes—depending on personal needs.

The volunteers are drawn from a UMass campus organization called Juvenile Opportunities Extension, which lists a rapidly-growing membership of 150 undergraduates. The young offenders are those who have been affected by the closing of the Shirley Industrial School for Boys on Jan. 8 and by the phasing out of the Lyman Training School and the Lancaster School for Girls.

Surgent, accompanied by his wife, spent the morning talking with dozens of students and youngsters. He inspected their rooms, asked about their problems, then paused at noon to share a box lunch and wished them well.

He said, "Phasing out these large institutions and providing one-to-one relationships for these youngsters is one of the most exciting things that can happen in Massachusetts."

He predicted the new approaches will result in "remarkable advances" and "extraordinary successes" in the fields of juvenile correctional reform, "We want to help these young people," he said, "and the way to do it is not to

"We want to help these young people," he said, "and the way to do it is not to put them behind bars. This approach makes sense from a human point of view. It makes sense from a dollars point of view. It makes sense from the point of view of the offenders. It makes sense from the point of view of society."

The governor also promised that "major announcements" will be forthcoming in the next few weeks about new uses of the grounds and facilities of institutions that are being shut down.

Miller said the UMass program "heralds the break away from institutionalization to a wide spectrum of youth services."

He said the new approaches will take the courts out of the bind of either confining a child to an old-time training school or sending him back home, which in many cases is the source of his trouble.

Miller estimated that the new programs will cut the cost of caring for each offender from the present \$10,000 a year to \$7,000 a year, resulting in a possible

reduction of the annual Youth Services budget from its present level of \$11

million to \$9 million.

"Right now," Miller said, "it costs more to keep a child in a large institution than it does to send him to Harvard for a school year, ship him to Europe for the summer, give him private psychiatric care and hand him \$30 a month—all put together."

Dianne McCafferty, 23, who has been a matron at the Westfield Detention Center since July and now is a group leader in the UMass program, said, "I was very, very apprehensive at first. I was afraid when these kids were let out

of the building, they would go wacky, but this hasn't happened.

"Most people think if a juvenile delinquent is let out of prison he'll wreak havoc on the world but it's just not true. I know these kids and every one of them is excited about this program.

"I think this may be the greatest thing in the world for these kids. Now they'll get individual, one-to-one attention that they would never get at any institution

no matter how good it is."

One 16-year-old boy who is part of the program is a drop-out from Somerville's Southern Junior High School. He has been in Lyman School three times, and estimates he has stolen between 50 and 100 cars.

"I didn't learn nothing at Lyman," he said. "All we did was sit around. I

hated it. But this, this might be good."

J.O.E. GETS VOICED

Dear Mr. Dye:

We, members of Project Voice, who spoke to the kids and advocates at UMass last Friday, would like to thank you for inviting us down there and affording us the opportunity to be involved in a meaningful way with the Youth Services Dept. in helping to create a truly effective method of dealing with the juvenile offender.

As you probably are aware, Friday was the first time we, or any inmate from the Mass, penal system, has ever been allowed to participate responsibly in a program off the institutional property where we are confined. For us, being there at UMass, and contributing our experiences and knowledge towards opening lines of communication; giving an understanding to mutual problems that the kids are experiencing and attempting to cope with; playing a responsible role for the benefit of society, the kids and ourselves, was something that myself and the other men on the panel have busted our butts for during the last 10 months.

Being an ex-con yourself, you must know the myriad of frustrations and problems that we have had to cope with ourselves, not only from the relucant "old guard" forces within the administration of the Correction Dept. but from the other cons themselves who cling to the traditional hard-rock attitude of, "never do anything for anybody else and especially the square society that forever condemns men like us." Fortunately for our program, people like yourself, Dr. Miller, Dr. Kelzer, Mr. Mahoney and others are pushing for constructive progressive changes and are making a good fight of it. You, as an ex-con, having pulled yourself up out of the negative thinking atmosphere of prison and into the successful position in society that you possess now, know how important it is to guys like us to keep a positive attitude and the value there is in realizing a gool in which we have put every resource and effort at our command. THANKS!

in which we have put every resource and effort at our command. THANKS!

But, (yeah-there is more, and you know it)! Reaching the goal of our project
getting off the penal institutional ground and into the community initially
was just one of the first steps for us. We want to be as effective as we possibly
can. To do this we feel that our services should (and can be, now) utilized
on a regular basis. We would appreciate the opportunity to talk to every juventic being handled by the Youth Service Dept, and also the administrative and
custodial personnel. We sincerely feel that the intangible values within our
program (experience, knowledge and communication level) can be realized to
the utmost only if we make every attempt to reach as many (every) kid,
offender or not, to add to their awareness of the realities and complexities of
life within our social environment today and especially the attitudes and actions that lead to crime and prison.

To do this we need your active support. By active, I mean speaking on our behalf to the powers-that-be and influential people who can make the decisions necessary to let us continue and expand our program with the Youth Service Dept.:-the Dept. of Education, (we have numerous requests to go into the high schools and speak to the student body):-with the Legislature, who will be acting in the near future on a legislative bill allowing us to go out into the

communities for school and civic organization appearances etc. I know, it sounds like we are asking a lot of you, but sometimes a few words of support at the right time and place can be the difference between success and failure for a project like ours and we are attempting to touch all the bases. Any support

you can give us would be deeply appreciated.

In any case, we think what you and your associates are attempting to do with J.O.E. is great. You people will have your hands full creating the kind of a system you have in mind but it is a better method. Hang in there and give 'em hell. Don't let the problems and complexities wear you down, and especially-watch out for the sucker-punches from the opposition in the clinches. Those punishment for punishments sake people are a sneaky lot who will use every trick in the book to hang on to their secure little positions of authority. Then again, use caution-change just for the sake of changing can be a bad hangup too.

Once again, THANKS! Hope to hear from you. Lots of Luck!

Sincerely,

Ray J. Martin, Chairman, Project Voice.

[From the Worcester Telegram, Thursday, Jan. 20, 1972]

GOV. SARGENT VISITS UMASS YOUTH SETUP

AMHERST.—Gov. Francis W. Sargent took a first-hand look yesterday at a pioneer program to return troubled youngsters to society and get away from the concept of institutionalization.

Sargent visited the University of Massachusetts campus and talked with youngsters who were brought here Monday from state training schools to take

part in the program.

About 75 youths, all in their teens, are involved in the month-long program, living and socializing with UMass students on a one-to-one basis. This program, believed the first in the nation, is an outgrowth of the phaseout of the training schools, such as Lyman and Lancaster.

The governor spent about 45 minutes talking with the youngsters and students

at Hamlin House dormitory after which he had a box lunch with them.

The students participating in the program are all volunteers and are referred to as "Advocates."

Sargent said the idea of the program is to deinstitutionalize the services for the youthful offenders, most of whom are runaways, truants or classified as stubborn children.

"We're making waves here in Massachusetts," the governor told newsmen later, referring to the program. "I think the advocates are going to learn and really have a chance to do something for the young people.

"Such a move makes all kinds of sense," he said, "from the human side and

the financial side."

[From the Amherst Record, Jan. 26, 1972]

"THESE KIDS ARE RATED X"

A teen-aged kid, not used to drinking, gets into some alcohol and becomes so actively ill that he has to have his stomach pumped. At most, if it were a local youngster, there might be frowns of disapproval, a raised eyebrow, or even

here and there a tolerant chuckle.

The situation in Amherst last weekend was grimly different. The two boys were not from Amherst. They were youngsters on parole, 15 and 16 years old, and they were in Amherst for a month for preprobation counselling at the University of Massachusetts. They are among 80 youngsters involved in a pioneering program that is attempting to help kids from youth detention centers to get their heads on straight before they go home to their own communities.

The first starling reports were that the two had been taken to Cooley Dickinson Hospital suffering from drug overdose. It was, to say the least, mentioned here

and there in the community.

By Monday morning, according to Edward Budelmann of the Department of Youth Services, a raft of conflicting rumors had been sifted through and tracked down. Budelmann, who is stationed at the UMass campus as a representative for the Department of Youth Services, says that it now appears that the two youngsters got hold of alcohol, drank too much and got sick.

MORE THAN ALCOHOL?

Actually, it may have been more than alcohol that made the two youths sick. School of Ed Staff assistant Larry Dye, who's directing the rehabilitation program, said Monday night, "We just don't know." The possibility of poisoning is not being ruled out. A third youth, apparently involved in procuring the liquor for both sick boys disappeared the day after the two got sick. He's a boy, Dye said, who needs "a lot of psychiatric help." He has not yet been found.

Early reports of drug overdose, Dye commented, are apparently completely

There are two possibilities as to how liquor came into the hands of the two young people, according to Budelmann. One participant in the program was found to have in his possession false identification from Florida indicating his age as 21. The other possibility is that a visitor brought in alcohol. According to Dr. Robert Gage, vice chancellor for student affairs at UMass, it is still early in the program and difficult to spot strangers. Budelmann says that the matter is still being pursued.

Dr. Gage says that a few of the young parolees have been judged not yet ready for the UMass program and have been transferred to the Upward Bound program in Middlefield which is, he said, more structured. A few advocates (UMass and Hampshire College students who are counseling the parolees on a

one-to-one basis) have been replaced.

"These children," says Budelmann, "have been rated X. This label is hard for them to overcome." The entire incident, he indicated, illustrates one of the problems the juvenile offender faces when he returns to the community. "People expect him to do something wrong. They're just waiting. Let the child make one false move and everyone says, 'There. What did you expect?' "
On a long-term basis, Budelmann says, this attitude often makes rehabilitation

difficult. "The young person encounters enough tension, gets enough suspicious looks, and he may finally say, 'The hell with him, I'll do it.'"

Cindy Dunbar, mother of four children attending Amherst schools and herself a UMass student majoring in elementary education, has been involved in the rehabilitation program since its inception. Mrs. Dunbar has lived in Amherst for the past six years and was one of the original members of the town's Citizens' Review Commission. "Since I'm both a resident of the town and involved in JOE (Juvenile Opportunity Extension) I think I can understand some of the things that are bothering people," she says. "I hope people will inform themselves if they feel uneasy. If they have any qualms, any questions. I wish they would call me." During the day, Mrs. Dunbar can be reached at the JOE office (545– 0798). In the evening, she will be at home (258-9858). She has indicated that she is willing to discuss JOE with anyone, either groups or individuals, at any time.

Dye and Gage attended the weekly meeting of the Board of Selectmen Monday night to give a progress report. The first week of the program, Dye said, was highly successful, despite a few minor incidents, which he said were to be expected.

All but 12 of the youths went to their own homes over the weekend, accompanied by their advocates, he reported. "A number of their parents called us today," he said, "and told us they could see a difference in their children's attitudes in just one week."

An unexpected development was contact made with Dye by four young people who had escaped from juvenile detention programs and who asked to be returned to his custody in order to purge their records. One boy, he said, told of his constant fear of being detected, which kept him indoors, in hiding, during the daytime. He had found jobs at night, when he felt there was less chance of being caught.

Dye discussed the problems encountered, in answer to questions by selectmen. On the evening that the first of the parolees arrived on campus, he said, he was told that some of them had been approached by drug pushers. The incident was repeated on the second evening. On Thursday evening of last week, he said, a plain clothes officer was moved in with the young people in Hamlin Dormitory. Within three hours, he said, an arrest had been made and a former UMass student charged with possession of marijuana and possession with intent to sell.

Two youngsters were believed to have been tampering with a candy vending machine, he said, and one was stopped at the exit to the UMass bookstore with a belt in his possession which he had not paid for. This, and the missing youth,

were the extent of the problems.

(Earlier in the day, Budelmann had told the Record, "A run from Lyman School is almost a nightly event, and no one considers it a big deal. They notify the local police, the State Police, and the police in the boy's home town. No one even gets high blood pressure about it. In Amherst, for a boy to run from the conference would be a major event.")

At the end of Dye's report, selectmen commended Dye for his work and asked to be informed if they could help him in any way. H. Hills Skillings added, "We thank you for your candid report. I think this openness will make the program

more trusted in town."

[University of Massachusetts, Thursday, Jan. 27, 1972]

JOE II CONFERENCE EXPLAINED

The JOE II Conference has had a variety of positive and negative publicity. The people involved in the JOE thing realistically do not have time to settle all accounts. The best that can be done is to lay a few options and statements on the line.

The JOE II Conference has two goals. They are the following: the staff and volunteers of the JOE II Conference want to move as many institutionalized youth out of a stifling setting into viable community based settings as possible. This is being done through the student advocate-Department of Youth Services group leader structure where youth, advocate, and DYS staff negotiate for a productive setting. The remaining goal was to close the many youth institutions that lay seeds of anti-social behavior which many of us see as a threat to our civilized society.

The point is that nearly 100 college students have become involved in an experiment in human potential. Discovering it in another and taking the responsibility in developing what lies beneath the skin. Therefore, the people of JOE

II make this invitation to the university community.

Anyone wishing to see and discover for themselves what JOE II is all about a request for you—the curious and the interested—to invite a youth and his or her advocate home to dinner is made. Too much speculation is made about many things to let the JOE II Conference disappear in a few weeks with unanswered questions on the lips of the Commonwealth's citizens. Arrangements can be made through the JOE II answering service. The number is 250–8681. All one has to do is leave your name, address (and phone number) and time of invitation. A member of the JOE II staff will be in touch to make all the final arrangements.

[From the Holyoke Daily Transcript-Telegram, Feb. 5, 1972]

BAD HAND, BAD DEAL

We ran into a 13-year-old Holyoke boy named Timmy yesterday. A participant in the JOE II conference up at UMass, Timmy had just been told he couldn't

live at home any more. He was crying very hard.

His probation officer had investigated his family and found there were five other children. Timmy's mother was an alcoholic and his father wasn't around. Timmy had been sent back home before after he got into scrapes with the law but it just didn't work. He kept getting in trouble, not because he was an evil kid, but, because nobody cared about him. If you weren't there, your children might not do so well either.

Timmy's "advocate" at JOE II—his student sponsor—took Timmy out after the session so they could drive around looking at the group homes. Younger kids would have a shot at foster homes, but foster parents don't often take boys Timmy's age who've been in trouble. Since Holyoke has only one group home and it's full, Timmy was going to go looking at places in Springfield. Pittsfield and Worcester He'd never been to Pittsfield or Worcester before. He's 13.

Now, a group home is a lousy excuse for a home. It makes sense only when home is lousier and there are no other choices. But it is a better idea than a place where 40 boys sleep in one room and have to walk around in their bare feet

so they won't "escape."

That's not what our county commissioners think. They want to open up a big Western Mass, training center for from 200 to 300 youngsters. Now that the Dept. of Youth Services has eliminated most of its institutions, Hampden County Commr. William F. Stapleton wants a new place for kids like Timmy who need "educational, physical, and moral training."

Stapleton wants an even bigger hup-two zoo than the Hampden County Train-

ing School where kids from Lyman St. learn such useful skills as pig husbandry.
Timmy needs TLC, we think: "Educational, physical, and moral training" would come along after that pretty easily. Timmy's 13 and in the midst of a tragedy that's not of his own making. He's too young for what he's got to go through. Can't you hear him calling, Mr. Stapleton?

[From the Collegian, Jan. 28, 1972]

DYE TERMS JOE SUCCESSFUL; 14 YOUTHS PLACED ALREADY

(By Bob Callahan)

The four week long Juvenile Opportunity Extension program (J.O.E.) reached the half way point this week with a press conference held yesterday to explain the progress of this unique experimental program.

Larry Dye, chairman of the program, termed the past few weeks, "very successful". According to Dye, "The number of positive aspects outnumbers the few problems encountered since the program was begun here at UMass.

The program involves 88 youths from the recently closed Lyman and Lancaster Schools who are being counseled here by student volunteers on a one to one basis. The purpose of this program is to have the student volunteers negotiate for and with their youths with various community agencies for jobs and schooling arrangements as well as exploring family situations and living arrangements.

At the press conference held yesterday in the Campus Center, Dye announced that of the 88 youths, 14 have been already placed in new homes, and forty-three are working on being placed. Dye reported that difficulty is being encountered in placing 18 of the youths because of a lack of leads as to where these people can be placed.

It is hoped by those in the program that every youth will be placed in a living and learning, or working, facility by February 13.

A few of the other positive aspects mentioned by Dye involve a Puerto Rican youth being reunited with his family in Puerto Rico and the case where the family of a student volunteer became foster parents for a youth.

During the first week of operation, a few minor incidents involving youths in

the program were reported. Dye reported that absence of trouble during the past few days is attributed to the fact that "the youths are settling down due to the program becoming intensified and the growing relationships between the youths and their counselors or advocates."

The program here at UMass is being evaluated daily by Dye and his assistants. They report that the majority of the youths involved are fitting into the program.

Of those being placed into foster homes, the older children find it most difficult because of their age to be taken in by a foster parent, Dye pointed out, stressing the need for them.

In response to the criticism leveled against the program last week by State Rep. Robert McGinn (D-Westfield) Dye said, "This comes from a lack of information on the total goals of the program," and he added that this could be clarified through shared communication.

Massachusetts is the first state in which training schools are being phased out, and Dye reported that this has been very carefully planned. He added that if there was no confidence of success it never would have been attempted.

The Juvenile Opportunities Extension (JOE) program for institutionalized youth being conducted on the UMass campus for the next four weeks has been marred by two hospital incidents and one runaway since its initiation last week. Governor Francis W. Sargent cast the first of many political overtones to the program when he appeared on campus for a firsthand look and talk with the participants at the public "kick-off" Wednesday.

Two youths aged 15 and 16 were rushed to Cooley Dickinson Hospital last Thursday and Friday respectively after being "mysteriously stricken." A fugitive youth was being sought Saturday; it was believed that he had supplied alcohol to the two hospitalized delinquents. Larry L. Dyp. coordinator of the JOE program at UMass said that the illnesses of the youths were not drug related as originally thought, but "the preliminary indications at this stage of the game suggest that something was placed in the

alcohol they had."

JOE is an intensive pre-release program for institutionalized youth in the Department of Youth Services (DYS). Seventy-five "delinquents" were selected from the Lyman and Lancaster Training Schools in Massachusetts to participate with 75 student volunteers who will counsel them on a one to one basis for the month the youths will live at UMass. The purpose of the program is to have the 75 student advocates negotiate for and with their youths with various community agencies for jobs and schooling arrangements as well as exploring family situations and living arrangements.

The Governor has called the program the first step in phasing out institutional care of delinquent teenagers in the state. He termed the project "exciting" at a

press conference last week.

State Rep. Robert McGinn (D-Westfield) leveled some criticism at the unique program, however. He charged that the program was much too liberal and that Jerome Miller, DYS Commissioner, was "moving too far, too fast" with the

experimental project.

Arnold L. Schuchter, planning director of the DYS in Boston, which oversees the project said after the incidents were reported, "It makes it somewhat awkward and embarrassing to have to have this kind of difficulty, but we'd rafher suffer that and make it possible for the youngsters to have a decent and helpful transition back to their own community."

Larry Dye felt that the incident was being given distorted coverage by the media in the light of its political nature. He said, "We can't rely on just rumors."

Program coordinator Ernest P. Reis, the graduate student who established JOE as a Recognized Student Organization (RSO) expressed similar sentiments in an interview last night. He said that publicity was putting pressure on the delinquent youths, whereas they would not have to face it in such a degree if they were located at a training school.

Edward Budelmann of DYS said that a runaway youth at the training school would get nowhere near the publicity the youth in the JOE program has had

on and off campus.

Budelmann also said that the UMass Community as well as the press has a responsibility to the youths in the JOE program. He noted that the University administration has reacted positively to the program so far. It will be important that the students and others in the community cooperate and not encourage the youths on parole to go wayward, he said.

Budelmann said that it is only because the youths are branded "established delinquents" that the incidents are being "blown up." He referred to last night's vandalism of a vending machine as an example. He said that the same kind of

behavior results during freshman week.

Speaking for the RSO service, Budelmann said that "It is significant that a student-sponsored organization is acting as a major force in social change."

Budelmann felt that social change was already taking place, with the evidence being that a fugitive youth being sought Saturday "turned himself in."

On campus Dr. Robert G. Gaze, Vice Chancellor for Student Affairs at UMass and supporter of this program, said that he "was not disheartened by this at all."

(From the Holyoke Transcript, Jan. 26, 1972)

UMASS PROGRAM: JOE DIRECTOR SAYS DEPUTY SHERIFF ERRED IN STATEMENT

Larry Dye, director of JOE II, the juvenile rehabilitation program at UMass, took sharp exception today to a statement Monday night by Hamp County Deputy Sheriff Merton Burt that the project, according to Burt, "has not a single corrections man involved in it."

"There are nine juvenile supervisors who are state correctional officers working with us," Dye said this morning. "They are working as group leaders, each supervising 10 youths and 10 host students or 'advocates'!"

"Additionally, they were involved with program planning before it started and

policymaking now."

Burt declined further comment today.

[From the Springfield Union, Feb. 1, 1972]

BERKSHIRE YOUTH CORPS VISITS UM EXPERIMENT

PITTSFIELD.—A group of supervisors, graduates and enrollees of the Berkshire County Neighborhood Youth Corps were at the University of Massachusetts Monday explaining to youth taking part in the Juvenile Opportunity Extension (JOE) details of various other programs designed to aid them in getting back into community life.

RELEASED FROM SCHOOLS

JOE is an experimental program at UMass in which students of the university and Hampshire College work on a one-to-one basis with 88 young boys and girls who have been released from the Lyman School for Boys, Lancaster School for Girls and Westfield Detention Center.

These state training schools run by the Department of Youth Services are in process of being phased out in favor of community-based rehabilitation.

Among those who made the trip were Charles R. Whiteman, district manager of the Social Security Administration; Thomas I. McFalls, executive director of "United Community Services, and Robert F. Matthews, program specialist of the Youth Resources Board.

RECENT GRANT

Matthews' board was recently recipient of a \$30,000 grant from the Department of Youth Services to assist in the homes program designed to bring the former training school youths into volunteer family environment. So far about 20 homes have been offered in the county to adopt the delinquents into a normal family life.

Neighborhood Youth Corps supervisors who also participated in the presentation and subsequent group discussions were Sister Mary Hurley and Paul Di Croce of Pittsfield and Joan Lee of Dalton; counselor Paul Boinny of Pittsfield, Youth Corps staff; graduate Shelly Nolan of Richmond and current enrollees, Joseph Boulais, Elizabeth Locke, Ann Mack, Donald Munger and John Pretto, all of Pittsfield.

The recent grant by the state Department of Youth Services not only allows the Resources Board to purchase shelter care for youths already in trouble but similar care for those who may be on the brink and may be picked up at any time, largely because they have no acceptable home to go to.

HAD NO PROGRAM

Until the Youth Resources Board was established there was no delinquency prevention program, as such, in Berkshire County and no coordinated effort to take care of youngsters who came into contact with the courts.

Mrs. James J. Smith, chairman of the juvenile corrections committee of the League of Women's Voters, which was instrumental in prying loose the grant from the state department, has called on the Youth Resources Board to give top priority to establish short and long time group home facilities, especially for girls.

The YRB program for foster care would be modeled after the program of juvenile home placement recently started through the Central Berkshire District Court probation office in Pittsfield. The YRB also has been urged by the league to establish summer employment programs, provide afternoon care for troubled young people as an extension of the Experimental Project in Counseling run as an off-shoot of the Experiment Drug Project.

The YRB has been without finances since last July until the grant of last week, its only success since establishment having been an employment program last summer which gave jobs to 45 youngsters.

[From the Amherst Record, Feb. 2, 1972]

DIRECTORS ARE OPTIMISTIC-BEYOND ALL EXPECTATIONS

Arnold Schuchter, planning director for the state Department of Youth Services, told reporters last week that "a very remarkable experiment is succeeding, beyond all our expectations."

At a press conference called to prevent a progress report on the Juvenile Opportunities Extension program (JOE) at the University of Massachusetts, Schuchter reported that the 88 youths who had come to Amherst from training

schools and detention centers for a month of pre-probation counseling had, on

the whole, done well.

Logically, he said, more run-aways, more dropouts, more incidents could have been expected. Although JOE has been set up as a one-month, one-time program, Schuchter told the Record after the press briefing that he would be pleased if the organization and program that has been established at UMass could be maintained. "If the university wanted to continue it here, we would be most sympathetic," he said.

CHANGES

Larry Dye, staff assistant at the UMass School of Education and director of the JOE program, later commented that JOE was experimental and still needed evaluation, despite its success to date. He would like to see the model changed somewhat, he said, if it were to be tried again.

For one thing, he told the Record, he would hope for stronger training for advocates, the student advisors who are assigned to parolees on a one-to-one basis. He added that he would not again want such a massive influx in such a

short period of time.

At the Thursday morning conference, Dye told reporters that there had been both positive and negative aspects to the program, with the former far out-

weighing the latter.

Of the 88 youths who have participated in the program to date, he said, 14 have been placed in their home communities, negotiations are under way for placement of 43, 18 have been identified as "difficult to place" because of special problems, 16 are still being evaluated with some going to more structured programs, one has been returned to a more secure institution, and one has fied the program and is in violation of parole.

The youth whom he described as "on the run" has left a number of problems in his wake, according to Dye. After his disappearance, according to Dye, the youth's advocate found his checkbook missing. Forged checks from the book are beginning to show up at a local bank, he said, and a warrant has been issued for the youth's arrest. The missing youth has also been identified as the person who purchased and distributed liquor to a 15- and 16-year old enrolled in JOE during the first week of the program.

One of the two youths involved in the drinking incident, he added, has been moved to a more secure institution, following a second incident involving tamper-

ing with wires on a parked car.

ESCAPE

Schuchter, attempting to put the "escape" in perspective, stated that on the average, 10 youths a week broke out of Lyman School. "If we stayed with that figure," he said, "we should have 15 on the run by now." He added that it is easier to leave the campus than it is to leave Lyman.

[From the Amherst Record, Feb. 2, 1972]

SUCCESSES, FAILURES

The Juvenile Opportunities program being carried on at the University of Massachusetts and Hampshire College for almost 100 juvenile offenders first reached the public eye two weeks ago when Gov. Francis Sargent flew to UMass to heap praise on the intent of the project.

Reports of incidents and alleged offenses then hit the news, often mistakenly

or excessively reported.

A program that combines pent-up emotions and tensions of formerly incarcerated juveniles and the sensitivity of inexperienced but sincere college students who agree to assume 24-hour-a-day responsibility for the youths is bound to be neither all black or white.

The "JOE" program was set up in a hurry; a start was made in late December. JOE staffers like Larry Dye and Cindy Dunbar screened student volunteers and talked preparations with the personnel at the closing detention centers and

schools.

The student "advocates" are responsible for the youths for four weeks, during which time they attempt to work with the youths in checking out what living possibilities exist when the program ends Feb. 11. Of course, developing mutual trust and rapport is a big first step.

Record reporter Stan Moulton talked with several of the youths and their UMass and Hampshire advocates last week, with about one-third of the program elapsed.

(By Stanley Moulton)

Angela Kamins, 19, a sophomore at UMass majoring in art, lives in Westfield, but she had never had any contact with the detention center there until JOE II introduced her to "juvenile delinquents."

She volunteered for the program at the urging of a friend, who had learned of the project through her work in the education school. "I had never had any training for this kind of counseling," explained Augela, "prior to the two day training session earlier this month."

At that time all the advocates were exposed to the realities of the expected behavior of the delinquents, as the veteran staff, members from the JOE office explained their experiences at the Westfield center. In addition, youngsters from that state school "role-played" situations certain to come up during the month. "We came down on the advocates pretty hard," explained Cyndl Dunbar.

Angela stated that she and her advocce, Sharon, had visited Sharon's home in Newton during the first weekend of the project in order to re-unite Sharon and her mother, "We had a long talk with Sharon's mother," continued the blonde sophemore, "She and I both think that Sharon will be best off if she is placed in a group home, probably in the Springfield area, so that she can attend a private school. Actually, she was very happy to know that someone was even taking the time to develop alternatives for Sharon's immediate future."

Sharon is not so sure that she wants to live in a group home, away from her family. Originally from Dorchester, the 15 year-old youth who came to Amherst from the Lancaster School, moved with her family to Newton last summer, and attended a junior high school there this fall. Sharon stated that she has been in and out of trouble with law officials in Dorchester for several years, for charges ranging from truancy to assault and battery. Her latest offense, which caused her to be sent to the Lancaster school in December, involved violation of probation.

Sharon talked of her decision to participate in the UMass project. "I had been at Lancaster for a few weeks and they (administrative officials) told me that I could go home at the end of January. But then I was told that I couldn't leave Lancaster until sometime in March. So I decided that if I went to UMass, then at least I could go back to Newton in February."

Her immediate goal, stated Sharon, is to go back to the junior high school she had been attending and "show the people there that I am not as bad as they think I am."

However, Angela 4s attempting to dissuade Sharon from this route. The UMass student thinks that her advocee has "conditioned" her teachers, because of the reputation she carried with her from Dorchester, so that they expect her delinquent behavior. "Unfortunately I think that if Sharon goes back to Newton, she will be egged on by her friends, and even her teachers, in school. So we're going to visit several group homes, and try to arrange a visit so Sharon can stay at one for a weekend."

Angela sees her role as an advocate as the contact link between the goals of JOE II and their success with one particular youngster. To this end, Angela's major goal is to place Sharon in a situation where she can control her actions and will have a good chance of finishing her high school education.

"It's not enough to simply put Sharon in an environment that looks good. More importantly, she has to understand that the opportunity for her to rejoin society is being given to her, but that it is her responsibility to take her future into her own hands."

One thing that Sharon does want to do during the rehabilitation program is to visit Walpole State Prison, and the Northampton State Hospital, to see what prison life for adults is like. During her month at Lancaster she stated, she had followed a daily routine consisting of work assignment, two hours in school, and a drab life in her dormitory.

Every morning I got up at eight o'clock to go to my work assignment, which involved doing all the laundry for my cottage," explained Sharon. "After lunch I went to the classroom for two hours, where we did 'fifth-grade' work, The bott of the day we usually speat sitting around the cottage, except when we were able to get out for some exercise."

Why did most of the girls obey this dull routine? "If a girl didn't report to her job, or went to bed later than she was supposed to, then she would not receive

her cigarettes the next day, or would lose her privilege to go home for a weekend once a month.

One unexpected result of the JOE II project which Angela has observed, is that the youths are developing relationships among each other which go beyond the normal adolescent curiosity about the opposite sex. "These kids are really trying to set examples for each other," commented the UMass art major. "In one case I saw a boy refuse to go along with a couple of kids who wanted to find some grass, and furthermore, he told them that for the program to work, everyone had to observe the rules.

Just as optimistic in his evaluation of the project's progress thus far is Tom Lowther, a December graduate of Eastern Michigan college, who stumbled upon JOE 11. "I had been teaching elementary school in Quebec," explained Tom, "but that didn't work out, so I headed east. I have known Wyndi Dunbar for some time, and I just happened to stop at her home as the planning for the current project was beginning. So after helping out with some preliminary administrative work, I became an advocate."

In fact, Tom is in charge of two 16-year-olds, Nell and Tom, both of whom have spent time at the Westfield detention center for breaking and entering. Tom explained that he had taken the youngsters on short trips in the area during the first week of the project, and that they are planning a five-day trip to Florida during the latter portion of the month.

"One of the greatest satisfactions that we have had thus far," explained Tom, "is just talking things over together, learning how to work successfully as a three

man team in determining how to get the most out of this month."

The 22-year-old college graduate added, "It's important that Tom and Nell not rely on me to make all their decisions for them. They're developing what appears to be a lasting relationship, and that's good because they can rely on each other for encouragement and help after the program."

Both Neil, originally from Easthampton, and Tom, from Monson, are working out plans to become employed following their month at UMnss, rather than going back to public high school Tom will return to his home town, where he hopes to live with a foster family.

"A family in Monson wants me to come and live with them," stated the youngster. "If that works out then I will work in a store or get a job with the trucking company that my father works for.

Nell said that he plans to return to the Middlefield halfway house, where he had been placed before being sent to Westfield, "We are treated well there, and the jobs we are given allow us more freedom than we got at Westfield, where

the doors are always locked."

The greatest advantage of the JOE II program for youths like Neil and Tom? "I think that it's really important for these kids to have relationships with their peers, in a situation that allows them to express themselves as they really are. rather than in an institutionalized role," observed Tom Lowther, "Furthermore, they're being shown that there are people who trust them, and who will back them up."

At Hampshire, however, the advocates interviewed by this reporter were not so certain that the program is going as smoothly as anticipated. One girl, (who requested anonimity) a second-year student at Hamphire and a volunteer at the Westfield center this fall, talked bitterly of her experience with the youngster

placed in her charge.

"I had known my advocee since the fall, when I worked with her at Westfield, and I thought that we had developed a healthy relationship. I found out. however, that she and a friend (living in the same dormitory) took advantage of the trust that we had in them, when they stole a substantial sum of money from a student's room, and then repeatedly denied their act, although we (the advocates involved) had solid evidence that they were guilty.

"I felt that I couldn't work with someone who wasn't willing to have an honest relationship with me, and who was going to revert to her past history of

stealing and lying."

The youngster has since been placed elsewhere in the JOE II program,

"My understanding of the advocate's role is that he is someone who intends to be genuinely supportive to a youngster," stated the Hampshire student, "The advocate is a person who is expected to develop a relationship with a delinquent, and from there do a lot of planning with her, in order to come up with an agreeable idea for her re-entry to society.

"However, I am now very skeptical that this can be accomplished on a college

campus, which I think is an unhealthy place for a lot of these kids from the detention centers to be staying. It appears to me that some of these youths are not handling themselves in a beneficial manner in this environment. A lot are having a hard time making another adjustment to a new living situation."

The student added, however, that her general impression of the advocates is that they are doing a good job, and have a good sense of their responsibility. "Everyone who volunteered for the program knew that this was a 24-hour-a-day job, and so far the advocates have been really good about helping each other out with problems."

Diane Pierce, a second year Hampshire student, volunteered to be an advocate without prior training. She feels that she has developed an excellent relationship with her advocce, Debbie, but that the conference Itself lacks significance because it is centered at UMass.

"It is difficult for the advocates at Hampshire to get their kids to UMass for meals and the afternoon sessions because of the travel involved. Because of this we have missed several of the group discussions, and probably we don't contact.

our group leaders as much as the staff would like."

Debbie, 17, is originally from New York City, and her family now lives fit Brockton. She had been at the Lancaster school for four months because of a parole violation, before deciding to participate in JOE II rehabilitation. Right now she is not really sure about her plans for the future, other than her reluctance to return to school. She talked of going to Puerto Rico, or perhaps traveling to Florida, and stated that she had had some nurse's training in a V.A. hospital, and that perhaps she would enter that vocation.

Diane intends to take the full four weeks before reaching a decision with Debble. "We'll see what happens during the program," she explained, "and meanwhile look at several different alternatives for Debble, and explore the consequences of each one. I do think though, that Debbie should finish high

Diane added, "The most important thing for the advocates to do is to set up the kids so that they don't have to return to the detention centers. The only way to convince a youth that he must take the responsibility for his own future, is though the one-to-one counseling. If those relationships prove meaningful, then the program could be just what is needed for a lot of these youngsters.

In assessing the work of JOE II thus far, conference chairman Larry Dye mentioned a number of problems which his staff has had to overcome; the hasty organization, the large number of people working in a rather loose organization, the inexperience of the advocates, and the immense time spent in "crisis programming" during the first week and one half. Larry explained that his staff had been kept incredibly busy with individual minor incidents, and had not yet been able to devote enough time to "positive group planning".
"Also", sighed Larry, "a good deal of staff time has been tied up already in

making crucial placement decisions for particular individuals. But that's what this program is all about, coming up with an alternative for a youngster who is faced with either having to return to a state school, or to an unhealthy environment where he will probably wind up in trouble with the law all over again."

[From the Boston Globe, Feb. 6, 1972]

A Runway at UMass

RAY RUNS TOWARDS A FUTURE

(By Jean Caldwell)

AMHERST.—The thought may come to you after you have spent a while with Ray that in another age he would have run away to sea and become a man by pitting his strength and skill against wind-whipped sails and surging foam.

Perhaps the thought is prompted by the fattoos on his arms, or by the silver earring that dangles pirate-like from one ear, or by his way of striding across campus with his thumbs hooked in the back of his blue jeans,

He is 16 going on 17, according to the record book, "16 going on 40" if you ask him about it.

When he was 14, instead of running off to sea he ran to Florida and California.

He ran from home and school. After a friend named Victor (now in Jail) showed him how, he "popped the ignition" on a car and wound up running away from the Lyman School in the Westfield Detention Center.

This month Ray finally ran to something.

He was on the run from the Westfield Detention Center again a couple of weeks ago. He heard about a new program that was about to take place at University of Massachusetts and he called up Westfield and said if he could get into that program he would give himself up.

LIVES AT COLLEGE

The program—one step in the Department of Youth Services' efforts to close down the Massachusetts reform schools in favor of small professionally supervised group living arrangements—matches a youthful offender with an "advocate" for a one month period.

The advocate is a UMass or Hampshire College student who takes the juvenile into his home or dorm and helps him (or her) find a home in the community

and either a job or school placement.

Dept supply because four of the 88 Department of Youth Services' youngsters have gotten into trouble at UMass.

But Larry Dye, program chairman, said 70 of the youthful offenders have established good relationships with their advocates.

Ray's relationship with his advocate is an example of what has been good about the experiment.

Ray has been living with Steve and Carol Newman-a young couple who

are working for a Masters Degree at UMass.

In the Newmans Northampton apartment Rays finds himself in a lively creative household. He has had a chance to work on notices, to learn how to play a

tive household. He has had a chance to work on pottery, to learn how to play a guitar, to see Steve work in his photographic darkroom, to watch Carol making a rug.

He has read the daily paper aloud to Steve and Carol in the evening and watched the logs crackle in the fireplace.

LOVES CARS

At 16 Ray is a mixture of man-of-the-world and young boy. He opens doors gallantly for Carol. He talks about getting married after he turns 17. And then impulsively he slides down the railing of the escalator in the Campus Center.

He seems both surprised and pleased that his name may be in the paper "for

something good."

He says that two years of alternating being on his own with being in the custody of the law have made him feel that if he had it to do again he would listen more carefully to advice along the way.

He notes that his own father—for five years a widower—has grown in "under-

standing" over the past few years.

Ray didn't stop learning when he dropped out of school. In addition to stealing cars, he learned how to thumb across the country and how to tattoo. He carefully explains to Carol and Steve you can use lemon oil to remove tattoos.

When asked what he would do if he had a younger brother who was about to

steal a car, he answered unhesitatingly: "I'd beat his ass."

Ray loves cars and has worked sporadically at a friend's auto body shop. He hopes to be able to line up a job there again. If he could be would like to be a racing car driver—a sport followed by his father at one time.

At an afternoon meeting about 20 youths and advocates listened to Fr. Paul Engel talk about Downey Side Home—one of several "alternate family" arrangements available for the young people.

Ray looks intently at words on a Downey Side folder and then asks Steve:

"Is that what I am?-A throw-away child?"

JOE SUCCESSFUL SAYS GAGE

(By Robert Medeiros)

The JOE program has been "remarkably successful," said Dr. Robert W. Gage, vice-chancellor for student affairs, during an MDC interview yesterday. Gage said that according to the information he has received, less than 10% of the youths involved in the program have gotten into "significant difficulty." Compare this with the fact that 70% of the youths who are released from such institutions as detention centers, return to these same institutions within 90 days, he said.

Today marks the end of the four-week old JOE program. It is expected next Monday that Director Larry Dye will announce at a news conference that all but a few of the JOE youths have been placed in foster homes.

An encouraging aspect of the JOE program, said Gage has been the fact that a large percentage of youths have been able to establish reasonable communica-

tion with their parents.

"The advocates have become intermediaries in reestablishing communication

between the youths and the parents," he said.

About criticisms against the JOE program by University student, Gage replied, "I think a program like this carries with it a certain degree of risk for the students and the (JOE) youths."

As Gage sees it there is now a double standard for behavior. He told the MDC: "There is a difference between the behavior we expect from them (JOE)

youths and the behavior we expect from the students.

"We tell them that this has got to succeed; this is your last chance, we can't

permit you to make mistakes.'

Gage also attacked the role of politicians in the JOE program. He said the "petty personal interests of politicians" may be defined as being "basically immoral, it is immoral to use someone else for your own interests."

Asked to list the one change he would like to see in the JOE program, Gage replied, that a basic thing would be more time for "thoughtful preparation of advocates and more time for the matching of advocates with youths." But, explained Gage, it is necessary to act quickly in these affairs. Therefore, long-range planning is difficult.

The UMass Security Department has been "very understanding" said Gage. It has worked closely with the youths.

Gage said he would like to see the JOE program expand. "I would hope that

selected schools would pick up on this type of program," he said.

Commenting on the effectiveness of the UMass campus in dealing with the JOE program, Gage stated that the campus has the advantage of being relatively isolated. He considers it important to isolate the youths from the environment which has resulted in their problems.

Gage said it is necessary to generate new interests in the youths. This, said Gage, is the heart of rehabilitation.

[From the Massachusetts Collegian, Feb. 14, 1972]

DYE CALLS JOE SUCCESS DESPITE PROBLEMS

(By Barry Stavro)

Larry Dye, coordinator of the JOE program at UMass, summed up the four

week effort as being "extremely successful."

When the national penal system has a 75% return rate of its inmates after their release, Dye reasoned, any improvement is necessary and worthwhile. Dye said. "These kids have been damaged by institutions. If we lock up a kid for four years we owe him four mistakes. My approach is to make shifts in the social system so that they serve the offender." When asked for a prediction on the JOH kids Dye answered, "We're shooting for 60% successful."

However the residents of Grayson, which housed some of the JOE kids, were not generally favorable of JOE. Charles Burns, one of the Hends of Residence stated, "The idea behind the program is good, but the logistics and administra-tion is about the worst I've ever seen. I understand it had to be set up quickly

(JOE Program) but the students of this university were imposed upon."

Dye admitted that the JOE kids had to make "a rough transition" from penal institutions to the "unfamiliar environment" of a college campus. In discussing the theft problem on campus during the JOE program Dye said, "There can be a few incidents, directly related to the JOE kids." He continued, "Realistically though, you have to expect that when you're taking a hundred kids,"

Some common complaints in Grayson were that the residents were not asked if they wanted the JOE kinds to live there, and the program wasn't explained to them beforehand. Burns said, "It was arbitrarily decided that they were going to

live here."

Last week's letter to the editor, "What's up Joe?", Burns admitted was not totally correct. He said it "was sprinkled with some facts to make the Program look bad." He stressed the fact that it was the first negative response to JOE, to be printed in the Collegian,

The author of the letter, Howard Levin, stated that the purpose of the letter was to indicate that the program, although sound in its motivation, has many

problems that should be aired, in case it should ever be repeated."

Burns, who is on the Hill's security force, said that during the JOE program \$200 worth of property had been stolen. A Dickinson girl had lost \$75 from her wallet, a door and table were smushed, and a vending machine had been vandulized. He also said that during the program between two and six cars were broken into each night on the Hill. Burns also said that JOE kids have been seen testing door knobs. He admitted that all the thefts were not totally due to the JOE kids, but that "It's very easy to take advantage of the program." He explained that outsiders have used JOE as an excuse for visiting the dorms, and that some of the thefts occurred while the strangers were in the dorms.

some of the thefts occurred while the strangers were in the dorms.

Dye had said earlier about the JOE program, "We don't see ourselves as a liability. We try to live up to the commitments and obligations here, and we'd like to be aware of them." He continued that JOE was reimbursing the university and students for some of the damaged or stolen material, Concerning those who have complained about the program, Dye offered, "I feel sorry that a person can't

deal with the problem heads up. That he can't come down and talk,"

JOE PROGRAM DEBATED

Burns also complained about the JOE advocates, "Some of the advocates are in worse shape than the JOE people." He cited one advocate who still has a case pending from the drug raid here last spring. Burns commented, "And he has the unmitigated gall to take care of a kid." Burns did say that "I'd like to commend those who are sincere." But he felt that some had worked in the program only for the \$40 a week salary they were paid.

However, Dye felt that the student volunteers made "One hell of a commitment." He added that "The R.S.O. office became a catalytic social agency. It's a fascinating concept that RSO can push Pres, Wood to get the Governor to make an official

statement."

One other point of debate was whether a college campus is a healthy atmosphere for delinquents. Burns believes it unwise to bring the JOE kids into an

environment where "the use of drugs and alcohol is phenomenal."

Dye stated that "Universities aren't dens of inequity." He also thinks it naive to assume that a college campus would be too liberal for the JOE kids. He explained that there was a fourteen year old girl in the program who had been a prostitute on the streets for two years. He noted that most of the JOE kids had broken away from their family at age twelve. Therefore, it seemed ridiculous to him to believe that they could be negatively influenced here.

Dye summarized his feelings about the interaction between the JOE program and UMass studens by saying that it should have been a "sharing experience."

But he felt, "I don't think we tapped it enough."

[From the Massachusetts Daily Collegian, Fob. 14, 1972]

JOE II PROGRAM ENDS AT UMASS

(By Frank Greve)

JOE II was "fantastic" in the words of UMass Dean of students William Field. "It exceeded our expectations by a lot."

Field, Joe II, officers and others were on hand at the UMass Campus Center this morning to assess month-long project in juvenile reform ended yesterday.

"Students don't get enough recognition for this kind of responsibility," project head Larry Dye commented of the 99 UMass and Hampshire College students who hosted the youths.

"Usually we notice students most when they're protesting for a cause," he continued, "Here they were taking on a new sense of responsibility—the helping of another human being."

Dye's gratitude extended as well to UMass security police, officers of Recognized Student Organizations. (the UMass student activities group) staff borrowed from the Westfield Detention Center and Jerry Scanlon, of student affairs.

"We'll measure success by the number of kids who never see a judge again." Grime statistics that made cynics of some program observers—12 youths got in trouble—"will, I'm sorry to say, just be lost in the overall University crime statistics," commented Jerry Scanlon, Dean of Student Affairs.

SIX RUNAWAYS

Of the 90 youths participating in JOE II—including six runaways who joined the program after turning themselves in—41 were returned to their homes by Sunday's close-down. Foster care situations were found for 11and 34 were placed in group homes throughout the state. According to Larry Dye, project director, six ran away from the program and 12 were involved in court dispositions following drug, breaking and entering, and auto theft charges.

Dye compared the back-in-trouble rate of 12 per cent to a Mass, figure indicating that 75 per cent of the juveniles released from state institutions were

back in three months.

"If, in the long run," only half of these kids are back in institutions," he said, "we'd be doing a lot better than the national average which is 74 per cent." Dye indicated his optimistic prediction would see 75 per cent permanently out of trouble.

Even as JOE officers and UMass administrators were voicing congratulatory

optimism, the student paper was filled with related controversy.

According to a University security officer, Charles Burns, about \$200 worth of property had been stolen from his dorm complex during the program, a door and table had been vandalized and a vending machine broken into. He said from two to six cars had been broken into nightly.

At the same time, Burns admitted that an earlier anti-JOE II letter in the UMass Collegian, "was sprinkled with some facts to make the program look bad."

WHY THE COALITION?

To the Editor:

"We see the month of November as being directed towards prisons and prisoners' demands. We see ourselves as a working unit and this unit as a continuing

one." (quote from the article on coalition)

We were invited to the University to help run a workshop on Crime and Delinquency for National Moratorium Day, There has been a great deal of concern as was shown by the volunteers that have been coming to Westfield Detention Center from the R.S.O. J.O.E. and Larry Dyes Crime and Delinquency class. We looked forward to meeting many more students who wanted to inform themselves of our lives at the detention center and to exchange ideas on what they can do to make some changes in the prison system.

Our great disappointment was that no one showed up. It seems to us that it is the same few volunteers who are concerned enough to carry through on their commitments. Aren't there any other concerned students at UMuss?

Kids from Westfield Center.

(From the Union (Springfield), Feb. 15, 19721

AID FOR DELINQUENTS SUCCESS, DYE SAYS

(By George C. Jordan 3d)

AMHERST.—Lawrence R. Dye, director of Gov. Surgent's experimental Juvenile Opportunity Extension conference (JOE) at the University of Massachusetts termed it a success in terms of juvenile placement and noted that the experimental model may become useful in other states.

The key to determining success of the JOE program is the "yardstick of just placement" Dye told newsmen Monday at the UMass student union following the

month long conference which ended Friday.

Dye, who is a doctoral candidate in education at UMass and a consultant to the state's Department of Youth Services, said although he was "quite happy with the program" he does not foresee the program being repeated at UMasss, but it may be adopted in other states, he said.

There are some 86,000 juvenile delinquents in approximately 234 institutions in the United States. Dye noted.

But, he said, he would not want to use the university as a place to train New

York kids.

The DYS plans to set up residential treatment care facilities for juvenile delinquents which will act as "buffer zones" between the institutions and the home community, and is presently phasing out some of its juvenile institutions including the Lyman School for Boys and the Lancaster School for Girls, Dye said.

While the program's concepts are not new nationally, it is the first type of experimental juvenile rehabilitation program to be conducted on a university campus of this size, Dye said.

Also speaking at the press conference besides Dye were Gerald F. Scanlon of the UMass Student Activities office and advisor to the Recognized Student Orga-

nization (RSO) and Dr. William F. Fields, dean of students.

Scanlon termed the program a general success despite a number of incidents involving police and the delinquents. The RSO group was responsible for setting up and supplying the student advocates who served on the JOE program.

Dr. Fields said the JOE program "exceeded our expectations by a wide margin," and that he was impressed by the dedication of the student advocates,

involved in the program.

This dedication was not limited to those directly involved in the program from UMass and Hampshire College. It was a source of discussion in and out of the classrooms. Because it's a controversial program, it's bound to have impact on the student body, he noted.

The program had a chance for development here, the dean said.

Dye said as a result of the month long program the percentage of those placed runs between 88 and 90 per cent.

Of the 99 youth participating 86 have either been placed back in homes, a foster

home or an alternate group plan such as a half way house.

Seven youths have been returned to a juvenile institution, either to Westfield Detention Center or to Roslindale Juvenile home for additional structured programming.

The remaining six, who left the program for a number of reasons, are on run-

away status, Dye said.

There have been a total of seven incidents involving 12 youths. Dye told reporters. Charges against the youths include motor vehicle violations, possession of marijuana and uttering and forging of checks.

Two youths were sentenced last week to the Hampshire County House of

Correction for 80 days each for using a motor vehicle without authority.

Commenting on criticism of the program, Dye said most of the participating juveniles were ready to be released from institutions. This program acted as a buffer between the institution and the home, he said.

In some cases, the student advocate will do follow up work with the youth for

80 days as part of the adjustment period.

The first 90 days following the relase of a youthful offender from an institution is the most critical time, according to Dye. He cited figures that 74.25 per cent of the offenders return to the institution in a short time.

Dye told reporters that if the program was to be repeated that he would institute a stricter selection of the youth and more training for the student advocates.

There was trouble with the pairing of 18 of the student advocates with youths of a one-to-one basis for a variety of reasons including personality conflicts.

A total of 10 advocates were dropped from the program, Dye said.

WHAT NEXT J.O.E.?

(By Tom Derderian)

Most of us think that the JOE program for the Juvenile Delinquents was a good idea. Maybe it was. Kids who got into trouble don't need to be locked up. You lock 'em up and they get pissed off so when they get out they have a good rational for bustin' things . . . they're pissed off. So far it's a good idea to end schools like the Lyman School and the Lancaster Training School because they don't work. They don't train kids.

This move is a good step toward prison reform to prevent such uprisings as Attica. Very good and the liberals are happy. The Lyman School is closed up, dust is settling and stillness reigns; an era has ended. The era of Oliver Twist, cruel, unusual punishments and child labor is ended, but before the dust settles what is going to happen to the old Lyman School located on prime Boston land?

Politics is not the only overtone tainting JOE. Joe was a bit tainted to begin with. They are going to change the Lyman School into a college. The middle class liberals will be even happier. Their consciences will be clear and they will have themselves another college. And we all know how much we need another college. Another play place for the rich kids and JOE will be homeless.

These kids who got into trouble used to have a place. The use of the place was

against their needs, unfortunately. They didn't need to be imprisoned. Now they

have no place but four weeks "programs", and are depudent on politicians' needs for programs that have happy overtones that they can get involved with. Governor Surgent immediately leaped to Amberst to get his picture in the paper (and we put it on the front page of the semester's first MDC) and Sargent's detractors attracted him through the incidents with the JOE kids on campus, (reported in the Springfield Union and other papers).

The kids are now at the mercy of political expediency. In short they lost. They have no place and so can be phased out or forgotten easier than the ever present

old brick buildings of the Lyman School can be forgotten by a guilty commuter. But, we can do something with these old brick buildings. We can give up another college and turn the buildings and land over to the same kids who just got kicked out of them. Change the Lyman School and the Lancaster Training School and other institutions into tultion free, residential, vocational and technical training schools reserved for youths of high school age who might otherwise have wasted away in regular public schools. What is nedeed is a "Hampshire College" concept on the vocational, technical level for poor kids, ages 15-16, whose parents can't hundle them. This is a sound and functional idea to replace the old era reform schools.

MORE GOOD THAN BAD

Now that the Joe Program is over most of us realize that it was, if not a total success, a valiant effort to break away from the wretched and dismal youth correctional system. The search for a new and effective means of treating juvenile offenders will be a long and arduous transition, a transition that Youth Service Commissioner Jerome S. Miller deemed necessary if the youths of Joe were to be saved the tragic consequences and accompanying recidivism rate of our present penal system.

For the students who were imposed upon or unduly inconvenienced by Joe we

ask you to pause and look at the results of the program.

Of the 99 young men and women in Joe, 41 went back into their own homes, 11 were placed in foster care environments, 34 went to group homes such as Libra House, 7 were returned to institutions, and 6 youths were listed as runaways. Only 12 youths were included in any sort of trouble.

We realize your feelings of imposition and frustration can not be totally

assuaged by the above. Yet we hope you realize the good that has come of the program and the hopes it raises throughout the country for new youth reform.

The Collegian realizes that the haste of organizing the program resulted in some poor planning and logistical deficiencies. Yet we expect the Youth Service Board to learn from this past experience and apply what they have learned here to their future programs. Consideration should be given to holding future programs on smaller campuses or in environments where there is a greater sense of community.

Finally, we believe that innovative programs like Joe should continue. Public

support will be needed to continue the momentum. We ask that you give it.

COLLEGE KIDS AID DELINQUENT KIDS

(By Connie Rosenbaum)

AMHERST, Mass., February 14.-When Karen was released from the Lyman State Training School she had her clothes, a pair of sneakers and her tooth-

brush. Betsy brought her a pair of high boots.

Karen and Betsy (not their real names) are one of 95 pairs of youngsters who spent the last four weeks together on the University of Massachusetts campus here. They were part of a novel parole program that developed after the reform school was closed suddenly in mid-January.

Karen is a juvenile from a broken home who has been in and out of institutions for the last few years. Betsy is a college student who wanted to help, They lived together in a dormitory. Other former inmates moved into apartments with the student volunteers, who received \$40 a week for living expenses.

Betsy was called an advocate. Her role was to help Karen make the transition from behind bars into the community. She searched for a good place to live, helped Karen get back into school and found a good counselor in case Karen

wanted to talk about getting a job.

The program was organized by Juvenile Opportunities Extension (Joe), a campus group that attempts to involve students with social problems in the

community.

"Regular parole officers work for the system" said Larry L. Dye, director of JOE and a graduate student. "Our advocates work for the kids. For many youngsters, it was the first person who has stuck with them."

Henry's case is a prime example, Dye said. When Henry applied for a job in the Youth Corps after he had returned home, a worker said the jobs were

filled and only political pull would help.

"The advocate went to the mayor's office in that town and stayed there until

he got the boy into the corps," Dye said.

The advocate project was planned after the Massachusetts Youth Services Department (an agency responsible for about 1100 youths annually) moved to phase out all large state institutions. Student volunteers were screened and paired with former inmates who lived near their home communities. They worked on an intensive one-to-one basis to make living arrangements and plans for school and work.

"We couldn't have moved so swiftly without the college students," said Dr. Jerome G. Miller, commissioner of Youth Services. "They enabled us to close

the institutions without abandoning the kids."

Youth Services subsequently closed another training school. A third will be shut in May. The state's shift away from institutions has been a major reform

in the field of juvenile correction.

Karen and Betsy met for the first time on a Monday morning four weeks ago when a caravan of 25 cars arrived at the 124-year-old Lyman reformatory. Within 15 minutes, the school staff had processed and released 95 youngsters between the ages of 17 and 11.

The project encouraged the youths to take advantage of the University of Massachusetts campus health service, movies, gymnasium and discussion groups. Speakers were brought in. The most successful session involved eight convicts from a nearby state prison farm who talked about the unglamorous results

of crime.

About half of the juveniles returned to their homes after the 30-day program, which ended Friday. Others were placed in foster-care group homes or with private agencies. Advocates intend to continue helping the youngsters on such problems as with education, employment, medical care or just sheer boredom, Dye said.

"Some of the youngsters responded and others didn't," said George Ashwell, a group leader who works in the nearby state detention center. "The boys with the worst discipline problems were also the ones who had been in institutions

the longest."

Ashwell said the program was remarkably free of runaways, fights and car

thefts, constant problems at the Lyman Training school.

"Two boys did steal a car and got caught," Ashwell said. "They were 17 years old and had been living in institutions since they were 9. One boy had a father, brother and cousin in the state prison. We couldn't place them. They got frustrated and tried to run."

The program emphasized getting the student volunteers to know the problem

youths as people, not offenders.

"Too often kids are nameless statistics in juvenile courts," Miller said. "They are really individuals with families and experiences that are just as important as the 15 minutes worth of crime they committed."

Finding placements for some of the teen-agers, especially the girls, was difficult

and disappointing in a few cases, Dye said.

"But I am convinced that these youths were matched befter with places suited to their needs because someone took time to know them." he said.

Dye said that universities across the country offer a wealth of untapped

resources that could help delinquents.

"If only 10 per cent of the 22,000 students here took an interest in these kids, we could assign an advocate to every child committed to the state," Dye said.

Senator BAYH. The next witness is Mr. Larry Dye from the West-field Detention Center, and also lecturer, School of Education, University of Massachusetts.

Mr. Dye, I understand you have two people accompanying you. Would you care to have them join you there at the table now? I thought

maybe you could introduce them.

Chief counsel tells me you have a rather lengthy statement. We will be glad to put it all in the record so that you do not have to feel obligated to read it all.

STATEMENT OF LARRY DYE, LECTURER, UNIVERSITY OF MASSA-CHUSETTS, DEPARTMENT OF EDUCATION, AND COORDINATOR OF PROGRAMS, WESTFIELD DETENTION CENTER: ACCOMPANIED BY MISS JANICE GAMACHE, STUDENT ADVOCATE; GEORGE ASH-WELL, JUVENILE SUPERVISOR, WESTFIELD DETENTION CEN-TER: MISS LEE LEHTO, STUDENT ADVOCATE, UNIVERSITY OF MASSACHUSETTS: ERNEST REIS, GRADUATE STUDENT, UNIVER-SITY OF MASSACHUSETTS; PAUL KELLY, FORMER INMATE, AND MISS SENECA PATTERSON, INMATE, WESTFIELD DETENTION CENTER

Mr. Dye, Thank you, I would like not to read it, but I would rather highlight some of the points made in relation to the program, and then open up for discussion, letting the youths talk about what they are

Senator Bayn. Excuse me. Could you pull the microphone a little

closer so I can hear you.
Will you identify the others who are with you, please?

Mr. Dyr. OK. We have on the far right Mr. Paul Kelly from Westfield Detention Center. Next to him is Lee Lehto who is a student at the University of Massachusetts, and also is a foster mother, to a young girl from the detention center.

Senator BAYH. I wish we could all have mothers like that.

Mr. Dyr. We have next to Lee, George Chip Ashwell. He is juvenile supervisor at the Westfield Detention Center. And next to Chip is Janice Gamache, Janice Gamache is a student advocate also from the University of Massachusetts.

Senator Bayn. Pardon me. You said "student advocate"-"also a student advocate." Maybe you had better tell me. Is Lee also a student

advocate?

Mr. Dye. Lee and Janice are in the same program.

Senator Bayn. Fine. All right.

Mr. Dyr. On the far end is Seneca Patterson, who is a youth at the

Westfield Detention Center right now.

And next to me, on my left, is Mr. Ernie Rein, who is a graduate student at the University of Massachusetts and has been coordinating a program called the juvenile opportunities extension program, at the university.

We have been spending a lot of time listening to testimony from the administrators and people who traditionally testify in these hearings, and I would like to allow the youth, the juvenile supervisors, and the students who have to deal with the issues on a daily basis, in a 1-to-1 relationship, to speak and limit my conversation to briefly the Westfield Detention Center and also about the juvenile opportunities extension program at the University of Massachusetts.

The Westfield Detention Center is one of the facilities that is in operation in the department of youth services under the auspices of

Dr. Miller.

Westfield Detention Center is a western Massachusetts facility. It services four counties in western Massachusetts, Berkshire, Hamp-

shire, Hampden, and Franklin Counties.

The facility was built a little better than 9 years ago. It is built like most correctional facilities, plexiglass windows, bars, tile floors and cement walls, and cement ceilings. It is a 25-bed facility, and it was designed for youth, primarily for detention pending court, and the youth would be arrested and referred from one of the counties to Westfield Detention Center for a 2- or 3-day stay, and then go back in front of a juvenile court judge. The majority of the youth that come there would be released back to the community on probation, but a large percentage who would get committed to the department of youth services would come back to Westfield to be transferred to one of the larger institutions.

The philosophy of the institution was one of control and custody of

the youth as they came to the facility.

At the door of the facility they were stripped of all of their outside clothing, booked, shaken down, and placed in State clothes. It was not too long ago that they were giving haircuts. The youth would then be referred to the formal regimentation of an institution of that kind.

When Dr. Miller came in and wanted a change in terms of the philosophy of the institution and to eliminate large custodial care, a number of people from western Massachusetts became concerned about Westfield Detention Center. In April of last year, at the University of Massachusetts, we had a number of youth, including Paul who is with us today, come up from Westfield Detention Center and talk a little bit about the facility. They turned on a number of students at the university. The students got together and decided they would like to try and bring about some necessary changes to provide human care for juveniles in that facility.

In June, the previous superintendent of the institution left, and that is when the significant changes started to happen. We—myself being an outside consultant coming in on a daily basis—the new staff that were being recruited at the facility, and the student volunteers from the university, started to institute a series of new programs. Basically, the philosophy that Westfield is operating under is very, very close to the previous speaker Mr. Wolfe's philosophy, one of trust, respect, and

responsibility.

We have instituted programs where youth are going out on work release during the day and returning in the evening. We have instituted a free school where students come in and do tutoring. The youth go downstairs to the classrooms in the facility—can go at any time and become involved with educational subjects based upon their own perceived educational needs.

We have instituted a school release program where the youth referred from the juvenile court, will be kept in their own school systems. We bus them back to their school system during the day and pick them up in the afternoon and bring them back to Westfield Detention Center for their evening stay.

The youth have designed, directed and are now producing their own play. It is called "A Trip for Teens." They have shown it at the University of Massachusetts, American International College, Hampshire

College, and have gone out to a couple of neighborhood youth corps

groups in the area.

Basically, the play is about how kids get busted and some of the problems they are having as juveniles struggling in their communities and with their families.

We have instituted a number of hiking, outing groups, and routinely there are trips going out all over western Massachusetts for rock climb-

ing, hiking, overnight camping and things of that nature.

The changes at Westfield revolved around a daily living group. Everybody in the facility meets for 1 hour during the day. The meeting has a threefold purpose; one is changing the rules and policies of the institution, getting rid of arbitrary rules, not just to get rid of arbitrary rules but to come up, in fact, with a meaningful alternative. An example of that would be where the youth proposed in a group meeting about 2 months ago to stop censorship of mail. In most correctional facilities censorship of mail is an important issue. The youth had to come up with a viable alternative and present the program on how they would deal with the issue, for instance, of contraband coming in and out of the facility, they presented their proposed alternatives and the way they would monitor the alternative and the program was implemented.

The second purpose of the group meeting is program planning. If the youth, for example, wants to go out on a hike, they would propose it, in the group meeting and then they would write basic proposal including the staff coverage or student volunteer support, and they take

off on their trip.

The third purpose of the group meeting is to deal with behavior in the building. Behavior such as the three instances of drugs coming into

the building in the last year, dealt with in the group meetings.

The last, point I would like to make relates to the staff of Westfield Detention Center. Westfield has, traditionally, under the previous philosophy, attracted what would be normally considered a traditional juvenile supervisor. One example was a staff member referred by a political contact because he was an ex-alderman, felt that the only way he could deal with a juvenile between the ages of 7 and 17 was with a blackjack, and he carried a blackjack in his back pocket. In the Commonwealth of Massachusetts it is illegal to even have one in your possession. He was brought up on charges by the previous superintendent, and the most they could do was, under civil service stipulation, tell him not bring the blackjack into the institution when dealing with the children.

There is now a new philosophy. We are attracing a whole different

breed of personnel and Chip is an example of that new breed.

Over the last 9 months, since we have started the changes inside of Westfield Detention Center, every person who has been hired on the floor has come in with a minimum of a bachelor's degree. They are taking home \$89.11 a week. They are willing to volunteer and donate their time because they feel they can work with kids.

Senator Bayii. Bachelor degree personnel at \$89 a week?

Mr. Dye. Yes. The salary at Westfield for a juvenile supervisor, take-home pay, is \$89.11.

Mr. Ashwell, \$81.

Senator BAYII. That is take-home pay?

Mr. Dyr. That is take-home pay.

Senator BAYH. All right. Let me ask you a little more about that.

What is the average age? Mr. DyE. Of the juvenile?

Senator BAYH. No, no, the staff.

Mr. Dye. I think our oldest is 24. The majority are between the ages of 20 to 23.

Senator Baym. While we are on these questions, why do not I proceed to try to tie everything together?

How long have you been operating this new plan?

Mr. Dre. Under the new philosophy since last July when the previous superintendent left.

Senator BAYH. So, you have not had quite a year at it yet.

What has been the staff turnover during that period of time? Mr. Dye. The staff has not turned over as significantly as we would like to see it turn over, because many have got a vested interest in their careers. However, we have been able to bring in a number of staff members aboard, and, roughly, I would guess, that number to be about 20 people.

Senator BAYH. You say there isn't sufficient turnover. Do you mean that there are some people who are still there from the old

philosophy?

Mr. Dyr. Very much so.

Senator Bayn. I was wondering if you could give us your assessment with less than a year's experience on staffing juvenile facilities. I would not think you would want a revolving staff once you get capable people, do you? And the salary, I just wondered if a lack of higher renuneration is going to be a problem over time to continue

to obtain the kind of people needed for these institutions?

Mr. Dye. I would start with the premise I would like to have a revolving staff. I think that one of the problems of correctional institutions is, in fact people get locked in to a role or a job for too many years, and it becomes easier to deal with the issue than it is to deal with the needs of an individual juvenile. And after you have been on the floor at Westfield Detention Center, or any other correctional institution, over the course of a year you start handling things a little easier to make the job much easier rather than trying to struggle with the needs of an individual juvenile.

So, I personally, would be struggling with a model where you do have revolving staff, not necessarily revolving out for the sake of turnover, but providing options for staff who want to advance themselves,

and go on for further education.

The fact that most of the new staff coming in with undergraduate degrees now allows us the opportunity to provide a graduate program for them at the University of Massachusetts, to pursue an advanced degree and work themselves off the floor of Westfield and out into the community to help do community programing and let a new group of people come into Westfield to deal with the changing needs of changing youth.

Senator Bayn. But how often do you want to revolve the staff? Mr. Dye. I think the person on the floor of Westfield for a year starts to become regimented in their approach toward dealing with juveniles.

Senator BAYH. How long does it take to train someone who comes out of Boston College with a B.A. in English or something like that? How long does it take to train that individual to do the job at

Westfield?

Mr. Dye. Maybe it would be good at this time to give this to the juvenile supervisors who are there and also the students volunteer who are on the floor of Westfield and have had an opportunity to get the training that Westfield offers. Chip?

Mr. Ashwell. When I first started working at Westfield, I came in under the model of the old superintendent, and at that time what happened was that I came in on a Saturday morning and they handed me a set of keys and sent me downstairs to the recreation room, and at

that point it was learn and survive.

Your responsibilities, basically, were to maintain control of the kids, to weed out any kind of fighting or violence. This actually only took about 2 hours of your 8 hour shift, and you began to wonder what to do with the other 6 hours. When you got to know the kids on a better level, and you began asking if you could take them out and do stuff, however, this was generally refused. The more time that you put in on the floor the sooner you learn. It takes about 3 months before you really understand what's happening, however the kids will make sure that you learn quickly; they are good at that.

Senator Bayn, Now, let me make sure that the record accurately

describes the change at Westfield.

You described the detention home earlier.

What is the average stay now for a young person that is sent there? Mr. Dyr. The change in July also brought about a change in deal-

ing with juveniles at Westfield.

There was an administrative decision that was made in Boston not to refer kids to institutions like Lyman or Roslyndale. So, what we have done is made a concentrated effort to maintain the youth in western Massachusetts who are committed to the department of youth services. This automatically increased the stay at Westfield. However, it is the policy of the department not to keep a youth more than 3 months in an institutional setting. When the youth comes into the facility, staff begin to generate a program of placement back in their own community, developing a foster home, or trying to open up the doors of a group home for a youth if that is what the youth needs.

Senator Bayır, Back in the home community?

Mr. Dyr. We would like to. However, some of the home communities are not prepared to deal with that. One example of that is Seneca. One of the options that she has available for her is the Institute for Living at Yale University which was generated by a staff member, but that would not take her back to her home community of Springfield.

But, again, the Institute for Living offers a program which might fit some of Seneca's own personal needs.

Senator Bayn. Could I just talk to the young people?

Your first name is Seneca? Miss Patterson. Seneca.

Senator BAYH. You are in Westfield now?

Miss Patterson. Yes, I am.

Senator BAYH. How long have you been there?

Miss Patterson. About 4 months.

Senator BAYH. Four months. And your home is in Springfield?

Miss Patterson. Yes, it is.

Senator Bayn. How long have you been involved with——

Miss Patterson. The law? Senator Bayh. The law.

Miss Patterson. Since I was 9 and a half.

Senator BAYH. Is it fair to ask you how old you are now?

Miss Patterson. Sixteen. Senator Bayn. Sixteen?

What was the first thing that happened wrong?

Miss PATTERSON. I stole some English mussins from the store, and

Senator BAYH, Nine and a half, and you stole some English muffins?

What did they do to you?

Miss PATTERSON. They kept me down at the police station, and I went to court the next day, and then I went home, and I ran away, and I got put in Westfield.

Senator BAYH. How old were you when you first were sent to

Westfield?

Miss Patterson. Ten.

Senator BAYH. Ten? Were you living with your parents-

Miss Patterson. Yes, with my mother. I was just living with my mother, because my mother and father were separated.

Senator BAYH, At that age, 10?

Miss Patterson. Yes.

Senator BAYH. Do you have any brothers or sisters?

Miss Patterson. Yes.

Senator BAYH, How many?

Miss Patterson. I have two brothers and one sister.

Senator BAYH. Two brothers and one sister. And what did your

mother think about your being sent to Westfield?

Miss Patterson. Well, at least, I was safe: and, then. I started running away after that and she got worried. I think the State thought it would be better if I stayed in Westfield because it might teach me a lesson, but it did not.

Senator BAYH. Now, as I understand it, at that time Westfield was

just a detention center?

Mr. Dye. That is right.

-- Senator Bayn. Did you go to another institution after you were

sent to Westfield?

Miss PATTERSON, When I was 12, I did not want to go home so, they put me in Worcester, and some of my friends left to go to Lancaster, so I wanted to be with them and I went to Lancaster. I staved there for a year and a half, and then they let me go home, providing that I be good, and I was not. So, I had to come back, and I was only home for 2 weeks.

Mr. Dye. Lancaster is the industrial school for girls in the State of

Massachusetts.

Senator BAYH. What do you think of this new program that is at

Westfield now?

You were there before under the old program and now you are there under the new program.

How do you compare the new program?

Miss Patterson. I think it is better now. People understand. They talk to you; people did not understand before because every little wrong thing you do, they just lock you up in your room.

Senator BAYH. Did you have a foster mother or something like

that?

Miss Patterson. No; I did not want one.

Senator Bayn. Pardon?

Miss Patterson. I do not want that.

Senator Bayn. When you have problems like most 16-year-olds have—and it has been a long time since I was 16, but I am sure I had my share of problems—and you find that you need somebody to talk to, to whom do you go?

Miss Partenson. I do not go to anybody. Well, sometimes I do, but if it is one of my worst problems I keep it to myself and I do not tell

anybody.

Senator BAYH. Do you not want to go back with your mother?

Miss Patterson. In a way, yes; and in a way, no.

Senator BAYH. Are you studying anything?

Miss Patterson, No.

Senator BAYH. At Westfield? Do you think you ought to learn something, I mean some trade or something?

Miss Patterson. Yes, I think so.

Senator BAYH. And get an education?

Miss Patterson. Yes.

Senator BAYH. Anything particularly you want to do?

Miss Patterson. I want to be a policewoman. Senator Bayn. You want to be a policewoman?

Miss Patterson. Uh-huh.

Senator BAYH. You have to get a high school education, I suppose, to be a policewoman.

Miss Patterson. I know.

Senator BAYH. Are you going to tackle that?

Miss Patterson. I am going to try after I think about it.

Senator Bayn, All right.

Mr. Reis, you were a student coordinator or working on an advanced degree; is that right?

Mr. REIS. I am a graduate student in urban education. Senator BAYH. What does a student coordinator do?

What do you do specifically, if I may ask?

Mr. Reis. Well, I had 3 years' experience working with the student activities office at the university, coordinating volunteer, in Springfield. I attended the seminar last summer, and got involved with the Westfield program, they wanted a volunteer program for Westfield, so with the resources that are available for student groups and I got together with some other students and developed the juvenile opportunities extension program.

Senator BAYH. Now, are you staff coordinator on a voluntary basis? Mr. Reis. Yes; however, I was suffering from a little economic pressure, so they offered me a staff position with most of my responsition.

sibilities being tied in with helping coordinate other students.

This semester I will be phasing myself out of that obligation because eventually, the student activities programs at the University of Massachusetts can support themselves.

Senator BAYII. How many hours a week did you serve?

Mr. Reis. In that capacity?

Senator Bayn. Yes. Was that a full-time job?

Mr. Reis. I consider myself fairly efficient at doing the job, so I did not spend that much time. I would say 15 to 30 hours during a very busy week where you have to make schedules for orientation sessions putting ads in newspapers and running articles for student activities or volunteer groups.

Student groups emanating from college campuses, I feel, have a

sophistication that very few people are willing to recognize.

For example, the University of Massachusetts, with a campus population of 18,000, we have a newspaper circulation now close to 20,000, and we have a radio station which was putting out a thousand watts of stereo this summer.

Senator Bayn, How many students were you coordinating? Mr. Reis, Well, I think last year or about November we had about 200 people down anywhere from 1 to 20 hours a week.

Senator Bayn. And you were handling all of these yourself?

Mr. Reis, No. Essentially, what I did was find interested people already going down there and I worked with them, and set up the structure by which they should operate, and then spent this semester more or less in getting the students most interested in the program all together to take over the program. Essentially what they are doing is training themselves in the organization aspects of running a volunteer group from a campus about 30 miles away from the detention center and, my role is just attending to details.

Senator Bayn. Janice, what are your duties?

Miss Gamache. Both Lee and T are in the Action program and my activity position includes working at the university end of Westfield. One of the programs I helped develop is a residential treatment center at the university which is supposed to open up in the near future as soon as the funding starts. This program is going to have, at any given time 12 juveniles who will come to the university and live in a dorm, similar to a roommate with a regular college student.

There are 12 students who have been working with Larry Dye academically since November, and these students will sponsor youth for an indefinite period of time based on the individual needs of the

child.

Right now, this will be an experimental program lasting for a year, One of the major emphases of the program will be the 1-to-1 relationship with the student advocate. Λ lot of things to be used in this program are based on the JOE II program conducted at the university was based on a 1-to-1 relationship. During the JOE II program my roommate and I each had a foster daughter.

Senator Bayn. What year in school are you?

Miss Gamache. I am a junior.

Senator BAYH. A junior?

Lee, is that pretty well what you do? Miss Lebro. No. Well, my job is a little different.

I work through the same organization, only I work at Westfield Detention Center on the floor putting in 40 hours there setting up activities in the building and talking to the kids. In January I started with Janice as a youth advocate, in the JOE II program for the first month, my full-time responsibility was to live with one youth and to work on her placement, and to try and develop some kind of relationship with her. Then I joined the action program and started working at Westfield.

Now, I have another youth staying with me, pending her more permanent placement, mostly because she had been sitting in Westfield for about 3 months, and her placement was not going to be available for another 2 months; so, I took her home for the time being.

Senator Bayn. What year are you now?

Miss Lehto, Junior.

Senator Bayn. Junior? Now, you say you took her home. Tell me,

where is your room at school?

Miss Leuro. I live in a house. It is like a duplex house, and I live with another Action student who also has a youth living with her, so the two girls have a room and we, each, have a room.

Senator Bayn, What is your general relationship, both of you? Here, you take a girl that is from quite a different background from either one of you, and you try to help the girls move in a different direction than they otherwise would go. What is your general reaction? Can it work?

Miss Leuro. Yeah; I think it can work. I have been involved in doing it on a temporary basis. The first girl I had for 6 weeks and now I have the other girl who will be staying maybe 2 months. So, my job has not been to take over as a permanent mother or something, but just to establish a relationship and try to get to know the person and help plug them into a more permanent place where they could live and try to move them from an institution to somewhere else. I do this through getting to know them and trying to understand where they could live and what their problems are. And I think that can work.

I think that even the age span of a college student and a juvenile in the detention center is good for developing some kind of a bigsister relationship.

Senator Bayn, What do you think, Janice?

Miss Gamacue. Yes. During the Job II Conference, I had a girl who is 13, and toward the end of the conference I assisted her little friend who is also 13. When the conference had ended, their placements were not ready yet because they were supposed to be going to foster homes. They both lived with my roommate and I for a little over two and a half months.

And just looking at that kind of an experience, being aware of where they are, and their lives and their background compared to myself, being a student with my background, I think was really a good thing. First, because from their point of view what I was supposed to be doing with them, was building a one-to-one relationship, and I would say it did really work. I still have contact with my kids. They will call up and come over, and we will do things together, And from that perspective it is really a good thing.

Dee Dee, who was my first foster daughter, had a lot of problems at home. I was beginning to work through some things with her when she went home for a weekend. When she came back, she stated she had been beaten up by her mother and her sisters, and I took her to the hospital. From this experience and other discussions we built up

a lasting relationship.

Throughout the time my roommate and I had the foster daughters, we would sit around and just talk, and sometimes, you could see, that it made a lot of difference to them because we were close to them in age. I think our proximity in age is an advantage, because we could remember how it was, not long ago, when we went through the same kinds of adolescence and childhood, certainly not as severe, but none-

theless with some of the same problems.

I think, from my point of view, working with kids in this way, was a very good experience. I think I might have gotten a lot more out of it than they did, because in the university right now is a totally academic program, yet everybody says that education should be relevant. A real education is supposed to bring something out of you to stimulate you and to make you think. Right now the Action students and the student volunteers, are stimulated and committed. there are definite changes in our lives. It is not just courses that you can drop, it is something that you will never forget.

Some of us have even changed our majors to juvenile delinquency

which is something I never would have done if I had not had this

experience beginning last January.

And I think one of the most important things I can really see coming out of the whole thing is a real necessity for universities to get some outside funding to allow students the opportunity to participate in voluntary services, because there is an incredible wealth of people yearning to do something that is a real thing, that will have a real impact on other people's problems and their own, and up to the present time it has not really been effective in doing that.

Senator Bayn, Is it enough to be involved in changing the life of one person over a 3 months' or 6 months' period? Is that enough, in

your judgment?

Miss GAMACHE. I am not saying that is enough. I say that is what

is going to start you. You start with the fact that-

Senator Bayii. Let me rephrase the question a little bit, because young people are out there listening, and they want to make a new and better world and I want to help open up the doors to make. that possible. I just wondered how your contemporaries feel about whether there is really enough to turn them on given the state of the world if they can change the life on one person—just change the life of one person?

Is that enough to keep a volunteer interest in students and keep them

coming back?

Miss Gamache. Sure, because if you have really big programs it is going to take a lot longer to see yourself making any headway in the bigger problems. One of the things that gets you: I remember one day I was going in the office to work on some juvenile delinquency material, and I had a letter from one of the kids that I had; it really made a big difference, that one little thing, to kind of keep you going, to get a letter from your kid.

So, I think, if you had the chance to make an effect on just one kid's

life, it really is important.

Mr. Reis. I would like to say that I am a little older than Janice, so I think my feelings are a little more, say, practical, and I really think that that letter is enough to turn on a smile.

But I definitely feel that the handicaps of public volunteer groups is the fact that students know what they need to run the program

effectively; however, the resources are lacking.

What I am saying basically is that maybe when you are considering legislation, and especially when money is going to a university or in the humanities, that you make a specific community service program as part of any program.

Senator Bayn. Well, Paul, we have ignored you. Give us the benefit

of your experience.

Mr. Kelly. Well, right now, I am under sort of a temporary placement. I am living with Larry Dye, and I am committed to the Youth Service Board. The first time I became associated with Westfield was about a year and a half ago, and this was when people like Chip were not there yet.

Senator BAYH. What did you do on that first occasion? Mr. Kelly. The original charge was overintoxication.

Senator Bayir. How old were you at the time?

Mr. Kelly. Sixteen. From there, I was sent to court and admitted in courf to having a drug problem, and I was sent to a drug rehabilitation center where I did not get along too well. I stayed there for about 2 months, and I did not feel it was helping me: so, I quit and I went back home, and I got "busted" again. From there I was sent back to Westfield on an appeal, because they committed me, and I did not want to go, so I appealed. I spent about 5 months in Westfield. When I first went in the staff was control-orientated, a controlled orientated staff, and it was just not working out. There was no kind of relationship between the staff and the kids and I just felt that it was not worth being there. I do not know, but I thought they were doing nothing for me.

But—I guess, in the spring 1 year ago—I went to the University of Massachusetts, to a seminar that they had on crime and delinquency, and I found that a lot of people there really were turned on to the idea of changing the institutions, and from there I got involved with chang-

ing Westfield and I think it was,

I got out from my appeal last May, and from there I went to an Outward Bound school, Hurricane Island, and when I got back from there I was doing volunteer work at Westfield during the summer. Then, I guess last September, I went back home, and I had taken some drugs, and it was an overdose, and they had to take me to the hospital.

Then the court sent me to another drug rehabilitation center that was located right in my old city. I stayed there several months, I felt they could do much more for me than my previous experience with drug programs. And after 7 months I felt I was ready to go, but they did not, and when I got out, things just did not turn out right. The drug program did not support me at all. They said that I would not make it, that I would go back to drugs, and then I had some hassle at home, and all at once I started getting high again.

Senator Bayn. What kinds of drugs were you using?

Mr. Kelly. Well, just more recent ones were barbiturates. They had found out—I guess the courts had found out—that I was getting high again, and from there they sent me back to Westfield, and I spent about a month and a half, and from there I went to Larry Dye's.

Senator Barn. Paul, where did you get those barbiturates?

Mr. Kelly, Pardon?

Senator BAYH. Where did you get the barbiturates that you got high on?

Mr. Kelly. I just got them from friends on the street.

Mr. Bayn, How hard is it to get drugs, Paul?

Mr. Kelly. It is not hard.

Senator Bayn. In other words, you see, our committee, and I personally, have been very much interested in trying to do something about the barbiturate problem. It is interesting that you are here to give us your thoughts about how we can better deal with the problems of young people in penal institutions and then find that your problem is directly related to the use of barbiturates. We are trying to solve it another way, and it just goes to show how related a lot of these problems are.

You just picked up the barbiturates on the street, and probably you could buy them inexpensively?

Mr. Kelly. Yes.

Senator BAYH. You did not have to have a prescription or go to the doctor?

Mr. Kelly. No. There were times when I bought them from people who had prescriptions for them.

Senator Dayn. And how many pills would you take a day?

Mr. Kelly. Well, I guess a year and a half ago when I first got busted. I was taking about 20, 25 a day.

Senator BAYH. Taking 20 or 25 a day? You were popping those?-You were not shooting them?

Mr. Kelly. No; I was popping them.

Senator BAYH. Taking 20 or 25 a day? How many did you take when you had the overdose? How did that come about? Were you drinking at the time?

Mr. Kelly. No. no.

Senator BAYII. Was it an accidental overdose or-

Mr. Kelly. Yes. It was just that I had not done barbiturates, and I started using them again, and I was not using as many as I had previous to that.

Senator BAYH. You had not built up the tolerance?

Mr. Kelly. Right. I was taking seven or eight a day. I guess, and one day—I guess it was on about the third day of the spree, I took, I do not know, maybe 13 or 14, and I woke up in the hospital a couple of days later.

Senator BAYH. Do you feel that the way the program is being run at

Westfield now that you have less need for drugs?

Mr. Kelly. I am sorry. I did not hear that.

Senator BAYH. The way that the program is being run at Westfield now, do you ever feel that your problems are being resolved so that you do not have to rely on barbiturates to help you? Or what do you

feel about the new program?

Mr. Kelly. Well. I guess that I would not have been here if I obviously did not like it from the beginning. I guess there were just times when I had been working with the new program and there were things we disagreed on, those were the times I felt like doing drugs. There were sometimes when I did use drugs while I was working there, but not while I was in the building; I would do them when I went back home.

Senator BAYH. Do you have one person now that you sort of have as a foster parent or counselor? Mr. Dye?

Mr. Kelly. Yes.

Senator BAYH. Where is your home? Are you from Springfield? Mr. Kelly, No, I am from Pittsfield.

Senator BAYH. Pittsfield? How large is Pittsfield?

Mr. Kelly, 57,000 people, something like that.

Senator BAYH. And it is not hard to get barbiturates on the street in Pittsfield?

Mr. Kelly, No.

Senator Bayn. Look, I would like to spend a lot more time, but I have other responsibilities that I have to take care of, but I want to thank all of you for contributing to our study here and for participating in this kind of a program, and it sounds to me like it has some great opportunities.

Mr. Dre. I would like to make a couple of closing remarks, if I can. I think the thing we are struggling with at Westfield is breaking up

some of the traditional myths of corrections.

One of the myths that I see is very much an old-line myth, and that is, that corrections is in competition with police officers and firemen for correctional personnel, and that staff have got to be of a certain size and weight. We had one person that was actually turned down for a position because he was not big enough. If you went under the previous philosophy, that is.

Senator Bayii. To handle 12-year-olds?

Mr. Dyr. Yes. But even in corrections there is a myth that you have got to be a certain size to be able to deal with the individuals, and I think that this is inaccurate. I think we can turn on a lot of students, a lot of people in the community, to come into these facilities and take on roles as long as they see themselves as being connected with something that is succèss oriented and not failure oriented.

One of the big problems in corrections right now is that you have a three-quarter percent failure rate, and nobody in a success oriented society such as we have today wants to join a failing ball game. They are joining a staff or becoming a part of something that is a failure So, if you change the name of the game to become a helping institution instead of just a custodial one and change the philosophy, then you will find a change in the personnel that come to that facility.

We have many people now coming to Westfield that have undergraduate degrees and master degrees. We have a person graduating from the University of Hartford that is going to-come and work for a year because he wants to put in his 1 year of doing some kind of social

action, and then he will go off to pursue his future.

And they are willing to work for a year and to help one or two kids, maybe.

Senator BAYH. You feel this type of short-term staff arrangement provides the right kind of management and the right kind of supervision?

Mr. Dye. Yes, I definitely do.

Senator BAYH. You do not need a 20-year career?

Mr. Dye. Definitely not. I think the longer a person is in that position, the more regimented they become. They find mechanisms to deal

with the kids, they set up long-term career status, and they are no

longer service oriented.

The second issue I would like to touch on is the issue of the way we view the youth. We traditionally see delinquent kids as bad kids, and I think that is a fallacy. Most kids coming through the Westfield Detention Center made mistakes and had traumatic incidents in the community, but they got busted and got referred to Westfield mostly because they have not got \$50. Most of the kids could be bailed out of Westfield Detention Center for \$50, and that some how suggests there is a lack of parental or economic support from the parents back in the community.

Now, the kids that we have got there have, in fact, had difficulties in their lives, but I think that everybody has difficulties in growing up. And what we are struggling with here is to not look at the kids as being bad kids, but what they are, people that have trauma. Paul came in, and he was a part of Westfield for a while, and he got out and had a traumatic experience in the community, and so he comes back in.

And we should not look at him as a recidivist, as a guy damning himself. We have to say: "Look, Paul is back, and now let us try and work out something else. What we generated the first time did not work, and let us try and work something else through rather than looking and saying, "Gee, you made a mistake and you are back again, so you are a bad kid."

The second part of that is when you look at what is happening in Westfield, you will find kids coming through the system two or three times; and when we deal with an issue of recidivism, for example, we

have got kids that really have been damaged by that system.

They are 8, 9, 10, or 11 years old, and they have been in there 2 or 3 years. Consequently, from my perspective, you have to allow them the opportunity to come back and make mistakes in that community and then help them grow through those mistakes.

And that is what we are struggling with at Westfield.

The third issue, which is a myth in corrections, is the issue that you have to have custody, you have to sit on top of these people, you have got to have regimentation and control, you have got to maintain the flow of searching kids coming in and out of a facility.

If, in fact, we spread the responsibility out among the youth and say, "Look, you know you have got to become managers, you know you have got to take responsibility for your own life," they will, in fact,

do that.

As Paul said, he will use drugs in the community, but he will not bring any drugs to Westfield Detention Center, and he knows that that is part of the ball game. They will take the responsibility, and they will keep the drug out of the building. They will take the responsibility, if granted. So you do not have to set up the traditional mechanisms and cause consorship of mail and shaking people down, coming in and out of facilities, and imposing those custodial kinds of treatment. They are not necessary in corrections.

The third, or the last, area that I would like to highlight is allowing the youth or the offender an opportunity to really participate in decisionmaking. If you have got an institution and it is being run as a traditional institution, and you go run through a series of hurdles, what you are struggling with is getting youth to start designing the

rules of government inside their own facility so they can participate in actual decisionmaking and responsibility on a routine basis.

And that becomes important for management of this kind of facility. That is why Chip and the guys and the staff there really get turned on, because they can exchange with the kids, and they do not have to move kids around. The kids are participating and the staff is participating, and it becomes a healthy environment for growth instead of a repressive environment where they start damaging kids.

Senator BAYH. Well, thank you very much. I wish we had more time

to continue

Seneca, one last question: Why did you take those muffins?

Miss Patterson. Because I liked them so much. I used to love them when I was little.

Senator BAYII. Didn't you have them at home?

Miss Patterson. I do not know. I do not remember. All I know is that I used to go in the store and get them all of the time.

Senator BAYH. Thanks to all of you, and I do appreciate your being

iere._

(Mr. Dye's prepared statement and attachment is as follows:)

PREPARED STATEMENT OF MR. LARRY DYF, DEPARTMENT OF EDUCATION, UNIVERSITY OF MASSACHUSETTS: COORDINATOR OF PROGRAMS, WESTFIELD DETENTION CENTER (ACCOMPANIED BY MARGARET NUGENT, GEORGE ASHWELL, JANICE GAMACHE, ERNEST REIS)

INTRODUCTION

Over the last decade, the problems of crime and delinquency have become a national priority; some would even go so far as to say "that juvenile crime in this country is reaching crisis proportions." During the past ten years, arrests of juveniles for violent crimes increased by 148% and arrests of juveniles for property crime, such as burglaries and auto theft, jumped 85%. The Uniform Crime Report compiled by the Federal Bureau of Investigation indicates that in 1969 over half, (51.4%), of all arrests were accounted for by persons under the age of 25. In some categories of criminal behavior, youth virtually hold a monopoly. For instance, 87.7% of the arrests for motor vehicle thefts and 83.5%

of the arrests for burglary involved persons under the age of 24.

Statistically, youth are responsible for a substantial and disproportionate part of the national crime problem. However, even with these alarming statistics, it should be remembered that the majority of crimes in the United States go undetected. The statistics also show that one in every six boys will be referred to a juvenile court for an act of delinquency before his 18th birthday, and the President's Commission on Law Enforcement and Administration of Justice cites that: "Indeed, self-report studies revealed that, perhaps, 90% of all young people have committed at least one act for which they could have been brought to juvenile court." Presently, law enforcement agencies are being allocated significant funds devoted to the procuring of additional personnel and equipment in order to increase their effectiveness in surveillance and detection methods. Better surveillance and detection will result in the apprehension of a larger number of those 90% of the country's youth, who have self-admittedly committed an offense which could get them sent to a court of law.

At the present time, the Juvenile System is not prepared to deal with the problems of juvenile offenders. The President's Commission on Law Enforcement and Administration of Justice, the Joint Commission on Correctional Manpower and Training, the Children's Bureau of the Department of Health, Education and Welfare, the National Council on Crime and Delinquency and numerous other organizations have begun to document the inadequacies of programs and the atrocious conditions which prevail in our juvenile justice system. Jails are totally unprepared and unable to deal with the problems of juvenile offenders. Very frequently first term young juveniles who have been picked up for such things as runway, truancy, or petty thief, are being thrown in with hard-core convicts and long-term repeaters. Overcrowding and understaffing have led to such

scandalous conditions that robbing, beatings, and rape, within many institutions, are not uncommon.

The Juvenile Court systems are not only overloaded in terms of the number of youths awaiting trial, but they are also confronted with the lack of available resources to effectively provide treatment for those who have already been committed. A three-year study conducted by the National Council on Crime and Delinquency states that "about 80% of the nation's juvenile courts lack diagnostic and clinical services, most judges are required to make their disposition without sufficient information, and most judges did not have the probation staff to undertake community-centered care."

Most correctional programs are either ineffective or actually make the situation worse. The hard facts indicate that when the system "resorts to incarceration while masquerading as rehabilitation, (it) serves only to increase our already critical crime rate by providing new students for what have become institutionalized schools of crime." Most have antiquated facilities and equipment and inappropriately selected personnel, who have no training to do the job that is required. Once committed to a correctional facility, the majority of young offenders then begin the vicious downward spiral of a criminal career. A follow-up study of offenders conducted by the Federal Bureau of Investigation showed that three out of every four (74.3%) offenders under 20 years of age released from the Federal Criminal Justice system in 1963 had been arrested on new charges by 1969.

National organizations and leaders in juvenile delinquency preventions have agreed that our present methods of dealing with youthful and potential offenders are ineffective and recognize the need for developing new alternatives. With these alarming statistics, we've got to develop new and innovative techniques in dealing with the problems of the offender. I think Dr. Miller, this morning, has gone over the general philosophy of the Department of Youth Services in the Commonwealth of Massachusetts. What we would like to do, is present today, two models that are presently in operation in Western Massachusetts: one is operating in a small residential detention center and the other is a special program conducted at the University of Massachusetts.

WESTFIELD DETENTION CENTER

Westfield Detention Center is a state operated, maximum security facility that is a little better than eight years old and has a bed capacity of 25, servicing both boys and girls from the four Western Massachusetts counties. The Institution, since its beginning, had been run under what would be considered the normal philosophy of corrections. It was very much based on the control model, Examples of that would be that the youth were "doled out" three cigarettes a day based upon behavior; lockup was very much the rule and not necessarily the exception. The youth were forced upon arrival at the facility to be stripped of their regular clothes and any personal items, and placed into state clothes. Cleanliness was very much the rule at the center; it was a well maintained, well operated, very sanitary, and very bland institution. The resulting behavior was that which you would find in most institutions-fights, tensions, anxieties, black/ white confrontations, staff/inmate dichotomies and situations where staff would not be talking to kids or kids would not talk to staff. This anxiety in lack of communications ultimately resulted in acting out behavior upon the youths' part. Any youth who escaped from the facility-would be locked in a room for two weeks. If he wrote on the walls, he would be in his room for three days; if he used language which was unacceptable, he would be in his room for a day. Again. this kind of repression perpetuated a very high degree of tension and frustration, and consequently, encouraged a lot of acting out behavior.

In July of 1971, the Superintendent left the facility, and a number of concerned individuals started working at the Center to try and implement some of Dr. Miller's plans. The new philosophy under which the facility operates really is one of participation, one of trust, and one of respect. Revolving around the new philosophy are a number of programs very important in the philosophy of corrections, however, they are not new or innovative programs. For example, we have instituted a work release program, i.e., a number of youth from the facility go out to work in trades everyday and return to the institution in the evening. We've incorporated an educational release program where a number of staff members take the youth back to their own respective schools in the community every morning, pick them up in the evening, and bring them back to the Deten-

tion Center. We've instituted a free school, inside the facility itself, trying to develop new ways of approaching the educational problems of disadvantaged youth. We have initiated a Weekend Leave Program where the youth once entering the facility, and having been evaluated by the staff and other youths, the youth becomes eligible for release on Saturday from 9 a.m. to 6 p.m. with a clear understanding that he is going to be in his home in the community. This program is geared toward bringing the youth back into his own family environment. The second weekend he has an option to go out on Friday afternoon and come back on Sunday, the third weekend he'll again have the option to go out Friday afternoon and return on Sunday. Progressively, he will extend the stay in his home, while the center staff maintain communication with the parents and the courts, in an effort to evaluate the youth's progress in the community. (For youths who do not have acceptable home settings, we generate alternative homes in the way of foster home placements or alternative group homes for the youth.) We have also instituted regular activities of overnight camping, hiking and mountain climbing. We've started an environmental program in the Berkshire Mountains which is going to be run along the basic principles of an Outward Bound Program. We've worked out very close liaison with the University of Massachusetts where we have been able to develop arts and crafts programs, and social, educational, and recreational programs, making use of the facilities at the University, rather than creating or building the facilities within a self-contained institutional environment.

The central mechanism for making these and any other programs that we initiate work, is a daily group meeting in the facility. Each day from 1 p.m. to 2 p.m. there is a community group meeting where everything in the building is up for negotiations, including the rules and regulations. In that meeting everyone is present—the Superintendent, all the staff members who are on duty at the time, down to student volunteers, and youthful members of the institutions. If, in fact, the youth feel that there is a rule, regulation, or activity which is unjust, they have the opportunity to raise it in the group meeting and come up with alternative and constructive plans, rules or programs which would deal with the problem that is confronting the community at the time.

SUMMARY

In the Summary there are three important aspects which I would like to highlight—they form a pattern of change and relate directly to the following goal established by the Department of Youth Services Region One Director and staff.

"To create situations which promote growth for those youth referred to us and ourselves such-that we (including youth) recognize and create alternative decisions in any given situation and realize the consequences of each decision as

it may affect ourselves, others, and society."

In the Westfield model, we have tried to

In the Westfield model, we have tried to move from the self-contained institutional environment of a community based open environment, utilizing all the resources of the surrounding communities to develop educational, vocational, recreational, social, and cultural programs. We have moved in the model to relinquish the external institutional controls over the youth to allow the controls to become internalized and an everyday part of the youth's life. Too often we set up expectations for youth in this age bracket. We're talking about youths 14, 15, 16 years old who we try to force into models which are inconsistent with their own life styles.

Our first assumption is that in many cases youth (from age 10 to 25) are good decision makers. A large number of the youth who come to the facility on their first offense usually are in on runaway or stubborn child complaints. When we go back into the family environment and really assess what has transpired over the 12 or 13 years of the adolescent's life, we find that a number of these youths

are making very good decisions to get out of a very bad situation.

When the father is an alcoholic and beats the family, or the mother is prostituting in the streets, or family violence is the rule, not the exception, we find that the youth at 12 or 13 is making a good decision to leave that environment. However, the only alternative for the juvenile court is to place the youth in an institution that was designed for punishment. Consequently, we end up punishing youth who are making very tough and extremely wise choices at a very early age.

Ignoring this youthful trait, it is common practice in the correctional field to place a youth in a vocational program or an educational program after diagnosing him, without the youth having anything to do with the decision. What we're

trying to do is provide the opportunity for the youth to first, as they say, in the streets, "get his head together and be 16" or whatever the age. Once a youth has got his head together, then he will start planning and preparing for his own future.

We've moved away from the model which is geared toward isolating the youth from the community to a model that strives to reintegrate the youth back

into his own community through a highly supervised program.

The second important aspect of Westfield is that we have changed the roles of the staff members from custodial agents to facilitators, assisting the youth in making the transition from an institutional environment to a community environment. They've become negotiators for the youth with the school systems, courts, employers, parents, and other social service agencies. This even extends to the point where staff members have become involved with taking the youth into their own homes to help understand him and assist in the adjustment back into his own community.

I think that this is a very important issue because there is a myth in corrections, and that myth is that when recruiting for potential correctional officers, corrections must compete in the work force applying for comparative roles such as that of police officer and fireman. The myth is further perpetrated in the fact that college educated persons are not going to come to work in the correctional field because of the low pay scale. In a society as success oriented as ours, young idealistic people have got to be able to see themselves performing in a successful role. Consequently they're not attracted to the correctional field because it is running at a 75% failure rate, and nobody wants to join a failing system. When you allow the staff to become involved in what they would term a success-oriented program, a program that's geared toward meeting the needs of youth, you'll find very quickly that they're willing to work for \$89.11 a week (i.e., Vista, Peace Corps, etc.) New personnel hired at Westfield since the change in programs have held a minimum of a bachelor's degree in the social sciences.

The staff at the Westfield Detention Center more often than not serve as models for the institution's entire youth population. Staff members have often become involved with taking a youth into their own homes to help understand him and assist in the adjustment back into his own community. However, there are some aspects of this practice that are worth noting, and they relate directly to institutions. Taking a youth home often breaks the monotonous routine of the institution, coupled with the lack of things to do. Taking a youth home gives him or her the luxury of a homecooked meal-again a diversion from the institution. Taking a youth home concentrates a staff member's attention on him. Most of all, taking a youth home makes the youth feel "like a human being"—as one boy put it.

BUMMARY

Primarily what draws a highly qualified staff to the detention center is that the program is success orientated meeting the needs of the youth, Another key factor is that part of the success the Westfield program may be witnessing is that the program is changing and the staff are very much a part of that change, This is essential to youthful college graduates who desire to make an impact on a social problem-not to change for change's sake, but to change to grow mutually (youth and staff), and most importantly to succeed at the job.

JOE II

The second program I would like to present is the Juvenile Opportunities Extension Program (JOE), a volunteer program conducted at the University of Massachusetts. JOE is a student run organization which sponsored a month long program for 99 youths from the Department of Youth Services. The thrust of the program focused on the closing of several of the State's juvenile institutions. and as such, took the first step in abolishing punitive child maintenance and `incarceration :

For one month, these 90 children lived on or nearby the campus of the University. Each youth was paired with a college advocate who had been previously selected on the basis of a questionnaire and personnel interview. One of the program's main objectives was the development of a personal relationship to afford the student knowledge of the youth's needs and wants. With this awareness of the youth's position, he could then work with him and the staff in designing a program which will hopefully interest, enrich and satisfy the youth involved.

Perhaps one of the more accurate perceptions of the advocate role would be that of parent—involving a 24 hour a day commitment and a real concern for the wel-

fare of the youth.

During the week, there were several activity alternatives available. Each day the conference had scheduled various speakers and related discussions. Topics included covered the scope of problems the delinquent faces-home, drugs, drinking, schools, courts and law, sex, self, etc. The purpose here was to help the youth learn how to deal with many of the problem areas that would almost certainly be involved in his return to the community. Also, daily group meetings were held with group leaders, advocates and youth in which all could discuss problems, discoveries, suggestions, etc. Evening and recreational activities were included,

If an appropriate environment existed in the family setting, the youth was allowed to go home for the weekend. Where the situation made such a visit unfeasible, the youth often went home with his advocate or just off on a fun week-

end somewhere.

Once a relationship was built, sufficient to allow the advocate some insight into his youth, intensive work began on seeking appropriate home, school and job placements.

"Of the 99 young men and women in JOE, 41 went back into their own homes, 11 were placed in foster care environments, 34 went to group homes..., 7 were returned to institutions, and 6 youths were listed as runaways."

The following pages serve to supplement information concerning the JOE

Conference Chairman-Larry L. Dye, School of Education, University of Massachusetts, and Consultant, Department of Youth Services.

Program Coordinator-Ernest P. Reis, School of Education, University of Massachusetts.

Program Coordinator-Cynthia G. Dunbar, School of Education, University of Massachusetts.

Conference Staff-Patricia M. Cutts, Janice M. Gamache, John R. Shieffelin,

and L. Shelly Tushman.

Conference Co-Sponsors-Student Activities, University of Massachusetts, Gerald Scanlon, Assistant Dean of Students; Shelia McRevey, Assistant Coordinator, Student Activities; and Armand Demers, Supervisor of R.S.O., Accounts; Department of Youth Services, Commonwealth of Massachusetts, Dr. Jerome Miller, Commissioner; University of Massachusetts School of Education, Dr. Dwight W. Allen. Dean, and Dr. Daniel Jordan, Director, Center for the Study of Human Potential; Advocacs Associates, Inc., Reston, Virginia.

Group Leaders—George Ashwell, Tom Darcy, Donald Flakes, Carol Lundberg,

Diane McCafferty, Steve McCafferty, and Bart O'Connor.

HISTORY OF THE JUVENILE OPPORTUNITIES EXTENSION

Community service organizations are not new to the University of Massachusetts, Amherst campus. Close to 1,000 UMass student participate in community service projects during the academic year. All such projects are supported through the Student Activities Fee levied and budgeted by the elected Student Senate and approved by the Board of Trustees of the University. The Fall semester of this academic year saw a new organization join the ranks of these volunteer service groups which do a variety of service projects in the nearby communities.

J.O.E. was established as a Recognized Student Organization at the Universty during the Fall semester of 1971. A few undergraduate students at the University of Massachusetts formed the Juvenile Opportunities Extension as a student organization to work as volunteers at the Westfield Detention Center. This project was undertaken in response to a teach-in on prisons. The few students already working at the Westfield Detention Center incorporated the D.Y.S. Region One goal into their organizational structure and went to work on campus. The goal is as follows:

"To create situations which promote growth for those youth referred to us and ourselves such that we (including youth) recognize and create alternative decisions in any given situation and realize the consequences of each

decision as it may affect ourselves, others and society.'

¹ See Massachusetts Daily Collegian, February 15, 1972, included in Press Supplement.

Eventually, what a few students were doing at the detention center grew into a 125 volunteer student effort putting close to 700 man-hours a week down in Westfield.

The volunteers who go to the detention center work in a variety of capacities. They do anything from tutoring to counselling-to even helping one weekend in a maximum effort to paint and fix up the building. Some of the more confident and experienced volunteers often help on the detention center floor working along side regular staff members. It was this track record and the desire to participate by the members of J.O.E. in a conference to help change this state's method of handling juvenile delinquents that meant the selection of the Juvenile Opportunities Extension as the major sponsor of the conference. Thus, it is hoped that not only kids are helped out of trouble but a new model for social change will be developed out of the conference using University student volunteers as the prime vehicle for that change.

THE CONFERENCE

Purpose

The JOE II Conference will provide an intensive pre-release program for institutionalized youth in the Department of Youth Services, formerly at Lyman and Lancaster Training Schools. The program will select seventy-five presently institutionalized youth and team them up one-to-one with seventy-five University student volunteers (advocates) for one month of intensive counselling. The program will be conducted on the campus of the University of Massachusetts.

What's an advocate? An advocate is a person who goes to but for someone who may never have had anyone to go to bat for him before. The University students will act as youth advocates for the Department of Youth Services' youth. During the course of the month long conference, the advocates on a one-to-one basis will be negotiating for and with the youth with various community agencies (e.g., schools, courts, rehabilitative and welfare services, and group homes) as well as exploring family situations and living arrangements for final placement.

Themes

The over-riding themes of the conference will be (1) education. (2) employment, (3) family, and (4) community. Each day there will be a discussion led by someone with a significant reputation for their competence in their respective fields.

Objectives

Recognizing the fact that for Youth Advocates to be able to negotiate on the behalf of another person it is important to establish mutual trust, respect, and rapport. Therefore, the program plan incorporates program activities which foster the development of strong personal relationships and shared communications between Advocates and Youth to achieve an Individualized Performance Objective Contract. These performance contracts will be drawn up during the conference between a panel of D.Y.S. Regional Directors, Group Leaders (who are department staff), Advocates and Youths for the Youths eventually placement back into the community or other suitable youth programs. Each contract will include the following: (1) a place of residence for the youth, (2) an educational component, (3) a component relating to employment-if relevant, and (4) a set of objectives for the interaction of youth and immediate family.

The goals of the conference for the Commonwealth, the Department of Youth Services and Youth in general are basically the following:

1. Preparing formerly youth in trouble for successful adjustment to community life and home situations.

2. The establishment of a state-wide Youth Hot Line where youth will

have a toll free number to call for help at anytime.

3. The writing of a Youth Bill of Rights in conjunction with the establishing of a system by which youth can hold the Department of Youth Services and other agencies accountable for services to be provided.

4. By using experiences gained at the Conference to maintain continuing

contact with the youth who participated in the Conference.

5. Staff training and development for the Department of Youth Services in preparation for the emphasis on community based rehabilitation programs.

6. Program planning for regionalized and community based juvenile

delinquency prevention and treatment programs.

7. Interaction between paroled youth and representatives of the law enforcement and criminal justice system schools, social agencies, legislators and concerned citizens.

SUMMARY STATEMENT

Perhaps the actual achievements and shortcomings of the JOE II Conference can best be portrayed as reflected in the following supplementary newspaper clippings. Here insights on delinquency, rehabilitation, and more particularly, JOE II, are presented by a spectrum of journalists with just as wide an array of viewpoints.

JOE II

A Conference on Developing Human Potential, sponsored by the Juvenile Opportunities Extension, A Recognized Student Organization, Room 122, Campus Center, University of Massachusetts, Amherst, Massachusetts 01002.

Cynthia G. Dunbar, President and Joseph W. McMilleon, Vice-President.

PROGRAM SUGGESTIONS FOR UNIVERSITY BASED STUDENT SERVICE PROGRAMS, JUNE 12, 1972, BY ERNEST REIS, SCHOOL OF EDUCATION, UNIVERSITY OF MASSACHU-SETTS TO THE SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY

The following definition on public service for the University or College was given in a paper titled, "The University at the Service of Society," For the University or College public service—"has to do with the outreach of the University to society at large, with extending the resources of the campus to individuals and groups who are not part of the academic community and with the bringing an academic institution's special competence to bear on the solution of society's problems . . . It can take place on or off campus and can be related to either the governmental or private sectors of our national life . . . The emphasis on public service is in converting knowledge into readily useable forms for immediate application."

The above definition was based on discussions held at the Carnegie Foundation Conference for the Advancement of Teaching in November, 1966. In those discussions there was included a warning to the University which will be mentioned later. The warning relates to the future existence of institutions of higher

learning. This paper relates to more immediate matters.

This statement on Bill S. 3148 will attempt to take the above general definition and apply its general concepts to a specific area—that is juvenile delinquency programs. Still the overall narrative will remain general as it relates to channels for funding to develop programs not only of delinquent rehabilitation but that of delinquency prevention and research that is coordinated with on going and active programs. Essentially research that is action oriented and based on programmatic feedback.

There will be an estimated 9,000,000 young Americans attending institutions of higher learning in the coming year. This tremendous amount of manpower will be spending untold numbers of hours doing academic exercises to earn a degree. Some of these degrees will be technical while a majority will be of a general nature. Although these same 9,000,000 will have learned the rhetoric of the classroom they will be generally unprepared to IMMEDIATELY enter into gainful and productive employment without additional training. Another factor to remember is that more and more jobs becoming available to Americans is in the field of human services.

Essentially the key point in the discussion is that our society supports 9,000,000 Americans in materially-economically nonproductive activity. There is argument for the long term gains of this activity but to almost 50,000,000 other Americans the long term gains that education brings will not satisfy their immediate needs. There is no attempt here to by blame on a segment of society for a problem that belongs to us all but to lay down a relationship between the traditional academic life style and the needs of people.

The academic community of most Universities perpetuate their classroom hierarchy making it mandatory that students attend class if not literally when by the implication of the grade. It also seems that traditional classroom work always takes priority over alternative learning experiences. Surrounding this campus-classroom orientation are all the subtle ramifications of the publish or

perish syndrome.

The discussion so far has centered on the University and how it ties up the short term use of one of its largest resources—mainly the students. What comes next is how the government can free those resources and pull University expertise into an area seldom if never funded by the government. The area is community service programs and for this paper programs for youth. It is felt that through the funding process many resources can be developed along with the needed changes in higher education.

The University of Massachusetts can be used as an example of what programs involving students can do when funds are made available. Students organized themselves as a Recognized Student Organization of the University to work as a volunteer group at a nearby youth detention center. Their work there became a seed idea for a larger project run during the months of January and February of this year. The J.O.E. II Conference as mentioned in previous testimony before the Sub-Committee to Investigate Juvenile Delinquency was the name of

the program.

Previous testimony described the objectives of the J.O.E. II Conference. What may have been left out is who did the work. This month long program had many sponsors to give it credibility but esentially the program was conducted by students and through an administrative support mechanism set up by the University for the use of students. Also students lived on a one-to-one basis with a youth to get them placed back into the community and out of the institution. They worked with Department of Youth Service staff who were not much older then the student advocates to get the placement process completed.

We can continue this student involvement discussion one point further. Again at the University of Massachusetts college students have taken the initiative to involve themselves with youth. They have initiated a proposal which has been approved by the University's administration and the Department of Youth Services to turn two dormitories into a group home for twelve youth. Youth will

have as roommates college students at an institution of higher learning.

As part of the current social comment it may be said that students frustrated by the slowness of political change may be looking for alternative avenues to expend their energies. Community service projects with the inherent responsibilities have captured their imagination. However, it has not generally captured the imagination of the University or individuals who direct concrete

sources of funds.

Therefore, with an idea for community service projects involving college age students there are several levels in which the University can help solve the problems surrounding delinquent youth. We start with student initiated and supported programs. It would seem that the undergraduate population of any University is the most viable and potentially productive. Undergraduates have the necessary energy to be channeled and any investment made in their education (in this case experiential program dealing with delinquent youth) has the most chances of paying off both in the short and long run. However, in funding such programs like the Juvenite Opportunities Extension which allows for individualized caring for youth several things will have to be kept in mind.

The funds will of course not be directly given to the student organization but will be accepted by the University. However, funds should be directed to the program with a maximum attempt to by-pass University administrative costs. The idea is to provide funds for student volunteer projects related to youth and not to support higher education. If such funds were available to Recognize Student Organizations at the University of Massachusetts there would be no administrative costs to the University as the administrative structure supporting student organizations is paid for by student fees paid to the University as the student organizations.

versity by students.

In considering the design of the programs if it is off campus in a detention center for example funds should be available to the students to contract with members both of the facility and of the campus to participate in the program. Then mechanisms of accountability to the program, youths and students can

be set up within the parameters of the goals of the program.

With the idea that youth and young adults are good decision makers programs should be designed with maximum input from them with realistic approaches but always shooting for the establishment of community based programs. The J.O.E. II Conference was a maximum effort in providing a intermediate program between the closing of a large institution and the placement of committed youth. The regular Juvenile Opportunities Extension effort centered around getting kids out of the detention facility.

In discussing volunteer programs for college students it should be mentioned that even if they are financially supported students are often punished for their efforts. Funds may bring to the programs the necessary resources but they can do little to ease the strain of time commitments to a full load of classes.

There is the obvious way in which a student may be compensated if that student has a financial need—that is through a part time job. A program paying students similar to a work study could be initiated. The point here is this current work study programs do not involve students in community service type work. Work study slots are usually allocated to various segments of the University again for the support of the University.

Another alternative would be funding programs similar to the current University Year for Action program. This program not only pays students but it pays students with the stipulation that they negotiate faculty members for a full load of credit for each semester. This of course brings faculty members into the picture. This fact of life has traditionally not pleased all students.

full load of credit for each semester. This of course brings faculty members into the picture. This fact of life has traditionally not pleased all students. Sometimes it is hard for faculty members (young and old) to believe that education can take place outside the classroom and even off campus. It is not uncommon to have a faculty member start at the age of eighteen to work for a Ph.D. and never experience the real world. However, one part of the real world all men understand is that of finances. It is one thing to allocate money to a student program to purchase faculty services, it is another thing to the community service programs to faculty research grants and other academic programs.

Social science research programs dealing with juvenile delinquents should not be accepted for their research merits alone. If they involve youth you will find that most of them want someone to talk with and not to about their problems. However traditionally you will find faculty taking down information concerning people and writing it up in some type of paper to only be researching ignorance. Therefore the strongest recommendation coming out of this statement is that when research grants are offered concerning delinquency prevention and rehabilitation that a strong percentage of the funds be tied to community service programs involving undergraduate and graduate students. Tied to the funds for research should be a faculty's contractual responsibility to offer his services to youth agencies, the coordination of his services with course offerings that are experimental and off campus working with youth and that a provision be made that more concrete programs be developed that come more under the control of students.

The purpose of this statement is not to incriminate the University for its lack of participation in social problems but to offer some general suggestions on how volunteer programs can be funded through University channels. The suggestions range from the direct funding of student organizations to the tying of such programs to research and academic grants. The overriding purpose of these suggestions is to provide service to youth by individuals a little older than they are, but also to create a mechanism by which the future of America is educated first hand to understand fully the problems surrounding juvenile delinquency or any other problem confronting society.

Essentially it would be opening the doors of the University to society to jointly work for a harmonious solution. However, it is tied to change—a change that will bring about many alternative programs for youth. It has to happen or the warning in the Carnegie Report will come true for us all: "The University must have society's support. Society must have access to the University's resources. Were the University to turn its back on society's needs, it would be tantamount to self-destruction."

(Whereupon, at 1:25 p.m., a recess was taken until 10:30 a.m., Tuesday, May 16, 1972.)

Blank Page

S. 3148: JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1972

TUESDAY, MAY 16, 1972

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

The subcommittee met, pursuant to recess, at 10:50 a.m., in room 2228, New Senate Office Building, Senator Birch Bayh (chairman of the subcommittee) presiding.

Present: Senator Bayh.

Also present: Mathea Falco, Staff Director and Chief Counsel; John M. Rector, Deputy Chief Counsel; Alice B. Popkin, special counsel; Mary K. Jolly, Chief Clerk; Nancy L. Smith, Research Assistant; B. Elizabeth Marten, Personal Secretary to the Staff Director and Chief Counsel; Cheryl A. Wolf, Assistant Chief Clerk; Stanley Ebner, for Senator Hruska; Dorothy Parker, for Senator Fong; Betty A. Webb, for Senator Cook, and Ronald Meredith, for Senator Cook.

Senator BAYH. Good morning. I apologize for a tardy start this morning. I think everyone here realizes that the attempted assassination has caused a great deal of concern. There is some legislation involving firearms which required action of this subcommittee under these circumstances.

I apologize personally to the witnesses.

Mr. Langworthy, do you want to be the chief witness here and introduce the other distinguished witnesses who are with you?

Mr. Langworthy. Yes, sir.

Senator BAYH. Would you please introduce Mr. Hults, Mr. Pryor, Mr. Jones, and Mr. Booze.

Mr. Langworthy. Yes, sir. Should I proceed?

Senator BAYH. Yes. Perhaps, I should say for the record that Mr. Langworthy is a member of the National Board of YMCA's from Kansas City and we are honored to have him for our first witness.

Mr. LANGWORTHY. I am from Kansas City, Mo., and I practice law for a living, but I am on the National Board and I am chairman of our YMCA National Juvenile Justice Advisory Commission.

STATEMENT OF ROBERT B. LANGWORTHY, MEMBER, NATIONAL BOARD OF YMCA'S, AND CHAIRMAN, YMCA'S JUVENILE JUSTICE ADVISORY COMMISSION, ACCOMPANIED BY RICHARD BOOZE. DIRECTOR, NATIONAL CENTER FOR YOUTH OUTREACH WORKERS, CHICAGO, ILL.; RICHARD PRYOR, DIRECTOR, NATIONAL JUVENILE JUSTICE PROJECT, WILMINGTON, DEL.; JULIUS JONES, ORGANIZER AND DIRECTOR, NASHVILLE YMCA'S URBAN VILLAGE, RESIDENTIAL YOUTH FACILITY FOR REFERRED YOUTH, OF WASHINGTON, D.C.; AND RUSS HULTS, STAFF MEMBER, NATIONAL CENTER FOR YOUTH OUTREACH WORKERS

Mr. Langworthy. I will introduce briefly the other men here, and, then, if I may, highlight and hit the high spots without reading my entire statement. Then I will ask each one of them, if time permits, to make a brief statement; and, of course, all of us will be glad to answer questions to the extent that time permits.

Senator Bayn. Thank you.

Mr. Langworthy. Just to my right is Richard Booze, who is Director, National Center for Youth Outreach Workers from Chicago; and over here at the left end of the table is Richard Pryor from Wilmington, Del., who is Director, YMCA National Juvenile Justice Project. Just immediately to my left is Julius Jones who is now with the YMCA here in Washington, D.C. but was the organizer and original director of the Nashville YMCA Urban Village. This is a residential youth-facility for referred youth. Over here at the right end of the table is Mr. Russ Hults, who is now a staff member of the National Center for Youth Outreach Workers. He was formerly a client, shall we say, of the Juvenile Justice Detention System that we are all interested in trying to reform.

If I may just hit the high spots here, please.

Our National Board does appreciate this opportunity to be here.

We appreciate the opportunity to be here and to discuss with the committee the issues related to the growing rate of delinquency among

our youth.

It seems to us, in the overview, that Senate bill 3148 brings an approach that has long been needed, and we see it as bringing a coordinated approach to the treatment of troubled children, together with an attempt to prevent children from becoming problem children, and to improve the quality of juvenile justice.

I think that all of us would agree that the present system should weigh heavily on the consciences of all of us, both public servants and private organizations. For too long, we have turned our backs on the problems of the juvenile system, as the way it is now operating. We have said that we are trying to provide rehabilitation but in most

cases it is almost just the opposite.

I wish the committee could have been with me 3 weeks ago when I heard a speech by Judge Philip Gilliam, of Denver, whom I understand is the senior juvenile judge of this country. He has had 32 years on the bench in the juvenile court in Denver. He commented that he had personally handled about 150,000 juvenile cases, and his most acute impression comes whenever he has occasion to visit the adult peniten-

tiaries in Colorado where so many of the prisoners greet him as saying "Hi Judge, you were my first judge, and here I am now in the adult penitentiary," pointing up the high percentage of recidivism in our present juvenile justice system.

We, in the National YMCA and a great many of our local units, along with many other private agencies and other groups, are now trying to face up to and accept the responsibility of helping to find

proper alternatives to the present juvenile justice system.

The National Board of YMCA's has adopted this as one of its major

Just to give the committee some idea of what actually is going on right now: There are 40 or 50 local YMCA's which have developed within their residences and special facilities small group homes which receive referrals from the juvenile courts. These centers work with each young person at the point of his particular needs. It might be reentering school, training for a job, overcoming a drug problem, gaining a better self-image, or just living in a healthy home situation. And this has been extremely successful in many of our local associations. Others have developed runaway homes which, of course, give temporary shelter and counsel to youth who have left home. Many of our 1,800 local associations have developed programs directed to youthful drug users. Almost every one of these programs is providing staff and programs and facilities, and almost every one is financed in large part by Federal and State grants.

Now, the three major units, from the Federal point of view, of course, have been the Youth Development and Delinquency Prevention Administration of HEW, the LEAA, and the Vocational Rehabilitation Administration. YDDPA and LEAA have also funded two national YMCA projects, one of which is the National Center for Youth Outreach Workers, the training center group which Mr.

Booze here heads up.

LEAA gave the National YMCA a grant of \$422,000 to help on another national project which aims at reaching 30,000 troubled youths before their problems become serious. Doing a little quick mathematics, this is less than \$15 of Federal money per youngster, and it is having a real impact. It is also in partnership with a private corporation which has made about \$3 million in equipment and funds available for this same project, a project using minibikes to appeal to alienated youth who are completely turned off by an invitation to go swimming or use the gym, or come to a meeting of the YMCA.

Our National Y has set up its own National Juvenile Justice Program. This has the aim of bringing major demonstration projects in selected areas of the country to show what the alternatives are for the

handling of children in trouble.

One of the targets, a key demonstration area, is in the State of Massachusetts where the Boston YMCA and we are working closely with the Massachusetts Commissioner of Youth Services, Dr. Jerome Miller, and his staff. This committee already knows that Dr. Miller has as his principal goal, the closing down of all the large prison-like institutions in Massachusetts.

Senator BAYH. I might just interrupt.

Dr. Miller and his staff testified at length here, with some of the volunteers—how shall we describe them?—inmates at Westfield. We had an excellent session yesterday, and the Governor was here to start our hearings yesterday. Indeed, the approach that Dr. Miller takes is one of the most enlightened approaches that has been brought to our attention, and I approaches that has been brought to our

attention, and I appreciate your mentioning that.

Mr. Landworthy. We have been very impressed by his program, and the major thrust of our national program is to work in Boston in cooperation with Dr. Miller's program to provide part of the community-based facilities that he is planning to use in lieu of the detention facilities.

Of course, this is only a beginning, and there needs to be a great deal more of this kind of thing. And there are many existing road-blocks that need to be removed as soon as possible. Some of these, without of course mentioning all of them, are units such as the Youth Development and Delinquency Prevention Administration which have been seriously underfunded. We get good cooperation from that agency as far as possible, but of course with the level of funding they have it really cannot operate in depth.

We have, in many areas, likewise, received considerable help and cooperation from the various offices of LEAA, and yet we do find many

conflicts in various parts of the country.

At the national level, in dealing with our local YMCA people, these local Y people from some parts of the country tell us of the great cooperation they are getting from LEAA and that LEAA is funding their program and working very well with them; but YMCA's from other parts of the country say, "We cannot get anywhere with LEAA. They are funding other kinds of programs. They are not interested in our kinds of programs." So we are seeing a lack of coordination, particularly in this area of our experience in working in the juvenile justice area.

And, of course, there again the funding problem is somewhat of a

problem, although not as severe as with the YDDPA.

We also encounter, as you know, many other private agencies and also other kinds of agencies where there is a fear problem resulting from programs being funded for only 1 year at a time. It seems that about the time you have got your program funded and are getting well underway you are beginning to have to start to work on funding for the following year. There is an inordinate amount of staff time and volunteer board members' time spent in worrying about the ensuing year's funding when the funding is provided for only 1 year at a time.

We see some of the main advantages—and I am sure there are many others—of Senate bill 3148—and these are listed in more detail in our prepared statement. But some of the highlights of the advantages which we see are the emphases on deterring young people before they get caught up in the juvenile justice system, as well as providing treatment

for them afterward.

We also see as an advantage the provision of special emphasis prevention and treatment programs to be utilized for training, and other programs national in scope which cut across Federal and State jurisdictions. We, in the Y, are particularly pleased, and feel that it is particularly important, that the bill has a heavy emphasis on the involvement of private, nonprofit organizations in the developing and maintaining of programs in the juvenile area.

I was interested to note that Dr. Miller was quoted, in an interview in the New York Times, as stating that if he operated a group home through State facilities, with State-employed staff, it could cost \$200,000. To do the same thing with a private agency under contract he could do it for about \$85,000. Even if we forget entirely the human needs involved, just the financial aspect points to the importance of involving the private, nonprofit organizations who are really serious about establishing this as one of the new priorities.

And, then, as I mentioned before, the importance of having national guidelines in trying to coordinate what the different Federal agencies are doing, not only one area's agencies in the various regions but also where different Federal agencies have overlapping programs. We see

all of this as major pluses in your bill.

We would just suggest, as a possibility for strengthening the bill, some increase in the proposed funding. We notice that title V, part A, formula grants for assistance to State and local programs, carries \$25 million for 1972, which is about half a million per State, and we would venture to suggest that \$200 million might be a more appropriate level. Even that amount is less than what we are spending per year for the upkeep of the juveniles who are now in detention facilities.

So, we feel that really there needs to be a substantial increase there, and also an increase in part B which seems to us that an increase from \$75 to \$100 million in 1972 up to \$400 million in 1975 would really

be more adequate for the resources needed.

The only thoughts we would have about the bill would be that maybe there could be a little sharper focus on the major intent of the bill, to indicate that its major intent is for delinquency prevention programs as well as for treatment programs. And also that there be the provision for long-term funding of programs, which we would hope might be set for 2 years or more.

We certainly do feel that Senate bill 3148 should be enacted. We think that it comes at a time when new commitments in the private

sector must be matched by the dollars to make them possible.

I would like, at this point, if agreeable with the chairman, to call on Mr. Russ Hults of Chicago who, as I mentioned, is a staff member of the National Center for Youth Outreach Workers, and who was formerly a client of the Illinois detention system. He can bring some of his perspectives as one involved, as no one else could, as to what does happen to youth who are caught up in the present system. Russ?

Mr. Hults. Mr. Chairman, I feel that through my experiences and the things that I have seen in juvenile institutions, the juvenile institutions are designed to treat the youth like animals and force them to live and act like animals. By this, I mean, first of all, they are put into cages, cell-like cages. They are brutalized by guards that care little or nothing at all about their feelings and their welfare.

And things like homosexual rapings on a boy because of a lack of supervision or a lack of sympathy on the part of the administration. I have seen guards brutally beat young people, and I have been beaten and thrown into what they call the dungeon in the institution in Illinois. This was a bare cell with nothing but a hole in the floor as a lavatory, and I was fed one meal about every 3 days, for something like talking back to one of the officers. I have seen boys, young boys,

taken to the dungeon and beaten on by four or five grown guards, left in this dungeon for 29 days, taken out for 1 day and put back into the dungeon for 29 more days. When they finally did come back out of the dungeon, they had to be put in medical isolation, which was not be reall but it had in had in it.

another cell but it had a bed in it.

I found some of the young people in the institution who were trying to get into programs that were educational programs, and I found out that all the school program was, was a continuation of the cell block. They were beaten by sadistic school principals, beaten with a paddle with holes drilled in it. They were beaten until they bled; and if they said anything to one of the counselors, who were rarely seen, they were beaten again.

I have seen kids in the schools made to fight because the school-

teachers did not have anything else to do or things got boring.

I found that, looking for rehabilitation in the institution all I could actually see was a process designed to push me further into criminal activities when I got out.

Senator BAYH. Mr. Hults, in the institutions that you just described, could you tell us some of the offenses that were committed by these

young people who were treated as you described?

Mr. Huns. Yes. One fellow that I went to school with was in for riding in a stolen automobile. He was homosexually raped, and his muscle was torn, and he could not control his bowels, and he was beaten by the guards with metal keys, because he could not control his bowels. He was there for riding in a stolen car, and it was his first offense.

I have seen other people go in there for not going to school. There were people in there for not being able to get along with their parents. Some were in there for curfew, and things such as this. There were others in there for murder, armed robbery, and things of that nature.

Senator BAYH. What were the ages of the truants and other status

offenders?

Mr. HULTS. They were from 12 to 16—some just 11.

Senator BAYH. Did you witness examples of 12-, 13- or 14-year-old

youths thrown in these pits which you described?

Mr. Hults. I was 12 years old when I was thrown into the pit, and I have seen a lot of young kids that were brutally attacked by other inmates, homosexually attacked by other inmates, and they went to the administration complaining of being homosexually raped, and they were beaten and put in these cells then for their own protection.

Senator BAYH. What did you do, if I may ask, that started you along that pathway? In other words, why were you in the institution?

Mr. Hulls. I went into the institution first at the age of 12 for riding in a stolen automobile. And, as time went on, the offenses that I committed just were progressively more serious, and all the way into the penitentiary system.

Senator BAYH. You got started at age 12 by riding in a stolen auto-

mobile?

Mr. Hults. Yes, sir.

Senator Bayn. Who was driving it?

Mr. Huzzs. There was an older youth driving the car. Well, he was 21 years old, and he had the car, and he told the police that I did not know that the car was stolen, but that did not seem to make any difference.

Senator BAYH. He told the police that you did not know that the car was stolen?

Mr. HULTS. Right.

Senator BAYH. What happened to him? Mr. Hults. He was put on supervision.

Senator BAYH. He was not put into the institution?

Mr. Hults. No, he was out on bond, and then he was put out on supervision.

Senator BAYH. And you were put in the institution?

Mr. Hults. Yes, sir. Senator-Bayh. Why?

Mr. Hults. I don't understand that myself. That is the question, I think.

Senator BAYH. You were living with a parent or parents?

Mr. Hults. I was living with two parents from a good home, and my parents told the judge that they would move out of the Chicago area if I was given another chance, and the judge—

Senator BAYH. Was this your first altercation with the law?

Mr. Hults. I had one time previously been involved in trouble with the law for fighting, but it was the first actual criminal offense. Senator Bayh. For fighting? How old were you when you were

fighting?

Mr. HULTS. Eleven. And I was taken to the police station and locked in a cell at the police station for about 6 hours until my parents were finally able to get me.

Senator BAYH. With whom were you fighting?

Mr. Hults. Another youth.

Senator Bayn. I mean, were you using a weapon such as a gun or a knife?

Mr. Hults. No, just my hands; only my hands.

Senator BAYH. How much damage can an 11-year old boy fighting

with his hands do to another kid?

Mr. Hults. There was no damage done to either one of us. I think what the damage was, was the policemen's pride when we talked back to them. One of the youths that I ran with from the street gang was picked up for fighting and put into a police car, and he had lighted cigarette butts put down the back of his shirt on the way to the police station, and then they beat him up at the police station, and then they put him in a home and put him in solitary confinement in Blackstone and kept him there without his family being able to visit him. He was not allowed visits until he had recovered, and he went into court and was sent to St. Charles for approximately the same thing, fighting.

Senator BAYH. You were put in an institution which resulted in your coming into contact with other youths who had committed crimes

such as murder?

Mr. HULTS. That is right.

Senator Bayh. You were subjected to solitary confinement for 29 days and all that goes with that for riding in a car which was stolen by a 21-year-old who said that you were unaware that the car was stolen?

Mr. Hults. Yes, sir.

Senator Bayh. And yet he, the one who stole the car, was not confined?

Mr. HULTS. That is right.

Senator BAYH. And your parents were not the kind of parents who

were ready to get rid of you?

Mr. Hults. No, sir, they were not; they wanted me, and it was a good home. I lived in a fairly decent neighborhood, and both of my parents wanted me very much, and, even, like I said earlier, they asked the judge if they could move out of the Chicago area so that I could come into a better environment and, hopefully, make it better that way, and the judge refused that, and they sent me to the reformatory.

Senator BAYH. I still cannot understand that, and I can see why

you would not either. Do you have other testimony?

Mr. Hults. Well, Senator, I could go on and on and tell you about things that I have seen, such as in St. Charles, which is in Illinois. A young 13-year-old black passed gas and was stripped naked and had a wire brush used on his rectum by a house parent, and he was put—this was in the middle of winter—he was put between two cell doors, one of which was bars, naked, and left out there for an hour to defumigate himself, I guess. I could go on and tell you things like that all day long.

Senator BAYH. How long ago was this kind of activity occurring? Mr. Hults. Well, my young cousin was just released from the sys-

tem in Illinois, and the same things were going on then.

Senator Bayn. You mean this year, last year or the year before?

Mr. HULTS. This year; this very year.

Senator BAYH. 1972?

Mr. HULTS. 1972. He was released. And last year kids from Sheraton, which is the institution for incorrigibles, were being drugged so that they could be kept quiet, and my little cousin came home with scars from being beaten in the juvenile institutions in Illinois, and that happened this year.

Senator BAYH. How old was your cousin?

Mr. HULTS. Fourteen.

Senator Bayn. How did he get incarcerated in the juvenile institution?

Mr. HULTS. I do not know what that first offense was. I was in the penitentiary at the time, but it was his first offense; it was his very first offense.

Senator BAYH. How long was he in?

Mr. Hults. He was in approximately 4 months.

Senator Bayh. Does he have parents?

Mr. Hults. Yes, sir. He has two good parents, and a brother, the same as my parents.

Senator BAYH. Was that the same judge, by any means?

Mr. HULTS. I have no idea if it was the same judge or even if the same judge is still there on the bench. I really do not know.

Senator Bayn. Let me ask you, Mr. Hults: Looking back on your experience, starting at age 11 or 12, how should the system have re-

sponded to your particular type of problem?

Let me broaden the question. Let me ask you to address yourself to the same question for most of the youth with whom you were imprisoned. You might want to exclude those who had committed murder or another serious crime or you may not. It seems to me that there are some young people from whom society needs to be protected. The testimony of the officials from Massachusetts was that such delinquents constitute about 2 percent of the institutionalized population. I am not certain of these figures. But what do you do with those who ride in the stolen cars for their first offense?

What do you do with a child who cannot get along with his parents? You have had a chance to rap with a lot of the kids in juvenile institutions. What does the juvenile justice system need to provide to keep youth from following the pathway you followed, from fighting at 11, to reform school at 12, and the penitentiary at—

Mr. HULTS. Seventeen. Well, first of all, I do not feel that even if the youth did commit murder he should be treated like an animal, put

into a cage and treated like an animal.

Maybe close supervision, but not a cage. Then, I, too, feel that in working with the youth, showing a little empathy and working with the cause of his problems instead of just the symptoms, and giving a little concern, showing a little concern, finding out why, first of all, he is in this institution with the crime that he is in there with, and treating him like a human being, showing a little bit of love, which is very rare, showing that you do care and work with the individual on an individual basis, instead of putting everybody into a large compound and treating them all the same way. I feel that people that can work with or for the youth in a way that is meaningful to the youth can show a lot better results than by putting them in there, to be beaten with a stick and thrown into a dungeon.

Senator Bayn. I do not mean to be too personal, but you are an expert witness. Not too many people can say they have had the kind of experience you have had. It would be helpful, if it is not embarrassing to you, to give us the sequence of events, which led you from a home that you said was a good home in a reasonably good neighborhood, with two parents who loved you and wanted to be responsible for you to, first, riding in that car; secondly, into the institution; and finally,

to the penitentiary at age 17.

Mr. Hults. I believe seriously that that is the reason I wound up

in the penitentiary system, because, first of all-

Senator Bayn. We are trying to understand the type of impact this has on the character of a young boy or girl. That is why I asked the question, because I want to let you answer it in your own way.

Mr. Hults. Well, I would like to answer that in this way: Riding in a stolen car, first of all, was something to do. I was with someone that was older and had more status, and I felt good being with this person, and riding in a stolen car was something to do because, actually, at that time I had nothing better to do.

Senator Bayn. But, you did not know it was stolen?

Mr. Hults. No. I was sitting in the car. Then I got into the institution and met the type of treatment where, first of all, I was degraded as soon as I went through the intake process. I was stripped, my head was shaven bald. I was made to bend over and spread my feet, while a great number of people watched. I was put into a cell with cockroaches and filth, and the food that the guards of the administration refused to eat we had to eat. I felt a great bitterness toward authority, toward people that could run my life; whereas, when I came back out

onto the streets I felt comfortable with my peers because they were people just like me, and accepted me for what I was. And if and when I was made to report to a parole agent, all I could get from the parole agent was the slap-on-the-wrist approach, and told that if I did not behave myself, I was going to wind up back in the institution. And, as I saw it, this man was telling me to grow up and "be like me" or you are going to have to spend the rest of your life in jail. I felt then like that I would much rather be out on the streets with the cats raising hell than to have to grow up and live like that one.

Senator BAYH. Did you feel that way before your first trip to the

reformatory?

Mr. Hulis. Well, on my first trip to the reformatory, I did not know what I was getting into. I had no idea what the institution was like. I had heard from several fellows that were in the gang with me what the institution was like, but there is no explaining what the institution is like. There is no explaining the real anxieties, what it is really like on the gut level to be in there, live under constant fear, constant pressures, and knowing that not anybody in the place cares anything about you, except to keep you quiet so that you do not make any noise while you are in there. Then once your time is up, you can go back on the streets and do what you want. But, that is something you have to experience to really know the gut level feeling of it. And so, no, I did not have any idea what I was really getting into until I was put into it, and I was scared to death when I met it. When I went into the institution, I was scared to death. I did not know what to do. I was met first of all by a guard. He had a little baseball bat in his hand, and he made me put on a stiff little nightgown before I was put into the dormitory in the juvenile home, and I was scared to death because here was a guy that they called Smiling Jack, by the way, because he would beat you in the head with a baseball bat and smile about it. I heard about him from the fellows that I ran around with out in the streets, and as soon as I met him I was scared, and when I met this, just being pushed aside, and pushed around, and hollered at the way I was, I did not really know how to take it, you know. I just wanted to crawl up and die, because I was scared. There was nobody there to care about me, and I was completely alone, and that is all that I could understand, was that loneliness and hurt inside of me. Everything else was just out of my mind.

Senator Bayii. Were you a member of some sort of a gang at the

time?

Mr. Hults. Yes, sir.

Senator Bayn. Why? Is that the reason that you were riding

around in a stolen car? There was not anything else to do?

Mr. Hults. Well, I think that when I did get into the gang I found that I was accepted, and as the gang grew and the power of the gang grew, there was status there, there was something for me. There was money there, there was a lot of—everybody cared for each other, and if you were even the lowest guy in the gang, you were still higher than anyone that was not in the gang, and you had status, the recognition of belonging to the gang, which is the most powerful gang today, is the most powerful white fighting gang in the Chicago area, and possibly in the country.

Senator BAYII. What is the name of the gang?
Mr. HULTS. The name of the gang is the Gay Lords.

Senator BAYH. The Gay Lords.

Mr. Hults. The Gay Lords; yes, sir. And growing with the gang, it was just—I felt a part of me, and something that I could really belong to other than the boredom of being at home. Out on the streets there was kicks, there was girls. The gang attracted a lot of girls, so there was money, and I think one of the big things was the fear that we brought to the adults, the people that were representing authority to us. This was our way of fighting back and winning, because of the number and the power that we had.

Senator BAYII. Didn't you have anything like the Little League or

the YMCA at the time?

Mr. Hults. There was not anything like that in the neighborhood I was in, and Mr. Booze can elaborate on that. There was no program. We had a Catholic church social organization that said in order to belong that we had to attend church regularly, and have prayers every hour on the hour, and they had a ping-pong tournament. I don't really believe that they would tell the kids to come there, to leave their guns out in the bush, and come in for a ping-pong tournament, and have to pray while we did it, and so that was all we had, and nobody really wanted that.

Senator BAYH. Thank you.

Mr. Langworthy. Mr. Chairman, I would like to call briefly on Mr. Richard Pryor to tell the committee a little bit more about our YMCA national juvenile justice project.

Mr. Pryor. Mr. Chairman, I will try to be brief, especially after

Mr. Hults' very impressive testimony.

I think one thing I would like to say is that one of the objectives of the national YMCA juvenile justice project is not only to provide alternative programs, both before and after adjudication of juveniles, but also to get YMCA's to become much more aware of the kind of problems that Mr. Hults had just told us about, and become much more active in their communities as an advocate for change, as an advocate first for education, and not to keep their heads in the sand in this regard. And one of the objectives of the project in terms of this education, and this advocacy stance, I think, would be to encourage local YMCA's to look at the whole question of the jurisdiction of the juvenile court. It seems to me there is no reason in my mind why Russ Hults had to be taken at age 12 for riding in a stolen car, whether he knew it or not, and to be brought before the jurisdiction of a court. I think this is one of the basic questions that are going to have to be faced in all of the juvenile justice systems of our States.

Senator BAYH. Is it too early, if I might interrupt, is it too early to give an assessment of what sort of results you are having? My experience, of course, has not been nearly as detailed with YMCA people in local communities as you gentlemen, but I have, over a number of years, participated both as a beneficiary, as well as an adult, in the program in my hometown. They are good people, they think in terms of more traditional types of wholesome activities and, you know, God bless them for that. What sort of results have you had in being able

to change or broaden the perspective in approach?

Mr. PRYOR. Well, I think that is a fair question.

In the current program, which is to provide developmental work of this kind in 10 selected cities, we are only in its second month and the results, of course, are not measurable at this time. However, in some 15 or 20 cities where Y's have been carrying programs such as providing residential centers, youth bureaus, day care centers of adjudication, Y probation programs, there has been impact on the problem, and I could supply you with this evidence if you would like to see it. As far as this community change emphasis is concerned, the project is just in its second month, but one of the assumptions it rests on as far as this objective is concerned, is that it has a great many people on its boards and in its membership who have some influence in the community. And we think that we ought to mobilize these people. The YMCA's, as one body is fond of saying, has scored a lot of brownie points for many years with the establishment in the community, so it is time to cash in some of these brownie points, and that is one of the objectives. I cannot honestly say, as far as changing the juvenile justice system that the YMCA's have had a great deal of success as yet. We think that they have the capacity to do this, and to have an impact alone, but especially in collaboration with other organizations. And that is certainly one of the objectives.

Senator BAYH. I want to say as somebody who has participated in Y activities since childhood and knows the membership of the YMCA. If we can get YMCA membership to stand up and be counted, and demand the kind of change that you recommend in our juvenile justice system, then I do not think the political process can resist it. I, as one who is in the political process now, cannot overemphasize the importance of stimulating that kind of demand, and that kind of concern, because there are a lot of shortcomings in our juvenile justice system. If you get enough people concerned then the system will have to respond, and I think that is part of the responsibility

we all have.

Excuse me for interrupting.

Mr. PRYOR. Well, I appreciate the comment, Mr. Chairman, and I

agree entirely with you.

I think the other side of that coin, and the device and the tool that is going to help YMCA's to get more involved in this as a public issue, and as a public concern, is getting the YMCA's to become involved in terms of providing programs, in terms of providing direct service to youth in trouble, whether they have been to the juvenile court or whether they have not been to the juvenile court. And here I am not speaking of general character-building programs, but I am speaking of servicing youths who have been identified as having some problem in the home, in school, and in their neighborhood, or whatever, even to the extent of being brought to the attention of the police or of the courts. So, the other objective of this project is to encourage, by providing planning and technical assistance for local YMCA's to use their facilities. They have good facilities. They have empty residences. They have some well-trained and excellent staff to mobilize these facilities and these resources to provide alternatives for both our court system and for youth service bureaus, too.

I think when von asked Mr. Hults, how could the system have responded, I felt the system probably could not have responded any way

at the time, other than to send him back to his family, which is what should have been done. But, for many other children, there are no other alternatives, and the objective here is for the YMCA's to provide alternatives. But to do that we obviously need funds. Most States are not as flexible or as far out in front as the State of Massachusetts and they are not able for political, legal and administrative reasons to divert funds from institutional care to community-based, private contracted care. This kind of funding is going to have to come in large measure from the Federal Government, and it is not just funding to support services to the kids, but there is a lot of community organization that has to go on to let the neighborhood accept a group home. Everybody is in favor of the general idea, or many people are, of group homes, but not in their neighborhood.

Senator BAYII. "Do not build it here!"

Mr. PRYOR. Right. So, I think I can respond to your question. There is more I could say, but these are the major objectives of the project. We want to build on the kind of resources that we have at this table in many local YMCA's. There are 1,800 local YMCA's, and only about 30 or 40 are getting their feet wet in these areas. And there is a lot more that can be done.

Senator Bayn. Did you say 1,800? Mr. Pryor. In the United States.

Senator BAYH. Are 30 or 40 getting involved in this program?

Mr. PRYOR. Yes, sir; that is correct.

Senator Bayh. Are any of these 30 or 40 located in Indiana?

Mr. PRYOR. Oh, yes, and I think both Mr. Jones and Mr. Booze could speak from much closer experience about Indianapolis and some of the YMCA's in Indiana that are involved in this sort of thing.

Senator Bayh. Well, I do not want to get into detail. Do you have

the cities involved?

Mr. Booze. Kokomo, Ind.; Lafayette, Ind.; and Indianapolis, Ind. Senator Bayn. Well, we have our percentage; do we not?

Mr. Pryor. You might have missed South Bend, too.

Senator BAYH. And that South Bend center is one of the YDDPA programs.

Mr. PRYOR. And very excellent leadership.

Senator BAYH. That is four out of 30, you say? I mean, the great State of Indiana has about 10 percent of all of the Y projects?

Mr. Payor. Well, when I say 30, as you know, in the written testimony we have suggested 40 to 50. It depends on how you measure. One of the things we are concerned about at the national project level are programs that specifically are oriented to juvenile justice issues.

Senator BAYH. Let us not spend a lot of time on that. I think I have accurately described my senatorial pride, and it can be left at that. I would like to see the time come when there are 30 or 40 in Indiana. I would be glad to cooperate with you in trying to accomplish that goal.

Is there anything else, Mr. Pryor?

Mr. Paron. I would like to highlight, and hope we will get to the question of the issues about the source of funding. There is some concern that the YMCA's have had in terms of getting programs funded and refunded. Mr. Langworthy touched on the whole very difficult issue of year-to-year funding. We see that as an absurdity. We must have at least 2-year program funding, preferably 3 years. This is not

just in terms of saving professional time, but in order to attract personnel who have the competency so that we can have a competent, stable program. To establish that stability we need 2 or 3 years. So, these are some issues we might touch on in discussion.

Thank you, Mr. Chairman.

Mr. Langworthy. Mr. Chairman, I would like briefly to comment in further answer to one question I think I heard you asking, and that is, it is true that in years gone by the YMCA's have been very inwardly oriented; that is, they have opened their buildings and expected the young people to come flowing in, and years and years ago this used to work pretty well. But, more and more the Y's are becoming oriented to the idea that they have to get out on the streets and out in the community and they cannot just expect to have a swimming pool and a gym, and have the young people coming in. They have to go out, and more and more are realizing that they have to go out and find the young people and bring the programs to them. Unfortunately, there was no such thing going on for Russ here when he was starting his early career, but especially, the Y's in the biggest cities are doing more and more of this.

I would like, unless the Chair has a question, to turn the microphone over to Julius Jones who can tell us more specifically about the juve-

ñile program in Nashville.

Senator Bayn. Before Mr. Jones goes ahead, let me just make sure that I do not in any way deprecate the kind of services traditionally provided by the Y's. As I said, I have been a beneficiary of these services. I played basketball, and went swimming. You know, you did not need anybody to go out and find me. I was glad to come in the doors, and I really got a great deal out of it. I am just glad to see that the YMCA programs are being recognized as a very potent resource to use in fighting a serious plight on our society. Please proceed.

Mr. Jones. Fine. I think, Mr. Chairman, my testimony will probably be a little different from what you heard in responding to Russ' dilemma. We saw about 3 years ago in the city of Nashville a need for, not an institution, but a place that would eliminate the type of thing that went on with Russ in the institution. So, we started a program with about 30 boys, and over the 3-year period, we have had about 120 youngsters that have come through this "Instead Operation" as we call it, sort of an in-family-type joke. And we have realized a degree of success that exceeds 60 percent. In other words, of 120 boys who have been through our program, more than 60 percent have gone on to become productive citizens in the community.

Now, we were dealing in the upper teens, boys 15 to 18, so our graduation rate was much higher than for some of the organizations that are dealing with boys that are much lower in age levels. And we were able to see results almost immediately, because we began with 17-year-olds who were 6 months away from the 18th birthday, and some boys got involved in training programs with us and we were able to assist them in placement in the community. A couple of fellows have gone on to get married. Several have done other things that are very productive. Unfortunately, we have had some repeaters, but not nearly the number that we use as a national average figure, which is something like 70 percent; I believe that is one figure being quoted

now. Some say it is higher. So, we feel that the Y and other private agencies as well, but especially the Y, was adding a degree of concern shown to the youngsters who were a part of our program that they might not get any other place. It was a case of being critically concerned about how well they fare as human beings once they left that program in the organization in the Nashville Y. And, as a result of this, we think that there was and still is a need for a bill like 3148, and the reason for that is that we have extreme difficulty at points in getting funding for what we thought was a very successful program. And even then we were doing it on a year-to-year basis, and only a reimbursable basis. Frequently we got into some real serious problem with our finances. But, the program thinking in terms of constant, we feel was very good.

Senator BAYH. Were you able to reduce the recidivism rate from the national average for young people of about 75 percent to about

50 percent?

Mr. Jones. We reduced the rate of recidivism among our youth to what we were able to statistically say was about 35 percent.

Senator BAYH. 35 percent.

Mr. Jones. Right.

Senator Bayn. Did you suggest that if you had been able to provide the kind of services necessary at an earlier age, the results might have been better?

Mr. Jones. Exactly. And it was primarily because of the lack of funds that we could not do this, nor could we expand the program that we had for 20 or 30 boys that we were serving.

Senator BAYH. Was this in Nashville?

Mr. Jones. In Nashville.

Senator Bayh. Were you serving 20 to 30 boys?

Mr. Jones. We had a capacity of 30, and we went from a low of 15 to a high of 30, but we averaged about 20 boys a day for a period.

Senator BAYH. How many boys need this service in Nashville? Mr. Jones. Based on statistics released by the juvenile court there, this past year, there were 35,000 juvenile crimes in the city of Nashville, a population of a little less than 500,000.

Senator Bayıı. Did you say 35,000 Mr. Jones. Thirty-five thousand cases.

Senator Bayh. Weren't some of these cases repeaters? What are we

talking about as far as younger boys?

Mr. Jones. We are talking about both boys and girls. The percentage of boys was about 70 percent and girls about 30 percent of that number. These were not all. These were cases where people were actually charged. There were a number of incidents where young people came before the juvenile court and the charges were dismissed in situations similar to what Russ was talking about, where their parents had agreed to be probation officers, if I may use that terminology, for their youngsters, putting them on strict curfews and several other things. So, 35,000 is actually the number of crimes that were written into the books.

Senator Bayn. Those were actually crimes?

Mr. Jones. That ran all the way from truancy to murder, and truancy was considered a crime.

Senator Bayh. What is the optimum size? If we look at our legislation, S. 3148, should there be a limit on the size of programs, in order to insure personalized services? How large a number of boys can one Y deal with effectively? Can one Y establish 10-, 20-, 30-group homes and manage them in a way in which the attention will be personalized and not institutionalized? What is your experience?

Mr. Jones. Without any difficulty we were discussing the possibility of starting two additional ones in the city of Nashville. We have the one, as I said before, with the maximum number being 30 that we could deal with, and we wanted to do two others, and we wanted to get the number up to 100 and, of course, the problem with that was funds. I think the problem is the amount of funds; the number is unlimited.

Senator Bayh. I am sorry. I did not hear the last statement.

Mr. Jones. The problem is the amount of funds. The number of youngsters that a YMCA could deal with in the city effectively and personally is unlimited.

Senator Bayh. You are sure of that now?

Mr. Jones. I am positive. Senator Bayn. What can we do as we look at our legislation with its emphasis on voluntary agencies such as the Y, to keep these agencies from assimmilating all of the shortcomings of the governmental bureaucracy, which is now unable to handle the problem? I have never been a YMCA administrator, but how does one keep well-intentioned

folks from succumbing to temptation?

Mr. Jones. If I may amplify for about 10 seconds, there is a very unique quality in the type of person who is willing to aline himself with the YMCA as it relates to this type of program, and the people we involve as counselors, group leaders, project directors, and others are people who join such a staff because of their concern, so that we do not have to worry about falling into the pitfalls and the traps that have been described by Russ in some correctional institution.

Senator Bayh. Mr. Booze, you were nodding affirmatively there.

Do you want to articulate that nod?

Mr. Booze. That struck a very resonant chord with me, Senator. I have before me a letter from a young man who works for a social agency in Stillwater, Okla. It is not a long letter, but is speaks eloquently to several points that I would like to make. I would like to read it with your permission. It says:

I have been working with a group of delinquent kids in Stillwater officially for about four months now, although I have been concerned about them for some time. Besides working at the Y, I am a volunteer worker for the Welfare Department in Payne County. At the moment I am working on a campaign trying to find things for these kids to do and give them places to go for help and understanding. I would like to see a walkin contact center started, for one thing. It is not a part of my job at the Stillwater Y, but I have been letting these kids come into my office and rap about what's on their minds. Some of the worst problem kids have made marked improvement just because they can talk comfortably about what's bugging them.

Now that I have stated my case, my reason for writing is that we need all of the help we can get. I alone in my own little office cannot even make a dent into the problems in Stillwater. I am checking with every agency that has anything to do with delinquency. We need direction in setting up programs, we need help in convincing people that something can be done with these kids other than sending them to institutions. Most of all, we need leads for monetary support. I know

a number of university students who are interested in working with problem kids, but there are no programs for them to get involved in.

Please send me any information on setting up programs and training workers that you have. Any kind of direction and support that you can give us will be

most appreciated.

That is a fairly typical example of the letters that we get all of the - time, and when you ask what would keep the Y or any agency involved in this kind of programing from falling into the ways of the old bureaucracy that we seek to replace, I thought Julius hit that answer squarely, and that is the kind of person that we are attracting and whom we are training. I do not know of any other profession, sir, that would allow or where the public would allow the lack of training to be as pervasive as it is in this work with human beings. Certainly not in medicine. We certainly do not establish medical clinics or hospitals without first seeing to it that our doctors or the staff of these hospitals are adequately trained. We certainly do not establish courts without first looking to law schools. Yet we go about the business of establishing agencies or programs to deal with delinquents and we do not address ourselves to the kind of training issues that are gut level. These are life and death kinds of situations that our workers are called upon to perform, with very little training experience provided. In this field of outreach, which is essentially just an extension of a general agency's concern for the total individual, not just how he does on the basketball court or in the gym or in the swim program, our Outreach Center has trained over 1,200 people. We have dealt with problems ranging from how do you get a kid to talk, just how do you begin with him to get a conversation going, to how do you talk to judges to intercede in a situation as Russ described.

The kinds of down-to-earth issues that are not necessarily covered in graduate school, that are not covered in college per se, unless one is fortunate enough to have a very enlightened instructor who will give meaningful kinds of content to those courses. So, it is not enough that a person take abnormal psychology. Unfortunately, there is no educational course for a subject labeled "Streetology" which would describe the kind of culture one encounters, and the ability to relate to it, not necessarily by adopting that life style, but to come across as being a for real individual. Such people do not get caught up in the situation that we are here talking against, those in the current juvenile system that treats people as animals. The kinds of workers that are attracted to this work as a profession, and it is a profession, are not the kind who would stand idly by and allow such brutality to happen. Workers all across the country are raising their voices to demand training, but nobody seems to listen. I have heard people say that we do not know what works in terms of juvenile delinquency. Well, my answer to that is that we do not know what will cure cancer, either, but we have not stopped trying. We did not know how to get to the moon until fairly recently, and we mounted an effort and we are there. We do not have all of the answers in terms of training, but we simply know what the issues are, and we have a record of success, and I can just speak very briefly to some of the things that were key to the successes that we have had. We have had success where we have involved not only the youth servicing agencies in a community, but all the other services available such as juvenile courts, schools, hospitals, mental health clinics, lawyers in a collaborative approach. We have had success when people were allowed to participate in formulating the programs; that is, when we as a YMCA would not come into a community and say, this is the program, but actually involve the community people in planning it. That is how we get around the do-not-build-the-juvenile-home alternative program in our community. We go in and we ask the residents to help us to design an alternative program. Then they feel that they have a stake in it, and they own it.

I could go on making a case for training but I guess I am more comfortable responding to the questions, and I would welcome any that

you have, sir.

Senator BAYH. I have a number of questions. I will let you decide which one of the panel most appropriately should respond. In addition, I suppose that you gentlemen would not be opposed to answering written questions if we do not get around to having the time to answer all the questions here.

Mr. Jones, you talked about the national experience of the YMCA. I have here an article written December 12 in the New York Times by Tom Wicker describing the "Y That Didn't Die," and it tells of a Chattanooga experience. Are you familiar with this story.

Mr. Jones. I think Mr. Pryor is probably more familiar with it than

I am.

Senator Bayn. According to the article, there were about 60 boys handled by the Y program there that would otherwise have gone to the correctional center. According to Mr. Wicker, at the time of the article, which was December 12, the program which had originally been funded, 60 percent by LEAA, 40 percent by the Chattanooga Y, had not been refunded by LEAA.

Mr. Pryor. That is still correct. Senator BAYH. Is that still correct?

Was the Chattanooga program worthwhile? What were the results? Mr. Jones talked about a 35-percent recidivism rate in Nashville. What

were the results in Chattanooga?

Mr. Pryor. Statistically, I cannot answer that question, other than to say that in my discussions with the director of that program, and he had come on after the program started, so his vested interest was somewhat diminished. He was extremely impressed with the results they had achieved. He was a Ph. D., a psychologist. They had been in operation only 1 year as opposed to 3 years in Nashville. The reason for the refunding hassle apparently revolved around a number of intricate local, regional and State issues. But, basically, it came down to a difference in philosophy. LEAA has expressed through that region and the local people and pressures that they were responding to, that they would not accept a community-based program, which also involved services for kids who were living in that neighborhood to use the facility so that there were would a mingling of kids under jurisdiction, with neighborhood residents. The objection to the Y program was that the Y wanted to encourage an integration of the services for their residents in the center with the children and the youth of the surrounding neighborhood.

Senator Bayh. How did a youth become a resident in the center?

Did one have to be committed there by a judge?

Mr. PRYOR. That is correct.

Senator BAYH. In other words, LEAA did not want to do something to keep a child from having to be committed there in the first place Is that right?

Mr. Pryor. Exactly.

Senator Bayn. That does not make much sense, does it?

Mr. PRYOR. They wanted to broaden their referral source, and that was another issue in which things caved in. The reason they got from LEAA in the letter that was quoted to me is that "your program is not refunded because it is not creative enough in terms of programs for our purposes." That may be subject to some amendment, the quote, but that is basically the sense, and the Chattanooga Y has now gone on to apply for title IV-A contracts. LEAA has extended the unused portion of their original grant which will run them to about the second week in July . They are hoping for the title IV-A grant contract to be approved before then.

Senator Bayh. Well, I am not sure where the question lies, and it may not be put in the proper sequence, but let me ask to put in the record here the full story of the "Y That Didn't Die".

(The article was marked "Exhibit No. 4" and is as follows:)

Exhibit No. 4

[From the New York Times, Dec. 12, 1971]

THE 'Y' THAT DIDN'T DIE

(By Tom Wicker)

CHATTANOGA, Tenn.-Last September, one of the boys living at the Residential Youth Center in the old Southside Y.M.C.A. here came "home" despondent, He had been kicked out of school for wearing no socks.

That kind of callous treatment of their boys—all assigned to the Center from juvenile court—was no surprise to the young officials of the Center; on another occasion, when a Center resident had been in a school fight, he was expelled but no action was taken against the other boy. The presumption is usually against a "delinquent."

In both these cases, the Center staff was able to persuade school officials to relent. But there is not much they can do in cases like that of the resident boy who went back to his family for a weekend visit; he found his father drunk and his mother greeted him by saying: "What the hell are you doing here? Did you run away again?'

Such attitudes have caused Jerry Hannah, the family counselor for the Center, to conclude that "there's more so-called delinquency caused by teachers, parents and social workers than by children themselves."

It is his belief-and the central idea of the Residential Youth Center-that young people "go wrong" mostly because society and its organizations make so little effort to find out what their problems are, and so often react to troublesome behavior with punitive treatment rather than with sympathy and concern.

Mr. Hannah pointed out a white youth avidly playing basketball with several blacks at the Center. "He's with us for unruly behavior," he said. "We looked into the case, found he had a high I.Q., but no father and a mother with a history of nervous breakdowns. There was nothing really wrong with the boy but if they

hadn't sent him here, they'd have sent him to Pikeville."

Pikeville is a Tennessee state "correctional center"—in fact a youth prison or reformatory. As with many such institutions, boys sent there often come out more unruly and harder to handle than they were when they went in. The Residential Youth Center is set up to provide an alternative to that kind of institutional care—particularly in such cases as that of the truant black youth who was refusing to go school, Center staff members learned, because he had no decent clothes to wear and no responsible family to provide them.

The Center opened last January in an old Y.M.C.A. building that was going to ruin in a black neighborhood. With a budget of \$164,000 for the year—funded 60 per cent by the Federal Law Enforcement Assistance Administration and 40 per cent by the Chattanooga Y.M.C.A.—it has handled about sixty boys so far. At one point, 33 were living there—each with his own room and the right to paint and decorate it as he pleased—and last week there were 25 boys on the roster, about half of them white.

Residents are referred to the Center by the Hamilton County juvenile court. At the Center, which takes legal custody of the boys, they not only get decent treatment and discipline, good food, companionship, and organized activities—swimming in the old "Y" pool, other sports, even a mini-bike team—but they go to public schools like other children and, when it's appropriate, get job and skill training through other community agencies. One "unruly" boy straightened out so well after three or four months at the Center that he was admitted this fall to

Middle Tennessee State College.

There have been failures, too. Of eight residents transferred from Pikeville, five had to be sent back as unmanageable and one ran away and is still at large. There was some pilferage at first, and there are still some minor problems with glue-sniffing and run-aways. School truancy declined after Griff Long, the administrator, learned to put boys in different schools from the ones they had dropped out of; but he said last week that the Center was not doing well enough in supervising homework and motivating the boys to work hard in school.

But Mr. Long and Dr. Howard Runyon, the program director, believe the Center is off to a solid start. John Chambliss, Jr., the young banker who is chairman of its board of directors, believe it could be a model for many other communities with an aging or abandoned Y.M.C.A. building and the need for an alter-

native to youth reformatories.

In fact, the Center has been going so well that, naturally, it has run into trouble. Athletic and other programs for boys from the surrounding neighborhood are also carried on at the Southside Y.M.C.A., and the Center staff believes this provides an excellent opportunity for the resident boys to mingle freely with

and learn from youngsters who are not "in trouble."

The L.E.A.A. doesn't agree, and is pressuring the Center staff to get the community programs out of the building; that, as the staff sees it, would only tend to make the Center more merly an isolated "institution" for delinquent boys, a situation they have worked hard to avoid. At last account, no new L.E.A.A grant was planned for next year, and a search for new funds already has started. That is the way things go.

Senator BAYII. I think now is probably a good time to ask a question. Is there a need for a basic reorganization such as that contained in 3148 which would provide funds to keep young people out of trouble and to make them constructive members of society? Why should a local agency have to shop from one agency that says they will take care of you if you are not in trouble, to another one that will take care of you if you are in trouble?

Mr. Pryor. Well, I support it fully.

Senator Bayn. Excuse me. I do not want to under-emphasize the problem which exists over fragmented services. This problem was demonstrated in the consideration by this subcommittee of the Juvenile Delinquency Prevention and Control Act of 1968 which is about to expire. The youth service programs of HEW are small and weak. Moreover, the competition with LEAA has further weakened HEW's effort. Although the bill contains a \$75 million annual authorization, the HEW officials continue to testify that HEW needs only \$10 million. We have got to do something, it seems to me, to reorganize the system in order to increase the pressure for youth services within the budgetary system. Now, I have answered the question that I wanted to ask you.

Mr. Pryor. You have given my testimony.

Senator Bayn. You answer the question the way you think it should be answered.

Mr. Pryor. I suppose at the risk of being repetitive, it seems clear to me that the LEAA focus is not on the constituencies or the kinds of people that we want to serve as we have described this morning.

Senator BAYH. Who is LEAA's constituency?

Mr. Pryor. It was basically enforcement, basically law enforcement,

correctional and institutional agencies and some court systems.

Senator BAYH. Let me explore this. I am not willing to accept the fact that every law enforcement officer likes the way things are being done now. I am not willing to accept the fact that every juvenile court judge approves of a system in which the only alternatives are to send the juvenile back to an intolerable home situation, or send him to a juvenile institution. The judges feel that the juvenile institution is the lesser of the two evils, neither one of which they like. There are better ways to deal with youths but these alternatives are all that the system provides now. I have had a police lieutenant sit right here, who is in charge of a juvenile program in Maryland and testified for run-away houses. The system sends youth to juvenile institutions where they do not belong because there are not enough group homes run by YMCA's. Now, who is this constituency?

Mr. PRYOR. We have a lot of other people that want to respond. I am not saying that it is an evil constituency, by any means, but by and large, rather than a constituency whose first interests should be to the youngsters themselves, it is a constituency that evolves around the interests of the staff of these institutions—security personnel and the unions which represent them, as well as suppliers of goods and services

to such institutions.

Increasing law enforcement effectiveness, and increasing hardware may be a valid goal in itself, but I do not think that breaking down this resistance is easily achieved by the funding of agencies representing these interests. Mr. Booze can speak very much to this problem of dealing with street people who have questions about your motivation in light of where your funds are coming from. If you tell them funds are coming from the Department of Justice, they say, "Don't talk to me, man!" That is the practical consideration and you have to deal with that, too.

It seems to me that prevention and diversion needs very specialized attention outside the control of the Department of Justice, for the kind of people we're trying to be helpful to—and I personally would say even the hard core 10 percent of juvenile delinquents could benefit by a personalized and de-institutionalized form of treatment—which I'm not sure law enforcement and correctional constituencies are very skilled as providing. I do think we need a much more coordinated planning and program development focus to deal comprehensively with all of these specialized needs.

Senator BAYH. The practical reasons are that the juveniles on the streets are so sophisticated that they can differentiate between a program that is funded by HEW and one that is funded by LEAA?

Mr. Booze. Senator, most definitely they are. They are very hep

to funding and funding possibilities.

Senator BAYH. You mean to say they will not use this baseball or basketball because the attorney general had something to do with it?

Mr. Booze. No. You see, the inner-city youth group nowadays do not want baseball bats, sir. They want jobs. They want money in their pockets, and, unfortunately, some well-intentioned but misinformed programs have given them just that, and that has set the tone.

Senator BAYII. OK. Then let us make it whatever is relevant in the community today, not baseball bats or swimming pools, but does the source of funds really-

Mr. Booze. Make a difference?

Senator BAYH. Yes. Here LEAA is going to expire this next year, and I have been fighting to try to move these funds into an area that is more oriented to the kind of programs that you gentlemen have been discussing. My reason has been that you lose out in an agency that is primarily in the business of dispensing hardware. Is there another reason?

Mr. Booze. Yes. Very basically, LEAA came upon the scene and it had that reputation, or established that reputation as being hard-lined, taking a hard approach to the problem of juvenile justice, or juvenile delinquency. It was viewed as strictly law and order. And in terms of attracting staff to work in programs funded by LEAA, the first question that I am always asked is, What is the Justice Department doing putting up the money? There must be something behind it. If HEW, for example, put up the money, well that seemed to make sense because it is Health, Education, and Welfare. But, the Justice Department being interested in preventing delinquency, that did not seem to fit too well. Now. this is from the viewpoint of the staff. The kids also know what the Justice Department stands for, and it is not for an even break for them. Rightly or wrongly that is the attitude and there is resistance on the part of youth groups to get involved in programs that are funded by Justice or LEAA.

Senator BAYH. What experience has the Y had in funding the pro-

grams with LEAA?

Mr. Jones. May I should not say it even-

Senator BAYII. What kind of delinquency prevention programs are

funded by LEAA?

Mr. Jones. We went to LEAA with two packages in hand, two programs. One was a detached worker program where we take the resident facilities onto the street, and it is an on the street counseling-type program, such as Dick has been talking about, which was to be funded for something less than \$100,000. At the same time we had a program in the other hand that was for twice as much money to provide a physical fitness program for the local police department. The latter received preferential treatment and was funded, and the former was filed some place and we have not heard from it yet. Now, to me, it was a question of priorities, and to me it said it is of greater benefit to this community to get the policemen into condition to run down the young offender than it is to worry about the offender himself. Now, that is an example of the type of experience that I have had with LEAA in trying to get funding for programs.

Senator BAYH. I wonder if we are going to be able to resolve the political problem a little easier if we accept the fact that there is

nothing wrong with having policemen who are physically fit.

Mr. Jones. There is no problem with that.

Senator Bayh. Then the question, of course, resolves itself into the limited funds for these programs. It will be necessary to double or

triple the available funds if we are going to have all of these basic programs. LEAA has limited its jurisdiction to those youths who are within the juvenile justice system. HEW has jurisdiction of delinquency prevention programs but most of the funds are in LEAA. I suppose that is why LEAA would not refund the Chattanooga program. That is why our bill, S. 3148, establishes a program emphasizing prevention but not limiting who is covered by a program. Do we have a general agreement that a coordinated, unified approach to delinquency is better?

Mr. Jones. It is much better because we have learned that it is more traumatic for the offender to treat him for 1 year in a program similar to what-we were doing, and then have it cut off and eliminated, and possibly it would be better to send him to an institution for 6 months because all of a sudden we cast him back onto the street from which we rescued him. And this business of not knowing from one 12-month period to the next what we will be doing a year later, I think, would be

eliminated by this bill.

Senator BAYH. Let me be the devil's advocate. Don't I, as a responsible legislator, have a responsibility of seeing that the program is functioning properly before I extend it? Would it be possible to provide for 1 year as a probationary period, and after the program has proven it is effective, then extend the program for 2, 3, or 4 years.

Mr. Jones. Then we have no problem with that.

Mr. Booze. That would be a lot more acceptable than the current situation. There is absolutely no difficulty in terms of asking a program to prove itself. What we are talking about is how ridiculous it is for a highly qualified person, who is qualified enough to direct a program, having to spend from 2, 3, or 4 months of his time involved in refunding efforts, rather than running or directing the program.

Mr. JONES. Then, too, I have felt this concern in the Y's, that

YMCA's would not attempt, in my opinion, to peddle some bad mer-

chandise.

Senator Bayh. I know that you would not intentionally promote a bad program.

Mr. Jones. Or unintentionally.

Senator BAYII. YMCA's are not omnipotent, are they?

Mr. Jones. No; not by any stretch of the imagination. We wish we

were, but we are not.

Senator BAYH. Isn't it reasonable to suggest that there should be some period of time in which the YMCA's demonstrate that a program will work, once an agency has established a working program meeting reasonable criteria, then the program will be funded as long as it continues to meet these criteria? Maybe there should be an annual review, but, not the current situation where it is never clear whether a program will be refunded. Is that a reasonable program?

Mr. Langworthy. We think that is extremely reasonable. We think there should be review every year to make sure the program is doing what it was set up to do. But, we feel that having no idea at all whether we are going to get refunded makes it very difficult to run that program, makes it very difficult to get the best staff and it just interferes with the efficiency and success of the program in many, many ways, not only in this area but in so many other areas in Government funding that some of us have been involved in, as individuals.

Senator BAYH. I appreciate the critique about the multiyear funding. Let us work together on some language which can accomplish

what we all recognize is the goal.

Mr. Booze. Senator, there is one other aspect too, and that is that because the funding picture is so dim there are many agencies who would like to take advantage of the training offered by the national center that are reluctant to get involved in these kinds of programs because they do not want to have to go through the hassle of refunding from year to year.

Mr. Landworthy. And because they know that if they do not get refunded, then their agency is blamed by the constituency and the blame does not rest on the Federal agency that declined to refund them. The blame is placed on the YMCA or the Boys' Club or whatever agency it is that has to close down the program at the end of the year; a program that seems to be doing a good job. They do not want to go through that risk to their own financial solvency of maybe being put into the position of almost having to continue out of their own very slim budgetary resources, and this is why many very worthwhile agencies do not want to get involved.

Senator BAYH. Let us work out some language with your help, please, on this multiyear funding with review, which requires everybody to stretch to meet the standards, but does not require a lot of red tape. I appreciate your criticism about the funding level. The funding level in our bills are pragmatic but we know, though, that we are not going to get nearly the dollars we want, so perhaps we should raise

the level.

Let me ask you gentlemen to deal with a point about training that was raised yesterday. We had some people from Westfield Detention Center yesterday who suggested that there was merit in a rotating staff because after a certain amount of time on a job, the staff develops a vested interest in maintaining the status quo. What are your thoughts on the need for rotation and the need to have professional people to deal with the very complex problems that young people have?

Mr. Booze. If the program is based in the community, the community will keep us focused on it and sensitive to it. If, for example, we are servicing young people and we have some of these very young people involved on our board, they will see to it that we do not get ingrained or immersed in a system that is not relevant to their needs. As these young people grow older we replace them with young people who represent the ones we're currently servicing. If we have the constituency involved in the planning process, sir, then we have successful programs. Where we ignore that commonsense step, we have problems.

Senator BAYH. Do most Y boards have young people?

Mr. Booze. Not most. Many do now. This is a new day for us. I think the first ones were involved in San Francisco, and that movement has spread. It makes commonsense to us now.

Mr. Langworthy. Let me speak to that. The national board has imposed upon itself and urged locals to include 30 percent at least of a combination of minorities, youth, and women in approximately equal

proportions, and this is a requirement.

Senator BAYH. And the rest are old men; is that it?
Mr. Booze. The nice businessmen from the community.
Mr. LANGWORTHY, Middle-aged white types like me.

Senator BAYH. You put all of those categories in the 30 percent, not

30 percent each?

Mr. Landworthy. Right. Approximately 10 percent each; and it is a requirement at the national level and being strongly urged at the local level.

Senator BAYH. Let me just throw this one more question out for you. We have significant evidence that one of the first indications of the child having problems is his inability to cope in school. Has the Y had experience in designing programs to reach the high school dropout, not only with his school problems, but using parental counseling, where you have kids who just cannot communicate with parents.

Mr. Booze. Yes. We have a Family Communication Skills Center located in Menlo Park, Calif., through which we provide training in a number of programs. One of these is called "Parent Effectiveness Training." This is simply one of educating parents to listen so they are really hearing their kids. The programs are available to youth serving agencies and all arrangements are made through the staff of our center

in California.

This center, through field contacts, provides training in a variety of programs specifically designed to give parents help and actual practice in learning how to talk with, understand, and get along with their kids. Some programs work with parents only, but many are workshops where parents and teenagers attend together and they interact in various ways-sometimes with their own parents and sometimes with other parents—so that there is an opportunity to become more objective and observant of their own behavior. We have a program design where whole families, as many as 20 families, come together to interact. An experienced family counselor works with our Y staff and together they conduct these family workshops where even the 6-year-olds get into the act, learning to communicate better as family members. Parents get a lot of support and help even from each other at these workshops, and the teenagers seem to get encouragement to express themselves more honestly in such groups. Generally the parents report later there is a great deal better communication and easing of family tensions in the home as a result of these training experiences.

As a professional worker with youth, one of the strongest emphasis I might be able to place in youth work has to do with actually working with families. Youth work or youth workers is actually a misnomer, because to be effective one does not limit or spend all of his time just on youth. Certainly, it has to work with the family. I consider myself in working with the youth, that I am an extension of their home, and I have had no resistance from parents in terms of having me work

with their kids.

Senator Baym. Yes. Now, the YMCA program involves professionalized staff types. Is it possible to coordinate that kind of professional staff with the voluntary services of college students, concerned commu-

nity mothers and members of the local Jaycees?

Mr. Booze. My earlier statement really is to the effect that that is the only way we are going to offer or make a significant dent in this problem. It is the only way we are going to really be successful. The drawback to using volunteers usually comes from the fact that our programs are not established on a sound basis to begin with. We do not know if we are going to be in existence next year. We have so many doubts that the person who really would be interested in spending some time as a volunteer, be he college student, housewife, or whatever, will say well, when you get the program more solidly organized maybe I will consider it. If we were organized on a more sound basis then we could do a better job of attracting volunteers. And I very definitely encourage college students to volunteer, because it is my personal belief that very few of us are fortunate enough to overcome the handicap of having gone to college. And quite often our college education prevents us from really relating to people. And this is one way of getting around that, having them involved. I would like to see that done on a credit basis, as a matter of fact, to receive college credit for

working in programs of this type.

Mr. Pryor. Senator, I think in one sense that we are all here with YMCA on our letterheads and representing, so to speak, the YMCA. But, I would like to see ourselves in some measure as representing private, voluntary youth serving and non-youth-serving organizations generally. And one of the objectives in the national YMCA juvenile justice project is to encourage, to stimulate, and to help local YMCA's to work with the other agencies in their communities, such as mentioned, the YMCA, the National Council of Churches, Girls Clubs of America, American Red Cross, the League of Women Voters, the Junior League. In fact, there is a case in point here. I received a call just 2 days ago from one of our pilot areas, and one of their approaches is going to be a multicollaborative approach toward the direction of setting up a vouth service bureau with these other agencies. the YMCA, and I believe the Helping Hand Center, which runs out of Columbus, Ohio, with the YMCA there. I believe the chief staff person of that project which is a YMCA project, is a Catholic priest, and there is collaboration with the Catholic diocese in Columbus. So, one of the things we are trying to encourage, both locally and nationally, is a strong collaborative focus and emphasis, particularly with citizen groups.

Mr. IANGWORTHY. I would like to add just a word, a brief comment, on the use of volunteers at the Y in many local areas and other youth service agencies, too, who are already involved in programs dealing with juveniles. As a case in point, in my own hometown of Kansas City, we have what is called a Y Pals program, headed up by a two- or three-man paid staff, but their whole assignment is to recruit volunteers. Many young lawyers are involved in this who will be a pal to a young teenager who has been referred from the juvenile system. This is not a young person who is in deep trouble, but one who perhaps is a first-time offender, and this adult who is recruited as a volunteer will work as a sort of volunteer probation officer in the best sense of that word, and devote his time as a volunteer to helping the younger person to see that there is someone concerned for his or her welfare. And there are a number of other local associations or other youth service

agencies that are engaged in similar programs.

Senator BAYH. Thank you, gentlemen. I really appreciate the time that Mr. Booze, Mr. Hults, Mr. Pryor, and Mr. Jones, and Mr. Langworthy have given us. We hope we can address other interrogatories to you and count on you to continue to help us with this bill, S. 3148.

Mr. Langworthy. We thank you for the opportunity of appearing. (Mr. Longworthy's prepared statement is as follows:)

PREPARED TESTIMONY FOR THE NATIONAL BOARD OF YMCA'S, PRESENTED BY ROBERT B. LANGWORTHY, BEFORE THE SUBCOMMITTEE TO INVESTIGATE JUVENILE DELIN-QUENCY, SENATE COMMITTEE ON THE JUDICIARY, MAY 16, 1972

Mr. Chairman and Members of the Subcommittee: I am Robert B. Langworthy, a member of the National Board of YMCAs and chairman of the YMCAs' Juvenile Justice Advisory Commission. Accompanying me are: Richard Booze, Director, National Center for Youth Outreach Workers (Chicago, Illinois); Richard Pryor, Director, National Juvenile Justice Project (Wilmington, Delaware); Julius Jones, Organizer and Director of Nashville YMCA's Urban Village, Residential Youth Facility for referred youth, (Washington, D.C.); Russ Hults, Staff member, National Center for Youth Outreach Workers. (Former street gang leader and resident of youth penitentiaries and the Illinois State Prison) (Chicago, Illinois).

The National Board of YMCAs appreciates the opportunity to discuss with members of this Committee the issues related to the growing rate of delinquency among our youth. We believe we are moving into a period when there will be full recognition of the need to link the federal and state establishments with coalitions of corporate entities and private organizations to utilize the unique resources of all to keep youth out of the courts and prisons, and to properly

treat them if they are adjudicated.

Senate Bill 3148 which seeks to not only improve the quality of juvenile justice in the United States but to provide a comprehensive, coordinated approach to

the treatment of troubled children has been long needed.

The way we have dealt with youth who are in trouble should weigh heavily on the consciences of all of us, public servants and private organizations. We have simply turned our personal and organizational faces away from the problem. It has been easier to lock children up than to try to find the resources needed to help them cope with themselves, their families, their friends and their society. We are now finally coming to realize that not only have our attempts at "rehabilitation" failed the child—youth reformatories have in many instances provided career development opportunities for crime. Our neglect has helped transform children needing help into adult offenders at a price that is staggering in human and financial terms.

We who represent one of the large, private, youth-serving organizations must

accept a share of our nation's lack of responsibility.

For too long we have largely served persons who through their own initiatives

have sought out the organization.

Now we are taking organizational initiatives to seek out hostile, alienated youth who have taken to the streets and make the interventions that hopefully will divert them from acts of delinquency and lives of crime.

For too long we have stood by and let systems be perpetuated that over the

years have hurt more young people than they have helped.

Now we are accepting the responsibility of helping find proper alternatives to systems that have long needed changing. A prime example of this is the Juvenile Justice System.

On March 4, 1972, in New York City, the National Board of YMCAs did adopt

this five-year goal and these two illustrations of expected outcomes:

Changing the conditions that foster alienation, delinquency and crime-

Major assistance will be given YMCAs to put into operation programs of rehabilitation for juvenile offenders which will serve as options to youth jails and reformatories.

National strategies and models will have been developed to improve the juvenile justice system.

Some work has been started in these areas of our concern and those have been developed because of some effective mergings of public and private efforts.

Some 40-50 YMCAs have developed within their residences and in special facilities, small group homes which house referrals from the courts. These Youth Residential Centers work with each young person at the point of his particular need, whether it be re-entering school, training for a job, overcoming a drugs problem, gaining a better self-image, or living in a healthy home situation.

Some YMCAs have developed "Runaway Homes" which give temporary shelter and counsel to youth who have left their homes until a reconciliation can be effected or other alternatives found.

A large number of our 1800 local YMCAs have developed programs directed

to youthful drug users.

In almost every one of these programs YMCAs are providing staff, programs and facilities and they are being financed by federal and state grants. The three major funding units have been the Youth Development and Delinquency Prevention Administration of the Department of Health, Education and Welfare; the Law Enforcement Assistance Administration of the Justice Department; and the Vocational Rehabilitation Administration.

We have also looked to the Y.D.D.P.A. and the L.E.A.A. for the funding of two national projects. Commissioner Gemignani's unit has funded our National Training Center for Youth Outreach Workers which in the last two years has trained over 1200 workers from 120 agencies to work on the streets and in the neighborhoods with street youth. This was an extremely needed venture which

is having a high degree of success.

L.E.A.A. recently granted \$422,000 to help fund one of our national delinquency prevention projects which in nine months has expanded from 23 to 103 cities, and hopes to reach 30,000 troubled youth. This project also has a corporate sponsor which has donated close to \$3 million in equipment and funds. This partnership of major corporation, private organization and federal government in a combined attack on delinquency points the way for coalitions of the future.

On March 1, 1972, the National YMCA, in concert with several other national youth organizations, began a major project which will have as its goals the creation of program alternatives to the Juvenile Justice System and the bringing of major changes to this system. One of our key demonstration targets will be the State of Massachusetts with the Boston YMCA and a coalition of youth organizations, working in the close cooperation with the Sate's Commissioner of Youth Services, Dr. Jerome Miller and his staff.

Dr. Miller's courageous and intelligent goal of closing down the large prisonlike institutions in favor of a system of community-based services will succeed if our community organizations can find the means of providing these services. Already four YMCAs in Boston are providing group homes and are beginning other programs aimed at deterrence. Massachusetts is only a beginning but an important beginning which may provide the models we have long been seeking. If organizations like the YMCA are to be encouraged in the pursuit of these

new priorities, the existing roadblocks must be speedily removed. Problems en-

countered in the post are these:

Units such as the Youth Development and Delinquency Prevention Administration if H.E.W. have been seriously underfunded. While being extremely cooperative and helping us begin some significant programs such as our National Outreach Training Center, and providing a national strategy to fully involve community organizations in programs of prevention, it cannot operate in depth because of its severe fund limitation of \$10 million.

While Administrator Leonard's L.E.A.A. unit has provided some funds for national and local programs, in many federal regions and states, there still seem to be conflicts regarding what percentage of these funds should be directed toward programs of prevention as against programs dealing with the treatment of offenders and the improvement of police establishments.

The practice of funding programs for only one year results in vast amounts of time and energy expended annually in preparation for the funding cycle.

It is also difficult to plan on a year to year basis.

Not only has there been a limitation of funds for the new emerging programs; there exists an uneven use of funds available for the private organization. In some states and regions the private agencies have received encouragement; in others discouragement.

Senate Bill 3148 is an important and necessary bill because:

- 1. It brings recognition that it is more important to deter young people before they get caught up in the justice system, than to provide treatment for them after the fact. There have been relatively few federal dollars to provide the varied programs within communities which will serve as attractive options to the youth who are the prime candidates for the courts and institutions.
- 2. It provides funds not only for State Planning units for the administration of local programs, but also provides for Special Emphasis Prevention

and Treatment programs which may be utilized for training and other programs that are national in scope and cut across federal and state juris-

3. There is in the bill an expectancy that private, non-profit organizations will be heavily involved in developing and maintaining programs of this nature. The utilization of staffs, learnings, resources, and facilities in already existing organizations is obviously preferable to the creating of new institutions, providing that the established units are serious about their new priorities and can perform with credibility.

4. There is in the bill the intent of formulating long-needed national guidelines for juvenile detention and the administration of juvenile justice; the establishment of broader training programs; and a National (Research) -Institute for Juvenile Justice. All of these provisions are commendable.

5. The bill enables one federal agency to act for all in the event that several federal units are involved in a joint funding of programs.

We would have three suggestions for strengthening this bill:

1. While we recognize that this measure calls for increased appropriations each year, the problem today is so intense it requires vast funding immediately.

The Title V, Part A-Formula Grants, for Assistance to State and Local Programs, only carries \$25 million for 1972, roughly \$½ million per State. \$200 million or more would more adequately represent 1972 needs and this should be increased substantially each year.

An increase in Part B—Special Emphasis Grants from \$75 to \$100 million in

1972 extending to \$400 million in 1975 would place more adequate resources at

the level of prevention.

2. There might be a need to focus more sharply on the major intent of this bill: whether it is to provide most of its federal monies for delinquency prevention programs or for treatment programs for adjudicated youth. The future role of the L.E.A.A. is related to this issue.

3. Provisions should be made for longer term funding of programs—preferably

two years or more.

We feel that S. 3148 is a bill that should be enacted. It comes at a time when the new commitments of the private sector must be matched by the dollars to make them possible.

A recent letter received by the National Board of YMCAs from Commissioner

Jerome Miller of Massachusetts said:

"It is my hope that in conjunction with the 'Y,' we can begin to develop the kinds of programs that will serve as a beacon to progressive programs throughout the United States. I, personally, feel that the only direction we can take is that of doing away with large institutions. Thus we need to stress diversion from the total juvenile justice system. We look forward to a close liaison with your group, and are confident that together we will be able to develop the kinds of innovative approaches that are sorely needed by an outmoded and outdated system."

Senate Bill 3148 will help provide the financial and planning resources needed as we work toward the goal of helping troubled youth become constructive mem-

bers of society.

Senator BAYH. Mr. Rector, you and Mr. Friemund and the other gentleman, good afternoon.

STATEMENT OF MILTON RECTOR, EXECUTIVE DIRECTOR, NA-TIONAL COUNCIL ON CRIME AND DELINQUENCY, PARAMUS, N.J., ACCOMPANIED BY JUSTUS FRIEMUND AND PHILIP HOLMES

Mr. Rector. Senator, this is Philip Holmes.

Senator BAYH. Right. I should have remembered.

Mr. Rector. And he is the research assistant to our National Capital Office of the National Council. He is a graduate student from the University of Maryland School of Social Work.

Senator BAYH, And I think Mr. Holmes was a witness with Justus

Friemund.

Mr. Rector. Yes, Justus Friemund was here last time we testified.

Right.

Senator, I appreciate your willingness to continue through on your lunch hour so that we can testify on Senate bill 3148. I was quite stimulated listening to our associates from the YMCA. We have had an opportunity to work closely with them and the YM's have been one of the national groups that has been on the cutting edge of some new developments in this field a long time and a leader with the Bureau of Prisons. I remember when the U.S. Bureau of Prisons wanted to develop some community prerelease centers, and the YMCA stepped forward offering their facilities for this. So, they should be commended in what they are doing.

The National Council on Crime and Delinquency has long called for strong accountable Federal leadership in the field of juvenile delinquency. This need has never been greater than it is at the present.

It is our opinion that this bill is a response to this need.

Before we discuss the bill in detail, we would like to once again review the present Federal efforts in the field of juvenile delinquency. Last year we testified before the subcommittee concerning the efforts of the two Federal agencies which have mandated responsibility in the field of juvenile delinquency services. At this time, we would like to once again review this information and update it with what has transpired since we last spoke.

As the subcommittee recalls, last year we analyzed the efforts of the Law Enforcement Assistance Administration, as identified in their 1970 State plans or block grant plans, in the area of juvenile de-

linquency.

Last year we found that out of the \$298,759,422 allocated to the States, the States committed \$42,393,670 in 234 juvenile delinquency programs. This sum represented 14.3 percent of the available funds.

In analyzing the 1971 State plans we found that out of the \$536,-499,284 allocated to the States, \$80,562,655 were committed to 264 juvenile delinquency programs. This represents 16.1 percent of the available fund.

This change represents more a doubling of the gross total of dollars committed to juvenile delinquency. However, as we look further, we see that this effort represents only 30 more programs within the 55 State plans, or an increase of 12.8 percent. From the point of view of measuring the total effort we find that this change represents an increase of 1.8 percent or an increase of 12.8 percent in the amount of funds committed to juvenile delinquency out of the available resources.

As juvenile crime still represents more than half of the crimes in the United States, a commitment of effort of 16.1 percent of the available resources represents a grossly inadequate response to the problem.

As the LEAA is a block grant program with much of the programmatic responsibility vested in the States, and activities of the States must be considered.

In our State-by-State analysis of the plan we found that 27 States or 49.09 percent of the States increased their juvenile delinquency efforts by an average of 7.22 percent. The greatest increase was found in the State of Louisiana which increased it efforts from 6.1 percent in 1970 to 23.9 percent in 1971. The State of Wisconsin committed

32.1 percent of its funds to juvenile delinquency; the largest commit-

ment of any State.

In this same analysis we found that 25 States or 45.45 percent of the States decreased their juvenile delinquency efforts by an average of 10.85 percent. The State of Hawaii decreased its efforts from the commendable leadership commitment in 1970 of 52.1 percent to 20.2 percent in 1971. Four States—Alaska, American Samoa, Minnesota, and Tennessee—had no clearly defined juvenile delinquency programs in their State plans.

One State, West Virginia, remained the same. In two States, Illinois and New York, the planning documents are so general and vague that it is impossible to determine what portion of the effort is

committed to juvenile delinquency in the 2 years.

We also analyzed the State planning documents in relationship to the four priorities identified in the Juvenile Justice and Delinquency Prevention Act of 1972. These priorities are diversions from the juvenile justice system, community centered treatment and rehabilitation, staff development and training, and delinquency prevention. In the programmatic category of diversions from the juvenile jus-

In the programmatic category of diversions from the juvenile justice system we found that in 1970 the State planning documents described 40 programmatic efforts and committed 14.4 percent of their juvenile delinquency effort to this category. In 1971, we found that the States described 22 programmatic efforts and committed 17.4 percent of their juvenile delinquency efforts to this category. This represents a decrease of 46 percent in the number of programs, but a 20.8-percent increase in the amount of support. This change appears to be related to an expansion of the number and fiscal support of youth service bureaus in a number of States.

Senator Bayh. Could I ask a couple of questions before you go fur-

ther; please?

Mr. RECTOR. Yes.

Senator BAYH. The percentage and the dollar figures are very helpful to us in analyzing the direction a State is going with its LEAA funds. We also need to know why a State makes a greater or lesser effort in the delinquency field. As you have compiled the figures and studied the various plans, could you help the subcommittee by telling us what conditions exist in States that result in the responses outlined here.

Mr. Friemund. Senator, I can respond to that. In terms of the documents that we deal with, it is the State planning document, which has within it a statement of priorities, that are the priorities for that year in that State. Now, we have not consistently found that the changes in the statements of priorities from year to year reflected the funding pattern, as in the case of Louisiana, and in the case of Hawaii, which we were particularly interested in. There was no particular change in their statement of priorities. So, based on the documents which are their statement of intent, we have not the faintest idea why they changed. They do not make a case for it, it is just changed.

Senator BAYH. Do you have the capacity to find out the reasons behind the decisions of each State on the amount of LEAA funds used for delinquency programs? We are trying to find a way that we can mobilize public opinion and change priorities in this field. Knowing

why things happen can be very helpful to this subcommittee.

Mr. Friemund. We would love to be able to find out. Unfortunately, we do not have the capacity to go to the State and do an indepth analysis of the particular State planning agency effort. In some States, well, for example, in Indiana, where we do have a State operation, in their shift there was a recognition of the need for diverting kids from the juvenile justice system in Indiana and their increase and changes are related to the recognition of this understanding and funding in the youth service bureaus. We are acquainted with what happened in that State but not in all States.

Senator BAYH. Thank you.

Mr. Rector. In the programmatic category of community centered treatment and rehabilitation we found that in 1970 the State planning documents described 60 programmatic efforts and committed 28.8 percent of their juvenile delinquency efforts to this category. In 1971, we found that the States described 74 programmatic efforts and committed 50.2 percent of their juvenile delinquency efforts to this category. This represents a 23.3-percent increase in programmatic efforts and a 74.3-percent increase in fiscal support. This appears to be a hopeful sign of the State planning agencies recognition of the need to treat and rehabilitate in their own communities.

In the programmatic category of staff development and training, we found that in 1970 the State planning documents described 35 programmatic efforts and committed 14.1 percent of their juvenile delinquency efforts to this category. In 1971, we found that the States described 21 programmatic efforts and committed 4.5 percent of their juvenile delinquency efforts to this category. This represents a 40 percent decrease in programmatic efforts and a 68.1-percent decrease in fiscal support. This decrease is most alarming. This is particularly so in light of the known shortage of trained personnel and the expansion

of programs.

In the programmatic category of juvenile delinquency prevention, we found that in 1970 the State planning documents describe eight programmatic efforts and committed 6 percent of their juvenile delinquency efforts to this category. In 1970, we found that the States described 29 prevention programs and committed 8.1 percent of their juvenile delinquency resources to this effort. This represents 262.5 percent increases in the number of programs and a 35 percent increase in fiscal support. This increase in emphasis on prevention is commendable, but it must be borne in mind that prevention still only receives 8.1 percent of the juvenile delinquency resources. If we are to win the fight against juvenile delinquency, it will be won in the area of prevention.

In summary, it appears from our analyses of the LEAA State plans that there is only a token increase in the juvenile delinquency effort. The programmatic gains in the areas of prevention and community centered services, while commendable, are most when viewed in the perspective of the overall low priority of juvenile delinquency pro-

grams in the State planning effort.

Before we leave this discussion of the State plans, we would like to comment on several points, and I think these address your prior questions, Senator.

(a) Our remarks today are based on the information contained in the planning documents developed by the State planning agencies funded in all or part of LEAA. As such, they represent only the planned programs and fiscal expenditures. Under present practices and regulations there is no mechanism requiring the States to carry out these plans. No one knows if these plans are being carried out.

All we know is that a given quantity of dollars has left the Federal coffers and is now in State coffers. In only a handful of States do we know that some quantity has "passed through" to local government. In none of the States do we know what is actually being spent, where, and on what. There is no available information as to whether or not the actual expenditures have any relationship to the planned expenditures.

Senator BAYH. In other words, there is no mechanism to determine how LEAA funds are actually spent. The only figures we have are the dollars allocated to juvenile delinquency programs in the State plan?

Mr. RECTOR. As reported to LEAA.

Senator BAYH. In x-year?

Mr. RECTOR. There is no staff for a monitoring mechanism within LEAA.

Senator BAYH. LEAA does not have anybody down there that we could ask to come tell us if the funds are actually spent as designated in the State plan?

Mr. Rector. To our knowledge, trying to get this information ourselves, we could not find and there is no source in LEAA to determine whether or not the plans as reported by the States have been complied with in implementation.

Senator BAYII. Do you know why this is so?

Mr. Rector. My guess is that, No. 1, is the problem with the Omnibus Crime bill which had no intention for a monitoring of the shared revenue plans. The idea was that the competence rests with local government and that competence in planning and implementation is every bit as good as what could come from the Federal Government under the former system of categorical grants and, therefore, LEAA has not, as I understand it, seen it imperative to put on monitoring staff and to set up a system for monitoring. Indeed, it might be deeply

resented by the States if they did so.

Mr. Friemund tells me that most of the States do not have it either. I wish we had the time, and it would be interesting to take a few States and meet with the Planning Commission in the State to see whether or not the grants of LEAA used for the State has any correlation to the key crime or delinquency problem within that State. Unfortunately, I think the planning still at the State level is a very naive process. In our experience with State planning commissions we find them in the main totally absorbed by the granting process, the process of reviewing plans, seeing whether they comply with certain guidelines and recommendations. The planning commissions are not actually involved in the planning process themselves to where they overrule some of their official agencies because what is required does not comply with what is reported as a major priority problem in that State.

Senator BAYII. Is it fair to interpret what you just said as meaning that the planning boards are offtimes just a rubber stamp for other

a gencies i

Mr. Rector. No, I would not say there is any intention of being a rubber stamp, but I find they are tremendously consumed timewise

with the process of reviewing grant requests, renegotiating with the agencies making the requests to perhaps help those who perhaps do not know how to write a grant request. Maybe the program as presented is not what the agency really intends, and this kind of detail, rather than being able to look at the State and its principal communities and to see that a plan is evolved which actually correlates funding and personnel and programing with the key priority areas. And I think that is a serious handicap LEAA has. When the plan comes up to LEAA, is that it is just impossible for a small, central staff to do what the States themselves have been unable to do. Mr. Leonard, the Administrator of LEAA, attended NCCD's board of trustees meeting last October and asked if we would in our work in the States promote the involvement and greater representation of lay citizens to get a better representation of the community on the State and local planning commissions. I think this was out of a feeling, too, on LEAA's part that the planning still is being too much done by those with axes to grind and personnel and budget to protect with what they feel is their share of the LEAA funds or revenues coming into the States. And we are gratified to see a few of the States moving to add a broader representation than just a few criminal justice professionals in the planning process. If there is any desperate area for major investment it is in criminal and juvenile justice planning itself.

(b) Over the past 3 years millions of dollars have been spent on hundreds, perhaps thousands, of programs with the intent of reducing crime and delinquency. Yet today we don't know anything more than we did 3 years ago about what are the most effective crime reduction programs. We don't know if we are only pouring money into useless programs to salve our conscience or really doing what we planned

to do.

We will never know until strong realistic evaluation and research procedures are required of every project and the results of these individual evaluations are compared and evaluated.

NCCD's Research Center has estimated that an adequate research and evaluation design would represent no more than 14 percent of the cost of any program. This is a small price to pay to find out what we are doing. Until that time, we might as well be wasting tax dollars or even worse, developing programs that cause rather than reduce crime and delinquency.

Senator BAYH. Let me ask you this: How long would this kind of

research and evaluation take for a given project?

Mr. Rector. I think that as long as the program is considered a pilot program this investment should be continued in program investment. We have a multiple-funded program that we have been operating with the county and city components in Des Moines, Iowa. For the first year and a half of that program, the entire operation was under the direction of our research center and program staff. We undertook the program for the purpose of changing public agency services and programs, so we had an understanding that the State and local agencies would take over the total funding when the pilot proved itself, and it did by our first 18-month assessment. But now that the State and county government are conutinuing this program, they have asked our research center to continue the assessment because that can be very

helpful, both in highlighting points for change in staff training programs, and in highlighting possible changes in the program, now that it is a part of a Government agency. It is unfortunate that in the crime and delinquency field, we have not seen a need for continuing research and assessment once the research design is being implemented as much as we have in other scientific fields. When we see \$90 million space telescope blown up over the ocean, over Cape Kennedy because the steering mechanism or something else has gone wrong, there is no public outcry to get rid of the space program or not to launch another \$90 million space telescope because we have confidence in the continuing research and assessment of everything that is done in the space program. And the budget also includes essential allocation for research, so that if a mistake occurs, the public has confidence that a scientific effort

is there to see that it does not happen next time.

In this field when a youngster released from a training school on parole or after care who kills or who maims someone, the public can have no confidence in that process that determined the time to release him in the community unless it is going to be followed with the same kind of scientific assessment as to what was wrong with the decisionmaking, what is different about the youngster's attitude and behavior that those who decided to release him back to the community did not know. Usually there is no assessment program to assist in assuring that the wrong decision does not happen again. As a result the public usually cries for longer time in institutions and elimination of after care programs. So, I think Government leadership programs, trying to strengthen this Nation's commitment to reduce crime and delinquency has got to have an equal commitment to research and assessment as long as it is in a pilot phase. Any good operating program certainly should continue to assess to see whether what it is doing with public moneys is effective or not. I am sorry. I did not mean to give you a speech.

Senator BAYH. That is all right.

Mr. Rector, But, a lack of research and assessment is so serious.

Last year in discussing the Federal juvenile delinquency efforts we analyzed the efforts of the Department of Health, Education, and Welfare, Youth Development, and Delinquency Prevention Administration. This year we were not able to obtain sufficient information to fully analyze their efforts. However, considering its low level of funding and apparent programmatic directions, it appears that their national impact is minimal.

Now, as we turn our attention to the Juvenile Justice and Juvenile Prevention Act of 1972, Senate 3148, you will see why we went into such detail in assessing and monitoring for your subcommittee what has been done. I think it points out the need for this type of major Federal leadership program. We would like first to review the bill

in some detail, and then comment on it in its entirety.

We would first like to comment on title II, the amendments to the

Federal Juvenile Delinquency Act.

We have testified over a span of many years as to the need to divert all juvenile offenders from the Federal system in favor of strengthening the capability of resources within their local communities to rehabilitate all youngsters near their homes and families. This testimony received little attention. Federal authorities considered it a serious injustice to leave the matter of youth rehabilitation to local communities served by poorly equipped juvenile courts and poorly staffed

juvenile correctional services.

S. 3148 in title II lends strong support to the concept that the Federal Government's most appropriate leadership role is to provide financial help and technical assistance to improve the capability of every State and community to deal with its own delinquency and crime problems. It is encouraging to see a few States such as California, Kentucky, and Massachusetts closing large training schools in favor of rehabilitating youngsters close to home. They are providing State funds and services to strengthen community services. They know institutions, large or small, can't rehabilitate anyone and indeed do much to negate rehabilitation efforts. At the same time they absorb money and manpower so desperately needed for a consortium of human resource services within the communities.

We are compelled to add these comments within the context of our response to title II of S./3148. Additional legislation is badly needed now to phase out the entire U.S. Bureau of Prisons, in favor of a Federal correctional agency to provide broad correctional leadership and technical service to State and local government. If that legislation is not introduced soon the Federal Government will be well along with a 10-year plan to spend several hundred million dollars for dozens of new detention and corrections institutions planned uni-

laterally from State and local criminal justice planning.

Title II proposes to divert all juvenile offenders to local juvenile courts and service resources. We would urge more inclusive language to divert all juvenile and youthful offenders through 21 years of age. We would also urge deleting lines 13 and 14 in S. 5032 which permits Federal authorities to assume jurisdiction if the Attorney General certifies the absence of programs and services adequate for rehabilitation of juveniles. Our concern is that unless jurisdiction is left solely with the States the Federal Government could continue to temporize in its responsibility to help the States develop adequate programs and resources.

Hopefully the Senate Subcommittee on Juvenile Delinquency will help inject similar suggestions into the draft of the proposed Federal criminal law revision on which hearings are currently being held. To amend the Federal criminal code so that crimes which are State crimes would not also be Federal crimes would do much to divert full responsibility for juvenile and youthful offenders as well as adult offenders back to the States.

We would urge that Sec. 204, Section 5035 be further amended to require release to a parent, guardian, or responsible adult prior to any consideration of detention. The present language, which would delete the provisions for bail in the existing law, could otherwise in-

crease the use of security detention.

Title III, Re-establishment of the National Commission on Standards for Juvenile Justice, is an answer to a long-known need in the field of juvenile justice. We anticipate that this Commission will produce the long needed basic standards which can serve as the goals and guides for the future.

Over the last several years we have seen several similar Commissions which have produced monumental and invaluable work. However, we have observed that these previous Commissions have shared a common weakness. Once the Commission has completed its task it is virtually powerless to see to the implementation of its recommendations or to keep them updated in view of new knowledge or changing conditions.

Therefore, we would recommend that the nature of the Commission

be modified along the following lines:

(a) The Commission would have two duties. The first duty would be as described in the act, and should be accomplished in the 2-year time period. Following the completion of this first task the Commission should continue for the life of the act in an advisory and oversight capacity so as to monitor the implementation of its recommendations. It should annually report to the Congress and the President on the performance of the National Office of Juvenile Justice and Delinquency Prevention and other Federal juvenile delinquency programs.

(b) As a continuing Commission the members should be appointed for rotating 5-year terms. The desirable features of youth participation and ex-offender participation should be continued. Qualifications of the Commission members should be further specified so as to include a balance of representation from the public and private sectors.

In our opinion these two modifications will greatly enhance the

impact and potential of the Commission.

The authorized expenses of the Commission appear to be low, but we assume that the Commission will be dealing with products of the

work funded elsewhere in the act.

Title IV establishes the National Office of Juvenile Justice and Delinquency Prevention. As described in this title, this is a strong office with sufficient authority to accomplish its purposes. We note the similarity between this office and the recently passed Special Action Office on Drug Abuse. We agree that the problem of juvenile delinquency is at least equal to that of drug abuse and, as such, it merits a similar commitment of Federal power and resources.

Title V deals with Federal assistance for State and local programs. The State-plan requirements described under part A—For-

mula Grants—are generally good.

In section 503, paragraph 7, we recommend that no Federal funds be allowed for construction of facilities. We recommend that section 503, paragraph 9, be strengthened to require research and evalua-

tion components in all projects funded under this act.

In this same section in paragraph 10, parts A and B, we urge deletion of the words "facilities." There are always sufficient local funds for building facilities. We recommend deletion of part D requiring the State to develop comprehensive drug abuse education, prevention and treatment programs. Drug abuse is a public health problem and it should be addressed in that context. By including it in this act, it will only contribute to the continuation of the criminalization of the drug abuser.

I might add, Senator, that in doing the nationwide correction study for the President's Commission on Law Enforcement and the Administration of Justice in 1967, we found that without any prospect of Federal funds that at that time State and local governments had either underway or bond issues planned for expenditures by 1975 of \$1,135 billion for new institutions and detention beds. We could not find as much as \$1 million in the entire country committed for non-institutional programs in the correctional field. That is why I say that States and local governments seems to always find construction moneys.

Senator Bayii. Of course, right now those construction funds are

being used for the wrong kinds of institutions.

Mr. Rector. That is right.

Senator Bayh. Perhaps you are right. I must say that the hour is getting late, but you are going to have to sell me on the drug treatment issue. When you go to a place like Rikers Island, which is supposed to be one of the most modern penal insitutions, you find most of the young people there are committed because of drug-related offenses, and there is no drug program. It is essential that a comprehensive juvenile delinquency program at those institutions, small or large, provide drug-related services. I am sure drugs are a public health problem. But, it seems to me there has to be some equipment so that the public health problem can be dealt with in these institutions that deal with those who are violators of the law.

Mr. Rector. I know when you get a person who is an offender and constitutes a real delinquency problem, who is also an addict, you certainly must develop a program to deal with the addiction as a part of that correctional process, the same as you do for an offender whom you find is tubercular, but whom you are dealing with basically as an offender. But the basic part of it is that the public health system in this country has been lax about shouting with a leadership voice that the thousands of young addicts going into the criminal and juvenile justice complex should not be there. They should shout for this system to close its doors, and for Congress and, hopefully, the new drug abuse program at the Federal level, to work with your committee to see that the criminal justice door is closed, and that a massive leadership program in treatment of addiction, and education again drug and alcohol abuse and so on, is carried on under a noncriminal justice agency.

Senator Bayh. Well, perhaps it is just a matter of semantics, but it seems to me there are two different kinds of problems. If you have someone who is a heroin addict who comes to the local agency, whether public health or other agency, and requests treatment, that is one problem. But, if a man mugs somebody, snatches a purse or burgles a home, to support that habit, and then is committed to an institution for that criminal act, then that institution has to be able to treat his

drug problem.

Mr. Rector. But, if there were the resources and treatment programs available, that is the important point, and if the judge's presentence who investigate this case of the addict who goes out and commits a crime and find he did not, prior to his addiction, have a pattern of delinquent or criminal behavior, then that is the time to divert him out of the system. Some courts say that makes good sense, but we cannot do it until we see in the health system this kind of

philosophy and health resources available. I would be pleased, rather than take your time here, to write to you more fully on this.

Senator Bayn. Yes. Let us discuss this problem later.

Mr. Rector. Because in no way are we trying to say that people who commit crimes and are also addicts should not get adequate treatment.

In part B of this title, special emphasis is given to prevention and treatment programs by modifying the funding formula. Such an emphasis is long needed and most desirable. As we noted in our previous remarks on current Federal efforts, this area deserves a

higher priority than it presently enjoys.

The development of multiple tract solutions to the delinquency problems which is encouraged in this part is desirable. However, we recommend that section 504, subsection (b), paragraph 2 be modified so as to explicitly provide assurances that the proposed project is not incompatible with section 503 of this act. In paragraph 4 of this same section the reports of the program director should also be provided to the single State agency.

These modifications should contribute to the coordination of juvenile

delinquency efforts and the sharing of knowledge.

Title VI establishes the National Institute of Juvenile Justice. This is a very desirable feature of the act. This institute provides for the collection and analysis of information concerning juvenile de-linquency. We anticipate that this institute will, in conjunction with the continuing commission, allow for the development of the long needed continuous evaluation of the effectiveness of programs in the light of known and new knowledge. In research functions allow for the basic research needed to solve the problem.

The training functions of this title are excellent.

The establishment of the Advisory Council is most desirable. We assume the recommendations of the Advisory Council also will be given to the Commission if it serves as a continuing body as recommended.

Viewing the Juvenile Justice and Delinquency Prevention Act of 1972 in its entirety we feel that this is the most important and desirable legislation we have seen in 20 years in the field of juvenile delinquency. It provides for strong, accountable Federal leadership in a field where it has too long been absent.

In our judgment, this act does not conflict with other Federal efforts in the general field of crime and delinquency. Rather, it appears to be a strong complement to the other Federal effort. As such, it fills a long

existing gap in Federal responsibilities.

Thank you, Senator.

Senator Bayn. Well, thank you, gentlemen. I appreciate your taking the time to analyze the measure before us. I do have a responsibility on the floor and I am going to have to go over there, and I hope we can address some questions to you. I am particularly anxious to get your assessment of the HEW testimony in April that the Federal Government was spending \$1 billion for juveinfe delinquency prevention and treatment programs. We will submit to you a copy of their assessment, and I would like to have your evaluation of it. It seems to me that there is a continual pattern of witnesses before this committee in positions of responsibility who, instead of emphasizing the lack of sources to do the job, continuously rationalize the adequacy of the current effort.

It goes without saying that we hope that we can count on your continuing critique of our legislative efforts. I do not possess much pride of authorship. There has been a lot of input from your organization, as well as other organizations, and I hope we can keep it that way, because that is the best way to find the solution to the delinquency

Mr. Rector. Well, we appreciate your confidence and we will make

ourselves and staff available at any time upon your request.

Senator Bayh. Well, thank you very much, Mr. Rector and Mr. Friemund and Mr. Holmes.

Mr. Recros. Thank you, Senator.

(Mr. Rector's statement is as follows:)

PREPARED TESTIMONY OF MILTON G. RECTOR, EXECUTIVE DIRECTOR, NATIONAL COUNCIL ON CRIME AND DELINQUENCY ON THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1972 (S-8148)

The National Council on Crime and Delinquency welcomes the opportunity to testify concerning the "Juvenile Justice and Delinquency Prevention Act of 1972 (S-3148).

The NCCD has long called for strong accountable federal leadership in the field of juvenile delinquency. This need has never been greater than it is at the

present. It is our opinion that this bill is a response to this need.

Before we discuss the bill in detail, we would like to once again review the present federal efforts in the field of juvenile delinquency. Last year we testified before the Subcommittee concerning the efforts of the two federal agencies which have mandated responsibility in the field of juvenile delinquency services. At this time, we would like to once again review this information and update it with what has transpired since we last spoke.

As the Subcommittee recalls, last year we analyzed the efforts of the Law Enforcement Assistance Administration, as identified in their 1970 state plans

or block grant plans, in the area of juvenile delinquency.

Last year we found that out of the \$208,750,422 allocated to the states, the states committed \$42,393,670 in 284 juvenile delinquency programs. This sum represented 14.3% of the available funds.

In analyzing the 1971 state plans we found that out of the \$536,499,284 allocated to the states, \$86,502,655 were committed to 264 juvenile delinquency

programs. This represents 16.1% of the available funds.

This change represents more than a doubling of the gross total of dollars committed to juvenile delinquency. However, as we look further, we see that this effort represents only 30 more programs within the 55 state plans, or an increase of 12.8%. From the point of view of measuring the total effort we find that this change represents an increase of 1.8% or an increase of 12.8% in the amount of funds committed to juvenile delinquency out of the available resources.

As juvenile crime still represents more than half of the crimes in the United States, a commitment of effort of 16.1% of the available resources represents a

grossly inadequate response to the problem.

As the LEAA is a block grant program with much of the programmatic responsibility vested in the states, the activities of the states must be considered.

In our state by state analysis of the plans we found that 27 states or 49.09% of the states increased their juvenile delinquency efforts by an average of 7.22%. The greatest increase was found in the state of Louisiana which increased its efforts from 6.1% in 1970 to 23.9% in 1971. The state of Wisconsin committed

32.1% of its funds to juvenile delinquency; the largest commitment of any state. In this same analysis we found that 25 states or 45.45% of the states decreased their juvenile delinquency efforts by an average of 10.85%. The state of Hawaii decreased its efforts from its commendable leadership commitment in 1970 of 52.1% to 20.3% in 1971. Four states—Alaska, American Samoa, Minnesota and Tennessee—had no clearly defined juvenile delinquency programs in their state

One state, West Virginia, remained the same. In two states, Illinois and New York, the planning documents are so general and vague that it is impossible to determine what portion of the effort is committed to juvenile delinquency in

the two years.

We also analyzed the state planning documents in relationship to the four priorities identified in the Juvenile Justice and Delinquency Prevention Act of 1972. These priorities are diversions from the Juvenile Justice System, Community Centered Treatment and Rehabilitation, Staff Development and Train-

ing, and Delinquency Prevention.

In the programmatic category of diversions from the juvenile justice system we found that in 1970 the state planning documents described forty programmatic efforts and committed 14.4% of their juvenile delinquency effort to this category. In 1971, we found that states described twenty-two programmatic efforts and committed 17.4% of their juvenile delinquency efforts to this category. This represents a decrease of 45% in the number of programs, but a 20.8% increase in the amount of support. This change appears to be related to an expansion of the number and fiscal support of Youth Service Bureaus in a number

In the programmatic category of Community Centered Treatment and Rehabilitation we found that in 1970 the state planning documents described sixty programmatic efforts and committed 28.8% of their juvenile delinquency efforts to this entegory. In 1971, we found that the states described seventy-four programmatic efforts and committed 50.2% of their juvenile delinquency efforts to this category. This represents a 23.3% increase in programmatic efforts and a 74.3% increase in fiscal support. This appears to be a hopeful sign of the state planning agencies recognition of the need to treat and rehabilitate youngsters in their own communities.

In the programmatic category of Staff Development and Training, we found that in 1970 the state planning documents described thirty-five programmatic efforts and committed 14.1% of their juvenile delinquency efforts to this category. In 1971, we found that the states described twenty-one programmatic efforts and committed 4.5% of their juvenile delinquency efforts to this category. This represents a 40% decrease in programmatic efforts and a 68.1% decrease in fiscal support. This decrease is most alarming. This is particularly so in light of the known shortage of trained personnel and the expansion of programs.

In the programmatic category of Juvenile Delinquency Prevention, we found that in 1970 the state planning documents describe eight programmafic efforts and committed 6.0% of their juvenile delinquency efforts to this category. In 1970, we found that the states described 29 prevention programs and committed 8.1% of their juvenile delinquency resources to this effort. This represents 202.5% increase in the number of programs and a 35.0% increase in fiscal support. This increase in emphasis on prevention is commendable, but it must be borne in mind that prevention still only receives 8.1% of the juvenile delinquency resources. If we are to win the fight against juvenile delinquency, it will be won in the area of prevention.

In summary, it appears from our analyses of the LEAA state plans that there is only a token increase in the juvenile delinquency effort. The programmatic gains in the areas of prevention and community centered services, while commendable, are most when viewed in the perspective of the overall low priority of juvenile delinquency programs in the state planning effort.

Before we leave this discussion of the state plans, we would like to comment

on several points-

(a) Our remarks today are based on the information contained in the planning documents developed by the state planning agencies funded in all or part by LEAA. As such, they represent only the planned programs and fiscal expenditures. Under present practices and regulations there is no mechanism requiring the states to carry out these plans. No one knows if these plans are being carried out.

All we know is that a given quantity of dollars has left the federal coffers and is now in state coffers. In only a handful of states do we know that some quantity has "passed through" to local government. In none of the states do we know what is actually being spent, where, and on what. There is no available information as to whether or not the actual expenditures have any relationship to the planned

(b) Over the past three years millions of dollars have been spent on hundreds. perhaps thousands, of programs with the intent of reducing crime and delinquency. Yet today we don't know anything more than we did three years ago about what are the most effective crime reduction programs. We don't know if we are only pouring money into useless programs to salve our conscience or really doing what we planned to do.

We will never know until strong realistic evaluation and research procedures are required of every project and the results of these individual evaluations are

compared and evaluated.

NCOD's Research Center has estimated that an adequate research and evaluation design would represent no more than 14% of the cost of any program. This is a small price to pay to find out what we are doing. Until that time, we might as well be wasting tax dollars or even worse, developing programs that cause

rather than reduce crime and delinquency.

Last year in discussing the federal junvenile delinquency efforts we analyzed the efforts of the Department of Health, Education, and Welfare, Youth Development and Delinquency Prevention Administration. This year we were not able to obtain sufficient information to fully analyze their efforts. However, considering its low level of funding and apparent programmatic directions, it appears that their national impact is minimal.

We would now like to turn our attention to the Juvenile Justice and Delinquency Prevention Act of 1972 (8-8148). We would like to first review the bill

in some detail, then comment on it in its entirety.

We would first like to comment on Title II, the Amendments to the Federal

Juvenile Delinquency Act.

We have testified over a span of many years as to the need to divert all junvenile offenders from the federal system in favor of strengthening the capability of resources within their local communities to rehabilitate all youngsters near their homes and families. This testimony received little attention. Federal authorities considered it a serious injustice to leave the matter of youth rehabilitation to local communities served by poorly equipped juvenile courts

and poorly staffed juvenile correctional services.

S. 3148 in Title II lends strong support to the concept that the federal government's most appropriate leadership role is to provide financial help and technical assistance to improve the capability of every state and community to deal with its own delinquency and crime problems. It is encouraging to see a few states such as California, Kentucky, and Massachusetts closing large training schools in favor of rehabilitating youngsters close to home. They are providing state funds and services to strengthen community services. They know institutions, large or small, can't rehabilitate anyone and indeed do much to negate rehabilitation efforts. At the same time they absorb money and manpower so desperately needed for a consortium of human resource services within the

We are compelled to add these comments within the context of our response to Title II of S. 3148. Additional legislation is badly needed now to phase out the entire U.S. Bureau of Prisons, in favor of a federal correctional agency to provide broad correctional leadership and technical service to state and local government. If that legislation is not introduced soon the federal government will be well along with a ten year plan to spend several hundred million dollars for dozens of new detention and corrections institutions planned unilaterally

from state and local criminal justice planning.

Title II proposes to divert all juvenile offenders to local juvenile courts and service resources. We would urge more inclusive language to divert all juvenile and youthful offenders through 21 years of age. We would also urge deleting lines 13 and 14 in S. 5032 which permits federal authorities to assume jurisdiction if the Attorney General certifies the absence of programs and services adequate for rehabilitation of juveniles. Our concern is that unless jurisdiction is left solely with the states the federal government could continue to temporize in its responsibility to help the states develop adequate programs and resources.

Hopefully the Senate Subcommittee on Juvenile Delinquency will help inject similar suggestions into the draft of the proposed federal criminal law revision on which hearings are currently being held. To amend the federal criminal code so that crimes which are state crimes would not also be federal crimes would do much to divert full responsibility for juvenile and youthful offenders as well as

adult offenders back to the states.

We would urge that Sec. 204, Section 5035 be further amended to require release to a parent, guardian or responsible adult prior to any consideration of detention. The present language, which would delete the provision for bail in the existing law, could otherwise increase the use of security detention.

Title III, Re-establishment of the National Commission on Standards for Juvenile Justice, is an answer to a long known need in the field of juvenile justice. We anticipate that this Commission will produce the long needed basic

standards which can serve as the goals and guides for the future.

Over the last several years we have seen several similar Commissions which have produced monumental and invaluable work. However, we have observed that these previous Commissions have shared a common weakness. Once the Commission has completed its task it is virtually powerless to see to the implementation of its recommendations or to keep them updated in view of new knowledge or changing conditions.

Therefore, we would recommend that the nature of the commission be modified

along the following lines:

(a) The Commission would have two duties. The first duty would be as described in the Act, and should be accomplished in the two-year time period. Following the completion of this first task the Commission should continue for the life of the Act in an advisory and oversight capacity so as to monitor the implementation of its recommendations. It should annually report to the Congress and the President on the performance of the National Office of Juvenile Justice and Delinquency Prevention and other federal juvenile delinquency programs.

(b) As a continuing Commission the members should be appointed for rotating five-year terms. The desirable features of youth participation and ex-offender participation should be continued. Qualifications of the Commission members should be further specified so as to include a bulance of representation from the

public and private sectors.

In our opinion these two modifications will greatly enhance the impact and

potential of the Commission.

The authorized expenses of the Commission appear to be low, but we assume that the Commission will be dealing with products of the work funded else-

where in the Act.

Title IV establishes the National Office of Juvenile Justice and Delinquency Prevention. As described in this Title, this is a strong office with sufficient authority to accomplish its purposes. We note the similarity between this office and the recently passed Special Action Office on Drug Abuse. We agree that the problem of juvenile delinquency is at least equal to that of drug abuse and, as such, it merits a similar commitment of federal power and resources.

Title V deals with federal assistance for state and local programs. The state plan requirements described under Part A—Formula Grants—are generally good.

In Section 503, paragraph 7, we recommend that no federal funds be allowed for construction of facilities. We recommend that Section 503, paragraph 9 be strengthened to require research and evaluation components in all projects funded under this Act.

In this same section in paragraph 10, Parts A and B, we urge deletion of the words "facilities." There are always sufficient local funds for building facilities. We recommend deletion of Part D requiring the state to develop comprehensive drug abuse education, prevention and treatment programs. Drug abuse is a public health problem and it should be addressed in that context. By including it in this Act, it will only contribute to the continuation of the criminalization of the drug abuser.

In Part B of this Title, special empahsis is given to prevention and treatment programs by modifying the funding formula. Such an emphasis is long needed and most desirable. As we noted in our previous remarks on current federal efforts, this area deserves a higher priority than it presently enjoys.

federal efforts, this area deserves a higher priority than it presently enjoys.

The development of multiple tract solutions to the delinquency problems which is encouraged in this Part is desirable. However, we recommend that Section 504, Subsection (b), paragraph 2 be modified so as to explicitly provide assurances that the proposed project is not incompatible with Section 503 of this Act. In paragraph 4 of this same section the reports of the program director should also be provided to the single state agency.

These modifications should contribute to the coordination of juvenile de-

linquency efforts and the sharing of knowledge.

Title VI establishes the National Institute of Juvenile Justice. This is a very desirable feature of the Act. This Institute provides for the collection and analysis of information concerning juvenile delinquency. We anticipate that this Institute will, in conjunction with the continuing Commission, allow for the development of the long needed continuous evaluation of the effectiveness of programs in the light of known and new knowledge. Its research functions allow for the basic research needed to solve the problem.

The training functions of this Title are excellent.

The establishment of the Advisory Council is most desirable. We assume the recommendations of the Advisory Council also will be given to the Commission if it serves as a continuing body as recommended.

Viewing the Juvenile Justice and Delinquency Prevention Act of 1972 in its entirety we feel that this is the most important and desirable legislation we have seen in twenty years in the field of junvenile delinquency. It provides for strong, accountable federal leadership in a field where it has too long been absent

In our judgment, this Act does not conflict with other federal efforts in the general field of crime and delinquency. Rather, it appears to be a strong complement to the other federal effort. As such, it fills a long existing gap in federal responsibilities.

TABLE I .- SUMMARY COMPARISON OF LEAA JUVENILE DELINQUENCY EFFORTS 1970-71

| | Number of programs | Total Juvenile delinquency effort | Percent of resources | Total effort |
|---------------|--------------------|--|----------------------|---|
| 1970 | 234 264 +30 | \$42, 393, 670 86, 562, 655 44, 168, 985 | 14.3 16.1 +1.8 | \$298, 759, 422 536, 499, 284 237, 739, 862 |
| Percentchange | +12.8 | +104.2 | +12.6 | +79.6 |

197

TABLE II.—FISCAL YEAR 1971 LEAA FUNDED JUVENILE DELINQUENCY EFFORTS

| | Percent Juvenile | | | Total | Juvenile delinqueno | | | |
|----------------------------|------------------------------|-------------|------------------------------|-----------------------------|----------------------------|-----------------------|--|--|
| State | delin- quency of total | Number | Total effort | Federal effort | Total effort | Federa effo | | |
| labama | 11.7 | 7 | 8, 074, 286 | 5, 645, 000 | 945, 143 | 654, 60 | | |
| laska | 0 | 0 | 977, 830 142, 500 | 587, 000 75, 500 | Ŏ | | | |
| merican Samoa | 16.4 | Ų | 4, 399, 000 | 2, 933, 000 | 721 000 | E00.00 | | |
| rizona | 15. 2 | 7 | 5, 327, 072 | 3, 157, 000 | 721,000 810,914 | 580,00 | | |
| rkansas | 20. 2 | ĩ | 43, 300, 000 | 33, 000, 000 | 8, 766, 667 | 473, 55 6, 600, 00 | | |
| aliforniaolorado | 14.3 | , | 6, 236, 500 | 33,000,000 3,567,500 | 890,000 | 500,00 | | |
| onnecticut | 28. 1 | 2 9 | 5, 705, 965 | 3, 960, 751 | 1, 603, 114 | 1, 019, 33 | | |
| elaware | 16.6 | Ă | 1, 674, 210 | 1,000,000 | 278, 261 | 208, 69 | | |
| elawareistrict of Columbia | 13.5 | 3 | 2, 307, 196 | 1, 374, 000 | 312, 273 | 186, 92 | | |
| lorida | 12.3 | 3 2 6 | 2, 307, 196 18, 513, 480 | 11, 160, 000 | 2, 276, 855 | 1, 366, 11 | | |
| eorgia | 8.5 | 6 | 12,774,960 | 7, 518, 000 | 1, 081, 259 | 473, 95 | | |
| uam | 15. 6 | 1 | 433,000 | 250,000 | 67, 516 | 40, 51 | | |
| awaii | 20.3 | 9 | 2, 285, 993 | 1, 379, 000 | 464,000 | 240, 60 | | |
| daho | 16.7 | Ž | 2, 379, 347 | 1, 286, 000 | 396, 196 | 206, 67 | | |
| llinois 1 | | | . 36,613,988 | 19, 006, 000 | ********** | | | |
| ndiana | 17.8 | 3 | 14, 253, 368 | 8, 609, 000 | 2, 531, 666 | 1, 472, 00 | | |
|)wa | 6. 1 | .4 | 7, 823, 064 6, 083, 780 | 4, 670, 000 | 473,660 | 278, 92 | | |
| ansas | 20. 1 | 17 | 6, 083, 780 | 3, 712, 000 | 1, 224, 021 | 718, 05 | | |
| entucky | 20.0 | 12 | 7, 249, 669 | 5, 290, 000 | 1, 448, 000 | 970,00 | | |
| puislana | 23.9 | 5 | 9, 975, 597 | 5, 966, 000 | 2, 385, 431 | 1, 351, 25 | | |
| aine | 1.9 | į | 2, 408, 407 | 1, 800, 000 | 44, 800 | 33, 60 | | |
| aryland | 19. 2 30. 5 | 5 17 | 10, 689, 666 | 6, 485, 000 9, 424, 000 | 2, 050, 833 | 1, 239, 50 | | |
| assachusetts | 18.9 | 8 | 12, 565, 350 19, 722, 016 | 14, 692, 000 | 3, 830, 327 3, 730, 100 | 2,695,00 2,798,00 | | |
| ichigan | 10. 9 | ő | 10.670, 168 | 6, 307, 000 | | | | |
| innesota | 16.0 | 6 | 5, 622, 200 | 3, 614, 000 | 900,000 | 575.00 | | |
| ississippiissouri | 26.8 | 4 | 12, 860, 150 | 7. 749. 000 | 3, 440, 573 | 2, 064, 34 | | |
| ontana | 13.0 | 7 | 1, 742, 300 | 1, 279, 000 | 227 000 | 170, 00 | | |
| ebraska | 9.7 | Š | -3, 409, 344 | 2, 457, 000 | 227,000 332,201 | 212, 90 | | |
| evada | 6. 4 | Ž | 1,506,000 | 888, 888 | 97, 000 | 52, 00 | | |
| aw Hampshire | 22, 5 | 8 7 | 2, 249, 000 | 1, 331, 000 | 507, 000 | 300, 00 | | |
| ew Jersey | 21. 2 | 7 | 15, 826, 666 | 11,870,000 | 3, 353, 334 | 2, 515, 00 | | |
| ew Mexico | 17.5 | Å. | 2, 725, 700 | 1,839,000 | 3, 353, 334 478, 252 | 337, 53 | | |
| ew York | 19.4 | 5 | 40, 124, 700 | 30,093,000 | 7, 800, 300 | 5, 850, 00 | | |
| orth Carolina | 13.7 | 3 | 14, 472, 674 | 8,604,000 | 1, 975, 868 | 1. 185. 53 | | |
| orth Dakota | 3.1 | | 8, 694, 400 | 1, 125, 000 19, 532, 000 | 267, 000 | 199,00 | | |
| ennsylvania | 21.7 | 6 | 32, 089, 530 | 19, 532, 000 | 6, 975, 256 | 4, 185, 15 | | |
| rerto Rico | 23.6 | 4 | 8, 307, 667 | 4, 502, 000 | 1, 962, 000 | 1,008,00 | | |
| 10, | 24.8 | 4 | 31, 837, 332 | 17,645,000 | 7, 908, 098 | 4, 100, 16 | | |
| (lahoma | 24. 2 | 6 | 5, 759, 312 | 4, 182, 000 3, 442, 000 | 1, 393, 311 1, 408, 397 | 920, 00 | | |
| egon | 24. 1 | , | 5, 841, 965 3, 207, 000 | 3, 442, 000 | 1, 408, 397 | 834, 47 | | |
| ode Island | 6. 4 13. 4 | 7 2 6 | 7, 595, 223 | 1, 699, 000 | 205, 000 | 120,00 | | |
| uth Carolina | 11.9 | 2 | 1,002,000 | 4, 223, 000 1, 218, 000 | 1,019,872 226,667 | 582, 73 | | |
| uth Dakota | 11.3 | 2 | 1, 903, 999 9, 272, 830 | 6, 425, 000 | (1) | 145,00 | | |
| nnessee | 12.1 | ····i5 | 29, 451, 667 | 18, 393, 000 | 3, 566, 667 | 2, 675, 00 | | |
| ah | 3.4 | 12 | 2, 807, 332 | 1, 953, 000 | 3, 300, 007 | 58,00 | | |
| rmont | ĭ. ī | 11 | 1 110 000 | 807,000 | 96, 666 112, 750 | 84, 79 | | |
| rginia | 23.5 | 13 | 1, 110, 000 13, 105, 336 | 807,000 7,421,000 | 3, 085, 334 | 1, 755, 00 | | |
| rgin Islands | 14.0 | ĭ | 420,000 | 250, 000 | 59,000 | 35, 00 | | |
| shington | 16.5 | ż | 6, 955, 015 | 5, 612, 000 | 1, 150, 000 | 850.00 | | |
| est Virginia | 18.4 | ž | 4, 739, 314 | 2, 849, 000 | 874,073 | 524, 44 | | |
| sconsin | 32.1 | 13 | 12,016,000 | 7, 309, 000 | 3, 853, 000 | 2, 309, 00 | | |
| yoming | 12.9 | ĭ | 1, 290, 000 | 750,000 | 166,000 | 96,00 | | |
| , | | | .,, | , | , | | | |
| Total(mean) | 16.1 | 264 | | | 86, 562, 655 | 57, 851, 361 | | |

¹ Illinois cannot be included. 8 None specifically related.

TABLE 3.—STATE BY STATE COMPARISON OF LEAA'S JUVENILE DELINQUENCY EFFORT, FISCAL YEAR 1970-71

| | Juvenile deline | quency funds | | Percent of | effort | |
|------------------------------|--|--------------|-------------------------|--------------------|----------------|----------------------|
| State | 1970 | 1971 | Change | 1970 | 1971 | Change |
| Alabama | 749, 994. 00 | 945, 143 | +195,149 | 23.6 | 11.4 | -12.2 |
| Alaska | 98, 800. 00 | 0 | 98, 800 | 11.8 | 0 | -11.8 |
| American Samoa | 19,000.00 | 0 | -19,000 | 19.8 | 0 | -19.8 |
| Arizona | 646, 900, 00 | 721,000 | - /- 74, 100 | 24. 9 | 16.4 | -8.5 |
| Arkansas | 345, 250, 00 4, 321, 747, 00 | 810, 914 | +465,664 | 10.7 | 15.2 | +4.5 +7.9 -5.5 |
| California | 4, 321, 747.00 | 8, 766, 667 | +4,444,920 | 28. 1 | 20. 2 14. 3 | +7.9 |
| Colorado | 590, 786, 00 | 890,000 | +299, 214 | 19.8 | 14.3 | -5.5 |
| Connecticut | 666, 558.00 | 1, 603, 114 | 936, 586 | 14.9 | 28. 1 | +13.2 +8.7 |
| DelawareDistrict of Columbia | 67, 187.00 | 278, 261 | +111,074 | 7.9 | 16.6 | +8.7 |
| District of Columbia | 384, 696, 00 | 312, 273 | -72, 423 | 29.0 | 13.5 | 15. 5 |
| lorida | 1, 073, 260, 00 | 2, 276, 855 | +1,203,595 | 11.4 | 12.3 | +.9 |
| Georgia | 1, 163, 378, 05 | 1,081,259 | 82, 119 | 15.8 | 8.5 | -7.3 |
| uam | 1, 163, 378. 05 71, 861. 00 | 67, 516 | +4,345 | 21.0 | 15.6 | -5.4 |
| fawaii | 643, 575, 00 | 464,000 | -179, 575 | 52. 1 | 20.3 | -31.8 |
| daho | 159, 448, 00 | 396, 196 | +236,748 | 12.6 | 16.7 | +4.1 |
| Ilinois 1 | 1 342,000.00 | (1) | (3) | 6.6 | (1) | |
| ndiana | 1, 982, 084, 00 | 2, 531, 666 | +549,582 | 26.3 | 17.8 | -8.5 |
| 0wa | 619 770 00 | 473,660 | -146, 110 | 14.5 | 6. 1 | 8, 4 |
| Kansas | 333, 334, 00 | 1, 224, 021 | +890,687 | 9.9 | 20. i | ±10.2 |
| Kentucky | 619,770.00 333,334.00 1,932,116.00 | 1, 448, 000 | -484, 116 | 40. 1 | 20.0 | +10.2 -20.1 |
| ouisiana | 335, 000, 00 | 2, 385, 431 | - +2,050,431 | 6.1 | 23.9 | +17.8 |
| .Ouisiana | 401 666 00 | 44, 800 | -356, 866 | 24.7 | 1.9 | -22.8 |
| Maino | 401, 666, 00 565, 999, 00 | | | 9.7 | 19. 2 | +9.5 |
| Maryland | 1 000, 999, 00 | 2,050,833 | +1,484,834 | 24.3 | 30.5 | ∓5.3 +6.2 |
| nassachusetts | 1, 966, 667. CO | 3, 830, 327 | +1,863,660 | | 18.9 | -11.1 |
| Aichigan | 2, 356, 500. 00 | 3, 730, 100 | +1,373,600 | 30.0 2.9 | | -2.9 |
| Minnesota | 166,000.00 | 200 200 | -166,000 | | 10 V | 72.3 |
| Mississippi | 464, 959, 00 | 900,000 | +435,041 | 13.4 | 16.0 | +2.6 |
| Missouri | 1,622,740.00 108,350.00 | 3, 440, 573 | +1,817,833 | 23.3 | 26.8 | +3.5 |
| Montana | 108, 350.00 | 227,000 | +118,650 | 9.4 | 13.0 | +3.6 |
| lebraska | 182,050.00 | 332, 201 | +150,151 | 8.5 | 9.7 | +1.2 |
| levada | 80,000.00 | 97,000 | +17,000 | 9.9 | 6.4 | -3.5 |
| lew Hampshire | 125, 900, 00 | 507,000 | +381,100 | 11.0 | 22.5 21.2 | +11.5 |
| lew Jersey | 4, 499, 997. 00 | 3, 353, 334 | -1, 146, 663 | 42.8 | 21.2 | -21.6 |
| lew Mexico | 160, 382.00 | 478, 252 | +317,870 | 9. 3 | 17.5 | +8.2 |
| lew York 1 | (1) | 7,800,300 | ΩΩ | (1) | 19.4 | |
| lorth Carolina | 698, 583. 00 | 1, 975, 868 | +1,277,285 | 9. 7 | 13.7 | +4.0 |
| lorth Dakota | 84, 000, 10 | 267,000 | +183,000 | 7.8 | 3. 1 | -4.7 |
| hio | 2, 340, 000. 00 | 7, 908, 098 | +183,000 +5,568,098 | 14.3 7.2 | 24.8 | +10.5 |
|)klahoma | 381,669.00 | 1, 393, 311 | +1,011,642 | 7.2 | 24.2 | +17.0 |
|)regon | 535, 469, 00 | 1, 408, 397 | +872,928 | 16.9 | 24. 1 | +7.2 |
| ennsylvania | 4, 288, 975, 00 | 6, 975, 256 | +2,686,281 | 23.4 | 21.7 | -1.7 |
| uerto Rico | 858, 000, 00 | 1,962,000 | +1,104,000 | 21. 2 | 23, 6 | +2.4 |
| hode Island | 283, 535, 00 | 205, 000 | -78, 535 | 16.0 | 6.4 | -9.6 |
| outh Carolina | 448, 200, 00 | 1.019.872 | +571,672 | 10.3 2.2 1.7 | 13.4 | +3.1 |
| outh Dakota | 25, 000, CO | 226, 667 | +201,667 | 2. 2 | 11.9 | +9.7 |
| ennessee | 100, 000, 00 | 0 | -100,000 | 1.7 | 0 | -1.7 |
| exas | 1, 195, 172, 51 | 3, 566, 667 | +2,371,495 | 6.8 | 12. 1 | +5.3 |
| ltah | 6,000,00 | 96,666 | +90,666 | . 3 | 3.4 | +3.1 |
| /ermont | 182, 340, 00 | 112,750 | -69,590 | 14, 7 | ĭ. i | -13.6 |
| irgin Islands | 100, 000, 00 | 59,000 | -41,000 | 26.6 | 14. Õ | -12.6 |
| irginia | 1 483 334 00 | 3. 085, 334 | +1.602.000 | 20.9 | 23.5 | +2.6 |
| Vashington | 1, 483, 334, 00 456, 998, 00 | 1, 150, 000 | +693,002 | 4.6 | 16. 5 | +11.9 |
| Vest Virginia | 512, 471, 00 | 874.073 | +361,602 | 18.4 | 18. 4 | 710.3 |
| | 1, 235, 000, 00 | 3, 853, 000 | +2.518.000 | 19.6 | 32. 1 | +12,5 |
| VisconsinVyoming | 128, 126, 00 | 166,000 | +37,874 | 14.8 | 12. 9 | -1.9 |
| , joining | 120, 120, 00 | 100,000 | 731,014 | 14.0 | 16. 3 | - 1, 3 |
| | | | | | | |
| Total | 43, 393, 699, 66 | 86, 562, 655 | | 14. 3 | 16. 1 | +1.8 |

¹ Illinois—1971 State plan could not be included, due to the format. New York—1970 State plan could not be included due to the format.

TABLE IV (PT. (A)).—SUMMARY COMPARISON OF STATE INCREASE OR DECREASE IN JUVENILE DELINQUENCY FUNDING, BY PERCENT OF EFFORT, FISCAL YEAR 1970-71

| | Number of States | Percent of States | Range of change (percent) | Average change (percent) |
|------------------|---------------------|----------------------|------------------------------|--------------------------------|
| Increased effort | 27 25 | 49. 09 45. 05 | 17.8 to 0.9 | 7. 22 -10. 85 |

Note: 1 State unchanged; 2 States cannot be analyzed.

TABLE IV (PT. (B)).-STATES SHOWING PERCENTAGE OF INCREASE IN JUVENILE DELINQUENCY EFFORT

| State | 1970 | 1971 | Change | State | 1970 | 1971 | Change |
|---|--|--|--|--|--|---|---|
| Arkansas Connecticut Delaware Florida Idaho Kansas Louisiana Maryland Massachusetts Missouri Montana Nebraska New Hampshire | 10. 7 14. 9 7. 9 11. 4 12. 6 -9. 9 6. 1 9. 7 24. 3 13. 4 23. 3 9. 4 8. 5 | 15. 4 28. 1 16. 6 12. 3 16. 1 23. 9 19. 2 30. 5 16. 0 26. 8 13. 0 9. 7 22. 5 | 4.7 13.2 8.7 9.1 10.2 17.8 9.5 6.2 3.5 3.6 1.2 | New Mexico North Carolina Ohio Ciklahoma Oregon Puerto Rico South Carolina South Dakota Texas Utah Virginia Washington Wisconsin | 9.3 9.7 14.3 7.2 16.9 21.2 2.2 6.8 20.9 4.6 19.6 | 17. 5 13. 7 24. 8 24. 2 24. 1 23. 6 13. 4 11. 9 12. 1 3. 4 23. 5 16. 5 | 8. 2 4.0.5 17. 0 7. 2 2. 4 3. 7 5. 3 11. 5 |

Note: 27 States show an increase (49.09 percent); 1 State remained the same (West Virginia); 2 States cannot be considered (Illinois and New York).

TABLE IV (PT. (C)) .- STATES SHOWING PERCENTAGE OF DECREASE IN JUVENILE DELINQUENCY EFFORT

| States | 1970 | 1971 | Change | States | 1970 | 1971 | Change |
|--|--|--|--|--------|---|--|--|
| Alabama. Alaska. American Samoa. Arizona. Colorado. District of Columbia. Georgia. Guam Hawaii. Indiana. Iowa. | 23. 6 11. 8 19. 8 24. 9 28. 1 19. 8 29. 0 15. 8 22. 0 52. 1 24. 5 40. 1 | 11. 4 (1) 16. 4 20. 2 14. 3 13. 5 8. 5 15. 6 20. 3 17. 8 6. 1 20. 0 | 12. 2 11. 8 19. 8 8. 5 7. 9 5. 5 7. 3 6. 4 3 31. 8 8. 5 4 20. 1 | Maine | 24. 7 30. 0 2. 9 9. 9 42. 8 23. 4 16. 0 1. 7 26. 6 14. 8 | 1. 9 18. 9 6. 4 21. 2 3. 1 21. 7 6. 4 (1) 1. 1 14. 0 12. 9 | 22.8 11.1 2.9 3.5 21.6 4.7 9.6 1.7 13.6 1.9 |

¹ Lowest percentage, 1971. 3 Greatest decrease.

TABLE V.-COMPARISON OF LEAA JUVENILE DELINQUENCY EFFORTS IN TRAINING, DIVERSION, COMMUNITY CENTER TREATMENT AND PREVENTION, FISCAL YEARS 1970, 1971

| | Diverson | | Communi | ty center | Training | | Prevention | |
|------------------------|----------------------------|-------------------------|----------------------------|--------------------------|----------------------------|-----------------------|----------------------------|-----------------------|
| • | Number of pro- grams | Percent of effort | Number of pro- grams | Percent of effort | Number of pro- grams | Percent of effort | Number of pro- grams | Percent of effort |
| 1970 1971 Change | 40 22 —18 | 14. 4 17. 4 +3. 0 | 60 74 +14 | 28. 8 50. 2 +21. 4 | 35 21 -14 | 14. 1 4. 5 9. 6 | 8 29 +21 | 6. 0 8. 1 +2. 1 |
| Percent of change | -45 | +20.8 | +23.3 | +74.3 | -40 | -68.1 | +262.5 | +35.0 |

¹ Greatest change.
3 Highest percentage, 1971.

Note: 25 States show a decrease (45.45 percent); i State remained the same (West Virginia); 2 States cannot be considered (Illinois and New York).

TABLE VI.—STATE-BY-STATE BREAKOUT OF LEAA JUVENILE DELINQUENCY ACTIVITIES IN TRAINING, DIVERSION, COMMUNITY CENTERED TREATMENT, AND PREVENTION, FISCAL YEAR 1971

| State | Training | Diversion | Community centered | Prevention |
|--|---|---|---|---|
| AlabamaAlaska | . \$100,000 | \$240,000 | \$240,000 . | |
| American SamoaArizona Arizona Arkansas | 50,000 | 134,000 | 20,000 586,914 8,766,667 | \$67,000 |
| California ¹ | 100 000 | 520, 000 82, 000 | 8, 766, 667 _ 200, 000 | 233, 333 |
| | | 178, 947 | 416,000 . 166,000 . 39,657 | 20,000 |
| Delaware District of Columbia Florida Georgia | | | 377,685 | 174, 279 253, 493 115, 079 |
| Guam Hawaii | | | 145 000 | 55,000 |
| Idaho | | | 33,000 63,000 269,743 | |
| Illinois Indiana Iowa | ••••• | 883, 333 | 76, 636 | (1) 115,350 142,074 |
| Kansas | 26,376 . 39,550 . 61,750 . | •••••••••• | 211,366 | 142, 074 |
| Kentucky | 20,000 | 766, 667 | 15, 000 225, 000 | 33, 333 100, 000 |
| Louisiana | 963, 610 | ······································ | 150,000 50,000 538,487 | · · · · · · · · · · · · · · · · · · · |
| Maine Maryland Massachusetts | | 1, 082, 333 666, 666 133, 333 | 705, 167 266, 666 160, 000 100, 000 | 200, 000 |
| MichiganMinnesota | 400,000 | 866, 700 | 293, 333 650, 800 | 800,000 |
| Mississippi | 34,000 | | 269, 333 | |
| Missouri | • | | 75, 200 1, 256, 755 1, 302, 764 160, 000 | 420, 958 |
| Montana | 10,800 31,534 | 66, 667 | 160,000 37,500 35,000 | 18, 800 |
| New Hampshire | 30,000 | •••••• | 82,000 15,000 100,000 | ••••••• |
| New Jersey | | 666, 667 | 1, 333, 334 400, 000 281, 874 | 47 600 |
| | | 4, 133, 400 | 1, 133, 400 1, 216, 851 95, 000 | 47, 500 51, 479 1, 733, 400 410, 870 |
| Pennsylvania | | 1, 294, 988 1, 162, 978 | 44,000 1,585,883 588,183 | |
| OhioOklahoma | 1, 232, 679 66, 665 | 93, 331 | 2, 012, 811 373, 324 | 93, 331 |
| Oregon | 116,667 | ····· | 200,000 | 522, 595 85, 883 |
| Puerto Rico | •••••• | • | 536, 387 1, 083, 000 293, 000 | ••••••• |
| outh Carolina | 53, 333 | •••••• | 25,000 393,716 222,500 | ••••••• |
| outh Dakotaexas | 100,000 100,000 | 133, 333 | 100, 000 60, 000 100, 000 | 126, 667 100, 000 |
| | ************** | •••••• | 100,000 66,667 1,046,667 | ••••••• |

TABLE VI.—STATE-BY-STATE BRAKEOUT OF LEAA JUVENILE DELINQUENCY ACTIVITIES IN TRAINING, DIVERSION COMMUNITY CENTERED TREATMENT, AND PREVENTION, FISCAL YEAR 1971-Continued

| State | Training | Diversion | Community centered | Prevention |
|----------------------------------|-------------|-----------|---------------------------------------|---------------------------------------|
| UtahVermont | | 2, 335 | 3, 333 2,670 13, 335 10, 670 | 5, 335 10, 665 13, 335 |
| Virginia | | 931,667 | 14,000 | |
| Virgin Islands | | 6/5,000 | | · · · · · · · · · · · · · · · · · · · |
| West Virginia Wisconsin Wyoming | | | 84, 000 167, 000 584, 000 | 300, 000 730, 000 |
| Total | 3, 894, 964 | | 43, 443, 469 | 6, 979, 759 |
| Total programs | 21 | 22 | .74 | 0, 3/9, /39 |

¹ California does not clearly separate its programs. 2 Not classifiable.

ì

Senator Bayh. We will recess now pending the call of the Chair. (Whereupon, at 1:15 p.m., the hearing was recessed, subject to the call of the Chair).

Blank Page

S. 3148: JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1972

TUESDAY, JUNE 27, 1972

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

The subcommittee (composed of Senators Bayh, Hart, Burdick, Kennedy, Cook, Hruska, Fong, and Mathias), met pursuant to notice, at 2:15 p.m. in room 2228, New Senate Office Building, Senator Birch Bayh (chairman) presiding.

Present: Senator Bayh.

Also present: Mathea Falco, staff director and chief counsel; John M. Rector, deputy chief counsel; Alice B. Popkin, special counsel; Mary K. Jolly, chief clerk; Nancy L. Smith, research assistant; B. Elizabeth Marten, personal secretary to the staff director and chief counsel; Cheryl A. Wolf, assistant chief clerk; Lance Ringel, assistant clerk; and F. Woodman Jones, research assistant.

Senator Bayh. We continue hearings today on S. 3148, the Juvenile Justice and Delinquency Prevention Act, which would create a comprehensive, coordinated, national program to prevent delinquency, rehabilitate juvenile delinquents, and improve the quality of juvenile justice. This bill provides substantial resources to assist State governments and local groups in developing an effective attack on the multi-

faceted problems of juvenile delinquency.

My bill is the outgrowth of investigations by this subcommittee which have revealed both the tragic failure of our juvenile correctional system and the total inadequacy of the Federal response to the dimensions of the delinquency crisis. The terrible reality which confronts this country is that during the last 10 years, almost two-thirds of serious crimes have been committed by juveniles under the age of 21. Juvenile court judges and delinquency experts have explained that the largely untrained and overworked staffs of crowded juvenile courts usually cannot provide individualized treatment, particularly when there is frequently no alternative but incarceration.

Individual-delinquents who have spent time in juvenile reform schools have told us about the brutalizing effect of incarceration in these institutions. These young people and juvenile correctional officials have testified that these custodial facilities do not rehabilitate children; rather, they succeed only in educating a juvenile for further delin-

quency and eventually a criminal career.

The response of the Federal Government to this tragic situation has been a diverse array of fragmented, ineffective programs with no one

agency accountable for producing a successful Federal juvenile delinquency effort. Testimony of responsible Federal, State, and local officials in numerous days of subcommittee hearings have confirmed this discouraging picture. Last February, I introduced S. 3148 because I concluded that it is essential to create a new unit within the Federal Government to provide the national leadership and centralized respon-

sibility crucial to halt the alarming increase of delinquency.

The opening hearings on my bill demonstrated strong support for S. 3148 from distinguished State officials and experienced private nonprofit organizations who are dealing with the problems of delinquency on a day-to-day basis. These experts favored the creation of a National Office of Juvenile Justice and Delinquency Prevention with authority to supervise, coordinate, and evaluate all federally assisted delinquency programs, as provided by S. 3148. They spoke from personal experience of the desperate need for massive new funding for public and private agencies to establish the needed prevention and rehabilitation programs.

At the opening hearings, the dedicated officials and experienced representatives of private organizations, who are in the front lines of the difficult battle against delinquency, testified of the successful utilization of community-based treatment for delinquents which is central to S. 3148. They testified that many delinquents who had previously been incarcerated could be better and more humanely handled in com-

munity-based alternatives at less cost to the public.

They further explained that rigidities of State budgetary and civil service procedues produce opposition and obstacles to closing down large, custodial juvenile institutions which have nothing to do with their effectiveness in protecting the public or rehabilitating delinquents. These officials support S. 3148 because it contains a Federal commitment to provide the necessary resources to close institutions and to create the community-based treatment alternatives.

I am grateful to the hard-working officials of State and city government, delinquency experts, and representatives of a private agency who are going to testify before this subcommittee today and tomorrow in support of S. 3148. I appreciate their appearance and their willingness to aid the subcommittee in its efforts to find solution to the delinquency

problem in this country.

At this point in the record I would like to insert the statement I have received from the Honorable Russell W. Peterson, Governor of the State of Delaware.

(The statement was marked "Exhibit No. 5" and is as follows:)

Exhibit No. 5

STATEMENT OF GOVERNOR RUSSELL W. PETERSON, CHAIRMAN OF THE NATIONAL GOVERNORS' CONFERENCE, COMMITTEE ON CRIME REDUCTION AND PUBLIC SAFETY, BEFORE THE SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY OF THE SENATE JUDICIARY COMMITTEE REGARDING S. 3148

I appreciate this opportunity to present the recommendations of the National Governors' Conference Committee on Crime Reduction and Public Safety with respect to the proposed juvenile delinquency legislation. The current position of the National Governors' Conference Committee on Crime Reduction and Public Safety on the prevention and control of Juvenile delinquency is:

"The National Governors' Conference believes that any attempt to comprehensively prevent and control juvenile delinquency calls for bold, broad, basic

and new approaches including redeployment of personnel and resources.

"Commitment to the task of preventing juvenile delinquency requires:

a. Commitment to long-term research and development adequate to cope

with the complexity of the delinquency problem.

b. A conscious broadening of the framework within which the problems are analyzed and remedies sought. There must be a willingness to examine and challenge all traditional operations.

c. The significant involvement of youth in any community's effort to

understand and prevent juvenile delinquency.

- d. Coordination of private and public services to youth including character building efforts and those geared to correction and rehabilitation.
- e. Focusing attention and efforts on youth at an earlier age than we have previously.
- f. A careful reevaluation of the unique role of the family in American societies.

g. Realism about the cost of long-range preventive efforts.

h. Establishment of vocational schools without severe standards and criteria to give every boy and every girl an equal education.

"In recognition of the key role which state governments play in the intergovernmental effort to prevent and control juvenile delinquency, the Governors of the States urge that each State undertake to provide leadership and funding for the coordination of planning and services of all state agencies which contribute to the prevention, control, and treatment of juvenile delinquency. Such coor-dination should encompass the States' effort under the Omnibus Crime Control and Safe Streets Act. Each State should emphasize and strengthen its commitment to programs designed to prevent delinquency, giving particular emphasis to home and school-centered programs aimed at youth who are in danger of becoming delinquent.

"Because of the seriousness of the problem of juvenile delinquency and the need for major governmental action, the National Governor's Conference expresses its concern with the Juvenile Delinquency Prevention and Control Act of 1968. We find that it is poorly drafted as enacted, that it is inadequately funded, and that its administration is not properly coordinated with that of the Omnibus Crime Control Act. We urge that the Law Enforcement Assistance Administration be given increased funding to deal with juvenile delinquency treatment. As used in this context, juvenile delinquency treatment refers to the time after a child enters the juvenile justice system.

The more than seventy federal programs concerned with prevention of juvenile delinquency should be consolidated under a single agency administering a block grant for youth. As used here "prevention" refers to those systems and subsystems which are designed to keep the child out of the juvenile justice

system."

We are seeking the enactment of federal legislation which, as nearly as possible, embodies the principles enunciated in the foregoing position. The introduction of S. 3148 is a substantial step in this direction. The members and staff of the Subcommittee to Investigate Juvenile Delinquency and your counterparts in the House of Representatives are to be commended for your efforts in behalf of our troubled young people. These children have no lobbyists for their interests. If we do not protect them, no one will.

Your investigations of the juvenile delinquency programs have illuminated a number of flaws. One of these is proliferation. Juvenile delinquency programs have been scattered among federal agencies like seeds of grass, apparently in the vain hope that somewhere fertile soil would be found.

The Law Enforcement Assistance Administration has provided a substantial amount of money for the juvenile justice system (treatment) but considerably

Especially needed are dollars which can be devoted to direct and indirect prevention and diversion programs, thereby keeping youngster from entering the juvenile justice system. By indirect prevention, I refer to all those services and systems that impact on the child and his family, including preschool programs, recreation, education, job training, and social services. Direct prevention involves the identification of a child or family in a stress-filled or troubled situation and provision of assistance to resolve those problems. Principal areas for attention are the community and the school. Diversion programs are directed toward children who have already come to the attention of the police or other officials for law violations and are referred without court action to communuity services for treatment or assistance.

Experience has taught us that it is extremely difficult to redirect a child once he has been subjected to the trauma of the juvenile justice system. As your Chairman Senator Bayh pointed out in introducing S. 3148, "Our dismal failure to rehabilitate is dramatically clear from the national recidivism rate for juvenile delinquents estimated at 74 percent to 85 percent." Of course, that is not to say that we should abandon those who have entered the system—on the contrary, we must intensify our efforts to alter the system so that it does in fact rehabilitate.

It is essential that we do much more in prevention and diversion. The goal should be to reduce by 50 percent the number of children who fall into the juvenile justice system. To accomplish this, we must assign a far greater percentage of our resources to keep the child in school, develop realistic vocational education opportunities, stabilize the family situations where possible, and in general develop programs and services aimed at humanizing our children's lives. These programs cannot materialize under the Youth Development and Delinquency Prevention Administration whose budget has never been more than \$15 million per year. We need greater national commitment to the prevention of delinquency.

S. 3148 is an excellent bill, but there are some amendments that we believe would make it better. Title V, Part A, mandates that "not less than 75 percent of the (formula grant) funds available to a State shall be expended on the development and use of facilities, programs, and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system and to provide community-based alternatives to detention and correctional facilities used for the confinement of juveniles." By our definition, we would consider community-based alternatives to detention and correctional facilities as treatment rather than prevention and therefore, properly funded by the LEAA.

With both the proposed legislation (S. 3148) and LEAA funding juvenile

With both the proposed legislation (S. 3148) and LEAA funding juvenile delinquency treatment programs, we run a risk of duplication. We believe the new legislation should concentrate exclusively on prevention and diversion programs and leave treatment programs with LEAA. Therefore, the percentage for prevention under the new legislation should be 100 percent and the requirement should also apply to the Part B Special Emphasis Grants.

Potentially, the National Office on Juvenile Justice and Delinquency Prevention

Potentially, the National Office on Juvenile Justice and Delinquency Prevention as proposed in S. 3148 could do much to coordinate the disparate federal programs at the federal level. However, insufficient attention is paid the problem of coordination of the disparate programs at the state level. There is no requirement that applications for the Special Emphasis Grants conform to or even relate to the state plan mandated by the formula grant.

even relate to the state plan mandated by the formula grant.

The amount of money in the Special Emphasis Grant fund is probably adequate, but the formula grant authorization should be markedly increased. There should be a two million dollar minimum for every State and special funds for intensive programs in urban areas and selected rural areas.

One of the responsibilities of the National Office on Juvenile Justice and Delinquency Prevention should be the development of an effective and viable delinquency prevention thrust in HEW, which should eventually assume all responsibility for coordination and funding.

In summary, we would recommend the following changes in S. 3148:

1. Division of responsibility between LEAA and the departments and agencies dealing with prevention and diversion programs.

2. Funds under the new act should be designated exclusively for pre-

vention and diversion programs.

3. Programs under the Special Emphasis Grant section (Title V, Part A) should conform to the state plan required by the formula grant section (Title V, Part A).

4. The authorization for the formula grant section (Title V, Part A) should be increased by an amount sufficient to provide a minimum two million dollar grant plus additional grants to each State for intensive programs in urban areas and selected rural areas.

5. The National Office on Juvenile Justice and Delinquency Prevention should have the responsibility of developing a comprehensive prevention

capability within HEW.

Your Chairman has stated, "the hard facts indicate that juvenile crime has reached crisis proportions." To respond to this crisis with half-measures would be worse than doing nothing at all for it might give us a false sense of accomplishment. We must face this crisis of delinquency in all its severity, and recognize that our approach must be completely restructured S. 3148 is not a half-

measure and, with the changes recommended here, we believe it would become the first really effective instrument in the effort to reduce juvenile crime through prevention and diversion.

Senator Bayh. I am pleased to welcome os our first witness, the distinguished jurist, Mr. Justice Tom Clark. In addition to an outstanding career on the Supreme Court, Mr. Justice Clark has made a unique contribution to the improvement of the quality of judicial administration in this country. We are honored to hear Mr. Justice Clark's views on justice for juveniles.

STATEMENT OF HON. TOM C. CLARK, FORMER JUSTICE OF THE U.S. SUPREME COURT

Justice Clark. Thank you, Mr. Chairman. It's good to be here, particularly to be before the Judiciary Committee with you.

I used to come here quite often when I was Attorney General, but

not so frequently since being on the Court.

I want to apologize for not having a prepared statement for you, which would obviate the necessity of having this young lady take down what I am saying. I have been, Mr. Chairman, sitting on the Courts of Appeal, preparing quite a few opinions right now which are scheduled to be in pretty quickly, so I've not had an opportunity to prepare my testimony. Perhaps with your permission within the next 2 or 3 weeks, I might extend my remarks in the record, which is a privilege, which I understand Senators enjoy.

Senator BAYH. Well, there'll be no question about our extending that privilege and opportunity to you, sir. Please feel free, either in the near future or from time-to-time as the spirit moves you, to

let us have your continued thoughts.

Justice CLARK. Well, thank you. I do appreciate also, Senator, your introduction. It was much better than the one I received in South Dakota the other night when I was introduced as the late Mr. Justice Clark. [General laughter.]

Justice Clark. And on other occasions, I have been presented as the

father of Ramsey Clark, an estate in which I delight.

I, of course, have had for many years, a great interest in juvenile problems. Indeed, as an assistant district attorney in my native town of Dallas, a country town, I handled all of the problems incident to delinquent and neglected children, as they call them down therewhich is an unfortunate title.

I like to call these programs juvenile opportunity ones, rather than juvenile delinquency programs. After my baptism of fire in Dallas, with all of its delinquents, my next exposure was here as Attorney

General.

Perhaps you are too young, Mr. Chairman, but we had a national committee on juvenile problems that we called the Attorney General's Juvenile Opportunity Committee. We called it that with the hope that perhaps we could spark an interest in the public to create opportunities for juveniles. In so doing, we could do more than any one force in our society to aid in the rehabilitation of juvenile delinquents.

Frankly, sir, we found most of the juvenile programs of that era so impractical and ineffective that our effort was largely confined to resolving personality conflicts. However, we did, under the director-ship of Eunice Kennedy, now Mrs. Sargeant Shriver, organize a program over about a 3-year period. It sustained our belief that all juveniles are inherently good and only need opportunity. The program eventually led to the marriage of Miss Kennedy and Mr. Shriver since they both worked in the same program in the Department of Justice. I was Attorney General and remember well the problems that we faced in Dallas in the juvenile area. A lady named Mrs. Carson, who was our city juvenile officer, was in charge there.

When I became Attorney General, there was a juvenile training school on the border between the District and Maryland—it has since, I believe, moved to West Virginia. We had, as I remember, about 600 in residence there at that time. It was built for 300 boys. I started going there on Saturdays to meet with these young people in an office on

the school grounds.

I wrote each boy a note. I had a practice when I'd fly around the country of writing longhand notes; and I wrote one that we reproduced, placing it on every one of these kid's desks in the juvenile training school. In this note I told them that I would be pleased to have them come to a conference that I was going to have there on each Saturday; that I would see them individually, not collectively in a private room; that they could make a date through the warden; and no one would be present except the juvenile and myself; and no one would overhear our conversation. There would be no recordings, no peepholes, nobody to play big brother. The first Saturday only two or three came, but after I paroled one—I had them in my hand, of course, as Attorney General—to a Mr. Shaw here in Washington, of course, the news was around the school overnight. The next Saturday I had to stay over Sunday to see all of them wanting to talk. Still some of them had to return the next week.

I continued this, not every Saturday, but possibly once a month, during my tenure of 4 years as Attorney General. During that period it was my good fortune to shoulder many of the problems that these youngsters faced. I found, sir, that this school—like all juvenile schools of this type—and I think it was one of the best—is what I call a graduate school for crime, somewhat of a clearinghouse.

I found in my short meetings with these youngsters individually, that they would speak to me very frankly. Eventually—it would take a little time to get them warmed up—I found that one of the first things that the inmates inquired about when a new man came into the home was "what are you here for?" As soon as he told them the old boys commenced to show him the mistakes that he made in committing this crime; how he could have committed a perfect crime, had he not made this mistake or that mistake. I remember one voung man had robbed a bank; he was only about 15, and he weighed about 90 pounds.

He was so small in stature that he could go through a transom. He robbed this bank at night; went into the night deposit box and took some checks and money; and he said to me after I'd been talking to him maybe half an hour: "You know, they would never have caught

me, but I bought a car."

I said, "well, are you sorry you bought the car?" And he said, "I sure am; I wouldn't be in this place." The boys just looked upon the

school as being more or less a penitentiary where they exchanged ideas on crime.

Later some of the boys would tell me what some of the others had said about parole. Mr. Bennett, who was then the Director of the Prisons decided to change the system around. I think by the end of my service as Attorney General we had cut the population considerably. I had considerable help, however, from organizations such as the American Legion and all of the service clubs.

I remember the Rotary Club was particularly helpful. Quite a few Lusinessmen here would pay tuition for boys—tuition in private schools because these boys were physically big—6 feet tall, some of them—

most of them were large boys.

But they were very short on education—fourth or fifth grade, and if you tried to put one in a public school the school authority as well as the parents would immediately object because the boy would be so large and the students in that grade would be so small that they thought he might cause some problems. So we had to employ tutors and we had several business people there who gave funds to send them to private schools. And I'm happy to tell you even now, although, that's been, well, 25 years ago, that when I go around the country, which I do quite often, why, now and then some man will come up to me and introduce himself. He'll now be about 40 or 50 years old.

He'll say: "You don't remember me, but you turned me loose at the juvenile training school back in 1947 and I appreciate it." And I say, "Well, how are you making it?" He'll proudly tell me that he had four kids or five or so. Senator, there's no greater satisfaction in life—no greater. I've had many satisfactions—but there is no greater than when you have a man clasp your hand and tell you that you helped him

solve his problem way back when he needed help.

Now, getting down to our situation today, why, it's very much like it was then—we haven't made much progress, if any. I think one difficulty which has become more pronounced, if that is possible, is that we have a larger tribe of juvenile delinquents. In fact, my study of it presently indicates that perhaps half of the serious crimes are com-

mitted by children between the ages of, oh, 10 and 16 or 17.

Indeed, they tell me that the highest rate of crime in the United States, and I'm speaking now of serious crime, is around 15 years of age; 16, 17, pretty close seconds or thirds. And I understand from the Census Bureau that the backlog between 5- and 12-year-olds is 33 million in the United States, and so we don't have much time to waste—these boys and girls will soon become 15. I don't know what we'll do with them, with that enormous population coming along into the 15-17 ages, unless we do something about juvenile problems. And so I'm greatly heartened when I hear from Ms. Falco that your committee is interested, that this committee was considering legislation, and that the Congress had taken a particular interest in this problem.

I tell you, sir, that the solution of the overall crime problem is in this area. If you'll study it, you'll find that four out of five of those presently incarcerated in the penitentiaries—and I speak now not only of the Federal but the State—began their career in crime as juveniles—

as kids.

If we had properly handled them at that time. I daresay that 50 percent at a minimum would have been saved or rehabilitated. We

would not only save from a financial standpoint the enormous cost and I assure you it is enormous—of now keeping them in custody, but also we would have saved these youngsters and reared them as lawabiding, upright, taxpaying citizens. We would not have so many people, I don't believe, in financial trouble today, as well as their families and relatives on relief, if we were able to change the present trend in juvenile problems.

Senator Bayh. Do you suggest then, Mr. Justice, from what you've just said, that there is both a compassionate as well as a materialistic

and monetary view to this problem?

Justice Clark. There certainly is. I think if you could bring the savings into public focus, the problem would receive more attention. I'm sorry to say, but people pay more attention when you point out

to them what they can save.

Housewives like it when they go to the grocery store. I like it when I buy things, and I'm sure you do, too. But if you could focus on the fact that we could save millions and millions of dollars if we could get up a program that would be more enlightened and modernized in the

treatment of juvenile offenders.

Now, just what should that program be? Well, frankly I don't know. I haven't studied it sufficiently. I have been thrown in this area considerably because of my interest in juvenile problems as well as in judicial administration. I have taken a decided interest in problems of the juvenile courts and of institutions that are devoted to juvenile rehabilitation as well as other groups that have been carrying on, such as NCCD, and the VIP—the Volunteers in Probation, which Judge Leenhouts has developed. Indeed, in Tulsa, Okla., not too long ago, I went down to the juvenile court—they had two judges and I found that the ladies auxiliary of the Tulsa bar had a program of volunteers for these judges, volunteer case aides.

You know, we are so tight in our expenditures that we don't have a sufficient number of probation officers, nor do we pay them sufficiently.

Indeed, I'd say only about 50 percent of our juvenile judges today are full-time judges; the rest of them are part time. And while that's not true of the probation officers, why, they are few and far between and are paid little money.

As a consequence, why, these case aides are particularly helpful. They can reduce a probation officer's caseload perhaps 50 percent. I was particularly interested in Judge Leenhouts' program, because he has thousands and thousands of probation volunteers in the United

States that are devoting themselves to juvenile problems.

I think, myself, that the first thing we need to do is to try to educate or train the people that we have working in the juvenile area. I mean by that the probation officers, the correction officers, the juvenile judges, their staffs, and people of that type.

It's amazing how little progress there has been along that line. I think some 10 years ago the National Council of Juvenile Judges started a program of education and training that was very helpful.

But I think that we need more of them.

Second, we need to take inventory—create a central clearinghouse perhaps that's a better word—where we would study all of the various programs that are going on; you'd be surprised at the number, I'll venture to say there are at least 100 that are going on today on a national

basis. We need an appraisal of their worth; see what they're doing;

correlate what information they have.

For example, I talked to Judge Kaufman just this morning. He's the chairman of the Juvenile Justice Project of the Institute of Judicial Administration, which is now drawing up—they have about 30 or 40 prominent judges and lawyers like Bill Gossett, Nick Katzenbach, Judge Kaufman, and others, who are drawing up standards of juvenile justice. It is in the tradition of some of the bills now pending in Congress.

We don't have any standards. We have cases, such as Gault, we have Kent, we have Winship, which was handed down the other day, and McKeiver, some time last year. But they only lay down broad rules for the courts to follow. We do not have any standards to guide juvenile judges. How do you expect them to accomplish much if they don't have any standards? So you've got to have some organization which can bring together all of this information and try to cull it out, and throw the bad things out and put the good things into effect.

We could enlarge upon our present rules and extend them throughout the United States. A study group, perhaps with some type of research, could then develop programs that would implement these

standards.

As of this date, one of the best programs, as I indicated, is this VIP. I also believe that if we had more of the halfway houses on the way into the juvenile school, along with some training centers where these youngsters would be taught various types of manual training or something of that type, perhaps, in automobile or shoe repair work and in electronics.

I was amazed, but they tell me that in TV repair work they have a machine that indicates just where your problem is in a TV set. All you have to do is lift the problem section out and put in a new one. The charge runs \$25 or something like that; rather that's what they

charge me.

So it would be good if we could organize some training programs. I believe that most of the problems of youth come from two sources. One is broken homes; the other is something is wrong with the family: finance, education, or something of the kind; coupled with a failure of the school to offer challenging opportunities. The authorities close the school at 2 or 3 p.m., and there is no organized play for the remainder of the afternoon. The students have time on their hands, and they use it to disadvantage. We should fully utilize the thousands of available school facilities to carry on meaningful programs in the afternoon.

Another problem is more working mothers. This situation had its inception during the Second World War and has increased since that

time. A large percent work today.

Mr. Chairman, these are some of the problems. I think, sir, your proposed legislation as portrayed in the excellent accompanying statement is sorely needed: A coordinated national office, as you call it, or an institute, as I think Mr. Railsback's bill calls for, would bring together all the people who are presently working in the field, and together with information on all of the programs and research, give us a complete picture of the situation.

Such an institute could carry on further research and develop a training center for the development of expert personnel in the juve-

nile area, including the courts. We badly need to improve and upgrade personnel and attract many of the thousands of young people that are coming out of our universities. And let me say here, I've been to some 20 or 25 universities this year, and I don't agree that our young people are going to the dogs. In them, I say, we have truly improved upon ourselves, Mr. Chairman. We should be proud of their accomplishments. I include the young people in both the universities and in the high schools. I find them much more dedicated than we were; they also have a much broader store of information; they are more idealistic and have courage to tackle problems that we avoided; they bear the single standard of virtue for all, not the double one. They refuse to speak in parables—in the rhetoric of preambles and lofty resolutions. They speak only of reality, and they live it, while we speak in the language of fantasy with no intent to keep it.

They will eventually bring reality to our basic documents. I applaud their endeavor. Theirs is a labor of love. Under your leadership, they have been able to secure in only a 2- or 3-year period a phenomenal success: the vote for 18-year-olds. As I go around the country, you should hear what they say with reference to the fact that they have

this newly acquired power.

The only power that the establishment recognizes is the ballot. There is no power in comparison with the power to vote, and to have it counted honestly and given its proper weight. They recognize this, and you are going to find that they're going to take a tremendous interest in the coming election. And so, Mr. Chairman, I hope you'll forgive me for these stray thoughts, but I get wrapped up in these problems. If you have any questions, I will undertake to answer them, or dodge them if they are too hot. [General laughter.]

Senator BAYH. Mr. Justice, you haven't gone astray at all. I think you are correct in concluding your statement on the absolute futility of trying to really deal with juvenile problems in isolation from

the problems of society generally.

I appreciate your references to our bill. As I said earlier, I have no particular pride in authorship. The staff did a lot of digging on this bill and came up with a number of different ideas. We're not satisfied that we have the right formula, or that there is one. A number of organizations, such as the NCCD, the National Council of Juvenile Court Judges, and the YWCA, look with favor on our general approach.

Let me ask you to comment on the McKeiver case, one of the land-

mark cases recently in this area of juvenile justice.

Some look on this case as a reaffirmation of the strengths of the present juvenile justice system. As I read it, the best the Court could say about the present system was that it was to be allowed a short period of probation.

Where do we draw the line? On the one hand, juveniles should have the protection of due process; and on the other hand, juveniles should not be entangled in the adult penal system.

Justice Clark. Well, let me first say that I have not talked to any of the Justices about it. I do not reflect their views individually or collectively. I rather doubt myself that McKeiver cut back in any way upon Gault. Gault, of course, did not deal with a jury, and McKeiver did. Some experts in the juvenile field have indicated that

they thought McKeiver was a step backward. I don't think so.

I think that you put your finger on it; that is, that as presently constituted the juvenile system would not be improved by imposing the requirement of a jury upon it. As I think Justice Harlan said, from the standpoint of the States, a jury was not required by the Federal Constitution.

Justice Black seemed to think that it is all right, and he wrote a concurring opinion because he had some ideas that he wanted to

express in it.

I think in the final analysis, the Court wants to make certain a fair trial is present—just a common fairness in juvenile proceedings. They are expressed largely in *Gault* where the Court held that a juvenile had to have notice, a written notice, of the charges filed against him; that he was entitled to counsel, and that he must be given the *Miranda* warnings.

So, all that you are doing is giving the juvenile offender the same

treatment you afford the adult.

I doubt that the Court was trying to draw up standards. It does not ordinarily do that. The Court must operate, as you well know, on a case-by-case basis. As a consequence, it cannot legislate standards. As a matter of fact, *Miranda* is the only case during the whole time I

sat on the Court where specific standards were laid down.

I would rather think that what the Court is saying in McKeirer—and I know it is what they were saying in Gault; that is, the juvenile justice system is not what we had hoped it might be. We had hoped that it would be an informal procedure where a cloak of protection would be put around the youngster. However, we found instead of a cloak of protection that our cases were a halter restraining him from obtaining justice. We, therefore, forged the four protective devices set out in Gault.

That is not to say that the four are the only grounds of protection, as Justice Fortas pointed out in *Gault*. It is but to say that they are the basic ones. I personally doubt if the Court enlarges upon them. I rather believe that we will see a tightening of controls in this area.

These changes come in cycles. A case reaches decision involving the furnishing of counsel. For example, in the early days, Parker and that line of cases. We said, one is entitled to counsel if charged with a capital offense. Well, claimants kept on knocking on the door of the Court asking for the enlargement of that rule. For example, a claimant alleges that he was mentally retarded from birth. The Court, in the face of these horribles, began carving out exceptions to the old Betts-Brady rule until the exceptions practically became the rule of decision. They, finally, Gideon came down. The other day the Court extended it to misdemeanors where a jail sentence is involved.

Well, as the cycle of these cases develops the new cases being filed become quite voluminous. Sometimes they run into hundreds. I remember I wrote two opinions that had about a thousand cases involving the same question on file in the Court. The rule of these two cases controlled all of the others. If this pattern follows in the juvenile area, I believe there will be a rash of these cases filed. As a result in the next 3 or 4 years, the entire picture of juvenile justice may

change.

I might add that I think the Court will be inclined to consolidate the existing rules rather than tearing down the entire juvenile system. If this occurs the Court will be giving you a much stronger foundation upon which you can develop your programs.

Senator Bayh. Do you feel there is room for standards created by

Congress?

Justice Clark. Oh, indeed there is, definitely.

Judge Kaufman, who is the chairman of the group that I previously mentioned—the juvenile justice project—advises that they had a difficult time getting a chairman. He finally agreed to serve because no one else was willing to do so. They have been working for several months on it. He has decided to organize special working sections of the committee each of which will develop the details of each standard. That is the format the Committee on the Standards of Criminal Justice adopted. It worked over a 5-year period in developing them. You will remember the ABA adopted them some 5 years ago and they were circulated in final form in separate volumes. We are now implementing them in the States. So, I think the Juvenile Justice Standards will be a long-term program. It will also require large funding. A center such as is envisioned in your bill would be of great assistance. Indeed, the preliminary work has been done through the Kaufman committee and your center or institute, whichever you call it in your bill, would be able to coordinate and expedite the work.

This I believe to be the No. 1 priority. Hand in hand with it is education and training in implementing the standards. You will remember, sir, in 1967 Congress created the Federal Judicial Center. When I was practicing law, if you talked to a judge about going to school, you might as well have removed your shingle from your office door. You could not thereafter have successfully practiced before the courts. Now I get letters every day from some judge somewhere wanting to know, "where can I go to school?" The Judge does not call it a seminar. He calls it a school, Judges have changed considerably of late. They want, they really crave for continuing education and training, exchange of information, techniques, procedures, things of that kind. The Juvenile Justice system needs such a service very,

very badly. More than any other level of our court system.

Senator BAYH. The Juvenile Institute bill has passed the House but the Judiciary Committee refused to act on it, the other day because the committee thought such services as training and recordkeeping, the very things that you referred to, are already in existence. Obviouslv. if they exist, their results are very, very minimal.

Justice CLARK. No question about it. The judges themselves are eager to get the training. They know they need it. I've been to several of the national meetings, and they come up to me in dozens asking

for help, begging for assistance.

Senator BAYH. Let me ask you to give us your thoughts about the conflict which seems to exist in the approach to the delinquency problem by LEAA and the preventive approach. This dichotomy is unfair because while LEAA emphasizes law enforcement and hardware it also has preventive programs.

Some people seem to feel that the way to deal with reforming the juvenile system is to reform the institutions by making the institu-

tions more modern, more sterile, or healthier.

Justice CLARK. Well, I think we have to change them, sir. I think we have to change them. I don't think we can modernize them to much advantage unless we change our whole outlook on juvenile justice.

advantage unless we change our whole outlook on juvenile justice. Senator Bayh. The thrust of our bill, if I may just interrupt, is to provide alternatives for juvenile judges who frequently have nowhere to send a child but to a training school. There are no runaway houses. There are no halfway houses. There are no progressive, workable foster parent programs. There are no drug treatment facilities available in the community. There are no treatment facilities, no service centers, and there are not sufficient trained personnel to deal with probation and our bill will expand these facilities. Once a juvenile is sent to an institution, the chances of rehabilitation are pretty well gone.

Justice Clark. It sure is. If we had the halfway houses on the way in, I'd venture to say, after working in this area for 40 years, we could

save 50 percent of the first offenders.

Senator BAYH. Did you say 50 percent?

Justice CLARK. Fifty percent.

Just think of the tremendous savings you'd have on money alone, as well as the tremendous number of youngsters we would save, girls and boys; unfortunately more and more girls are getting into trouble now. I remember back in 1945 we experimented with the Brooklyn plan. We had a newscast on the radio—there was no TV at that time and explained it to the country, the way it worked. It was a Federal plan in the Federal court there. We called it the Brooklyn plan because it started there, and any youngster getting into trouble for the first time was given an opportunity to take advantage of its procedures. After the complaint reached the district attorney he would go over and see the judge. If there was any likelihood of rehabilitating him, the judge would call the youngster before him in chambers. If there were parents they, of course, would also be present. If not, the guardian or whoever the youngster was living with at the time. The judge would talk with the juvenile, and if he concluded there was some chance of rehabilitation the judge would talk over the circumstances of the offense and the situation with which the boy or girl was faced. He would finally tell him that he was going to make a deal with him. The judge would go over the papers in some detail with the youngster after which he would tell him that for the present he was not going to let the prosecutor file them. "I'm going to put them in my desk drawer here," he would say. The judge would pull his desk drawer out and place the papers in it and would say "now, I'm going to keep the papers here 3 years," or whatever period he decided was best. He would then tell the youngster. "If you do not get in any trouble, I'm going to keep these in this desk drawer, but if you do get in trouble, I'm going to not only take them out of the desk drawer and have the district attorney file them, but he will also file a new charge against you covering the second offense you committed.

When the 3 years comes around, another meeting is held in the judge's chambers at which the old papers were burned up in the presence of the yougnster. It was most successful. In fact, we had enlarged the plan now to include adult first offenders. It is in operation now, in a large number of the 93 judicial districts in the United States. I don't know how many young people have taken advantage

of it, it would run into the thousands. The advantage of the Brooklyn plan is that the case never reaches the record stage. No case is filed.

So, those youngsters do not have to mark down every time they go to get a job, "yes, I was charged with such and such offense or I was convicted of such and such." He does not have to mark it down because the charge never was filed. The success of this plan substantiates the truth of the proposition that what we must do is get hold of the youngster early enough, preprosecution, when they commit their first offense. Those that show possibilities of saving should be placed in these halfway houses. Educate them in some trade, teach them some morals, the difference between right and wrong and things of that kind; parole them out in the daytime as apprentices or students; get the labor unions to change some of their present rules so that they can secure a job, be an apprentice to a labor union member; make them come back to the halfway house every evening for the night. Let those deserving it go out on the weekends and visit other places. When and as they are rehabilitated release them to volunteer case aids that will act as oversight agents.

As it is, we have the halfway houses available after the inmate is discharged from the institution. I say our penal institutions are just clearing houses for crime—graduate schools—where the inmates exchange their criminal experiences and become steeled in the ways of crime and corrections. How do you expect them upon being discharged from the penitentiary to get right into step with society. We have been teaching them as inmates that they must keep out of touch

with the outside world altogether.

They have to arise each morning at the same time; wear the same clothes; do the same things; eat the same food, take the same recreation at the same time et cetera. When they get out we expect them to step right up and toe the line in perfect cadence with all of society. Unfortunately we have taught them just the opposite for all the years they've been in custody. Under such circumstances how can we expect much more than what we get, that is, increasing recidivision. We must reach offenders early before they go into the penitentiary or the juvenile home. I hope I didn't—

Senator Bayn. I won't say amen.

Let me just get your thoughts on one other problem that's been brought to our attention repeatedly. Most of our States have legislation which includes a child as delinquent if he is considered incorrigible. This category is a catch-all which means that if a parent can't control a child, or a parent is unwilling to control a child, that the

child may be found delinquent.

Now, what can we do to increase the responsibility of parents? In one case I know, a little girl, who was 11 or 12, ran away from home. Her parents couldn't handle her. The police caught her, of course, because when she ran away she was violating a State statute. She was returned to her home, which is the normal approach for a runaway child. But her mother said that she didn't want to have anything to do with her daughter. The girl was incarcerated in jail for 11 months with some adults. Finally she was let out of jail. When asked the reason for running away, she said that she was tired of being sexually molested by her stepfather. In situations like this, what can the law do?

Justice CLARK. Well, perhaps we should visit some penalties on the parents. As a matter of fact, most of the time the parents are to blame for the juvenile problem, either through their own conduct or their lack of proper conduct. Some cities have ordinances, that place a penalty on the parents if a child commits specified offenses.

Of course, you do have incorrigibles. We have hardened criminals. I'm not in favor of turning them out at all, but I want to be sure they're incorrigible before I give them that treatment. You might as well kiss

them goodbye when you do it.

Senator BAYH. I don't want to put words in your mouth, but did you start to say that you want to make sure the juveniles are incorrigible before putting them in institutions where they'll certainly become incorrigible.

Justice Clark. That's right, because they'll sure be incorrigible

after they get through there. I've watched too many of them.

Senator Bayn. Mr. Justice, you've been very patient. I really appreciate your helping us in our thorough investigation here. As you think about this subject or examine specific proposals in our bill, I hope you will continue to give us the benefit of your 40 years of experience.

Justice Clark. Well, Mr. Chairman, thank you very much.

I'll be happy to cooperate with you in any way.

Let me say as I go that I certainly do applied your efforts and the efforts of the Judiciary Committee and of the Congress. There is no field—and I say no—no field that is more important to our country than this. You have it within your hands—within your power—I say, to improve present conditions by at least 50 percent and without the expenditure of much money. Indeed, as I have indicated, you can save more than you will have to expand. If your talent, your enthusiasm, your devoted work, and great ability bring about that result in the Congress, why, I would call you blessed. And I am sure, many thousands of others will do likewise.

Senator BAYH. You're very kind, sir. Thank you. Thank you very

much.

Justice CLARK. Thank you, sir.

Senator Bayn. Our next witness this afternoon is Jule Sugarman, the Administrator-Commissioner of Human Resources Administration, New York, accompanied by Ms. Dronska.

Did I pronounce that correctly?

Ms. Dronska. That's exact.

Senator BAYH. Director of Program Development of the Human Resources Administration.

We appreciate very much your taking time to be with us.

STATEMENT OF JULE M. SUGARMAN, ADMINISTRATOR, HUMAN RESOURCES ADMINISTRATION, NEW YORK, N.Y., ACCOMPANIED BY MS. DRONSKA, DIRECTOR, PROGRAM DEVELOPMENT, HUMAN RESOURCES ADMINISTRATION, NEW YORK, N.Y.

Mr. Sugarman. Mr. Chairman, I might, just by way of identification, tell you something about my background, because I think it will give you some sense of a prospective from which I speak. I am currently the administrator of human resources in New York City, and that program involves responsibility for the welfare department, for drug addiction, for child development, for manpower training, community action, and for a youth agency, the youth service agency being the largest city agency of this kind in the country I believe.

We also have responsibility for some 28,000 children who are committed to us in one way or another, either because they are persons in need of supervision because they are neglected or abandoned, or because they have been adjudicated as delinquents, and the assumption of responsibility for delinquents and their care is somewhat a new responsibility for us, having taken that over only last August.

new responsibility for us, having taken that over only last August. Prior to going to New York 2 years ago, I was with the Federal Government for a period of about 20 years, and at various times was involved in the administration of the Headstart program, which I administered for several years, the office of child development, and the Children's Bureau itself, which, as you know, has had rather major responsibilities for juvenile delinquency during the course of its existence, so that the testimony which I want to give today is based on experience both at the National and State levels.

I might also add that I neglected to state that I was with the Federal Bureau of Prisons for 3 years and was involved there with the development of the Robert F. Kennedy Center in Morgantown, W. Va., which I believe you are familiar with, and with the establishment of the President's Committee on Juvenile Delinquency and Youth Crime.

I hesitated considerably about the testimony I'm going to give today because I recognize that it may very easily be misinterpreted as to the thrust of that testimony and be viewed as an argument for a return to a harsher, more repressive, more regressive approach to juvenile delinquency. It is not in any sense intended to be that, but it is intended to be a vigorous argument for what I believe must be a more realistic approach to juvenile delinquency.

Senator Bayh. If I might just interrupt. Without yet being familiar with what you're about to say, I must say that one of the things I have admired about you in the past is that you have not been one who has shunned controversy if he thinks something needs to be said.

May I ask one last question so we make sure we have the jurisdiction of your present job.

I visited institutions like Tombs, Riker's Island, Spofford——

Mr. Sugarman. Manaida and Zarega. Yes. We assumed last October the responsibility for Spofford, Manaida, and Zarega. Not, however, for the Tombs and Riker's Island.

Senator BAYH. All right, thank you.

Mr. Sugarman. Let me say that when I was at the Federal Bureau of Prisons, which has now been more than 10 years ago, and when we were very much involved with the delinquents' problems, it seems to me that we were dealing with a kind of delinquent which I think still exists today, but which is not the predominant delinquent.

We were typically dealing with an individual who was involved with theft and some form of minor vandalism, in crimes that were more ones of annoyance than they were of really serious effects on society, and for the most part, many of the individuals involved in delinquency, after one brush with the law, recognized the problem and

got out of trouble. Of course, there were many who were sent to institutions.

You will recall that we had the National Training School here in Washington, D.C., which was later replaced by the Morgantown Institution. The National Training School was, at that time, like most institutions of confinement, almost a total failure, and I think that while there has been some improvement in that situation, that the possibilities of confinement as a correctional measure, are really very severely limited.

But, let me turn to my basic theme, and that is what it is about today's delinquent—or as I've called him in the testimony, the newer delinquent—that is different than the situation 10 or 15 years ago?

First of all, it seems to me that the serious violations of law, and I mean serious, involving physical abuse or major crime, are beginning at much younger ages. It is not atypical in the city of New York, to find young children between the age of 10 and 14 involved in very serious crimes, whereas 10 years ago it was much more likely to be a 16 or 18 year old.

Second, both teenagers and even some of the pre-adolescents are increasingly carrying out more sophisticated criminal operations, very carefully organized criminal operations, and they are using weapons much more extensively than they did in the past. Physical violence, often senseless in form, is increasingly a factor. You can't pick up a paper these days without reading about the case of somebody who steals a wallet and then stabs the individual for no reason that's discernible.

Senator BAYH. Is much of that drug related?

Mr. Sugarman. Yes, very much. It's a factor. A great amount of drug involvement is present, a very serious problem in New York. Drug involvement now extends not only into the junior high schools, but also into the elementary schools, and unfortunately, it seems to be the harbinger of things to come in other parts of the country as well. There's not question that New York City has a more severe drug

There's not question that New York City has a more severe drug problem than other parts of the country, and building in intensity and scope, but everything that we see in our city is being seen in other cities, and even in suburban and rural areas as well.

Violence, again, toward vulnerable people, aged citizens and even young children, is no longer uncommon. In some areas of the city the number of cases involved has reached such proportion that many older people in particular are afraid to walk the streets, where everything has to shut down at sunset because it's just not safe to be out on

the streets.

That, I think, is another difference, that illegal activity which was in the past largely limited to obscure places. It's now openly conducted in schools, on busy public thoroughfares, and in other localities which were formerly immune, and conducted by youth, people that we would characterize as delinquents.

Another factor is the continued growth in the number of runaways who have, for the most part, no way to survive except through one

form of delinquency or another.

Another point is that parents, other youths, and the community itself, I think, are now quite ambivalent about delinquency, confused about whether youth should be held accountable for their acts or

whether they are just simply victims of the society in which they live, and as you're aware, in many cases, the arrest of an individual, a young person, often now triggers community reaction, often triggers other forms of violence because parts of the public at least do not acknowledge the need to enforce the laws, or view them as being applied in discriminatory and oppressive fashion.

Senator Bayn. I wonder if the latter should be considered more

accurate than the former.

Mr. Sugarman. I think we're in a situation where things are feeding upon one another. I think the complaints of oppression and repression

and discrimination are wholly valid.

There's no question about it that the police forces in this country have moved in more vigorous ways against people with a minority background, whether it be a chicano, or a Puerto Rican, or a black person, than they would against a white individual from the middle class. No question, that the crime rates which are reported are wholly distorted by the fact that middle-class crime is often not reported and not included in the statistics.

Nevertheless, having said that, the fact is that crime goes on, and we need to find approaches which the community will accept and support, that deal with these problems in very real ways. The whole thrust of what I want to say today, Senator, is that I am much less concerned with the form of juvenile delinquency laws and the form of juvenile delinquency processes in courts than I am with the basic question of a correctional philosophy and a program which will, in fact, make a difference.

Now, kids who are involved in violence toward adults and toward other kids, who are seriously injuring people, who are involved in major thefts, those kids have to be involved in some correctional system. Not because they're bad. Not because they've done a nasty thing, but because they ought not to go on existing in that form of life if we're going to have any sort of domestic tranquility in this country.

Senator Bayn. May I interrupt you for about eight and a half

minutes, about as long as it takes me to get to the floor and back to vote. I've got to get there.

I'm sorry to cause this additional delay, but I think I'd better get over there.

(A brief recess was taken.)

Senator BAYH. I'm sorry.

Please proceed.

Mr. Sugarman. Well, just a couple of more factors that it seems to me are important differences from our situation, Senator, 5 years ago.

One of the things is things like parental disapproval, police courts, and even confinement or other kinds of punishment no longer seem to frighten or deter young people in the way that they did many years ago. They accept the risk of disapproval, and they gamble that they will either avoid punishment or take it as simply a risk which goes with the game.

And then finally, I think increasingly there is a public awareness that violations of law are a way of life among many of our largest business organizations, public officials, and quite respectable citizens; and that fact of course, is seriously eroding the moral distinctions between good

and bad as youth sees them, and they're aware of it.

You know, this is a very common sort of thing in much of our public life today.

Now, all the factors which I've mentioned, certain were present 10 or 15 years ago, but the thing that is different is the extent to which they now exist. And that extent is so great in my opinion, that I think we have to reexamine some of the premises upon which we have based both our legal and our programmatic approaches to delinquency.

Let me say, as I started to say earlier, that I was hesitant about this testimony for fear that people would say well, he's simply saying that this is all of a result of permissive courts, law enforcement, and mollycoddling courts, and inadequate forms of punishment.

Frankly, I think that's wrong because our "tough adult processes" have also proved totally ineffective, and it isn't to my judgment a correctional program in the country that has really been successful

in recent history.

I think that that's due to three major factors. One and probably the most important has to do with the basic societal factors of unemployment, continuing discrimination, lack of adequate education, and other developmental programs—all of which make it very difficult to reform or to correct the behavior of a criminal.

But second, and I might say incidentally, that with respect to that first factor, I think this committee has a relatively limited jurisdiction, except to the extent that it does provide for a well-run and administered court system and a fair court system but you're probably not able to change the basic unemployment situation or the basic educational system.

There are two factors, however, that I think you do have both an opportunity and some responsibility to intervene on and that is the trend, it seems to me, in juvenile programs to excuse behavior that harms society on the basis of age with no counterbalancing commit-

ment to prevent its continuance.

Again, I don't wish to sound repressive here, but I do want to emphasize that although there may be very valid factors leading to behavior, delinquent behavior; that doesn't say that we can accept those and allow them to continue. What it says is that we have to make some real commitment to turn things around. That leads to the third point and that is my very strong feeling that the courts and other agencies that are supposed to deal with the delinquent have never really been given the kinds of resources and kinds of authority that they need to do so.

That's why I think that this committee is now in a position as it has been, has done in the past, to break new ground, to seek out some new approaches and to really get people to focus on this absolutely urgent national problem. I believe that the legislation which is before you has the necessary form to encourage change but I suspect, however, that most of the funds which it would provide may very well be used to deal with the delinquency of the 1950's and the 1960's rather than what I consider the newer delinquency, the more violent, the more aggressive, the more difficult delinquency.

And I do hope that in the course of it's work that the committee will consider either in the form of legislation or committee reports or simply leadership encouraging, much greater attention and focus on those young people who have committed significant offenses involving

violence and involving very sophisticated criminal behavior. I don't want to discard or degrade the value of more general prevention programs or dealing with minor offenders in a more traditional mold. However, in a world where we're always forced to choose priorities, I think the first choice has to be to work with those who represent the greatest danger to society.

Senator BAYH. This is a very complex problem. Where does one draw the line between dealing with those juveniles who present a danger to society and "treating" those who don't present a danger to

society?

Mr. Sugarman. Right.

Well, I think that first of all, they are to some degree a danger to society so that what we're dealing with is not something that's exact

opposites but rather a continuum.

However, we have in this country now a great deal of legislation and a great deal of funding for broadscale social service programs, particularly under title IV of the Social Security Act; particularly under the various education acts and it's my feeling that those could with proper emphasis be used much more to deal with what one might call the run-of-the-mill delinquent, the young person who has done something wrong but it isn't terribly serious.

Senator Bayn. I'll act as Devil's Advocate here. Isn't one of the major manifestations of this newer delinquency that it isn't as confined in the hardcore poverty areas as it was before? Doesn't the whole thrust of the social security programs which you discussed limit the accessibility of those funds to certain income level? Aren't our hands

tied?

Mr. Sugarman. It's not wholly true anymore, Senator.

For example, under the current regulations in effect in New York City and State, nearly 80 percent of the city of New York constitutes an area in which we can provide services, or at least many types of services, to individuals who live in that area regardless of income levels, so that we can in fact and are in fact providing some youth services just across the board to at least 80 percent of the city.

Senator Bayn. Are you violating the provisions of the Social Secu-

rity Act in the process?

Mr. Sugarman. I don't believe we are. As a matter of fact, the program was quite recently approved by HEW. You may have noticed an article just about 3 weeks ago that New York State would now be receiving about \$500 million of additional money. Some of that was for the youth programs that we have been operating.

Senator BAXII. What percentage of the youth involved in these pro-

grams come from the lower income category?

Mr. Sugarman. A very heavy percentage, but of course, that's a fact of life in New York City that that's where most of the kids

are, in the lower income families.

Senator Bayn. But which needs are met in that kind of income programing? I don't want us to be lulled into the feeling that that social security program is really going to take the place of a major commitment of moneys to delinquency programs. I'm constantly told moneys are available but for some reason or another, the funds never reach the communities where they are needed. I just can't buy the suggestion that the necessary resources are available now.

Mr. Sugarman. Well, I would say two—really three things. No. 1, there are areas of activity that simply are not covered by the Social Security Act. Residential care of young people is one of those where there are serious limitations.

No. 2, most States, I think, have been grossly delinquent in refusing to take advantage and I'm sorry to say that your home State is one of those that has never really utilized the programs that were

available to it.

And third, while we currently enjoy a very unusual situation of open-ended funding in title IV, there is a continuing pressure from the administration to restrict that funding and to put specific dollar limitations on them.

As long as it remains open-ended—and that very heavily depends on what happens to the HEW appropriation bill this year in the Senate—as long as that remains open-ended in the Senate, there are a lot of opportunities, I think people should take advantage of.

There are other things that I think this Delinquency Act can and should do; that it could supplement and fill in the chinks that you

can't cover with the Social Security Act.

My plea would simply be that we have a delivery system that permits

these things to be all focused together.

Senator Bayh. Fine, you go ahead with your system, but anyone who reads the statistics has to think something is wrong even though some colleagues on this subcommittee think enough progress has been made.

Mr. Sugarman. It's patently untrue.

Senator BAYH. Just go ahead with your speech.

Mr. Sugarman. I have developed some suggestions for a number of programs which I feel are important to the carrying out of this other delinquency programs, the major thrusts that I would like to

see the committee consider and hopefully, to recommend.

This first is that I think that we must have prompt and vigorous action to place a youth under supervision as soon as he becomes accused of serious delinquency. The process now is often so long between the time that he comes to the attention of the law and before a final disposition that it loses all its impact. In the meantime, it's not at all atypical that a yong person will get involved with several other crimes.

I think that can be ameliorated if immediately the individual is placed under supervision. I'll talk a little bit more about that in a

minute.

Senator BAYH. If I may interrupt, the degree of speed and cer-

tainty of apprehension is a deterrent.

Mr. Sugarman. The second point I would make is that I think we have to put more emphasis on the involvement of parents, in the development of the treatment program, including. I think, giving judges authority to order parents to do specific things that may be helpful to the correctional program.

Third. I think that the courts have to be given the authority to order other public agencies, specifically in the fields of education, health, and social services: to provide specific kinds of services which are appropriate to the needs of the children and if those agencies do not have the money, then I think the courts should have the money to

provide those services.

It seems to me that's one of the things that this Juvenile Delinquency Act could do in the form of national special emphasis programs is to provide the judge with the dollar resources that he can guarantee that a service is going to be delivered to a young person who needs it.

I would say also that I think the courts have to have the authority to create jobs as is the case now with a number of other areas. We do use public money to create jobs when jobs are not available, either the Emergency Employment Act or the WIN program under the Social Security Act or even the Neighborhood Youth Corps but I do believe that at least for the older delinquents and even for some of the younger delinquents that the absence of either a full- or a part-time job is an absolutely crucial factor in the correctional program and if there's no other way to do it, then I think the judge should be able to create those jobs by establishing them in private agencies or in voluntary agencies.

I applied with a great deal of enthusiasm the commitment the act emphasizes toward community-based programs or small group programs. Like Justice Clark, I share the feeling that institutional care

by and large as we have known it has not been successful.

I'm not really sanguine that it can ever be successful in a large institution. In the city, we are now moving rather vigorously toward the use of small group homes and small group residences as an alternative to institutional care. And of course, those have the function of a half-

way house as Justice Clark was describing it.

I must say, however, that to be perfectly honest about it, our movement in that direction is more a result of a frustration with the institutional care, than it is with a certainty that these forms of care are going to work and I think there needs to be a lot of money invested in developing programs for the smaller facilities, developing staff that can function effectively. Again, I would see this as something that the act which is before you would be highly appropriate for and could make a real contribution to.

I think we need to do a lot more about the problem of runaways. You've had prior testimony on the extent of that problem and I won't duplicate it. Let me simply say that we have on the streets of New York City an awful lot of kids from other communities and a lot of kids from our own communities who have no basic home, who wander the streets, who stay with friends, who stay a night here and a night there and who are almost guaranteed to be in deep trouble with the law before too long.

Senator BAYH. Just from the standpoint of survival.

Mr. Sugarman. That's right. That's right. There's no legitimate

source of income and support for them.

One of the things that I want to put the greatest emphasis on is in the whole correctional process, the need for human contact. In my years with the Federal Bureau of Prisons, I had a chance to observe the role of various types of professional elergymen, social workers, psychologists, physicians, educators. I came to the conclusion that in that setting, that the individual who was most likely to be influential was the work supervisor or the quarters officer.

Somehow, there was an intensity of contact and a sensitivity that went on between those people and the young people that was lacking

in the more professional personnel and so while I wholly support the need for professionals as a part of the system, I put a great deal of emphasis on the nonprofessional, particularly on the individual who is doing this because he believes in some sort of voluntary capacity,

for example.

Senator BAYH. Forgive me for keeping interupting here, but we had some testimony from a number of people who are working at the institutional level in the new Massachusetts program who feel that there is a professional establishment which had a vested interest against change.

Is that necessarily true? Can we have professionally trained people

who realize the need for a change?

Mr. Sugarman. Well, surely, we have professionals who recognize the need for change. On the other hand, I must say that in virtually every professional field, whether it be education or social work or health or public administration, professions tend to corrupt their purposes and they tend to become defensive instruments for the defense of those who are part of the profession. And it's just a constant danger that one has to deal with, like the experience in Massachusetts is instructive, where an outsider, Jerry Miller, was brought in with a quite different background from most of the people there and just drastically overhauled and I guess substantially has done away with the institutional approach to care in that State.

He hasn't by any means run the battle wholly because the State legislature is still very much concerned about it and may well reverse some of the trends that he put into motion but there can be that kind of

change and professionals can be a leading part of it.

The point I'm trying to make, though, is so much of change, it seems to me, occurs because of the interaction between two or more individuals and kids who see a probation officer, let's say, once every 30 days or see some other public official or social service official on a relatively infrequent basis simply do not have the kind of contact that is necessary. There's just not time enough to do it.

It's not always the fault of the probation officer because typically, we develop a caseload for a probation officer that no man or no woman could handle and then we oftentimes put in working conditions that, you know, are not real. You know, they work between 8 in the morn-

ing and 4 in the afternoon, the kids are on the streets at night.

All sorts of bureaucratic factors develop in a professional system that I think are counterproductive to effective correction invention. I don't want to do away with those professional involvements but I would say to you that any substantial enlargement and substantial improvement, I think, will have to come by the involvement of the nonprofessional concerned individual.

In this connection, I think that many of our fraternal and our church organizations and Y's, the YMCA's, the YWCA's have a lot to offer and that they ought to be encouraged in terms of developing voluntary

programs.

I just recently had an opportunity to visit with an old friend of mine who is now on his fourth individual case of having worked with a released felon. This happens to be in the State of Minnesota and he has really been remarkably successful and just by the general back-

grounds, I would predict that all four of those fellows would fail but they're not because Bill has that human touch and will take the time to see them anytime they need to see him, whether it's twice a day or every 2 weeks, he makes the time available.

Senator BAYH. How many people can a normal "Bill" really handle? Mr. Sugarman. One at a time, one at a time.

Senator BAYH. One at a time?

Mr. Sugarman. Yes. He's a businessman. He's fully engaged in the ordinary business activities but he does this because he believes in it

and he would give whatever time it takes to do it.

Well, on the matter of the dispositions available to the court, and particularly the problem of job creation, I would also say that the courts ought to have the authority to order the enrollment of a young person in an educational institution, again paying the way, if necessary, but really making sure that that kid gets what is particularly necessary for him, the same thing is true of health care, the same thing would be true of general social services.

Now, let me turn in conclusion to some of the administrative con-

siderations as I think they are reflected in the bill before you.

I've already mentioned title IV and alluded to some of the educational acts in the Manpower Development and Training Act. The fact is that each of those can be used in substantial ways to deal not only with the traditional delinquent but with the newer delinquent. And I think that a mechanism is necessary to make sure that that happens. I would urge the committee to consider a provision of law which restricts the use of funds under the Juvenile Delinquency Act to those situations in which other kinds of funding are not available.

The history of appropriations for juvenile delinquency would indicate that it's going to be a long, tough, hard battle to get very high levels of appropriations and we ought to consider whatever we can

for purposes that we can't handle in other ways.

I note that the bill includes a section 406 which is designed to permit joint funding where there are several sources of Federal funding. That's an excellent idea but I should warn you that similar provisions in other legislation have been virtually useless because the administration interprets that language so narrowly that it will not—it gives you no real flexibility.

Let me give you an example. If you have a report required under one act on the first of the month, and another act required every 30 days—or let's say, at the end of the month the administration says, you can't require a single report because that would be a change of law, rather than simply a change of administrative policy. So if you're going to pursue administrative consolidation and I would urge you to do so, I think you'd better look for some language that is more likely to have that effect.

The basic structure of title V under which part A of the act calls for comprehensive programs, in the community and part B calls for special funding, special emphasis with direct Federal funding, is something of an anomaly to me because the amount of funds under special emphasis are of course much higher—nearly three times higher than for the basic comprehensive program—I take it that that reflects some concern about what might happen under a State-planned system

and the kinds of programs that would be financed and a desire to put money into innovative and new kinds of programs by direct Federal

funding.

I don't disagree with that, but I do think that there has to be some real attention to building up institutional capacity at the State level and I would say at the local level as well so that we can be comfortable

at putting funds into that basic comprehensive program.

One of the things that is always a problem for us as administrators is the fact that you'll work out a very nice neat highly organized program and the next thing you know, a Federal agency will come in from out of nowhere and fund a program that has no relationship to what you've been trying to do.

That's not always bad. Sometimes they're right and we're wrong but I think that ought to be the exception to the rule rather than the general rule and I would simply urge that whatever is going to be done in direct Federal funding, that there be some required form

of coordination with the State or local administration.

I also think the balance of money is wrong and that the basic comprehensive programs in part A should get three times the money as

the special emphasis programs get.

On the matter of local administration as you know through, I think, some of my other testimony, I'm very much an advocate of the local administration for the larger communities of this country.

I think you're seeing real movement in that direction in the manpower bills and in the child development bills and even in the feeding

programs for senior citizens.

I don't see that called for in this act and I would again urge you to seriously consider whether a basic prime sponsor concept at the local level should not be introduced at least for the larger communities of

several hundred thousand population.

I think that the act is an important one. I think, as I said earlier on the basic framework, it's sufficiently flexible that one can do much of what needs to be done here and I simply make my suggestions today not in degradation of the act or not to oppose it in any way, that simply to say I think with some additions and changes, there could be even a more stronger and more effective act.

We appreciate the opportunity to be here and will be pleased to

answer any questions.

Senator BAYII. You've been of great assistance to this subcommittee. As I understand your testimony, you support the philosophy in general of deinstitutionalization as far as sterile, clinical, massive, institutions are concerned.

Mr. Sugarman. Absolutely. And in every form of social program-

ing, institutions are failures.

Senator BAYH. Are we right in insisting that if we're going to have a real program to treat the problems of young people today, that we're

going to have to relate the programs to drug treatment?

Mr. Sugarman. Well, I think that there must be drug treatment as one of the weapons available to the courts or to other agencies that are involved. My basic feeling, however, is that drug usage is symptomatic. I do not think of it as an illness in the physical sense of the word.

Senator BAYH. Aren't you now describing my use of the word "drug treatment?"

Mr. Sugarman. Yes, I think that one has to deal with the basic symptoms which cause drug addiction. At the same time, one may have to deal with the addiction as a fact of life at the same time. Let me illustrate. We have now expensive methadone programs in New York City as well as other forms of institutional and ambulatory care.

In my book, none of those programs can really be successful unless they are accompanied by a real attempt at education and job creation, putting people into spots where they can lead a productive and more

optimistic life.

Senator BAYH, I incorporated that approach in my reference to treatment. I just couldn't see the wisdom in an institution as relatively enlightened compared to others as Rikers where half the juveniles are hooked, nearly hooked, or had been incarcerated merely for drugrelated business, in not dealing with the drug problem.

Mr. Sugarman. That is changed somewhat recently.

Senator Bayn. I'm glad to hear that.

Mr. Sugarman. Yes, but it's the continuity between the treatment which begins in the institution and what happens after they leave still isn't there.

Senator BAYH, I like your emphasis on the parent. That's something

I think we may need to give more attention to in our bill.

Mr. Sugarman. I would think, Senator, that that needs to be done, you know, very positive ways with parents; not as punishment as parents, not to say you're bad or you're wrong but what are your problems that need help or attention so you can be more effective with your kids is the basic approach I would like to see taken.

Senator Bayit. I wish the stepfather molesting his 13-year-old step-

daughter could be dealt with effectively.

Mr. Sugarman. Yes; well, he's got problems, too, and somebody ought to get to the root of those.

Senator BAYH. He certainly does.

Thank you both very much. I hope we can continue to keep in touch as we go ahead and formulate this program. I hope you'll feel free to let us have your thoughts later on.

I appreciate the inconvenience that you have been faced with here

today.

Mr. Sugarman. Not at all. Thank you very much. (Mr. Sugarman's prepared statement is as follows:)

PREPARED TESTIMONY BY JULE M. SUGARMAN, ADMINISTRATOR OF HUMAN RESOURCES, CITY OF NEW YORK, JUNE 27, 1972

Mr. Chairman and Members of the Sub-Committee: I am pleased to have an opportunity to appear before this Sub-Committee to discuss the proposed "Juve-

nile Justice and Delinquency Prevention Act of 1972".

By way of introduction I am currently the Administrator of the Human Resources Administration in New York City. This agency has responsibility for welfare programs, the youth services agency, and the City's addiction programs. In addition, some 28,000 children are committed to our custody because parents are unable or unwilling to care for them. Several months ago IIRA also assumed responsibility for the City's juvenile institutions which had formerly been operated by the probation agency. Over the course of a year our agency affects the lives of over 1.000,000 children in New York City. A very high proportion of the children with whom we are in contact are likely to be involved in delinquent

behavior at one time or another.

In the past I have served with the Federal Bureau of Prisons where I participated in the development of the Robert F. Kennedy Center at Morgantown, West Virginia as well as the Bureau's halfway houses for youth. I was also involved in the initial creation of President Kennedy's Committee on Juvenile Delinquency and Youth Crime. Later I directed the Head Start program for OEO and the Children's Bureau and Office of Child Development for HEW.

I mention these facts simply to explain that my testimony today is based on experience at both the national and state levels. Furthermore, it covers a number of years during which I believe there have been sharp changes in the character and intensity of juvenile delinquency. There is today a "newer delinquency"

which creates far greater danger for our society.

Ten to fifteen years ago the general perception and the general reality of a juvenile delinquent was an older teenager involved in some degree of theft or minor vandalism. Much of what we called delinquency was some form of minor rebellion against parents or school. Many delinquents ended their career after a single brush with the law and without any necessity for confinement. Unfortunately, even then, confinement was proving an essentially ineffective remedy for

delinquency.

How then does today's picture differ from 10 to 15 years ago? It seems to me that all of yesteryear's characteristics are still present; that the kinds of delinquency which we knew then still exist. But I suggest to this Committee that we are now faced with a "newer delinquency" that makes our prior concerns relatively insignificant. The fact is that much of today's "newer delinquency" is far more serious, far more dangerous, and much less susceptible to conventional approaches. Let me be clear that my "facts" are impressionisic, difficult to defend statistically, but nevertheless reasonably indicative of current trends.

Serious violations of law are beginning at younger ages.

2. Teenagers are carrying out increasingly more sophisticated criminal operations and using weapons more extensively.

3. In some cases, juvenile crime is being carried out by gangs organized for that purpose.

4. Physical violence—often senseless in form—is increasingly a factor.

5. Violence toward other vulnerable people—aged citizens and even young children—is no longer uncommon.

6. Drug involvement is present in many cases.

7. Illegal activity is openly conducted in schools, on busy public thoroughfares and in other localities which were formerly immune.

8. There are growing numbers of runaways who often have no way to survive except through delinquency.

- 9. Parents, other youth and the community are often ambivalent about delinquency—confused as to whether youth should be held accountable for their acts or whether they are simply the victims of the society in which they live.
- 10. Parental disapproval, police, courts, confinement, or other punishment no longer frighten nor deter many youth. They accept the risk of disapproval. They gamble that they will either avoid the possibility of punishment or accept the risk as part of the game.

11. The growing public awareness that violations of law are a way of life among many of our largest business organizations, public officials and "respectable" citizens is seriously eroding the moral distinctions between good and bad. These adult examples are not lost upon our youth.

It should be clear that all of these factors existed, in degree, fifteen years ago. What is different, in my judgment, is the extent to which they now exist—a degree which I think must force us to re-examine many of the premises upon which we have based both our legal and programmatic approaches to delinquency.

I have considered at some length whether it would be desirable to give this kind of testimony because of the simplistic and erreneous ways in which it may be interpreted. Those who have long opposed differences in the treatment of delinquents from adults may well cite it as evidence that the growing lawlessness among youth is a direct result of permissive law enforcement, mollycoddling juvenile courts and inadequate forms of punishment. Frankly I think that is dead wrong because our "tough" adult processes have also proved wholly ineffective. In my judgment the failure of our "correctional" programs, both youth and adult, stem from three causes.

1. Basic societal factors of unemployment, continuing discrimination, lack of adequate education and other developmental programs, and the general mores of society.

2. A willingness to excuse behavior that harms society on the basis of age with

no counterbalancing commitment to prevent its continuance.

3. A lack of resources which would permit the courts and other agencies to deal realistically with the delinquent. Factor one is beyond the scope of this

Committee's authority, but it can have great effect on factors two and three.

That is why this Committee must now break new ground—seek other approaches to this absolutely urgent national problem of the newer delinquent. The legislation which you are considering has the necessary form to encourage change. I suggest, however, that most of the funds which it would provide will be used to deal with the delinquency of the 1950's and early 1960's, unless the Committee makes clear its intentions.

A focus on the "newer delinquent" would dictate that the bulk of programs and funds be focused on those young people, and their parents, who have committed significant offenses. The emphasis should be on intensive interaction with those whose patterns of behavior show they are headed toward violence

or sophisticated criminal behavior.

I do not discount the value of more general prevention programs or of dealing quickly with minor offenders in the more traditional mold. However, in a world where we must always choose priorities, the first choice must be working with those who represent the greatest danger to society. Furthermore, as will be indicated later, there are other public funds which can be used to meet more traditional needs.

APPROACHES TO THE NEWER DELINQUENCY

What then are the types of policies that may help the nation to deal with the newer delinquency? First and foremost I think we have to at every stage take delinquency seriously. At every point of contact the youth should understand that his age is not a valid excuse for the harm which he has caused to people or property.

My program for the "newer delinquent" includes the following elements:

1. Prompt and vigorous action to place the youth under supervision as soon as he is accused of serious delinquency. Continuing personal contact with the youth during trial, confinement or treatment.

2. Full involvement of the parent(s) in planning the treatment program

including authority for a judge to order them to perform specific activities.

3. Authority for a court to order public agencies to provide specific and appropriate services in the fields of education and health and social services. Authority to fund the creation of jobs. Appropriation of funds to the court to finance services when they are not otherwise available.

4. Use of community based treatment programs and/or small group residential care as alternatives to confinement in large institutions. Invest-

ment of adequate funds to develop such programs.

5. A program to deal specifically with the needs of runaways.

SUPERVISION OF DELINQUENTS

One of the reasons that delinquents do not take the courts seriously is the long delays before the courts act on cases. Action by the courts should be initiated promptly and completed speedily. The youth should be placed under supervision within two working days after the youth is brought to court. With rare exception courts should be able to adjudicate and dispose of each charge within thirty days.

I believe that any youth who is charged with a serious act of delinquency should immediately be placed under some form of supervision even prior to a final determination of guilt. The form of supervision should be adapted to the

particular situation and may take several forms including:

As a first choice parental supervision where a preliminary review indicates that the parent(s) have the strength and relationship with the youth to assure effective supervision. The courts should be realistic in this assessment.

Supervision by an individual from the private community who has both the interest and skill to work with young people. These could include older youth.

Supervision by an organization which offers services to youth and which... has sufficient staff to maintain personal contact with the youth.

Supervision by social service or probation departments.

The purposes of supervision are threefold:

To make it clear to the youth that there is a human being that cares about him and will help him to do something about his problem.

To make it clear to the youth that involvement in delinquency is a serious

matter and brings prompt action.

To gain insight to the youth's attitudes and problems which may help in a

final disposition of the case.

I cannot overemphasize the importance of frequent and intensive contact with -the youth throughout the whole period of his involvement with the law. Supervision should be specifically divorced from the question of guilt or innocence. For a number of reasons I believe that supervision by other than public employees will generally be more successful. Governments rarely are willing to employ sufficient numbers of persons to establish a reasonable caseload. Therefore, even the best of employees finds himself unable to maintain frequent and intensive contact with a youth. Secondly various rules of bureaucracies; e.g., qualification requirements and prescribed hours of work, inhibit effective public operation.

In every instance the court ought to advise the youth of the rules of supervision and should insist that the supervising individual regularly report to the

court on the youth's progress.

INVOLVEMENT OF THE PARENTS

I believe that parents should in all cases be part of the proceedings against a delinquent. At every stage—placing a youth under supervision, trial, decision on a corrective program for the youth and participation in the corrective program—the courts should have the right to compel the attendance of the parents and to impose obligations upon them. These obligations might include specific ways in which the parents would be required to help the youth and reporting by the parents. Just as the youth will be held accountable by the court, so should the parents.

I am well aware that much delinquency cannot reasonably be attributed to faults of parents. On the other hand it is their child, not that of the State, and the State should not be compelled to assume full parental responsibility. Only if the court is convinced that it would be counter productive to involve a parent

should they be excused from participation in the full process.

ALTERNATIVE DISPOSITIONS

It seems to me that a prime objective of the courts in making a disposition should be to avoid placing juveniles in programs which are limited to other delinquents or criminals. Put more positively, the greatest corrective (or other) influence on an individual is likely to come from those with whom he is in daily contact-particularly those of his own age. Therefore, every effort should be made to place delinquents in programs or activities which are open to other young people who can positively influence him.

The courts must have available to them a much wider range of dispositions

than they presently do. Their authority should include the power to compel other public agencies such as health, education, and social services to make arrangements for a delinquent youth which are suited to his particular needs. The courts should have funds available to reimburse such agencies for extra

expenses that they may incur.

One of the most important powers needed by the court is the ability to create a job for the youth through public funding. Precedent authority exists in Federal legislation such as the Emergency Employment Act for the unemployed; the Talmadge Amendment to the Work Incentive Program for welfare recipients; and the Neighborhood Youth Corps program for the in-school and out of school youth. In none of these programs may a court presently order the enrollment of a youth. They should be able to do so and to provide the necessary funding.

Similarly the courts should be able to arrange for youth to participate in a training or educational program which will meet his special needs. These may or may not be conducted under auspices of the public education system. The court or its agent should have discretion to fund training through any com-

petent public or private agency.

Where health defects are a factor in the youths' behavior, attitude or lack of opportunities there should be authority and financing to order corrective

health treatment.

It should be very clear that the court may take all these steps without ordering the confinement of the youth. In many cases he would be maintained in his own home. In other cases he might be placed temporarily with another family or individual. In still others, he might be placed in a small group home. Institutional placement would normally be a choice of last resort.

COMMUNITY BASED PROGRAMS

I have noted with enthusiasm the Act's great emphasis on the development of community-based programs and its emphasis on non-residential and small group treatment efforts. Both approaches are excellent and clearly dictated by the long history of failures in institutional treatment. This Act could provide the funding which will make such programs truly feasible. It should be clearly understood that there is very little experience that demostrates community-based and non-institutional programs are more successful. Our preference for them is really the result of frustration with existing systems. It therefore becomes urgent that we invest adequate funding in the development of more effective community-based programs.

RUNAWAYS

New York City, and other metropolises as well, have in the past decade attracted scores of young people who come with hopes for a new and better life and who fight to survive on the streets of the city, falling prey to malnutrition, drugs, disease and criminal behavior. Three years ago the estimates for runaways under 17 were at 500,000 for the nation. This figure has steadily risen. In 1971 there were an estimated 600,000 minors who had run away from homes, foster homes and institutions. Estimates over the past three years suggest that there may be as many as a million and a half youngsters under 17 who are adrift without sustenance or employment in our cities.

While the predominant runaway minors are in the 15 to 17 age group, the current phenomenon increasingly involves youngsters in the 12 to 15 age group. Further data reveals a marked increase in female runaways, many of whom resort to prostitution, stealing and panhandling to survive. This correlates with the increased rate of arrests among the female youth population in recent years.

Lack of adequate housing and appropriate social services for runaways has

resulted in serious problems among this population:

1. Health problems—especially high rates of venereal disease, and hepatitis;

2. Increased rates of alcoholism;

3. Increased rates of drug usage;

4. Lack of motivation and inability to relate.

In New York City, one of our biggest juvenile problems is that of the stranded minor. This group of youngsters ranging in age from 16 through 20 is not using the regularly established social and rehabilitative programs because they fear being returned to their homes if they divulge any personal information. In effect their fear is well founded since anyone fitting the definition of a "stranded minor" is processed by the police and given food and shelter pending return to the home community.

The procedure works as follows: When a stranded minor contacts either the local welfare agency or a voluntary group such as Travelers Aid Society, he is referred to the nearest police precinct. It there is a missing persons report, the minor is held in a locked facility pending his return. If he is not reported as missing, he is referred to a "Y" for the night and the next day the Department of Social Services arranges for his return home. At no point is there a possibility to consider that the youngster may need time to work out what he wants to do which would lead to his eventual ability to work or return to school. There is no possibility for this consideration because there are no programs and no funds which could provide this option without putting him through the hurdles of eligibility.

It is this process that makes an absolute statistical definition of the problem at best an educated guess. The "word" is out that the institutional systems are to be avoided and we lose track and count of those who barely survive in commune-like groups and drift around, winding up as victims or victimizers.

The means available to us to deal with the problem of runaway youth in an innovative way are pitifully few. Travelers Aid Society has a group program for youngsters whom it reaches at airports, and railroad stations. The program is handicapped because it cannot provide a "crash pad" with medical, social and other necessary services. The limitation is due to our inability to fund a program of individual services without individual eligibility determination which is

anathema to these youngsters and drives them away.

There are two other model projects, both funded by Jewish Family Services, one jointly with New York's Bureau of Special Services to Children. One of these is a store front program in a section of the City which tends to attract transient youngsters. The store front is an open door "induction" center where efforts are made to get the youngster involved in discussion of his problems. Referrals are made for necessary medical, dental and rehabilitative services. The other program isa "crash pad" residence where a youngster who is "clean", a non-user of drugs, can stay up to a maximum of 14 days while deciding what to do with himself. The store front operation since June of 1971 has handled about 700 requests; a majority walk in or are peer group referrals. Of these about one-third returned home, one-third broke contact, and one-third became "street people" panhandling, stealing, or prostituting to survive. The funding level is \$220 thousand annually. Each year there is the threat of non-refunding because of unavailability of funds.

ADMINISTRATIVE CONSIDERATIONS

The Juvenile Delinquency Act should be considered in terms of its relationship to other Federal legislation having similar purposes. Many of the activities proposed under this Act can be carried out under Title IV-A of the Social Security Act or under various education acts. The former provides 75% Federal funding for social services designed to prevent juvenile delinquency in families receiving public assistance or in other low income families. Under present law, Federal appropriations for these social services must be provided to match State and local contributions no matter how large they may be. Very few States have used these funds to the maximum extent possible, but there is no reason why this cannot be done.

Educational and social services can also be provided for delinquents under Title I of the Elementary and Secondary Education Act, under the Manpower Development and Training Act, and under other pieces of legislation. While funds for these acts are not open-ended, as is Title IV-A of the Social Security Act, there may be opportunities to shift available funds toward delinquency preven-

tion and treatment programs.

In this context I would strongly recommend that the Committee include language in the bill directing a coordination of efforts among agencies. It should also restrict the use of funds available under the Juvenile Delinquency Act. Since these may be severely limited they ought not to be used for activities that can be accomplished in other ways.

I note that Section 406 is designed to permit joint funding involving several sources of Federal funding. The Committee should be aware that similar language in other legislation has proved virtually useless because of the narrow

interpretation given to it by the Administration.

I have serious reservations about the administrative structure envisioned under Title V of the Act. Part A of that Title calls for a single State agency the plan, develop and operate comprehensive programs. Part B provides direct Federal funding of special emphasis programs to public and private agencies without any reference to the activities under Part A. Furthermore, the amounts authorized under Part B aré three times as large as Part A. Finally, there is no real recognition that delinquency programs can often best be managed at the local level. Much recent Federal legislation in such diverse fields as manpower training, child development and food programs for the elderly is specifically requiring that substantial portions of total funds be locally administered. I believe that any administrative structure for the delivery of services ought to meet the

It should permit a Governor or Mayor to assign responsibilities to that part of the government structure which can most effectively do the job

even though this violates the principle of a "single agency."

It should direct that there be local administration in those jurisdictions having the competence to carry out the program.

It should provide the bulk of funds to that agency which is responsible for the comprehensive program and should require the latter to be involved in decisions about special emphasis or demonstration programs.

Clearly the planning, funding, and fiscal coordination called for in the "Juvenile Justice and Prevention Act of 1972" is a basic and primary need. Our concern is for allowing the maximum planning coordination on a local urban level,

while recognizing the need of the State.

I think that most efficient coordination can be achieved by designating major urban areas as a "program area" and a unit of local government as a "prime sponsor." This "prime sponsor" would have to document to the National Office of Juvenile Justice and Delinquency Prevention a capacity to carry out effectively the programs defined in this Act by coordinating all governmental and voluntary efforts in a project.

I am concerned that other than local program coordination and other than local assumption of prime responsibility could result in the continuous frag-

mentation of funding and planning.

A proposed "Juvenile Justice and Prevention Act of 1972," incorporating the suggested amendments and programs, should provide a means by which urban centers of this nation can begin to deal creatively with the future of this nation and its youth.

Senator BAYH. Our next and final witness today is Dr. Hubert G. Locke, Jr., dean of the School of Public Affairs, the University of Nebraska.

I apologize for the lateness of the hour. I understand you were formerly chairman of the Department of Religion at Wayne State University in Detroit.

As dean of public affairs are you partially responsible for this

"You're Number One" or "We're Number One" business?

Dr. LOCKE. I have the misfortune, Senator, of having moved to a State that thrives on athletics and I am known as the most unathletic person now resident in that State.

Senator BAYH. I don't think your athletic prowess or lack thereof disqualifies you from being an expert witness here. We appreciate your taking time to let us have your thoughts on the subject.

STATEMENT OF DR. HUBERT G. LOCKE, DEAN OF THE SCHOOL OF PUBLIC AFFAIRS AND COMMUNITY SERVICE, UNIVERSITY OF NEBRASKA

Dr. Locke. Thank you very much.

If I might, I should like, Senator, to depart from my prepared comments which have been submitted to your staff and make, with your permission, three very brief responses to questions that you have put to the two earlier witnesses.

As I recall, you asked Mr. Justice Clark, whose comments certainly need no expansion, certainly from me, the question of whether juvenile court judges had sufficient alternatives for dealing with youths who

are adjudicated as delinquents.

My experience in observing this problem, Senator, has been that the basic problems stem from the fact that juvenile court judges in metropolitan communities at this point in time basically have no alternatives whatsoever. It's not the matter of increasing options for them, it's a matter of giving them for the first time in history some decent options with which to deal with youths adjudicated as delinquents.

Juvenile court judges do not have the option of probation because the case loads of probation workers are simply too high to be effective. As the former commissioner of police for whom I worked as a special assistant for a number of years used to say, we don't know if probation works in this country because we've never given it a decent try.

Juvenile court judges do not have the option of incarceration because the training facilities, abysmal as they are, even if we were going to try to make adequate use of them, are simply too full at this

point in time to send youths to.

In my former home State of Michigan, where out of facilities for some 10,000 persons both juveniles and adults in State prisons and training schools, we have less than 400 facilities for juveniles, the juvenile court judge told me—although these figures are about 3 years old, I imagine if anything they are worse at this point—that he could reasonably send eight youngsters from Wayne County alone in Michigan to training school facilities if the State facilities were opened and available.

It would mean that within the course of a year's time we could fill up all the facilities for juveniles in the entire State of Michigan

with juveniles just from Wayne County.

Senator BAYH. Pardon me, did you say eight or 80?

Dr. Locke. Eight, eight per week. Senator Bayn. Oh, per week. Dr. Locke. Eight per week.

Judge Lincoln likes to recite, if I might, Senator, the example of the youngster brought before him for auto theft who at the time of his apprehension had stolen 23 cars.

The judge examined the youngster's record, thought of the alternative of probation and was rather certain that this would be a useless

exercise.

He thought of the option of sending him to a training school and knew that there was no facility to place him in, so he gave the youngster a dressing down from the bench and released him because that was all he could do, only to have the youngster leave the courtroom and steal another automobile in order to get home.

So I think it underscores the point, Senator, as implied in your question, that what we have to do and what S. 3148, as I read it, seeks to do in a very resourceful manner is to begin to provide some

options for juvenile court judges and for the system.

Senator Bayn. Doctor—excuse me—if you'll permit me 1 minute for a phone call, Ill be right back.

Dr. LOCKE. Of course.

(Pause.)

Senator BAYH. Excuse me, Doctor. It's one of those days and I'm sorry you've had to be subjected to it.

Dr. Locke. That's quite all right.

If I might make a quick comment, Senator, about your question regarding the role of LEAA, it was—I am convinced—the intent of Congress—and certainly the bill itself reflects such, to provide a sound and wise approach to the problem of law enforcement as it relates to this problem—but it has been my conviction that the net effect of the LEAA program, in spite of the best efforts of its administrators and the attempts in many States to spend the money wisely, the net effect of LEAA has been to give aid and comfort—or to con-

secrate, I should even say, Senator—many of the worst aspects of law enforcement policy and programs as it applies to the problem of juvenile delinquency. Its effect has been to reinforce the idea that we can deal with the problem of crime in general and juvenile delinquency in particular as a technological rather than as a social problem and I think we have simply no evidence with which to support that assumption.

My third comment, Senator, is to respond briefly to your question as to whether there may indeed be a number of professionals who have widely vested interest against change in the system that now prevails

in the juvenile delinquency field.

Not only is this true, Senator, but I think part of the reason, sadly enough, is that we're trying to treat what might be termed cancer or a cancerous social situation, with professionals, some of whom have been trained to administer bandaids, some trained to give intravenous feedings, some trained to give cobalt treatment, some trained to read thermometers, some trained to change the bedsheets; but no institution or staff is trained or equipped to deal with the total problem in any comprehensive fashion.

I think the responsibility for a great deal of this chaotic situation must rest upon the universities and I read with great delight in S. 3148 concerning the resources which would be provided for universities to begin to train people to deal with this problem in new, imaginative and especially interdisciplinary ways and I would stress this

as one of the very important aspects of the bill.

I would like to stress if I might or to underscore, Senator the resources of the bill which provide for and which underscore the importance of early identification and intervention. Anyone involved in the field of juvenile delinquency and crime control recognizes that most youths who begin their careers in crime and graduate as adults to more serious crimes are persons who in large measure could be identified at a relatively early stage in their criminal career and perhaps persuaded to follow alternative and more constructive patterns of behavior.

Senator BAYH. Now, wait a minute. Could you be more specific? How do we identify juveniles early enough to do something about their problems? What can be done with a 16-, 17-, 18-year-old who has been committed for an indeterminate sentence from age 12 to a juvenile in-

stitution? That may not have been a good example.

Dr. Locke. It's a perfect example, Senator, and let me give you in very brief fashion the results of a study which I directed for Wayne County under a HUD grant some 3 years ago, during the course of which we examined the records of some 123 persons in the State prison of Michigan.

The prison records of these 123 inmates indicated that they were first arrested and brought to the attention of law enforcement officials in

the courts as juveniles.

These were all men serving prison terms as adults for felony convictions but who also had a record of a period of incarceration in the boys training school in their prison files. In over 80 percent of the cases, there were indications that those men had at some point come to the attention of someone in the community as a youngster who was headed for trouble.

Sometimes it was their parents who came to school officials or a family minister or priest or a YMCA director and who said, "I can't handle this kid." Many times it was a school teacher who either reported to the school counselor or just said in the school lunchroom to a fellow teacher, "there is a youngster who, if we don't get to, is going to end up in the State pen.

Senator Bayn. Eighty percent?

Dr. Locke. Eighty percent of those files indicated that someone early in that youngster's career identified that youngster as someone who needed help but no intervention took place. I would sumbmit in this regard, Senator, that one of the things that your bill provides the resources for but resources which I hope might be strengthened, if I might suggest such, by—well, I can only state it as a forcing on the part of private agencies—who are spending literally millions of dollars purportedly in this field of dealing with youths and dealing with the problem of juvenile delinquency, forcing those agencies to take a more responsible position in the spending of their money to deal with these problems.

I think it's safe to say that most private agencies, agencies generally funded by the Torch Drive operations, et cetera, who purport to deal with the problems of juvenile delinquency and crime have almost

uniformly a policy of not dealing with hardcore delinquents.

Their preference is to deal with a safe youngster or in many cases, the neglected youths but not those youths who show clear tendencies toward criminal activity and this is an area in which I feel large—enormous if you will—some private money is being spent poorly, unwisely, and in many instances, dishonestly since these are agencies who in their annual reports or in their public statements indicate that a great part of their responsibility—as I've indicated in my prepared remarks—is to try to deal with the problem of juvenile delinquency.

Those agencies, I think not only through imaginative planning, but through the kinds of pressures that can be brought in budget allocations, can be required to deal more responsively and more comprehensively and in a coordinated fashion with the problems of delinquent

youths.

What we need is a network, Senator, in which once a youngster has been identified as headed for trouble, he can be referred to private agencies who then will have the responsibility not only to try to deal with that youngster, but also the responsibility for followup, for evaluation for knowing 2, 3 years later where that youngster is and how he is turning out.

Senator BAYH. Let me pursue that observation. Your criticism is directed at voluntary agencies for their unwillingness or inability to deal with the young people who are most likely to become juvenile

delinquents.

Dr. Locke. Precisely.

Senator Bayn. But these agencies deal with juveniles on the periphery of delinquency. I suppose we would admit that those youngsters, too, need services.

Dr. LOCKE. That is the youngsters on the perihphery.

Senator BAYH. Yes; on the periphery. I want to make sure that I'm understanding that the criticism did not go to somebody having their hand in the cookie jar or exorbitant expenses for administration.

Dr. Locke. Not at all. When I used the statement, Senator, that some of the money was being spent dishonestly, that warrants an explanation.

My point simply is that if you examine the annual reports of most private agencies which receive Torch funds, and which in their charters or their public statements purport to deal with the problems of hard-to-handle youths, you will find, in effect, that they are dealing either with safe youngsters, youngsters who in 98 percent of the cases will turn out well no matter who touches them or else with youngsters who are just marginally on the edge of lawlessness.

But for dealing with the kinds of young people that Mr. Sugarman described in his testimony, I think you will find, Senator, that most private agencies wouldn't touch such youths with a 10-foot pole.

Senator BAYH. Are you familiar with the Chattanooga YMCA pro-

gram?

Dr. Locke. Not only the Chattanooga program but several other Y programs in other parts of the country and I must say that in recent years, very recent years, but gratefully, the YMCA stands out as a notable exception to the charge that I have just made.

Senator BAYH. Excuse me for just another minute.

Dr. Locke. Of course.

(Pause.)

Senator BAYH. Well, we'll try it again.

Dr. Locke. If I can, Senator, let me just try to put my last point in focus by indicating that for several years I sat on the board on United Community Services Agency in the city of Detroit responsible for allocating some \$19 million on Torch Drive funds to perhaps maybe 50 private agencies.

A large number of those agencies every year came in and predicted their budget request first, on the clear indication that they were dealing in their program and with their staff, with the problem of juvenile delinquency and second they operated on the premise of what I came to call the add-on theory which was simply that if we gave them a 10-percent increase in money and staff, they could lick the problem.

We had absolutely no way within that body either of achieving agency accountability, that is of being able to say when they came in the following year, is there clear evidence that you have indeed spent the money according to the programs which you asked us to fund. There was also no way of our being able, at that point at least, to force interagency coordination between these various institutions to make sure that staff resources and financial resources and physical resources were being used wisely until as a matter of fact, the United Community Services in Detroit made a clear policy statement which said in effect, we shall begin making our budgetary allocations on the basis of certain priorities.

One priority will be the extent to which your program serves the problem of intercity youth because the studies which have been done for UCS—and incidentally, this will be duplicated throughout the country—indicated that a preponderance of private dollars in this area were being used to serve the needs of middle-class youngsters, safe youngsters, if you will, youngsters, as I indicated earlier by and large who would be able to make it on their own with or without

anyone's help or intervention.

Second, we'll begin to make our budgetary allocations on the basis of some clearer indication each year that the money has been spent in accordance with what you're telling us you're doing.

If you purport to deal with juvenile delinquents and if you say you're serving x number of those youths, we want to know a year from now how you came out, how many youngsters did you handle?

What happened to them? How many were rehabilitated. How many continued to pursue criminal careers or were started back on the path to a constructive life-style. I can tell you, Senator, that policy statement by the Detroit UCS caused absolute havoc among its agencies. A number of them came on board and out of it came, from those agencies, some very imaginative efforts. Other agencies simply fell by the wayside and have been unable to respond to the challenge but my whole point is to indicate the kind of supplemental resource to the thrust that your bill represents that I think must come from the wise spending of the private dollar in this field and this, it seems to me, relates to the third and my final point, Senator—or maybe it's the sixth one by now—

Senator BAYII. That's not too many.

Dr. Locke. And that's a very important emphasis in S. 3148 on community-based correctional facilities. If there's anything we discovered in the last quarter century and I'm sure the testimony given before you has more than amply substantiated this fact, it is that in our State institutions we are simply providing a State run sophisticated school for young criminals.

But in the last 5 years, we have also discovered—and here I would go just a bit beyond Mr. Sugarman's remarks—that indeed, those programs which are community based and correctional in nature, in a great number of instances are showing greater and better results

than our institutional State-run agencies.

We are experiencing an enormous time lag in this business between what we know is at least more workable and what we have been willing to invest our time and effort in, and I think one of the high points of your bill is the resources and the initiative that it provides for more communities to engage in this kind of correctional effort.

Senator Bayh. Let me ask you to comment if you will about Mr. Sugarman's dialog relative to the new delinquency and the role that certainty of apprehension and adjudication play in combatting

juvenile delinquency.

Dr. Locke. There's no question about it, to my mind at least, Senator. The accuracy of Mr. Sugarman's observation and indeed your own comment in response to it, that the certainty of apprehension and of adjudication is a very important aspect in this entire field. However, I am more concerned and have become increasingly more so as the years have passed, with what we can do before a youngster gets to that point.

Once he gets into the criminal justice process, at least as it works today, we can all but write him off. I think your bill will go a long way toward at least correcting some of the worst abuses in the criminal justice system but I think we will really get at the nub of the problem when we can turn our attention and resources to that youngster when he is first identified as a youngster in trouble before he comes

to the attention of police officers or juvenile court judges and it is for that reason that I emphasize the concept of early intervention and of providing resources for a school teacher who recognizes a youngster in the third and fourth and fifth grade as a youngster who needs help, to give that teacher a place or a resource or people to whom to refer that youngster other than the school counselor who is so inundated with paper work that she will never get to the troubled youngster or to some agency which is already understaffed and overworked, some agency who has the built-in responsibility to report back in 6 months, a year, 2 years or 5 years later on this and be able to tell what's happened to that young person.

Senator Bayn. That's been the substance of our reasons for looking behind the system. We're hoping to find a way that we wouldn't need the system or as many juveniles won't be referred to the system because the problems are dealt with before they get into the official

channels.

I suppose if a child is apprehended for stealing 27 to 28 cars, and if there is a responsible way of immediately putting that youngster under a type of noninstitutionalized supervision, our chances of saving him would be greater than if the courts lectures him and then turns him right back on the street?

Dr. Locke. They would indeed, Senator, and they might have been even greater if that youngster had been reached before he had stolen his first automobile. He was probably caught earlier pilfering money from his mother's purse or pilfering supplies from the local 5 and 10 cent store or pilfering supplies out of his school teacher's closet.

I can almost guarantee that at some earlier point, that youngster was identified before his first automobile theft as a youngster who needed help or a youngster who had this kind of problem. I think it's at this stage that we could do our greatest job of intervention and it's precisely at this stage where we have the fewest resources and the least

interest, Senator, in doing anything about it.

When I speak of the role of our private agencies in this regard, I have in mind not only U.C.S. type agencies but the churches which Mr. Sugarman also emphasized. They're spending enormous sums of money, they have enormous investments in facilities and in some places, imaginative staff who could be used in this kind of intervention almost on a one-to-one basis with the responsibility with for really following through with youngsters assigned to them and I don't mean seeing that he's in Sunday school every Sunday. That often trite phrase of youngsters in Sunday school not getting in trouble with the law is I suppose true, but it's at the same time really meaningless because that's not where the problem is these days and yet, here are staff resources, and fiscal resources which could well be directed to the problem with which we are concerned in your bill.

Senator BAYH. What should we do for parents of delinquent

children?

Dr. Locke. I'm not sure of the answers on this one, Senator, except to say that all of the answers I've seen thus far, I'm not very comfortable with. There's an enormous amount of legislation these days which try to make the parents responsible, legally responsible for the problems of their youngsters.

That's in my judgment, quite frankly, a rather hysterical response to the problem. I think to the extent that—again your bill places emphasis upon strengthening the resources of the community to deal with the problem—to the extent that in many neighborhoods, neighbors can in a sense represent surrogate parents, who if they come to feel that they have also responsibility for the dynamics of their block or their community, who feel that if they get involved in this problem, they're not just engaging in an exercise in futility, that it is in that direction that our efforts ought to go.

What one does with a parent who simply doesn't care or what one does with the kind of tragic situation you mentioned earlier, the criminal assault on a 13-year-old daughter, obviously, that's a child who has to be taken out of that kind of family situation. That's a par-

ent who obviously needs professional help also.

But I think the larger problem is that if many well-intentioned parents who want the best for their children, want to do the best for them, but simply don't know how, and when they find their children in trouble or going astray, who do not know what resources they can call upon to try to get professional help and it's in that direction that I think our efforts would bear much more fruit if we could simply assure that when a parent recognizes that his youngster isn't on target, isn't on course, could at least know that there are resources in the community to which that child could be taken and I don't mean, incidentally to be referred, as we often do, to 18 different agencies all who deal with some specialized aspect of the problem of neglected or delinquent children so that the parent has to make 18 different cafeteria stops before he or she finds the right slot.

If we knew that there was one agency in the community where that youngster could be taken, and that agency had the responsibility to diagnose that youngster's problem and to try and get right profes-

sional care, we would be a long way ahead.

Senator BAYH. Yes, we would.

Doctor, you've been very kind and I again apologize for delaying you to this late hour. It's almost 5 o'clock.

You've been helpful to us and I hope as we go ahead with our work

we can rely on your continued advice and counsel.

Dr. Locke. If I might just add quickly, Senator, in respect for your time, if we had a bill such as your 3148, 25 years ago, we might not face the chaotic situation that we do today. I am one who is not very optimistic. I must say, about our ability to turn this tragic problem around at this juncture but if we do so, if we are to do so, it will be because of the kind of national policy that your bill clearly sets and the kind of resources that it provides.

I might also say, Senator, in parting, that in a sense, your asking for testimony on behalf of your bill is really sort of anticlimactic because I had the privilege of reading your speech when you introduced it on the floor of the Senate and you said in that speech everything that needs to be said, about the nature of the problem and the

resources needed to tackle it.

Thank you for your invitation.

Senator BAYH. You've been very kind and there have been a couple areas which you've discussed that will strengthen our bill. Hopefully,

we can call on some of your colleagues who are still at the Department of Religion at Wayne and ask them for some divine guidance on how we can shed a little light on the dark corners of juvenile delinquency and crime control. It's a real concern that Federal administrators tell me not to bother with a program for runaways, or additional resources for juvenile delinquents. Yet the problem continues to escalate and my frustration about reaches the breaking point when I keep hearing that we have all the needed resources.

Dr. Locke. I, too, am a believer in divine guidance, Senator.

Senator BAYH. We're going to have to call on Him.

Dr. Locke. But I think at this point I would like to place much more hope in the kinds of resources that are in 3148.

Senator Bayn. They're not mutually exclusive.

Dr. Locke. No, not at all. May the record show that.

(Dr. Locke's prepared statement is as follows:)

PREPARED TESTIMONY BEFORE THE UNITED STATES SENATE SUB-COMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY BY HUBERT G. LOCKE, DEAN OF THE SCHOOL OF PUBLIC AFFAIRS AND COMMUNITY SERVICE, UNIVERSITY OF NEBRASKA AT OMAHA, TUESDAY, JUNE 27, 1972

Mr. Chairman, Honorable Members of the Sub-Committee: Three years ago. under a grant from the U.S. Department of Housing and Urban Development, I directed a six-month study of the problem of juvenile crime and delinquency in Wayne County in the State of Michigan. Wayne County includes the city of Detroit and a sizeable portion of its metropolitan area, and the study was prepared at the request of the County Board of Supervisors, the principal body of elected officials for the fifth largest metropolitan area in the United States. The problems explored, the facts uncovered and the recommendations made in that study, while directed toward Wayne County, could well have been duplicated in any major metropolitan area in the nation. They reflect an abysmal state of affairs in the area of juvenile justice and juvenile delinquency; a state of affairs which has continued to deteriorate all across the nation and one which will reach the point of total collapse unless the sane, sensible, effective approaches contained in the bill which you have under consideration are put into effect.

Let me note gentlemen that the study I refer to was not received in Wayne County with overwhelming enthusiasm. In fact, in some quarters it was bitterly denounced. I am convinced that the study would have received far greater public acceptance if it had been content to echo the popular solution to the problem of crime, juvenile delinquency and corrections, if it had called for more police officers, bigger and better prisons in which to incarcerate offenders, and longer periods of confinement to keep offenders off the streets. As this honorable body knows, and as every practitioner in the field knows, there is simply no evidence that such solutions would work. To the contrary, what we do have as every enlightened police and correction official knows, is an abundance of evidence, demonstrating that these efforts would simply increase the same, ineffective. revolving-door process that has proven so immensely inadequate over the past half-century. This is why our study made the recommendations it did, suggesting an approach which is uniquely embodied in the legislation proposed in S. 3148. Our study gentlemen, and there are literally hundreds of similar studies. along with countless monographs, master's theses, doctoral dissertations, research projects, agency records, police documents, court files and prison materials, would provide abundant evidence to support the assertion that S. 3148 is the only sensible approach to take, if this nation is really serious about dealing with the pathological problem of juvenile delinquency and juvenile justice.

I should like briefly to quote the four major findings of the Wayne County Study and to draw your attention particularly to the fourth, and I think the most

important finding of the entire study:

"The research findings of this report document, to a considerable extent

what is already a matter of public knowledge or public suspicion:

(1) That youths between the ages of ten and seventeen represent the largest, single group of new offenders who come to the attention of courts and police agencies each year.

(2) That lacking any constructive attempts at rehabilitation, a significant portion of this group will go on to commit more frequent and more serious crimes between the ages of 17-21.

(3) That the public and private agencies committed to working, with such of-

fenders are grossly inadequate, given the magnitude of the problem, and

(4) Most youths who begin their careers in crime as juveniles and who graduate to more serious criminal affences as adults are persons who, by a number of formal and informal processes, could be identified as a relatively early stage in their careers, as potential delinquents or adult criminals; yet little if anything is done at their early stage to intervene or to attempt to constructively dissuade such persons from a life of crime."

I have indicated this final finding as the most important in the study and, in my judgment, the most important single factor in the juvenile crime situation today. I should like to cite one pertinent example that will illustrate this sit-

uation.

PERSONS CURRENTLY (1969) IN STATE PRISONS FOR CRIMINAL OFFENSES COMMITTED AS ADULTS (OVER 17 YEARS) WHO HAVE A RECORD OF JUVENILE DELINQUENCY (STATE DEPARTMENT OF CORRECTION DATA)

Of the State's current (1969 prison population, 3,718 persons are from or committed their crimes in Wayne County. Of this number, 534 or 14% had a criminal record as juveniles which was considered sufficiently serious to warrant their commitment to the Boys Training School. The number of adult prisoners with a history of criminal offenses committed as juveniles is significantly higher than 14% since 1) many persons now in prison began their criminal offenses as juveniles but were not arrested until after age 17, or 2) were arrested and either a) warned and released to parents, b) placed on probation, c) sent to one of the States several rehabilitation facilities, or d) committed to Boys Training School but never actually sent there because of over-crowded facilities. For the purposes of this Report, only those records which indicated the most serious juvenile offenses were analyzed and compared. Intensive investigation was made of 123 case files of persons from Wayne County who were born in or after 1940. The 123 intensively examined case files represent approx. 3% of the total prison population from Wayne County, 23% of those from Wayne County with a Boys Training School history and 33% of the latter group born in 1940 or after. These files show that the 123 persons committed a total of 666 known offenses as inveniles and 371 known offenses as adults ("known" offense == offense for which the person was convicted in court). And while the number of offenses committed as juveniles is almost twice as high as the number of offenses committed as adults, the findings also show that the juvenile offenses tend to be less serious in nature than those which the same person committed as adults. The persons whose case histories were reviewed, for example, committed more criminal acts of auto theft, malicious destruction of property, larceny (theft), breaking and entering and unarmed robbery as juveniles than as adults; however, the same persons committed a greater number of crimes of carrying concealed weapons, violation of the state narcotics law, assault and battery, pandering, armed robbery, rape and murder as adults than as juveniles.

In essence, the research findings demonstrate that there is a significant number of the present state prison population who began their careers in crime as juveniles and who go on to repeat crimes as adults, and that as a juvenile delinquent moves toward adulthood, if his criminal behavior is not successfully thwarted, he also tends to commit crimes of a more serious nature.

Statistics often confuse rather than clarify a complex situation. Obtaining a completely accurate picture of the juvenile crime problem is the more difficult, however, because in many institutions and agencies, accurate records of youths in trouble simply are not kept. School officials are unable to give a precise number of youths in need of special services such as guidance, counseling, psychological or psychiatric care. Juvenile Court records fail to show, in an overwhelming number of cases, the educational achievement, grade level or mental capacity of youths brought before the court. Court records themselves are woefully inadequate in providing background data on a youth's family, medical, employment, religious or psychological history, especially in the past few years during which, because of

the drastic rise in cases and the corresponding shortage of court staff, many courts have been forced to abandon the preparation of probation reports on new offenders. Public and private agencies who have had problem youths and delinquents referred to them for help, in most cases, are unable to tell in any systematic fashion what happened to such youngsters once they left or were released from the agency's supervision. The entire field of juvenile criminal behavior is marked by a lack of essential data, little exchange of what information is available between agencies, and virtually no follow-up or periodic examination of the career of a youth who at some early point in his life had come to the attention of perhaps a half dozen individuals as a youth "headed for trouble" and who eventually becomes a police statistic and a court record.

Such statistics as are available, however, tell a story of tragic proportions—of youths who are failures in school, undisciplined or unmanageable by their parents. likely to be identified at an early age by parent, teacher, neighbor, community agency worker, clergyman, or some person other than police or court officials as potential delinquents, likely to become involved in their first criminal offense in the company of other youths and who in all probability, are eventually caught by the police and processed through the court, only to repeat further and increasingly more serious criminal offenses. Of greatest significance is the fact that in an overwhelming number of cases examined during this study, there were periods in the lives of persons now serving sentences in state prisons for serious criminal offenses (i.e., murder, rape, robbery, assault, burglary, etc.) during which someone could have intervened and possibly made a constructive difference in that person's life, attitude and behavior. And such records as are available consistently reveal that this intervention did not happen, and as a result, youths who early came to be identified as truants or incorrigibles, "graduated" to the status of delingents, youthful offenders, adult criminals and ultimately, inmates of the state prisons.

Clearly, research findings do not show that intervention would have guaranteed a constructive change in the pattern of criminal behavior for persons convicted of criminal offenses as adults and currently serving sentences in state prisons. They do demonstrate, however, that there were points in the lives of these persons when someone recognized a youth in trouble, a juvenile who needed help—and as

far as the records reveal, nothing was done!

Providing constructive help for youths who are recognized or identified as headed for lives of crime is what the concept of "intervention" is all about. It is this basic factor which formed the major conclusion of the Wayne County Study: that if citizens wish to do anything substantive and effective to decrease crime in the community, they must begin with juveniles and provide them with constructive alternatives to lives of crime before youths in trouble, and especially delinquency-prone youth, became criminal careerists.

S. 3148 also contains an additional and critically important provision which I should like to emphasize an endorse. If there is anything we've learned in the field of juvenile delinquency and corrections over the past decade, it is the immeasurable value of community-based corrections facilities. I am especially pleased that this Bill gives encouragement and the resources for the design and implementation of such facilities. We know, for example, that the ultimate solution to the problems of crime and delinquency lies within the community social system, and that it is this social system which must be changed if crime

and delinquency are to be lessened.

We know also that the ultimate goal of any intervention or corrections process should be to increase the resources, organization, cohesion and skills of the community in channeling and correcting the behavior of its youth. We also know, although we have been noticeably reluctant to act on the basis of our knowledge, that the resources and assistance available within neighborhoods and communities have a far greater potential for the effective resolution and rehabilitation of social and behavioral problems than those services which are set within a more formal, traditional and institutional setting. Community-based facilities, simply because they can be more flexible, more creative and precisely because the rehabilitative process takes place in the community rather than in an impersonal and isolated setting can do far more to lessen the appalling rate of recidivism and restore young people who run afoul of the law, to useful, meaningful, productive lives.

Finally, I would like to point to the critical role of private agencies in a sound juvenile justice system and delinquency prevention program, as well as to the resources that S. 3148 would provide in strengthening our ability to deal with

the facet of the problem. Every metropolitan area is served by a large network of social agencies which receive both tax funds, private contributions and United Foundation support. Many of these agencies have been chartered or created for specific and limited purposes; others have deep historical roots in the problems prevalent in urban society at the time of their establishment. Most of these agencies have, as their stated purpose, some form of service to youth, although the range of their programs are quite varied and although they uniformly suffer from problems of inadequate staffs and budgets. To the extent that they are serving many young people through their efforts, constructive alternatives to delinquency are being provided.

Nevertheless, two major criticisms must be made of the total program of services provided by private social agencies. The first is that they disproportionately serve a middle class populace to the neglect of many persons and families in poverty areas of the country where the social problems are the worst and the need is greatest. Second, and of equal if not greater significance to the problem of crime and delinquency, there is, with few notable exceptions, an almost uniform policy among many private social agencies against working with youths adjudicated as delinquents. There are significant programs and services presently operated for neglected youth, but many agencies demonstrate a reluctance, inability or unwillingness to work with hard-core delinquents who form the nucleus of our nation's most frequent participants in criminal activity. As a result, there is a serious gap in social services directed consciously toward those youths who represent the greatest area of need. The net effect is that many private agencies are working with "safe" youngsters, leaving youths in trouble to those few organizations and institutions whose programs are primarily custodial rather than rehabilitative. Thus, missing in the social services policy in most communities is a structured program for those who fall somewhere between the "safe" youngster and those whose criminal pattern sare firmly set. We need, therefore, and private as well as public agencies should be prodded to provide programs and services that will dissuade the marginal youngster from becoming a delinquency statistic, as well as programs in the private sector designed to serve the hardcore delinquent.

In essence, there is a critical need for a cohesive system among private agencies geared to the prevention and rehabilitation aspects of juvenile delinquency, for evaluation procedures, agency accountability, for clarification of goals, interdisciplinary and interagency cooperation, for the expanded use of para-professionals in agency programs and for a clear determination of agency priorities. Each of these areas represents complex problems and policies, but in the absence of attempts to achieve the results that might be effected by such efforts, we are faced with the same alternative in the private sector that so seriously plagues public attempts to resolve the crime problem—a continual increase in money and staff with a corresponding decrease in results.

The United Community Services system, representing as it does across the nation, the largest complex of private social agencies, can play a dramatic part in giving leadership to the efforts outlined above by setting as one of its priority concerns, expanded services in the area of juvenile delinquency. Through a restatement of its policies and budgetary priorities, it can enlarge the vision of its member agencies beyond that of working primarily with neglected children or the youngster whose potential for success is already well established. It can encourage greater innovation and collaboration among and between private agencies in finding effective ways to identify and motivate the difficult, hard-to-handle youngster toward constructive behavior and activity.

Agencies themselves can also bring more aggressive and imaginative leadership and resources to the problem of crime and delinquency. The social work field, for example, has traditionally drawn more women than men to its ranks while the problems of delinquency are, in sheer numbers, problems of hostile, alienated, authority-rejecting young males who need, among other things, the guidance and direction of strong male figures. On the other hand, social work has been one of the few professions to encourage the use of para-professionals—persons who lack college preparation but who wish to work in the field of human services and who, given proper training and professional supervision, can perform creatively and effectively. The use of para-professionals, adequately trained within a university setting where acceptable and established standards can be maintained, has yet to be applied in any comprehensive way to the problem of crime and delinquency. If undertaken by universities and social agencies, for example in training staffs for community-based correctional facilities, it could provide a new and effective resource for dealing with this complex problem.

Individual agencies can also expand their efforts at coordination with the schools from which their clients come and go, and with each other. They should explore the serious lack of after-care programs and procedures for the youth whom they serve. Agencies need desperately a centralized data collection system that will facilitate the flow of information and communication between agencies and enable them to keep accurate and essential information on the youths they serve. Because of the continual shortage of funds and staff, agencies should experiment with combining or, coordinating their efforts in order to better utilize their resources. And as unpopular as it may be to suggest, every institution and agency ought to periodically examine whether the purposes for which it was created are still valid, whether its policy and programs can still make a meaningful contribution to relieving social ills in the changing times in which we live, or whether its concerns and resources could not be more effectively realized and used by some other agency. There is a pronounced tendency in American society, once an agency or organization or institution has been established, for it to live on in perpetuity, regardless of whether its contributions remains significant, effective or needed. The community, or what is far more preferable, agencies themselves should have the wisdom to terminate those efforts which no longer make a worthwhile contribution to resolving community problems but which continue to compete for a dwindling public and private dollar.

Social agencies might also be urged to develop new collaborative procedures to

Social agencies might also be urged to develop new collaborative procedures to combat crime and delinquency. An inter-agency team might be created, for example, to deal with youth problems whether those problems are social, psychological, medical, legal, educational or others. The team would work out appropriate cooperative and referral procedures with the schools, the police and the courts, designed to provide early identification and treatment of young persons with emotional and behavioral problems. Working as expeditors and combining the expertise of several agencies and disciplines, the inter-agency team would work as diagnostic and treatment specialists, assisting both youths and their parents, upon being alerted by or referred by school or court officials, or by

police agencies.

Basic to all these efforts must be more coordinated and intensive efforts at planning a comprehensive approach to delinquency control and prevention. Social agencies must have a standardized method for the classification of youth problems, evaluation methods, follow-up procedures, and some basic agreements on which youngsters should be helped first and at what cost. If those agencies are to make a more effective contribution to reducing the incidents of crime and

delinquency.

The substance of my remarks, gentlemen, is to urge that every effort possible be made to achieve the passage and full funding of S. 3148. If we had been privileged to have such a national policy and resources in delinquency control and rehabilitation twenty-five years ago, I am convinced we should not be faced with the catastrophic situation before us in the nation today. If this Bill is passed, it still may not be too late to do something effective and significant about correcting one of America society's most urgent problems.

(Whereupon, at 4:45 a.m., the hearing was adjourned to reconvene on Wednesday, June 28, 1972.)

S. 3148: JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1972

WEDNESDAY, JUNE 28, 1972

U.S. Senate,
Subcommittee To Investigate Juvenile Delinquency
of the Committee on the Judiciary.

Washington, D.C.

The subcommittee (composed of Senators Bayh, Hart, Burdick. Kennedy, Cook, Hruska, Fong, and Mathias), met pursuant to notice. at 2:10 p.m., in room 228, New Senate Office Building, Senator Birch Bayh (chairman of the subcommittee) presiding.

Present: Senator Bayh and Senator Cook.

Also present: Mathea Falco, staff director and chief counsel; John M. Rector, deputy chief counsel; Alice B. Popkin, special counsel; Mary K. Jolly, chief clerk: Nancy L. Smith, research assistant; B. Elizabeth Marten, personal secretary to the staff director and chief counsel; Cheryl A. Wolf, assistant chief clerk; Lance Ringel, assistant clerk; and F. Woodman Jones, research assistant.

Senator BAYH. We will reconvene our hearing this morning.

We are very fortunate to have with us to initiate this day's hearings, a distinguished Governor from the great State of Ohio. He is a very good friend of mine, Hon. John Gilligan, who has with him the direc-

tor of the Ohio Youth Commission, Mr. William J. Ensign.

You are uniquely qualified to address yourself to the problems of young people. This subcommittee is trying to figure out how to deal with the problems of young people before they become problems of society in general. I just want to say as chairman of this subcommittee that I am indebted to you and to Mr. Ensign for taking the time to let us know your thoughts.

STATEMENT OF HON. JOHN J. GILLIGAN, GOVERNOR, STATE OF OHIO

Mr. Gilligan. Thank you very much, Mr. Chairman. Let me say at the outset that Mr. Ensign and I are very happy to have this opportunity to come before this subcommittee and to offer some observations on the legislation presently under consideration. Mr. Ensign, as I think you may know, has not only had long academic training and experience in the field of juvenile correction, but also, not so long ago, was the mayor of the city of Toledo. He has had experience in juvenile problems as a professional in the field at the local level; as mayor of a great city he has to wrestle on a day-to-day basis with the growing menace and problem of juvenile delinquency; and now, as head of our Ohio Youth Commission in the State of Ohio, he is in the process of redesigning and realineing our system of juvenile correction, in an effort to do many of the things which are outlined as objectives to Senate bill 3148.

Senator Bayn. Governor, if I may just interrupt you for a personal aside here, and one that I feel very strongly about, we have had a great deal of testimony this year about the need for high quality of personnel to deal with the complex difficulties of young people. I think it is a tribute to you, sir, that you have a man of Mr. Ensign's experience and background to represent your administration in the important task of solving the problems of youth. It is certainly an important step in the right direction, and I hope other Governors will take note of what you have done in Ohio.

Mr. Gilligan, Thank you, Mr. Chairman.

We are here today to tell the members of this subcommittee why we support the legislation introduced by the distinguished chairman of this subcommittee, and why we hope that this committee, the Senate, and the entire Congress will support the efforts to approve this legislation and to do something meaningful and productive in the

field of juvenile delinquency.

We are, of course, concerned not only about the problems of juvenile delinquency but about the entire juvenile justice system. We are here to share our thinking with you. We are not here to fault anyone for the failure—almost everywhere—of past efforts to curb the everincreasing problems of delinquency. Perhaps we are all to blame. We come to try to shed light, not heat, on the subject. We may mention the darkness from time to time, but only to point out where light is needed.

Now, I suppose I could do worse than to read into the record what is already in the record, the speech in the Congressional Record of February 8, 1972, by Senator Birch Bayh on this whole problem, and on the features of the bill introduced on that occasion to deal with the problem. We agree generally and in specific detail with almost everything that you said in that speech on the floor of the Senate.

Senator BAYH. Thank you.

Mr. Gilligan. We in Ohio are particularly interested in Senate bill 3148, the Juvenile Justice and Delinquency Prevention Act of 1972, because, to a great extent, the bill outlines a plan of action which in many ways closely resembles what we have been trying to do in Ohio during the past year in the field of delinquency prevention and control and it relates well to our plans for the future.

We agree that if the quality of juvenile justice in America is to be improved there must be a comprehensive and coordinated approach to that end. In short, there must be a national strategy based on fact, not fancy, with adequate resources to implement the strategy. And, I repeat, there must be adequate resources. Priorities must be established and the entire spectrum of juvenile justice and juvenile delinquency prevention and control must be deemed important enough to warrant the separate and specific concern of chief executives everywhere we note with interest that section 401 of the bill provides for this type of specific concern at the national level by allowing for the creation of a new national office of juvenile justice and delinquency prevention in the Executive Office of the President.

In Ohio this type of responsibility has been assigned to the Ohio Youth Commission. The director of the commission, who is with me today, is, however, more than "just within" the office of the Governor

of the State of Ohio. As a matter of fact, he is a member of the Governor's cabinet with concurrent responsibilities and authority. This lets me know, and the legislature know, who is responsible for

the State's efforts in this very important area.

Senator BAYH. If I can just interrupt for just a moment. I appreciate your emphasizing that particular aspect of Ohio's experience because I think that is part of our Federal problem right now. We have 40-some agencies, sprinkled throughout the bureaucracy in Washington which are staffed by well-intentioned people. But when you or Mr. Ensign come to Washington and try to look for help for your State programs, you need a road map to find the appropriate Federal agency. It is important that we do at the national level what you have done at the State level in Ohio by having a focal point for delinquency programs at a high level of administration. I hope you will tell us what you have been able to accomplish in Ohio by baying the director of the youth commission at a cabinet level.

Mr. Gillian. Mr. Chairman, a little later on in these comments we have a little historical review of how and why about 10 years ago, why we went about establishing a youth commission separate and apart from the adult correction system, of which it used to be a part. We think we have succeeded in part in accomplishing the original objective. We think that the legislation that is pending before the committee and presently under discussion can be a very substantial help to us in Ohio in achieving the objectives laid out 10 years ago, which we have never been able to accomplish up to this point, although

we feel we are making some progress.

The idea of having the Ohio Youth Commission director as a member of the Governor's cabinet is a situation which as I said, lets me know and lets the legislature know, and the general public know, and local officials throughout our State know, who is responsible for the State's efforts in this very important area.

I like that and the legislature likes it. I don't know how well the

director likes it—but, I think he likes it, too.

Senate bill 3148, section 301, also provides for the establishment of a National Commission on Standards for Juvenile Justice which will be responsible for investigating all aspects of the juvenile justice system with particular emphasis on juvenile court procedures and conditions of confinement in detention and correctional facilities in order to develop standards.

In Ohio we have a Youth Services Advisory Board with responsibilities similar to those proposed for the National Commission on

Standards for Juenvile Justice.

So that you might better understand the Ohio scene and how our State relates to the problems we are discussing here this afternoon,

let me give you a little historical background.

Approximately 10 years ago Ohio recognized that working to prevent juvenile delinquency and to improve the juvenile justice system was sufficiently important to warrant a separate authority to carry out related responsibilities. It was at that time that the Ohio Youth Commission was born. It was given two basic responsibilities: (1) to work with local communities in conducting activities aimed at the prevention and control of juvenile delinquency, and (2) to provide rehabili-

tative services in State institutional settings for those juveniles committed to the Commission by the courts.

However, until this year the Commission concentrated practically all of its efforts on the institutional care needed by those youths committed to it. It had neither the resources nor the support needed to enter into the area of prevention. Hopefully, those days are behind us.

It is no secret that a year ago at this time Ohio ranked 50th in the Nation in its tax efforts—and bragged about it. I hope it is no secret here today that Ohio has done something about this in the form of a reasonably comprehensive tax reform measure which I signed into law just a few months ago.

As a result of tax reform in Ohio, the Youth Commission for the first time will be able to get involved with local communities on a meaningful basis in coordinated efforts to prevent delinquency and to keep

children out of the Juvenile Jusice System.

We know that there are many children sent to the Youth Commission simply because local communities do not have the wherewithal to do something about their problems at the local level. We have all heard the story many, many times: inadequate probation services, lack of trained staff, no local detention or treatment facilities, inadequate

this and inadequate that.

We have tried to help local communities provide services but our efforts today represent only a drop in the bucket compared to what is needed. For example, we now have 175 State-subsidized probation personnel assigned to 51 courts in Ohio. These courts are supervising 17,000 children on probation. Those courts having State-subsidized probation officers last year sent us 200 less children than the year before. Consider the savings realized not only in terms of dollars but especially in terms of the children who were helped at the community level because we were able to provide some of the needed services and who, because of this effort, were spared the traumatic experience of being institutionalized.

At the same time, Mr. Chairman, I would say that it's our conviction that we are going to need in Ohio the continued existence of institutions for the care and rehabilitation of those special cases that we feel

cannot be taken care of at the local level.

Here are some statistics which show the increasing seriousness of the problem in Ohio, in just 4 years. In 1966, we had a total of 2,874 children committed to the care of the Youth Commission in Ohio. Of that number, 44 were sent to us who were involved in armed robbery, nine who were involved in homicides, one on a drug and narcotics charge—out of the entire State of Ohio, almost 11 million people.

Four years later in 1970, the last year for which we have the figures we had not 44 sent to us for armed robbery but 109; not nine children but 19 sent to us who were directly involved in homicides; and in drug and narcotic cases, not the single child who was sent to us 5 years ago

but 48.

We would submit, Mr. Chairman, that so long as we are confronted with the reality of this kind of a situation in our communities around Ohio, we are going to have to continue to have State institutions which are capable of giving effective care to these children.

Senator BAYH. Governor, before we put these statistics down, could you let us have for the record, please sir, the total number of youth getting into trouble in Ohio so we can know if the qualitative degree

of crime has changed.

Mr. Gilligan. The statistics we have here, Mr. Chairman, indicate those committed by local courts to the Ohio Youth Commission. In 1966, the number was 2,874. In 1967, 2,894. In 1968, 2,937. In 1969, 3,269. In 1970, 3,646. In other words, it has been rising quite sharply in recent years, and as you have noted in your own comments on the floor of the Senate, the number of young people, of children, being involved in serious crimes is simply skyrocketing. And it presents us with a problem that, quite frankly, we are unfamiliar with.

We have not had this kind of experience in our communities before, as Mr. Ensign can point out in some detail. The young people being committed to the Ohio Youth Commission by the local courts today are younger, tougher, and in far more serious trouble than were those

who were coming to us 4 or 5 years ago.

Senator BAYH. Just to look quickly at these statistics, with the slide rule, the total number in that 5-year period has gone up just slightly more than 25 percent. Whereas the number of armed robberies has increased by about 125 percent, the number of homicides has increased by a little over 100 percent. The degree of crime has gone up more rapidly even than the numbers, which have gone up at an alarming rate.

Mr. GILLIGAN. That is exactly correct.

Senator BAYH. These facts are not unique to Ohio.

Mr. GILLIGAN. That's right.

We are impressed, Mr. Chairman, that some sections of this bill provide for assistance to State and local efforts, for research and for the constructive evaluation of juvenile programs and related activities. We need this kind of help in Ohio. You can see, then, why we support the passage of this very important legislation. We submit that our presence here today is evidence of our concern and our

support.

We all know that our large cities are in trouble and that Ohio has more large urban areas than any other State in the Union. In Ohio 83 percent of our delinquently and crime problems come from the eight largest urban centers. As a State government, we want to do all that we can to help them. However, unless we get back, in the form of Federal assistance, some of the money we now send to Washington, we will not be able to do the job. We are, therefore, pleased that this bill provides for the funding so necessary if our States and cities are really to get at and to do the job required of them. I hope and pray that it will be enough to get the job done. If there is ever a case for money being well-spent, it is for the care of our children—especially for those who may need a little extra help along the way.

And I may add, Mr. Chairman, that a great deal of attention is given in the media to all kinds of campaigns to save lives. And what we are engaged in in this area of concern is quite literally the saving of lives.

My wife attended, for instance, the high school graduation ceremonies of Scioto Village, which is the girls' industrial school in Ohio. There were 20 girls graduating from high school that day, two of the 20 were pregnant. All of them had come from environments in which they had gotten into such serious trouble that they could no longer be handled in their home environment or in their local community, and were committed to the care of the State. These girls had finished their high school training, were given their diplomas, and five of those 20 have now been accepted in college, and are starting brand new lives.

Now, I would submit, Mr. Chairman, that that is life saving of a really significant order. And while we are aware of some of the short-comings of our programs in Ohio and some of our failures, I think we would be wrong if we did not say at the same time that we have some real reasons to hope that if we are properly equipped, if we have the trained personnel, if we have the operational structures—we are in a position today of being able literally to save hundreds and perhaps thousands of lives, get young people turned around and put on the road to a life of self-respect and dignity and productivity. I think the job can be done.

At this point, I would like to speak about some of the specifics which relate to what Ohio has on the drawing board for its delinquency prevention efforts and what our plans are to improve the quality of

Ohio's juvenile justice system.

Let me say, right off, that we are going to stress delinquency prevention in Ohio. We will continue to provide services at the institutional level for those youngsters who need it, and we will also continue to provide the highest level of aftercare services for children being released from our institutions. However, our major thrust will be in the area of prevention.

Our first effort will be to emphasize the development of community-based resources to help provide those services needed to keep children out of the juvenile justice system. Our next priority concerns the development of resources to care, at the community level, for those children who actually get into the juvenile justice system. In this area, we will work primarily through our juvenile court system.

To achieve these goals, our youth commission's regional offices are being expanded to include specialists whose sole responsibilities will be to help local communities develop these resources. These specialists will relate to such concerns as education, employment, recreation, resource development, and similar activity. They will help each community plan specific programs to meet specific community needs as they relate to doing something about preventing juvenile delinquency.

And I would point out what is probably perfectly obvious, Mr. Chairman, that Ohio is a very large and very diverse State. And 28 of our 88 counties are in Appalachia, quite literally—geographically, ethnically, socially, economically, Appalachia. That is quite a different region and has quite different problems in the juvenile field than, for instance, the northeast industrial quadrant of Cleveland, Akron, Youngstown, and Canton. That, in turn, is quite different from the rich farm belt on the borders of Indiana, with its small and attractive and tranquil communities.

Each of these areas has a problem in the field of juvenile delinquency, but they do not have the same problem. The level of expertise available in these communities to deal with the problem differs

widely. And our effort is at one and the same time to get introduced into the field of juvenile delinquency prevention, certain statewide standards, and to be flexible enough and adaptive enough to be able to prescribe those programs peculiarly suited to the needs of that area. And that requires a very high level of expertise and professional

accomplishment.

Simultaneously, a concerted effort will be made to afford the Commission data which will assist decisionmaking by providing information vital to the planning processes. If meaningful results are to be achieved, programs must be based on full understandings and knowledge of the problems as they are—not as they are seen by armchair strategists. Similarly, evaluations of programs, pinpointing successes and failures, must be equally realistic. In this light we are happy to note that Senate bill 3148 also emphasizes research, planning, and evaluation.

As a matter of fact, if this bill becomes law and Ohio's plans for the prevention of juvenile delinquency and the improvement of the juvenile justice system materialize, we will hopefully be ready to join hands and move together as a team to coordinate a constructive and meaningful effort to reduce the incidence of delinquency and to improve our juvenile justice system.

Now, Mr. Chairman, both Mr. Ensign and I will be happy to at-

tempt to answer any questions you may have on this statement.

Senator Bayh. I'm impressed, Governor and Mr. Ensign, with what you have done already in a relatively short period of time. We are really reaping the harvest of seeds of neglect on one hand, and a traumatic change in our whole social structure on the other. No one really knows all the causes of delinquency, but it is clear that you are really coming to grips with this critical problem. The Ohio experience can be an example for the rest of the country.

In just a quick perusal of the statistics that we discussed a moment ago, there has been an increase in armed robberies, homicides, and drug-related arrests. But the program for girls which your wife attended seems to have saved these girls in trouble for useful lives.

Mr. Gilligan. Exactly, sir.

Senator BAYH. Let me ask you, if I could, to give us a little more detail about your efforts in preventing juvenile delinquency. I can't think of an area in Government where a little investment has a greater

We were told yesterday by one of our expert witnesses, Dr. Hubert G. Locke, formerly of Wayne State University, now of the University of Nebraska, of a comprehensive study that had been made a short time ago of a large number of juvenile delinquents who had been committed to State institutions. In fact, I think some of these had been adult offenders who had been traced back to their first confrontation with the law as juveniles, and then were traced back to the grade schools. Over 80 percent had written in their records that teachers or neighbors had given a signal at that time that the child was going to get in trouble.

Have you been able to give attention to what sort of a mechanism can be developed to catch those early signals? Is there any way we

can really sense those first early signals?

Mr. GILLIGAN. Mr. Chairman, Mr. Ensign might have some more greater and some more specific detail than I. But let me comment

generally on the problem.

No. 1 is that we have not had available in Ohio, partly through our own choice, the resources necessary to deal with problems at that level. Most of the money in the last 10 years, and the effort and time, has been spent on manning the custodial institutions. The legislature mandated responsibility for getting into the communities to the Ohio Youth Commission 10 years ago, but never backed their mandate with the funding that was necessary, and the personnel that was necessary, to get the job done. We are just now breaking into that field.

Our older son 2 years ago taught in a high school in the Hough area in Cleveland, and his experiences were quite constructive to me. He made the point that Paul Briggs, who is superintendent of the public school system in Cleveland, had stated emphatically before our legislative committee and elsewhere, that 35 percent of all the children in the public school system in the city of Cleveland come from welfare families. There is in the welfare budget of these families nothing for entertainment, nothing for recreation. The allowance is 76 cents a day per child for food, for rent, clothing, medical care, carfare, everything. There isn't so much as a dime assigned to buy a soft drink. And movies cost \$1. So the kids learn very quickly that anything they want to do, that a normal child regards as recreation, has to be stolen, in one fashion or another. Or they have to cheat to get it in one fashion or another. And what our son learned and communicated to us was the fact that these children quite literally live in a jungle. You can't really expect them to come into a classroom and act like little Lord Fauntleroy for 4 hours or 5 hours a day and then go back out into that jungle again. Because the law of the jungle is the prevailing rule of life for them.

So, I would say that we would be deluding ourselves if we thought that there was some way to enforce some specialized techniques to cure these problems without a general attack on the problems of providing adequate subsistence levels for these families and the children educational programs in our school systems that are geared to the special needs of such children, recreation, social services, medical care, that give them at least the basic minimum of services required to live

in our sophisticated and urbanized society.

It is the social services, it would seem to me, that we need very badly in these areas. This is exactly the kind of thing you were alluding to. When a child is a persistent problem in school, stealing lunch money or bullying the kids around the yard, or whatever else, there must be somebody available to whom he can be referred who can bring to bear some special assistance for him or her before they get into serious trouble. We don't have that at the present time. The school systems are so strapped that they are having trouble just keeping teachers in the rooms and the lights lit. And our municipal service programs have been cut down to the bone.

So, what we are saying is that in this field of prevention we have to have a very broad approach to creating a different kind of environment for most of these young people, and to be able to provide specific

remedial help on an individual basis when the child first shows symptoms of getting into difficulty.

Senator BAYII. Let me ask you, Governor, or perhaps Mr. Ensign,

about Federal programs.

Now, we find that almost every turn in the road supposedly well intentioned administrators who tell us that there is no need to reform the Federal juvenile delinquency law or provide additional resources

for delinquency programs.

Well, let me ask you about the Ohio experience with title 4 of the Social Security Act, which provides funding to deal with certain problems of young people from welfare families. Do you receive any funds like this in Ohio? If so, what amount of funds are you receiving? Are these funds sufficient to create the programs needed for delinquents or predelinquents in Ohio?

Mr. GILLIGAN. Mr. Ensign has a response. And we have our former State public welfare director with us, former as of a month ago, when he moved to the Governors' office from the welfare department. He may be able to speak to a part of the problem. But Mr. Ensign can

comment at least on part of it.

Senator Bayh. Are we doing the job in youth programing through

title 4 of the Social Security Act?

Mr. Ensign. May I comment, Senator, that welfare Director John Hanson and I put our heads together some many months ago and worked out this program. And this past Friday we received a copy of a contract by which the Ohio Youth Commission will share in those funds through the State welfare department. About 65 percent of our young folks qualify under that proposal, and we estimate that as a result of that contract the youth commission will have available to it somewhere in the vicinity of \$7 to \$10 million a year in addition to State funds that had been allocated. We have not yet received that money, we hope to have it funneling through the youth commission and into the preventive program within the next 2 to 4 weeks. We don't know yet what the impact will be, but on the basis of need and what has to be done, we consider the amount to be a beginning only.

Senator Bayn. Yes. But that program has been in existence for some time. The way I read the act, it is written to cover 75 percent of social services designed to prevent juvenile delinquency in families who are receiving public assitance, or other low-income families.

Is the amount of money which you received for the youth commission going to cover 75 percent of the social services needed for some

60 percent of the children we are discussing?

Mr. Ensign. No; it represents 75 percent of the money which the youth commission spends for social services. We are entitled to 75 percent against that amount only.

Senator Bayh. How much—I'm trying to prove a point-Mr. GILLIGAN. Seventy-five percent of an inadequate program. Senator BAYH. OK, that's what I wanted to hear, Governor.

[Laughter.]

Senator BAYH. It would have saved a lot of time if I had asked

that question.

What goal should we be aiming at doing the kind of job that you gentlemen estimate needs to be done in Ohio?

Mr. Gilligan. Mr. Chairman, on my left now is John Hansan, who was until a few weeks ago the director of the department of public welfare, and who is now the chief of staff in the Governor's office. He and Director Ensign have been working closely in the last year and one-half to put together some of these programs, to try to develop a social service program in these troubled areas, that might be meaningful and helpful. And he may have a comment at this point that might be responsive to your question.

Mr. Hansan. In relation to the IV-A funding, States like Ohio and Indiana cannot really be used as examples of how the social service titles might help, because they have never been of any help. They have never been used. Your State has not yet implemented it and ours

did only since this administration took over.

But in a very short period of 9 months, we have generated approximately \$35 million worth of contracts with local communities relating to a range of needed social services that will be available for persons designated to have an income level, falling in the bottom third.

Senator Bayn. If you have two-thirds of the children in Cleveland, according to the Governor's statement, who fall into that category and you can provide adequate social services for the prevention of juvenile delinquency for that percentage, that is a start at least.

Mr. Hansan. It would be—but if it was as simple as that there would not be the need there is. For example, the social service titles have considerable restrictions on them as to the kinds of services that might be given and the manner in which they must be given, and the fact that you must go through the legal control of the local county welfare de-

partment. These are all inhibiting factors.

Now further, on the floor of the Senate yesterday, a motion was made on a line item of the HEW labor appropriations bill to close the social service titles at about \$2.4 billion. And that language stood against the amendment of Senator Chiles to delete it. But \$2.4 billion of social service funds at this time will lock Ohio and Indiana and other States into an inequitable situation where we get about \$16 million a year and California gets about \$285 million, Florida gets \$60 million, and so on and so on. And in effect the money has not been available to us before. It is just now becoming available.

Senator Bayh. Right. Because I voted with Senator Chiles, and we went down to defeat on that. It just seems to me that the more community services that we can make available to families and to children, the better the communities are able to deal with the great social problems that confront this country, and more specifically with

the problem of juvenile delinquency.

Would it be accurate to suggest, that the funding provided and the programing provided in our bill S. 3148 would not create facilities nor

duplicate services which now exist?

Mr. Gillian. Mr. Chairman, if I may respond to that, we are here to testify in support of this bill precisely because we believe it meets a need which cannot be answered under the other departments, and will not be answered, essentially because the demands for the whole range of social services directed to all age groups and all kinds of social problems, is so great that the money and the time and energy, could be very well used on all these other programs, and the problem of develop-

ing an adequate juvenile delinquency prevention control program will remain untouched. And that is why we think Senate bill 3148 deserves the attention and support of the Congress. If it does not receive that attention and support we are deeply concerned that the problem really

won't change at all.

Senator Bayu. Well, let me ask you to deal with one other area, and that is that I would like to know a little bit more about your State subsidized probation program. Would you give us a few of the details of that program, and particularly would you tell us if it is similar to the California probation subsidy program? In California, as I understand it, the State reinburses the counties and local communities in inverse proportion to the number of youths who are sent to State institutions. This approach says that if you are doing a good job at the local community by providing alternative services so that children don't have to be sent to the State boys or girls training schools, the State will help the locality pay for the alternative services. If the number of children sent to State training schools go up, the amount of money sent to the local community goes down.

Now, does your State subsidized probation officer program operate this way! If not, would you care to comment on the merits of that kind of an incentive program to keep young people in the local

communities?

Mr. Ensign. Senator, in California, what the State basically does is to pay the juvenile court for not sending children to the State. In Ohio the State subsidy programs are a little more specific. We encourage the courts to add staff. For example, if they add additional probationary staff, we subsidize by paying part of that salary, which is an incentive to the juvenile court to add more staff.

We also encourage courts to utilize local treatment facilities. For every youngster that the judge would ordinarily send to the youth commission, who instead is placed in a local treatment facility, we pay \$100 a month. It doesn't cover the total cost of his support, but it does

act as an incentive.

Senator BAYH. But Ohio does pay part of the cost?

Mr. Ensign. Yes. We also pay for children who are placed in foster

care homes. That again is a partial payment.

So, our subsidy is more specific. We think it is more meaningful because we have some assurance that the money is actually being spent to provide for local services. We wish that we could pay more but the basic principle applies well in Ohio.

Senator BAYII. The program appeals to me. Maybe the ultimate is a combination of both. I was impressed by the California program when I first heard of it, but the Ohio program had additional useful

features.

Mr. Gilligan. Yes, sir.

Senator Bayn. It provides for partial payment for services at the local level so that the chances of retaining children in inferior local

facilities is diminished.

Mr. Gillian. That is quite right. Mr. Chairman. I am not saying that it is the effect in California, but it could be that the incentive of the State to relieve itself of the financial problem of institutionalizing the children leads them to place a financial incentive with the county and local community to keep the children there. That is no guarantee that there is any kind of a program going on in that local community. Is it doing anything at all for the children? We are trying to do both in Ohio. We are trying to make it financially attractive to the community to keep the children there rather than to send them to us, except in the extreme cases, where they feel they can't handle them. At the same time, we set certain standards of performance, and provide the best advice and support that we can at the State level to develop a good program for juvenile care at the local level. And insofar as our experience goes—this program has just been started in this administration—we are quite confident that it is going to make a big difference.

Mr. Ensign. May I add, Mr. Chairman, that we also have a subsidized program for juvenile police officers. If a local police chief will add an officer to his staff, we will help train him. And if that officer works solely with juveniles, we will pay part of his salary. We now have 34 of those, and one officer at Warrensville Heights, Ohio, for example, was able, in his first year, to reduce the number of young people referred to the juvenile court from 75 to 37—because he was able to give individual attention. The same percentage applies

to an officer in a little town like Perrysburg.

Now, most of these officers are in small communities who otherwise would not have a juvenile officer. While giving attention to the larger communities, we cannot neglect the smaller communities, and this is part of our effort to help them as well, and to make a comprehensive effort in the juvenile correctional field.

Senator BAYH. When you return to Ohio, can you compile some of these examples that you just discussed. I would like to have them in the record as evidence that this kind of forward looking program

can really diminish the delinquency problem.

Mr. Ensign. These 34 officers cost the State of Ohio less than \$100,000

per year.

Senator Bayn. Let me ask you one more specific question about this topic. When you are talking about subsidizing officers like this, are probation officers subsidized? If so, what percentage of the cost does

the State of Ohio pay?

Mr. Ensign. In the case of the juvenile court, we pay \$2.000 to \$2.500 of their salary, depending on whether they are probation officers or supervisors, and at about the same level for police officers. It is really a token in most instances since it represents 25 to 30 percent only of an officer's salary. But it is enough to spur more local effort.

Senator Bayu. I wonder what the advisability would be in your judgment, gentlemen, of us thinking in terms of a Federal probation subsidy program. The Federal level could reimburse the State and local communities on a similar basis that Ohio provides incentives to local communities. The program should be formulated in such a way that there is an incentive for the States to create this kind of a program, and in addition, it should also help local communities.

Mr. GILLIGAN. Mr. Chairman, I think such a program might be very useful indeed. I think it is also important to allow to the States sufficient latitude to design their own programs to meet their own specific needs. Let me suggest along those lines that when this administration took office, we found that the Omnibus Crime Control Act program was in our judgment poorly administered. In the past 17 months, we

became the first State to develop a local planning process whereby our six major metropolitan areas, upon creation of a planning unit representative of the entire criminal justice system, and of the citizens affected by its operation, would receive substantial planning assistance and a block grant of funds for criminal justice purposes.

In other words, we designed a brand new way of distributing Federal money, because the concentration of crime in Ohio occurs in the six big metropolitan areas, apart from the other, less-populated 88

counties. That is where the crime really is.

Then we broke the rest of the State into regions, they set up their

own planning agencies, and we dealt directly with them.

So, instead of the money simply being distributed as it had been earlier by an arbitrary algebraic formula, and a lot of that money being spent solely on police hardware, we insisted that the program be specifically designed for that area, to meet the area's needs, and that it contain provisions for a great deal of software as well as hardware.

Now, what we are attempting to do is move in that same direction in the whole field of juvenile delinquency. As Mr. Ensign has just said, the problems of Warrensville Heights aren't the same as the problems of the city of Cleveland. What we are trying to do is encourage and support local efforts to design programs that meet their own specific needs.

Now, I think it is perfectly possible that the Federal Government can develop that same kind of a working relationship with the States, to encourage the States to improvise and innovate and move in new directions and to alter both the carrot and the stick to get them there.

Senator BAYH. Well, thank you, Governor. I think that is a good

note to close your testimony.

I appreciate both you and Mr. Ensign testifying. It has been very helpful. I want to study to a greater degree what you are doing in Ohio because I think this is an excellent example of an enlightened State approach. Hopefully we can add more light at the Federal level to help

you do an even better job in Ohio.

Mr. Ensign. May I comment for the record, Senator, that I sincerely appreciate the help that all of your staff has rendered. They have been very good, and may I say that I am sure everybody here is obvious with a Governor like Governor Gilligan, which we consider to be our greatest asset, it is very easy to be the director of the youth commission.

Mr. Gilligan. Now you know why he is the director.

Senator BAYH. Now I know why he will stay the director.

[Laughter.]

Senator BAYH. Thank you.

Mr. Gilligan. Thank you, Senator.

(Mr. Gilligan's prepared statement is as follows:)

Prepared Statement of Hon. John J. Gilligan, Governor, State of Ohio, on S_3148

We are in Washington today to tell you why we support Senator Birch Bayh, this committee, the Senate and, hopefully, the entire Congress in your efforts to do something about juvenile delinquency in the United States. We are, of course, concerned not only about the problems of juvenile delinquency but about the entire juvenile justice system. We are here to share our thinking with you. We are not here to fault anyone for the failure almost everywhere of past efforts to

curb the ever increasing problems of delinquency. Perhaps we are all to blame. We come to shed light—not heat—on the subject. We may mention the darkness

from time to time, but only to point out where light is needed.

We in Ohio are particularly interested in Senate bill 3148, the Juvenile Justice and Delinquency Prevention Act of 1972, because, to a great extent, the bill outlines a plan of action which in many instances closely resembles what has been going on in Ohio during the past year in the field of delinquency prevention and control and it relates well to our plans for the future.

We agree that if the quality of juvenile justice in America is to be improved there must be a comprehensive and coordinated approach to that end. In short, there must be a national strategy based on fact, not fancy, with adequate resources to implement the strategy. And, I repeat, there must be adequate resources. Priorities must be established and the entire spectrum of juvenile justice and juvenile delinquency prevention and control must be important enough to warrant the separate and specific concern of chief executives everywhere. We note with interest that section 401 of the bill provides for this type of specific concern at the national level by allowing for the creation of a new national office of juvenile justice and delinquency prevention in the executive office of the President.

In Ohio this type of responsibility has been assigned to the Ohio Youth Commission, The director of the commission, Mr. William J. Ensign, who is with me today is, however, more than "just within" the office of the Governor of the State of Ohio. As a matter of fact, he is a member of the Governor's Cabinet with concurrent responsibilities and authority. This lets me know, and the Legislature know, who is responsible for the State's efforts in this very important area. I like that and the Legislature likes it. I don't know how well the director likes it-but, I think he likes it, too.

Senate Bill 3148 (Sec. 301) also provides for the establishment of a National Commission on Standards for Juvenile Justice which will be responsible for investigating all aspects of the juvenile justice system with particular emphasis on juvenile court procedures, conditions of confinement in detention and cor-

rectional facilities in order to develop standards, etc.
In Ohio we have a Youth Services Advisory Board with responsibilities similar to those proposed for the National Commission on Standards for Juvenile Justice (see attached Exhibit A).

So that you might better understand the Ohio scene and how our State relates to the problems we are discussing here this afternoon, let me give you a little

historical background.

Approximately 10 years ago Ohio recognized that working to prevent juvenile delinquency and to improve the juvenile justice system was sufficiently important to warrant a separate authority to carry out related respnosibilities. It was at that time that the Ohio Youth Commission was born. It was given two basic responsibilities:

(1) To work with local communities in conducting activities aimed at the

prevention and control of juvenile delinquency, and:

(2) To provide rehabilitative services in State institutional settings for those juveniles committed to the commission by the courts.

However, until this year the commission concentrated practically all of its efforts on the institutional care needed by those youths committed to it. It had neither the resources nor the support needed to enter into the area of prevention. Hopefully, those days are quickly disappearing.

It is no secret that a year ago at this time Ohio ranked 50th in the Nation in its local tax efforts—and bragged about it. I hope it is no secret here today that Ohio has done something about this in the form of a fairly comprehensive

tax reform measure which I signed into law just a few months ago.

As a result of tax reform in Ohio, the Youth Commission for the first time will be able to get involved with local communities on a meaningful basis in coordinated efforts to prevent delinquency and to keep-children out of the juvenile justice system.

We know that there are many children sent to the Youth Commission simply because local communities do not have the wherewithal to do something about their problems at the local level. We have all heard the story many, many times: Inadequate probation services, lack of trained staff, no local detention or treatment facilities, inadequate this and inadequate that.

We have tried to help local communities provide services but our efforts today represent only a drop in the bucket compared to what is needed. For

example, we now have 175 State-subsidized probation personnel assigned to 51 juvenile courts in Ohio. These courts are supervising 17,000 children on probation. Those courts having State-subsidized probation officers last year sent us 200 less children than the year before. Consider the savings realized not only in terms of dollars but especially in terms of the children who were helped at the community level because we were able to provide a little of the needed services and who; because of this effort, were spared the traumatic experience of being institutionalized. Mr. Ensign will speak more specifically to this program in his remarks.

We are impressed that some sections of this bili provide for assistance to State and local efforts, for research and for the constructive evaluation of juvenile programs and related activities. We need this kind of help in Ohio. You can see, then, why we support the passage of this very important legislation. We submit

that our personal presence here today speaks well to that point.

We all know that our large cities are in trouble and that Ohio has more large urban areas than any other State in the Union. In Ohio 83 percent of our delinquency and crime problems come from the eight largest urban centers. As a State government we want to do all we can to help them. However, unless we get back in the form of Federal assistance some of the money we now send to Washington we will not be able to do the job. We are, therefore, pleased that this bill provides for the funding so necessary if our States and cities are to really get at and do the job required of them. I hope and pray that it will be enough to get the job done. If there is ever a case for money being well spent, it is for the care of our children—especially for those who may need a little extra help along the way.

At this point I would like to speak about some of the specifics which relate to what Ohio has on the drawing board for its delinquency prevention efforts and what our plans are to improve the quality of Ohio's juvenile justice system.

Let me say, right off, that we are going to stress delinquency prevention in Ohio. We will continue to provide services at the institutional level for those youngsters who need it, and we will also continue to provide the highest level of after-care services for children being released from our institutions. However, our major thrust will be in the area of prevention.

Our first effort will be to emphasize the development of community-based resources to help provide those services needed to keep children out of the juvenile Justice system. Our next priority concerns the development of resources to care, at the community level, for those children who actually get into the juvenile Justice system. In this area, we will work mostly through our juvenile court system.

To achieve these goals our youth commission's regional offices are being expaned to include specialists whose sole responsibilities will be to help local communities develop these resources. These specialists will relate to such concerns as education, employment, recreation, resource development and similar activity. They will help each community plan specific programs to meet specific community needs as they relate to doing something about preventing juvenile delinquouery

Simultaneously a concerted effort will be made to afford the commission data which will assist decision making by providing information vital to the planning processes. If meaningful results are to be achieved, programs must be based on full understandings and knowledge of the problems as they are—not as they are seen by armchair strategists, similarly, evaluations of programs, pinpointing successes and failures, must be equally realistic. In this light we are happy to note that Senate bill 3148 also emphasizes research, planning and evaluations.

As a matter of fact, if this bill becomes law and Ohio's plans for the prevention of juvenile delinquency and the improvement of the juvenile justice system materialize, we will hopefully be ready to join hands and move on together as a team to coordinate a constructive, and meaningful effort to reduce the incidence of delinquency and to improve our juvenile justice system.

Ехнівіт А

OHIO REVISED CODE

Sec. 5139.14 Youth services advisory board, consisting of twelve members appointed by the governor. . . .

Members of the advisory board shall serve without compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties. . . .

Sec. 5139.15 Duties of the advisory board The youth services advisory board shall:

(a) Consider and study the entire field of juvenile delinquency; advise the youth commission upon its request; consult with and advise the youth commission, and recommend, on its own initiative, policies and practices, which recommendations the commission shall duly consider: and give advice or make recommendations to the governor and the general assembly when so requested, or on its own initiative:

(b) Investigate the conduct of the work of the youth commission, and for this purpose to visit, at least semi-annually, each institution under the control of

the commission;

(c) Adopt rules for its internal control and management, a copy of which

shall be filed with the commission;

(d) Hold meetings at such times and places as may be prescribed by the rules, not less frequently, however, than quarterly;

(e) Keep minutes of the transactions of each session, regular or special, which

shall be public records, and shall be filed with the commission;

(f) Give notice to the governor, and to the commission of the time and place of every meeting, and permit the governor and the commission to be present and to be heard upon any matter coming before the board. . . .

Senator BAYH. The next witness, or witnesses, this afternoon is Dr. Rhetta M. Arter, the consultant on Government programs of the national board of the YWCA, New York, N.Y. She is accompanied by Dr. Helen Strauss, a volunteer in the YWCA's behavior modification program in the Oranges in New Jersey.

Now, we also have some attractive young people with us. Where is

Rosie?

Hi, Rosie. You are from Corpus Christi?

Rosie. Yes.

Senator Bayn. Very good.

And Eunice? Hi, how are you?

You are from Orange, N.J.?

EUNICE. Yes.

Senator Bayn. Vesta? You are from Orange?

VESTA YOS

Senator Bayh. Which Orange? There are several Oranges there. I was just wondering which one you represent here. They are all represented?

Dr. Strauss. Just the plain Orange.

Senator BAYH. Just the plain Orange. OK.

Pat

Now, I think we've identified everybody.

Dr. ARTER. This is Mrs. Batchelder from Corpus Christi.

Senator BAYH. I didn't mean to skip over Mrs. Batchelder, program coordinator of the national board of the YWCA in Corpus Christi. We are glad to have all of you here. Please proceed as you feel best.

STATEMENT OF DR. RHETTA M. ARTER, NATIONAL BOARD OF THE YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF THE U.S.A.

Dr. Arter. All right. We have as you know filed a statement of the national board of the YWCA in support of this legislation, and my function this afternoon is to keep as quiet as possible, and not to be enticed into saying anything, but rather to let the people who are involved into programs that we have selected out of many talk with you.

First, I would like to delay my own silence long enough to say once again that we continued to struggle to bring to the attention of caring people the very important problem of working with female youth. I wish I could report to you a great success-in that area, but it is still a struggle. And I can only say to you that which is said in our statement: If you look at the increase in the number of crimes that the FBI alone reports, you could see that comparative figures show that those of females in a 5-year period have jumped by 200 percent, And I daresay this is just the tip of the iceberg.

The other item that I would bring to your attention is that we continued to struggle not only with initial funding but with refunding. And we hope to be able to submit to this committee a supplementary statement to that one already filed to try to bring to your attention some of the refunding problems that we are now having.

We have selected——

Senator BAYH. I hate to interrupt but we need to know about the problems of refunding. I cannot think of anything that does more to demolish the hopes of a community, particularly the volunteers who are giving their time and effort to accomplishing certain goals, than to deny a successful program refunding.

So, if you could give us a chapter and verse on the YWCA's ex-

perience in refunding, it would be a great help to us.

Dr. Arter. We would like to, and we certainly hope we assess it in the light of the potential damage to the many young people to whom we feel we have made a commitment and a promise. We will be very

happy to do this.

We have from Corpus Christi a program in which we of the national board have been very much interested, since we are the sponsors of that program. It is one of the first of our efforts to enter into a demonstration of what can be done in bringing the words to light that we all throw around—community-based resources—and all of

those things that have been said.

We have two programs there: One in Corpus Christi that has been in operation since the 1st of April, and one in San Antonio. We hope that they are just the beginning of a number that we will be able to do, and I am happy to say to you that I hope Mrs. Batchelder will take this opportunity to tell you that in the short period that we have been operating there that we are already learning some things that we didn't know. And already our flexibility in making some adjust-

ments is being tested.

So this is Mrs. Jean Batchelder, who has done more work than it looks like is possible for her to have done. She has worked with a number of different age groups of young people, and she herself was a volunteer board member of the YWCA in Corpus Christi. She moved into this voluntarily, trying to work to reach young people, deal with their problems there, and then I guess we put her in a put up or shut up position when we asked her to move over and take on the professional responsibility for establishing a program in Corpus Christi, which she has done to our delight. I hope to hers also.

I would like now to turn to her and Rosie to talk to you a little and answer your questions about what is happening in Corpus Christi.

Mrs. BATCHELDER. The intervention center of the YWCA in Corpus Christi is designed specifically with a gamut of services to keep the youth and girls out of the detention facilities, off the police blotters,

and out of correctional institutions. The girls that come into the YWCA in Corpus Christi are referred to us specifically by the criminal justice agencies, most specifically the probation officers, police departments, and the Texas Youth Council which deals with girls on

parole.

The girls that come to us officially are in several categories. There is a group of girls who have committed only a first offense, who perhaps never get beyond the police station, or have more than just a small brush with the law. There are groups who perhaps the court does not see again, and we have to intervene with some of our services to keep them from being back in front of the court. There are girls who are awaiting trial in the system. There are girls who are on probation, specifically. And there are girls who have come back from the State institutions and are on parole.

Right now involved in our program, which has been operative only a short time, we have a few girls out of nearly all of these categories. And we find that they are all interested in the programs that the

 ${f YWCA}$ has to offer.

To tell you very specifically about what goes on in our programs at the Y is one reason that we have Rosie with us today. She is the first girl that was referred to our program and has been very active ever since. Rosie does not come to the YWCA by herself, but is accompanied always by her two sisters, which we have found to represent one of the most pressing problems of our program. We are funded only to cover youth who are officially referred to our program and not those who are what we call walk ins, girls who want to come because the program has something to offer.

The most powerful statement I think I can make about this is in essence that I hate to turn to a girl and say, "I cannot have you participate in this program unless you go out on the street and get arrested." So we are looking for lots of ways to fund the program and

to allow these other girls to participate.

Senator Bayh. Now, before we turn to Rosie, Mrs. Batchelder let me ask you. One of our witnesses yesterday said that he wanted Congress to accept the responsibility of seeing that voluntary agencies accepting Federal moneys as a vehicle to combat the problems of juvenile delinquency, use those funds in the areas where it is really needed. He was rather critical about some voluntary agencies which use community chest funds to provide worthwhile services, but services for youngsters who are not going to be in real trouble, primarily normal middle-class youngsters.

This witness, when questioned, made a special exception for the two Y programs, for the particular reason that the YM and the YW had focused, more than any other voluntary agencies, on those children

who are really problem children.

Now, do you feel in Corpus Christi that you are really dealing with the problems of juvenile delinquents, or youngsters who could become juvenile delinquents? Are they problem children, or are they just normal, red-blooded, healthy American kids who live in Corpus Christi?

Mrs. BATCHELDER. Well, I feel very intensely that the youth that we work with in this program are particularly from deprived home situations. I was very interested in the comments just a few minutes ago

about the welfare moneys and the way they were spent. I approached this problem originally by calling the welfare offices in Corpus Christi because all of these people are on welfare, and saying I have 10 girls who I would like to take on an outing who are not officially a part of my program, can you help me sponsor these girls. I was told that there were no funds designated for this kind of thing. And when I pursued it a little bit, they said, well sometimes the caseworkers can go out themselves in the community and locate an individual who might be supportive, and so on, and so on. But there are not specifically funds set aside for help. My particular response has been to look for foundation moneys in my area, and private resources, to cover the work that we are doing for these girls because I think it is very significant. And they are all very active.

In our community the YW is one place that might be the only place that can be effectively active. I say this because it may be that while the mothers may not let their children be involved in other programs in the community that they do not trust, somehow because of what the YWCA is, they are glad for them to be there. So the girls are able to

participate under these circumstances.

Senator BAYH. You don't have any social security title funds; do you?

Mrs. Batchelder. No.

Senator BAYH. That 75-percent figure doesn't help you.

Mrs. Batchelder. No.

Senator BAYH. Even with the existing social security funds, it is a sad day, as you related very eloquently, when you have to say to a young person that he cannot be in a program unless he gets into trouble. If you are living in an environment where the opportunities for development are not there, and the wholesome activities available to youngsters aren't there, then those youngsters need assistance before they get into trouble with the law.

Rosie, tell us about yourself. Could you pull up that microphone a

little bit? It hasn't bitten anybody in the last week.

You are a very pretty young lady. How old are you?

Rosie. 14.

Senator Bayn. Mrs. Batchelder mentioned that you had two sisters. How old are they?

Rosie. Oh, Elaine is 15 and Mary Ann is 13.

Senator Bayn. Do you have other brothers and sisters?

Rosie. Yes.

Senator BAYH. Are you all living with your mother and father?

Rosie. No; only with my mother.

Senator BAYH. With your mother. Is your father dead or is he——Rosie. He just left.

Senator Bayn. He just left?

Rosie. Yes.

Senator Bayn. Have you seen him lately?

Rosie. No.

Senator BAYII. How long ago did he leave?

Rosie. About 4 years.

Senator BAYH. And how many brothers and sisters do you have?

Rosie. Well, I have two brothers and there are five girls.

Senator BAYH, Pardon me?

Rosie. There are five girls and two boys.

Senator BAYH. Including yourself?

Roste. Yes.

Senator Bayn. So there are seven of you?

Rosie. Yes.

Senator Bayn. That must keep your mother rather busy; doesn't it! Do you help her?

Rosie. Yes.

Senator BAYH. Now, have you had a little problem with the law in Corpus Christi? Could you tell us about that so I can better understand what the problem might be?

Rosie. Well, I was stealing.

Senator BAYH. And what were you stealing?

Rosie. Clothes, and things. Senator Bayn. Clothes? Rosie. Clothes and things.

Senator BAYH. Could you pull that mike a little closer? I'm having a little trouble figuring out what you are saying. We are going to make a big star out of you now.

You say you were stealing clothes? Rosie. Yes.

Senator BAYH. Why were you stealing clothes?

Rosie. Because I wanted to.

Senator Bayh. You got those clothes because you figured you didn't have enough to wear yourself?

Rosie. No.

Senator BAYH. Did you have anything you could do with your time?

Rosie. No.

Senator Bayn. Is your mother working?

Rosie. Yes.

Senator BAYH. Does she have a hard time earning enough to support the whole family?

Rosie. No.

Senator Bayh. Did you ever take any of the clothes that you stole home to your brother and sisters?

Rosie. No.

Senator Bayn. Tell me what you do at the Y.

Rosie. Well, we have serving and swimming, handicrafts, and cooking. Senator Bayn. You cook, are you a good cook?

Senator Bayh. What is your favorite dish?

Rosie, Chicken.

Senator BAYH. I like chicken too. You brought your sisters to the Y, why did you do that?

Rosie. They wanted to join too.

Senator BAYH. Did having to work have anything at all to do with them being able to come?

Rosie. No.

Dr. Arter. I think we ought to say, Mr. Chairman, that this is a problem that we have in relation to most low-income families and we have just submitted an application to HEW. This project is funded by LEAA, and we are asking HEW to add a grant that will permit us to fund and staff services for the girls—at the moment I would say at the ratio of 3 to 1—who need the prevention program.

Senator BAYH. I suppose that when you get to three that is at least

a clear singal that they should join the group at the Y.

Dr. ARTER. Right.

Senator BAYH. And yet now we prohibit the girls from doing that

under the current program.

Dr. ARTER. And I think it is fair to say to you also that we are working very closely with the State of Texas whose officials are as concerned as we are, and this limitation at this point is a function of the legislation. But they have been trying with us. They spent a day last week with us trying to bridge this gap. We are now seeking a HEW grant, and we hope that something will happen.

Senator BAYH. And I would suggest that you pray a little bit too.

Dr. ARTER. Yes.

Senator BAYH. In all due respect.

Do you have any desire to steal any more clothes or things, Rosie?

Rosie. No.

Senator BAYH. Why not? Why did you want to do it at one time and now you don't want to do it?

Rosie. I don't know.

Senator BAYH. Would it be because you have something better to do now; maybe?

Rosie. Yes.

Senator Bayh. Your time is occupied?

Rosie. Yes.

Senator BAYH. How many days a week do you go to the Y?

Rosie. Well, we go four times a day-no, three times a day.

Senator BAYH. Four times?

Rosie. No. three.

Senator BAYH. I can't hear you.

Rosie. Three.

Senator BAYH. Three times a day or three times a week?

Rosie. A day.

Senator BAYH. I'm sorry, is it every day?

Mrs. BATCHELDER. There is a program every day of the week, but not all of the girls participate in all of the programs. Rosie and her sister are some of the most active participators, and they are there 3 or 4 days out of the week.

Senator Bayh. That's very good. Rosie, thank you very much for

letting us have the benefit of your experience.

And Mrs. Batchelder, we thank you for telling us a bit about your problems down there. We must do something about not being able to provide services for those who haven't technically violated the law.

Mrs. BATCHELDER. Right now I have not had to turn those girls away because of private resources. But it is getting to be more of a problem than this type of vehicle can handle.

Senator BAYH. Well, thank you.

Dr. Arter. I think you should know also, Mr. Chairman, in terms of the question we were raising about parent involvement, that Rosie's

mother is one of the most active parents who works with the staff in the program, and it gives us support for our feeling that we must do more in this area of actually working with the parents.

Senator BAYH. What percentage of parents can you get involved?

Mrs. BATCHELDER. At this moment I would have to say that it is small. They are concerned, but many of them do not have the resources to be as involved as they would like to. Transportation alone is a great problem.

But Rosie's mother is a good example of concern for her daughters, and the interest in the program out of that concern. All the parents we have visited in the homes have been very interested in the program to the extent of allowing their girls to be there. I think this says a lot because in this community you have a protectiveness that grows out of the cultural situation. And so they are very supportive of our program to this extent. But as far as actually being on the spot, sometimes resources prevents this.

Senator BAYH. Do you have any resources available to have your personnel go into the homes and work with parents, or do all parents

have to come to you?

Mrs. Batchelder. Right now we do not have the resources. We have ways of directing them into services in the community that can provide that. We have it in terms of family counseling and psychological medical services. We have contacts with this part of our program.

Now, I can make referrals to these agencies, but my staff at this

time is not equipped to cover this extensively.

Senator BAYH. Yes; would it be a good idea to have that staff?

Mrs. Batchelder. Yes; it certainly would.

Senator Bayn. Do you have any Mexican Americas on your staff? Mrs. Batchelder. Yes, our staff is "triethnic" because Corpus

Mrs. BATCHELDER. Yes, our staff is "triethnic" because Corpus Christi itself is a "triethnic" community. The major percentage of the population of Corpus Christi is Mexican American.

Senator Bayn, Thank you.

Dr. Arter. In the program of the YWCA of Oranges, which Dr. Strauss will describe to you, I think you will find an interesting contrast. I will tell you about Dr. Strauss and she can tell you about the girls.

She, too, is a member of the board of the YWCA in the Oranges, and she has an impressive volunteer history. She is a private consultant

in psychology.

Senator BAYH. May I suggest for the sake of time that we put Dr. Strauss' b. ;raphy in the record? We have it here and it is very impressive, but we would like to get right to her testimony.

Dr. Arter. All right.

Dr. Strauss. I am very happy to be here, and to bring with me some girls who are part of the behavior modification program at the YWCA at the Oranges, which deals-with youngsters who have been sent to us and who have also volunteered to come to us from school. The program is immediately adjacent to a junior high school which has had many, many problems of the kind that all of us know about in urban centers. So the girls who were assigned to us and who agreed to come, we were told, represented the more serious problems that existed amongst the students in that school.

They came to the Y twice a week for 2 hours apiece, a day, and there they participate in programs which really were designed partly by themselves, and certainly were implemented partly by themselves, in which the objective was to free them up to speak about their problems and help each other solve their problems and to work toward common goals. The three phases were their own problems, with their school-related problems, and whatever problems they might have in cooperating groupwise. This is a psychologically based program designed to help youngsters who show problems in behavior.

These three youngsters who are here today are not representative of the most seriously involved girls who we have dealt with. Those girls kind of hesitated to come, for reasons that I am sure are clear to you. However, these girls have improved very much in their behavior since they started with the program, and I am sure they can

speak for themselves about the program.

Before you ask them questions, Mr. Chairman, I would like to respond to something you said before, for just a moment. We are talking about the issue that Mrs. Batchelder raised, the categorical aid issue. You are forced to deal only with those youngsters who have a long history of troubled behavior. I do react with great feeling to much that was said about that by the Governor and by Mrs. Batchelder, too. I have been involved with the Newark and Essex County Youth House and all of the juvenile problems in Essex County in New Jersey for about 15 to 20 years. What has been done to help solve these problems, you know, amounts to less than even a band aid. And of that little bit, only a small fraction has been devoted to the needs of girls.

So, this program was started by the YWCA to respond to the needs of many girls. There is very little available research on the needs of girls who are delinquency prone; into what categories these youngsters fall, and the same for the more involved girls whom we have in other

programs at the YW.

So, I wanted to talk to the problem of categorical aid to begin with. You know it is self-defeating, if you deal with education or delinquency, to isolate those who have problems from the mainstream of their peers. The one finding of the Coleman report—equality of educational opportunity—was that if you combine the youngster who has educational problems with the larger proportion who fall within the normal range, the problem youngster moves up in his achievement and those who are within the normal range are not damaged in any way. To try to get local communities to respond to this fact is very difficult. It is even more discouraging that Federal funding guidelines also force one to isolate troubled youngsters and thus to diminish the probabilities of helping them.

Senator BAYH. How many young ladies have you been able to take

care of at the Y in the Oranges?

Dr. Strauss. In this program it was 25, from November to June. It will be enlarged in the coming year. These youngsters are all junior high school age; the program will be expanded to include high school age in the coming year, if we do receive funds.

In other programs the Orange YW has girls referred by the probation department of Essex County, and we have dealt with about a dozen

of those youngsters over the year. There is another program which deals with out-of-wedlock pregnant teenagers.

Senator Bayh. Have the three young ladies who are with you been

referred to you by the probation officers?

Dr. Strauss. No, they were referred by the schools.

Senator BAYH. By the schools?

Dr. Strauss. Yes.

Senator Bayn. For what type of action?

Dr. Strauss. Various. Some of them have had court experiences. others are acting out in the school, disrupting the classrooms, inaccessible to learning, truant and run away; also, the possibility of drug involvement. As I said, that does not represent the three young ladies who are here. Others who were in this program at the YW were more serious offenders.

Senator Bayn. Well, let's have the three young ladies tell us about

themselves.

Eunice, Vesta, and Pat, is that the way it goes?

Pat, do you want to start? Tell us a little bit about yourself. How did you get started with the Y? What do you do there?

PAT. Which one?

Senator Bayh. Either, any, or all. Why did you first go the Y?

PAT. Because my principal sent me to the Y because of my attitude. Senator BAYH. What was your attitude?

PAT. Like if somebody says something to me and I don't like the way they say it to me I get a quick temper. So he told me the best thing was to go the Y and see if they could help me with my attitude.

Senator Bayn. What did they do at the Y to help you with your

attitude?

Pat. Dr. Strauss, Mary Jones and Barbara Jackson and them sat down with me and talked to me and stuff. And since I have been there. like when you are over there don't nobody get nasty with you like they do at the schools. So, I haven't been catching no attitude from anybody up at the Y.

Senator BAYH. Could you pull that microphone head down so that you will be speaking into it? Do you think maybe the attitude of those

that you work with at the Y is different than the school?

PAT. Yes.

Senator Bayn. Who did you have the attitude problem with at the school, your teachers or your fellow classmates?

PAT. My teachers and my principal.

Senator BAYH. Did you get along with the other girls and boys OK?

Pat. Some of them.

Senator Bayn. What kind of things get you angry?

PAT. All kinds of things.

Senator Bayn. Have you been at the Y since school was open?

PAT. We started in September.

Senator Bayn. In September you started going to the Y eals

Dr. Strauss. November.

Pat. November.

Senator BAYH. Did you go to the school at the same time and go to the Y after school and on weekends, is that the way it works?

PAT. No. We go to the Y on Wednesday at 11 o'clock and you be there 10 to 1, then you go back to school. Then Friday you come back and then you leave at 10 to 1 again.

Senator BAYH. So you are really going to school at the same time

you are going to the Y.

Pat. Yes.

Senator BAYH. Have you had fewer problems with your principal and teachers since you have been going to the Y?

PAT. Not as much as I had before.

Senator BAYH. You don't have as many problems now as you did before?

PAT. Right.

Senator BAYH. Do you like the Y?

Pat. Yes.

Senator BAYH. What do you do there?

Par. When we leave school we go there and we go to our group meetings and like if somebody has a problem with something they will bring it up and then the whole group will help decide what should the person do. And then after that we go eat our lunch and after lunch we play records, and then we go back to school.

Senator BAYH. What grade will you be in this fall?

PAT. The ninth.

Senator BAYH. What are you going to do when you grow up?

PAT. I want to be a secretary.

Senator Bayn. Secretary. Very good.

Vesta, how about you?

VESTA. Where do you want me to start?

Senator Bayn. Wherever you want to start. Why did you go to the Y?

VESTA. Well. I felt that if I went over there it might help me improve the way I am toward some of my teachers.

Senator BAYH. Did you go there on your own, was it your idea or

did your teacher suggest that you go?

VESTA. My teacher suggested that I go.

Senator BAYH. What was the problem between you and your teachers?

Vesta. Well, it seemed like they were always picking on me.

Senator BAYH. What sort of things did they do when they picked on you?

VESTA. Well, I would talk and I would be talking to my friend, and she would holler at me instead of my friend.

Senator BAYH. Was it your friend's fault?

VESTA. No.

Senator BAYH. Maybe a little bit of both?

Vesta. Yes.

Senator BAYH. What do you do at the Y? Are you in the same program that Eunice is in?

Vesta. Yes.

Senator BAYH. You go there about 11 o'clock and have group sessions, play records, and those things?

Vesta. Yes.

Senator BAYH. Do you like it?

Vesta. Yes.

Senator Bayii. Do-you have a better attitude toward your teachers now?

YESTA. It was only just one teacher. But we still don't get along.

Senator Bayn. Maybe we ought to send the teacher to the Y.

How do you get along with your classmates, the other boys and girls?

VESTA. I get along with them pretty good.

Senator BAYII. What do you want to do when you grow up?

Vesta. I want to work with computers.

Senator BAYH. Computers. What do you think of the Y program; is it fun?

VESTA. Yes.

Senator BAYH. Does it ease your mind a little bit?

Vesta. Yes.

Senator BAYH. It's worthwhile? Would you like your other classmates to have a chance to have this kind of an experience?

VESTA. Yes, most of them.

Senator BAYH. OK.

Pat, when is the first time you went to the Y and why?

PAT. I went last year through the seventh and eighth grades. They sent me because I couldn't get along with a teacher.

Senator BAYH. What teacher?

PAT. My social studies teacher.

Senator BAYH. Do you get along with all the others?

Pat. Yes.

Senator BAYH. Why couldn't you get along with the social studies teacher?

Pat. Because I didn't like social studies.

Senator BAYH, You didn't like social studies. Do you like Senators? Don't answer that.

(Laughter.)

Senator BAYH. Well, did your social studies teacher suggest that you go there?

PAT. Yes.

Senator BAYH. And so you went?

Pat. Yes.

Senator Bayh. Did you think anymore of your social studies teacher than, than before you went to the Y?

Par. I don't have him this year.

Senator BAYH. You don't have him this year.

How about drugs, anybody in your class using drugs?

PAT. Not that I know of.

Senator BAYH. Do you ever use them?

Рат. No.

Senator Bayn. Do you go to the same programs as the other two girls?

Par. Yes.

Senator BAYH. What do you think of the program?

Pat. It's good.

Senator BAYH. Let's see, you are in the ninth grade now?

Pat. Yes.

Senator BAYH. Well, suppose the teachers said you didn't have to go to the Y any more. Would you still like to go to the Y?

<u> Par. Y</u>es.

Senator Bayn. You think that it is really worth while?

Pat. Yes.

Senator BAYH. Do you work with Dr. Strauss and she works with you?

Pat. Yes.

Senator Bayn. OK, thank you very much.

Dr. Strauss, I appreciate your emphasis on the categorical grant problem. We simply are just going to have to do something about it.

Dr. Straus. Yes, we need some kind of combination that we don't have yet; it is a shame to just put these youngsters in a category and then isolate them. It is self-defeating. In the whole community-based program effort, the philosophy is not to isolate them, but then the

way the money must be spent does isolate them.

Senator BAYH. Well, I wish you and Mrs. Batchelder both would take a close look at our bill, if you haven't already done that, and give us your personal critique about how you think the programs and the directions within this bill would apply in the Oranges and in Corpus Christi. We would like to know from your personal experience what could be done to improve the bill. Those of you who have the responsibility of administering present programs have a better sense and a better feel of what might be right or wrong.

Dr. Strauss. I certainly want to comment on the emphasis on prevention in the bill. I think it is tremendous and great, and this program represents an effort in that direction. The money that is available to the States is very, very small for this, and I feel, as the Governor

of Ohio said, that this is a great shame.

Senator BAYH. You have a group of young ladies and girls at the Y in the Oranges, who have not been in an official confrontation with the system of justice.

Dr. Strauss. Yes. They come from all levels.

Senator BAYH. Yes, but you are trying in this area of prevention, and my compliments for that.

And, Mrs. Batchelder, thanks to you.

Dr. Arter?

Dr. Arter. I will just say one more thing. We have shared with your staff a list of funded programs in this area for all to YWCA's throughout the country, and we are asking all of them to do this in relation to this legislation which you are proposing. And I think you would be happy to know that there is not only interest and support, but a firm intent to try to help see that it becomes a reality.

Senator Bayn. Wonderful. I hope they express that firm conviction

to their Senators.

Dr. Arter. I think we will have a few visits this afternoon.

Senator Bayn. All right. Thank you very much. We appreciate it.

Dr. Arter. Thank you.

(Dr. Arter's prepared statement is as follows:)

PREPARED STATEMENT BY THE NATIONAL BOARD OF THE YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF THE U.S.A.

Of the nearly two and a half million members and participants of the Young Women's Christian Association of the U.S.A., 22% are in the vulnerable 12-17 year old age group. An additional 9.1% are in the 18 to 24 year old range. The constituency of the YWCA, one of the largest organizations of women and girls

in the nation, represents diverse racial, religious, and socio-economic backgrounds. From our experience and involment with youth we know the problems they face today. We are deeply concerned at the institutionalized ways in which our system of justice is often racist, punitive, and discriminatory in its treatment of youth, especially those from minority groups. At our 1970 National Convention the YWCA voted to give the highest priority to "thrust our collective power toward the elimination of racism, wherever it exists and by any means necessary."

We are therefore particularly interested in legislation which is aimed at improving our system of justice, and in providing the means to overcome some of the shockingly dehumanizing features of our present juvenile justice system. As a community based organization, we feel the urgency of securing a greater national commitment in funds and program related to the prevention and treatment of juvenile delinquency if local organizations and the private sector are to

make any effective response to the need.

For these reasons we are pleased to submit the following comments on S. 3148. Our reaction to the proposed Juvenile Justice and Delinquency Prevention Act of 1972 grows out of more than one hundred years of work with young women and girls, many of whom have been delinquent or delinquency-endangered. Our focus at this time is on the last two years of this experience, during which the National Board YWCA and many of its affiliates have strived to carry significant roles in the national attack upon delinquency, especially among females. This experience has taken place nationally, as we have sought to develop working relationships with Federal agencies that would be mutually reenforcing and which would strengthen and facilitate the YWCA's national interest and efforts on behalf of these young women and their families. It has taken place locally as we have worked with our affiliated organizations—in mutual planning to develop and conduct community-based projects which would affect the lives of these youth in positive ways. In testimony and statements to the Congress of the U.S. as well as in many exchanges with the administrative agencies we have described not just our successes but also our frustrations with the juvenile delinquency programs. Most of our frustrations resulted from the inadequacy of enabling legislation and appropriations. We are pleased to place the emphasis of this testimony on the potentials which we consider are offered by the proposed legislation. We, therefore, will limit ourselves to a few points which we wish to highlight and a few problems which we believe should be called to your attention.

We want to emphasize our strong agreement with the bill's thesis that the problems of juvenile delinquency are acute; that they are increasing at an alarming rate in this country. To this, we add our concern about the indications that younger and younger children are becoming involved in aggressive acts and arrests. Our special concern is the extent to which young females are a growing part of the problem. The evidence of this—in national statistics—is not only cause for concern, it impels our urgent efforts in the direction of preventive and rehabilitative actions. The picture comes clearer as we move in and about local communities and encounter the dramatic evidences of the reality that may be too easily submerged in gross figures. For example, within the last months:

We have been informed by the Chief Probation Officer in a southwestern city that there has been an increase of 100% in the number of girls referred

to the Probation Department in the past two years;

A Corrections official in an Eastern State reported that the proportion of girls committed to correctional institutions has exceeded the comparable proportion of boys.

These examples are in consonance with the findings of the 1970 Uniform Crime

Reports by the FBI which stated that:

Long-term arrest trends, 1960-1970, revealed that arrests for young females under 18 years of age increased 204 percent, while arrests for young males under 18 rose 98 percent. It is noted that arrests for young females under 18 for each Crime Index offense more than doubled, 1960-1970. When the serious crimes, as a group, are considered, arrests of males 1960-1970, were up 73 percent and female arrests increased 202 percent.

Throughout the different states of this nation, we are constantly confronted with the striking picture of increasing delinquency-related problems of girls, framed in inadequate recognition of our attention to their needs. Not unusually we find it difficult to interpret to those who are professionally engaged in juvenile delinquency prevention and control that this problem among females calls for

specialized knowledge and methods of work; that it represents a distinctive and unique aspect of a total problem that, with a few notable exceptions, is not treated adequately in the literature of the field. We are called upon repeatedly to refute the standard, so-fallacious cliche: "take care of the boys and the

girls will be all right."

We wish to express our strong support of Title II of the proposed legislation which will strengthen the protection of the civil rights of juveniles and promote improved standards for juvenile justice. We are aware of the importance of this type of action, accompanied by the strengthened capabilities of community-based resources. It is the latter—the community-based alternatives which must supply the skill and solicitude—the warp and woof of the social protections which young people will continue to need. This applies particularly to those in developmental stages who may not be completely accountable for, or aware of the consequences of, their individual acts.

The proposed National Commission on Standards for Juvenile Justice—Title III—we believe to be an essential instrument for achievement of the objectives of long-range improvement of the juvenile justice system. Since the legislation already carried some specifications regarding qualifications of some of the members to be appointed, it seems appropriate to suggest the desirability of other considerations. We recommend that the legislation specify the requirements that at least five of the members of this Commission be females; and that one of the

two "former Juvenile delinquents" be female.

It seems important also to include in the legislation the further provision that the Commission give special attention to the rising incidence of delinquency among females, and to those forces and factors which may be identified as major contributors to the delinquency-endangerment of female youths.

Generally, we are supportive of the objectives to which Title IV is directed, i.e., the more effective coordination among the various branches of the government which are involved in delinquency programs, as well as the achievement of sound balance between centralized and decentralized responsibilities in the

in the adminstration of these programs.

We are most deeply concerned, of course, with Title V which authorizes funds, part of which are to be distributed by the states through designated planning agencies and part of which are to be under the direct control of the proposed National Office of Juvenile Justice. It is interesting to discern some sgnficant indications of legislative intent particularly in the statement by Senator Birch Bayh on January 6, introducing the bill. This statement particularly notes that "by making funds available to non-profit private agencies, institutions and individuals, participation by a wide spectrum of the community in developing ways of dealing with the problems of juvenile delinquency will be encouraged." It further notes that "most important, all grants, whether made to state agencies, public or private agencies, institutions, or individuals, will be made in accordance with broad guidelines which reflect the view of people who have longed worked in the field. These guidelines encourage the development of viable alternatives to the traditional juvenile justice system, with particular emphasis on replacing large, outmoded juvenile detention and correction facilities . . . [the] bill requires that at least half of the funds a state planning agency receives must be spent on the development and use of facilities designed to provide an alternative method of rehabilitating or detaining juveniles other than confinement to traditional training schools, reformatories, and detention centers . . .

If we interpret these remarks and the provisions of the Title V correctly, enactment of this bill would move forward to a new level the potential for engaging the resources of the private organizations through which "community-based" programs may become a significant reality. Certainly, this proposed legislation goes far beyond the Juvenile Delinquency Prevention and Control Act and the Omnibus Crime Control and Safe Streets Act in affirmataive recognition of the importance of private agencies and of community-based alternatives to the traditional juvenile delinquency programs. For those of us who have been trying since 1968 to mount a serious and meaningful attack upon juvenile delinquency through our organizational resources, this proposed legislation casts a new ray of hope. We are mindful, however, that there must be no question as to legislative intent if this bill is to resolve the problems that have restricted the progress of private agencies under the two predecessor statutes. This, of course, goes beyond the need for appropriations commensurate with the authorizations of the enabling Acts. It goes to the heart of technical and administrative conditions designed to

encourage and facilitate the participation of private agencies in these Federally-funded programs in contrast to those that leave such participation to chance and whims. In this, we are dealing with the reality that there have been but few if any precedents for an effective partnership between governmental and private agencies; that this is reflected in both legislation and administration.

We believe it would be presumptuous at this point to assert that any of us have all the answers, but at least some of the conditions that call for consideration are beginning to emerge from the initial experiences. We comment upon a few of

these and hope that others will be drawn from future experiences:

1. The planning and coordinating structures of the governmental agencies that are set up to provide leadership for the Federal efforts have not yet found the keys to effective involvement of the private agencies through which the community-based programs must ultimately be channeled. The coordinating, strategy-planning, policy-development units of the government agencies do not engage "the participation by a wide spectrum of the community in developing ways of dealing with the problems of juvenile delinquency" nor are the "views of people who have long worked in the field"—if this comment by Senator Bayh is to embrace the youth serving agencies—been brought to bear upon the decision-making bodies of government at any level. The occasional meetings, conferences, and consultations with selected representatives of community organizations know what decisions have been made. Customarily, the community organization that wishes to cooperate in the program exerts the major part of its energies and resources trying to run down the policies, procedures, and the right channels. This is a most serious profile and one that must be resolved if the real potential of private agency participation in the delinquency prevention and control programs is to be realized.

2. The rules and regulations, the guidelines, and the administrative procedures designed and directed primarily to relationships between the Federal Government and units of state and municipal governments generally cannot be transferred effectively to relationships between governmental agencies and private

organizations. This relates to technical as well as policy considerations.

This is, in fact, too big a subject to be dealt with adequately in this testimony. Its importance, of course, is not limited to the program subject of this particular legislation; but it is especially significant in relation to it because the effective participation of community-based private organizations is one of the major objectives of this proposed Act. It may be recalled that in 1970, an Interagency Task Force on Universities, Hospitals, and Other Private Non-Profit Institutions was designated by the Office of Management and Budget ". . . to study Federal grants and contracts" with these private organizations. A letter addressed to some of these organizations by the Task force stated in part: "The existing diversity of administrative and financial policies, procedures, and requirements among the programs of Federal agencies not only places administrative burdens on the recipient institutions, but also causes them considerable confusion. . . . " The Task Force set out to "examine every step and function involved in the administration of Federal grants and contracts . . . including the proposal or application process, funding, property management, cost sharing, reporting, and close out." Since the respondents to this communication were asked to select one among the several subjects covered by the inquiry, the National Board YWCA addressed itself to cost sharing. The appended copy of the letter of January 19, 1971 from Edith M. Lerrigo, Executive Director of the National Board YWCA, reflects YWCA interests and experience on this one aspect alone. Since this letter was written, however, additional experience has revealed that cost contributions by organizations of property-space and equipment-acquired through charitable donations, in effect, are discounted through "fair market value" calculations that determine acceptability of the grantee "match." In short, the use of this space or equipment cannot be counted as a grantee contribution. This has seriously affected the abzility of YWCAs to meet the cost sharing requirements for programs under the Law Enforcement Assistance Administration.

We believe this and other problems of this nature should be dealt with in the

proposed Juvenile Justice Act.

3. The problem of the ineligibility of private agencies to receive direct funding under the Omnibus Crime Law has been a major deterrent to their participation in programs administered by the Law Enforcement Assistance Administration. The effect of Title V upon this problem is not clear: Senator Bayh's

statement indicates that this bill does not propose the "termination or the relocation of existing juvenile delinquency programs; rather, it provides the authority to supervise Federal planning and policy and to establish priorities and objectives for all Federal delinquency programs. . . ." This authorization does not appear to modify the basic conditions under which the existing programs operate; therefore, LEAA funds would still be restricted to public agencies. It is hoped that it may be clearly established that for the purposes of Juvenile Delinquency Prevention and Control, LEAA funds may be directly allocated to private agencies.

4. It appears to be permissible under the newly proposed Act for national organizations to be funded for the purposes specified in this legislation. This, however, is such a crucial consideration that it calls for direct statement. The role of the national coordinating structure of private organizations with vast networks of local affiliates is of utmost importance. It is through these national structures that local resources are marshalled; that they are guided through the maze of procedures and processes which terminate in locally planned and locally grounded projects and program systems. This, too, should be a clear part

of the legislative mandate.

5. Apparently, efforts to induce local governments to assume financial responsibility for projects "pump-primed" by Federal funding have established policies that keep private sponsoring organizations under relentless *refunding* pressures. The myth that permanent funding might become available miraculously through non-Federal sources after one or two years of Federal aid is built into guidelines, applications, and award conditions. The result is not continuity of funding through other sources; it is rather the wasteful termination of short-term projects. This whole problem calls for assessment in relation to legislation designed to encourage and stabilize community-based projects.

The National Board YWCA and a number of its local affiliates have managed to deal with some of the above problems and to develop programs directed toward delinquency among the endangerment of young families. The backlog of real and potential projects for funding, however, adds up to a discouraging picture when measured against the national resource offered by the YWCA with programs occurring in more than 6,800 places in the United States. These resources include volunteers and trained staff as well as a reservoir of youth representing every economic and social sector of the nation's communities from suburbia to the inner-city. They also include programs, buildings, residences, and camps. Above all, these resources represent more than one hundred years of experience and competence in activities directed to improvement of the lives of girls and women.

Against this, we must measure an effort of over two years that has resulted in approximately 30 programs funded through Government resources. The National Board YWCA project for training in delinquency prevention, which now is in its third year of operation, and three local Association projects are funded by the Youth Development and Delinquency Prevention Administration in the U.S. Department of Health, Education, and Welfare. As we have indicated in previous testimony, these three local projects were the only ones funded from among 25 proposals submitted to this agency in Fiscal 1970. As of February 1, 1972, twelve local YWCA sponsored projects have been funded through LEAA. In addition to these, a YWCA Intervention Center demonstration, sponsored by the National Board YWCA, recently was funded by the LEAA regional office through a State Criminal Justice Council. The other government-aided projects have been funded through Model Cities programs or through city and state governments.

It should be stated that we have every reason to believe that the agencies with which the national and local YWCA have been working would welcome new legislation and/or modification of existing legislation, together with adequate appropriations, to strengthen, expand, and multiply the programs that have been

successfully initiated.

It seems relevant to include here a brief reference to some potentials that still

await action.

1. The National Board YWCA's proposal for Youth Work Techniques Development Centers for the purpose of testing new techniques and practices, including new roles for youth and their parents; new patterns for the delivery of services by YWCAs and other cooperating organizations; new methods for the utilization of professional and noprofessional personnel; and the provision of reality

situations for training of persons now or about to be engaged in delinquency-

related programs.

2. Project proposals by local YWCAs which were presented for funding in Fiscal 1970 for: Harbor Area (San Pedro), Pasadena, Sacramento, San Bernardino, and San Francisco, California; Denver, Colorado; Lexington, Kentucky; New Bedford, Massachusetts; St. Louis, Missouri; Missoula, Montana; Lincoln, Nebraska; Camden, Plainfield and North Plainfield, New Jersey; Albuquerque, New Mexico; Germantown and Philadelphia, Pennsylvania; Greenville, South Carolina; and Richmond, Virginia.

We have been informed that all these project proposals, in effect, have been

relegated to inactive status.

3. Although approximately 150 YWCAs have indicated to the National Board YWCA their interest in developing juvenile delinquency prevention proposals during the past two years, there is no potential funding for these projects through any source. The YDDPA states that it has no funds for new programs, and the LEAA priorities are upon correctional rather than prevention projects.

We are not listing at this time the many local Association projects which are pending action in various state planning agencies since we are not in position to

determine their current status.

We do not like to think of these potentials by numbers of localities or numbers of projects; rather we think of them in terms of the thousands of girls who might be served and hopefully diverted from delinquency and delinquency endangerment. That is why none of the foregoing reservations we have stated are intended to diminish in anyway our strong support for the proposed Juvenile Justice and Delinquency Prevention Act of 1972. We seek and look forward to sharing an increasing amount of the responsibility for achieving the objectives of this legislation.

Senator BAYH. Our next witness is Mr. Bill Ryan, the deputy com-

missioner of the Kentucky Department of Child Welfare.

I was told by Senator Cook that he hoped he would be able to be present when our two next witnesses would be here. Unfortunately, for us he is presently chairing the Commerce Committee meeting and will not be able to be with us, but he wanted to offer a personal welcome to you.

I understand that Mr. Ryan is accompanied by Mr. Mort Stam, an attorney from the department of child welfare, and Mr. Jim Roberts,

a juvenile delinquency specialist.

Would you like to introduce your associates, Mr. Ryan?

STATEMENT OF WILLIAM RYAN, DEPUTY COMMISSIONER DEPART-MENT OF CHILD WELFARE, COMMONWEALTH OF KENTUCKY

Mr. RYAN. Right. It is certainly a pleasure, Mr. Chairman, to be here today. We did bring two of our staff members today, Mr. Mort Stam, an attorney with the department, who is at my right. Mort drafted some legislation which was recently passed in Kentucky and we will be talking about that, I hope, in the course of our discussion.

To my left is Jim Roberts, he is one of our juvenile delinquency specialists in the department, and has been active in creating and developing some of the prevention programs that we will be talking

about.

It certainly is an honor and pleasure for us to be here today. And the department of child welfare strongly supports and urges passage of Senate bill 3148.

The primary reason for our support is that the rationale for this legislation so closely parallels what many of us in Kentucky have believed should have been done for a long time. Quite frankly, when I first read the bill and Senator Bayh's comments in the Congressional Record, I wanted to shout out Hallelujah that somebody has finally put together a comprehensive piece of legislation that makes sense.

Senator BAYH. Feel free to shout Hallelujah right now.

Mr. Ryan. Hallelujah. It really makes sense, and it certainly makes sense to us. And really, it should provide an opportunity if we indeed want to be serious about resolving some problems facing youthful offenders.

There needs to be obviously a restructuring of the Federal approach to the problem of delinquency. There needs to be in many instances a restructuring of State and local community approaches to delinquency. There needs to be established a National Office of Juvenile Justice and Delinquency Prevention within the executive office of the President. There needs to be additional resources to develop an implement methods of preventing and treating delinquency. There needs to be effective training programs and a centralized research and a national clearinghouse and information center. There is a crying, crucial, critical need for national guidelines for administration of a juvenile justice system, including community based programs and detention and correctional facilities. All of these things are needed, actually much more, if we are even to begin to deal seriously with the problems facing youthful offenders. We don't know where to go for funds, and when we do get them they are often inadequate or categorical, as was mentioned previously.

There needs to be a restructuring of State and local approaches to the problem of delinquency. I want to comment briefly about our structure in Kentucky, which I think is unique. As a matter of fact,

it is unique among several States.

I think we have to keep in mind that the forces which produce delinquency are very complex, and if these answers were simple we would have found solutions a long time ago. Yet the problems remain with us. Human lives are miserable in that all society suffers because we are not facing and dealing with difficult problems.

In short, we need desperately to place a high priority on the lives of our young. And at the present time this priority is sadly lacking.

Let me mention in brief some of the things that we are doing in Kentucky. In Kentucky, we are striving toward developing viable alternatives to the traditional approach of dumping juveniles in large custodial type institutions. The basic philosophy of our department now in working with delinquent youth is directed towards community based treatment programs. This philosophy came from an increased awareness that institutionalization is often a more destructive rehabilitation program for too many, probably really the majority, of juvenile offenders. Just recently, we did a survey of people in our prisons in Kentucky and we found that 60 percent had previously been in delinquent institutions.

Further, and I can recall that when I worked directly with juveniles for many years, we used to tell judges that early apprehension and institutional treatment of offenders, even truants and children with behavior problems, was desirable in our efforts to rehabilitate. However, experience has shown us within the department of child welfare the opposite. Now the emphasis for rehabilitation effort is being focused within the community without the use of institution

facilities whenever possible.

I would like to return for a moment, if I might, to point out the unique features of Kentucky's structure. We are the only State having

a cabinet level agency charged with the statutory responsibility for services to all children. Meaning, all children who are abandoned, dependent, neglected, delinquent, or in danger of becoming delinquent. Such a structure enables us to focus all our attention, all our energy, upon the services to all children. But you will find that you do not have this kind of a structure, or something similar to it which Governor Gilligan eluded to in the youth commission, if delinquent services are given bottom priority without any kind of focus.

Now, let me briefly describe some of our programs. We recently phased out Kentucky Village, Kentucky's large training school for delinquent youth which at one time housed 700 children. Because of that housing and the custodials it is our judgment that it helped destroy over 700 children. We phased Kentucky Village out some 5 months ago, and instead we are operating a series of 10, small, decentralized intensive residential treatment centers. Each of these smaller centers has a maximum capacity of 40 youth, with a maximum stay of 6 months.

stay of 6 months.

In addition, we operate three regional diagnostic centers. We recognize that the residential treatment centers are much more effective in working with delinquent youth than the large custodial type of facilities.

Everyone these days, including the ex-attorney general, the President, and the chief justice, seems to be in agreement that large facilities are ineffectual. However, and I think this is important that we recognize this, residential facilities are not really the answer to delinquency. They aren't now or will they ever be. There is absolutely no question that a more effective means of bringing a service to delinquent youth is by bringing in programs which are located within their own community.

At this point, I would like to digress and mention that I understand that Jerry Miller and some of the people from Massachusetts were here. I visited Massachusetts about a month ago and spent 2 or 3 days there. We were tremendously impressed with the direction and the types of service that Massachusetts is developing. Many of the things that we are doing in Kentucky roughly parallel what has been

done there.

In the statement that you have, I have mentioned some six or eight programs that we have developed, some of these through the use of LEAA funds, and some through 4-A funds aimed at prevention. One of these I would like to mention specifically is the foster care program

for hard-to-place children.

In this program, which is an LEAA block grant, children stuck in our large institutions like Kentucky Village had been there as many as five times, some as many as 10 years. Everybody had given up on these kids, everyone except possibly the kids themselves. Since we were able to arrange for some funds, we threw away the rules on the present "how you go about evaluating a foster home," paid a little higher rate and went to people and said, will you consider taking a kid who has been seriously damaged.

The results of this project are absolutely amazing. Some 110 youths have been placed in institutions within the past year, with less than 10 percent having had to be returned to the institution. Those children

who were returned were severely emotionally disturbed, part of which resulted from institutionalization. Without this project we would not have been able to close Kentucky Village. The focus of the project is now moving in alternatives to institutionalization, as well as enhancing the opportunity of those returning to the community from an institution.

A similar project which results from a joint venture of our department and the bureau of vocational rehabilitation in Appalachia and eastern Kentucky provided for unemployed parents whether unemployed or underemployed. We went to these people, conducted a training program, and asked them if they would consider being foster parents. The result of this is that we have recently placed some 50 children in this program. The results are obvious. It provided employment opportunity for unemployed persons, and a home for a child who otherwise would not have a home.

We have group homes and halfway houses. In relation to the previous testimony concerning the YMCA and the YWCA, just recently in Louisville, Ky., we initiated a contractional relationship where we are operating two halfway houses for delinquent youth. At the present time there is something like 24 youngsters involved in the program. To my knowledge none of these youngsters have returned to institutions, or have gotten in trouble. They stay at the Y, go to school,

and utilize the Y's programs.

Among the other programs that I listed is an alternative school program. This is an LEAA grant to the Louisville Board of Education, which provided an opportunity for youngsters to stay at home and become engaged in a special, intensive school program. Although there was some 125 youngsters in the program, 50 of them have been in institutions previously with only two or three getting into trouble again during the school year.

I would like to point out that when we talk about delinquency, we miss talking about some of the relationships between education and delinquency. In Kentucky, for example, we find that for the children committed to this department their average reading level is 4.57 for males, and 5.43 for females. In arithmetic, the average male is at the fourth grade level and the female at the fifth grade level.

Senator Bayn. How old were the children?

Mr. RYAN. The children were the average age of 15. Now, if you figure about 15, you are usually a freshman. What we are getting are commitments of children who are reading at a fourth grade level with arithmetic comprehension at the fifth grade level. You can well imagine what this does to a person's image.

Senator BAYH. They are still 5 years behind in the classroom with

their contemporaries. Mr. RYAN. Right.

Senator Bayn. Now, have you been able to nail down, the causes of these problems? Are birth defects, mental retardation, the environment of the home the cause? Is there any one reason that is more prevalent than the other?

Mr. Ryan. No; I don't think we really know the absolute reason. I think it is a combination of all of those. What we found so often is that the educational opportunities themselves are not geared to the kids. These are the kids who did not respond, who may not have had the encouragement at home, and when placed in traditional school programs were turned off because they were not the kinds of programs the kids could relate.

I don't know if we really know all the reasons to it and the reasons behind it. Often times in the cities in Louisville and large metropolitan areas if the kids go to school at all, they just go and sit, until somebody passes them socially just to get rid of them, then they wind up in trouble.

Senator BAYH. Since I have interrupted, let me ask a couple of questions. I think they are relevant to what we are talking about right now.

Is it your judgment that many of the reasons that children have problems today is that either in the homes or in the schools they don't receive the kind of personal attention that most of us got when we were youngsters?

Mr. Ryan. Absolutely.

Senator Bayh. And thus we take these youngsters who don't have personal attention in their homes and in their schools and put them into large institutions for juvenile, delinquents in which they receive even less personal attention. Then we wonder why the problem is get-

ting worse instead of better.

Mr. Ryan. Absolutely. I am in absolute complete agreement. Even in the case of a truant, who is committed to the department of child welfare, we now have some legislation which says that they cannot be institutionalized any longer. We were having children committed to us as truants, and then the schools in our institutions were being operated by the same school board that the kids could not get along with in the first place. So, it is an impossible kind of siutation. The kid isn't going to get any kind of help in those kinds of facilities.

Senator BAYH. I asked you to give your attention to some of the specific thrusts of this bill that I introduce. Is it fair to say that a bill like this it the national level will help focus national attention to the problems of children and young people, the same way you have tried to do that in Kentucky. And by bringing the problems of young people into focus, we will have a better chance of dealing with them on a priority

basis and solve them?

Mr. Ryan. Yes, absolutely. I think the provisions of the proposed legislation of your bill will do precisely this, and it is what we have

attempted to do in Kentucky.

I think it would call attention to the problem which people cannot ignore. I think there is something to be said for the national clearing-house, and I think the whole idea in Kentucky of having one agency, one person for people to call and to turn to for help is an excellent idea. I am particularly impressed with the provision of the bill that says grants and money have to be aimed at preventive kinds of programs. We don't need any more institutions, we don't need more kinds of institution facilities. They are self-destructive.

Senator BAYH. Let me ask you to share with us the experience you had in Kentucky, and to think about whether we can anticipate the same kind of results on a national level with implementation of the measures you have tried in Kentucky. There can be no question about the fact that we have a great deal of concern in most of the commu-

nities of our country, whether they are south of the Ohio River or

north of the Ohio River, about the increase in crime.

The story you tell in Kentucky, I'm sure, is the same problem we have in Indiana, of repeaters. Those who run afoul of the law at an early age, and then, because of the way they are handled, continue in crime perhaps for the rest of their lives. Society puts them into institutions where they get no personal attention, and pretty soon they are beyond help.

Is it fair to suggest from the experience you have had in Kentucky that if we had the kind of program that this bill, S. 3148, envisions, where you can have personal attention given to youngsters when they first evidence programs, that we can ultimately cut down the rate of

adult crimes sig. cantly?

You talk about 110 youngsters and less than 10 of them have repeated. Couldn't such programs have a significant impact on adult

crime and crime statistics in a very few years?

Mr. Ryan. Yes, absolutely. And some of the other things we have done in Kentucky have been contrasted to some of the other States. In the last couple of years, with our focus and our key, we have actually been able to reduce the number of commitments into our delinquent institutions by some 15 percent. We have also reduced the numbers of what we call placement violators, recidivists by about the same percentage. Some 20 more were placed on probation.

Now, each one of those children, as they receive services and by not getting into trouble, therefore, are not going to go into adult

prisons.

Senator BAYH. Let's talk about size, gentlemen. There is general recognition, whether in Kentucky or in Massachusetts, among those who deal with institutionalized children, that the larger the numbers

the less chance of rehabilitation.

What is the optimum size if we are talking about a community center to deal with the problems of children, either those who have first violated the law or those who give evidence of having problems that need specific attention? Perhaps I should rephrase the question: How small should we try to keep these facilities?

How many youngsters can you have in one community center be-

fore you lose the benefits of personal attention?

Mr. RYAN. OK, let me try to answer that in two ways. First of all, I think the thing that Jerry Miller and those in Massachusetts are attempting to do with their halfway houses, and our halfway houses run about the same, is to have six to eight children in a residential kind of setting. That is best. It is best first of all if the child remains in his own home; that should be first priority. We have managed to do this by utilization of some other resources.

Senator BAYH. How do you keep a child at home? I must say that everything that I have heard indicates you are absolutely right that a child is better off in his own home environment with his parents.

How do you help a child in his own home? Do you have volunteers or professional personnel to supervise him? Is it on a 1-on-1 basis or 1 to 10?

Mr. Ryan. OK.

Senator Bayn. I have asked so many questions-

Mr. Ryan. We have a series and incidentally this is a result of some 4-A funding in which we were able to initiate a contract last year resulting in substantially more workers for us. But that is all we could get.

Senator Bayh. 75 percent of the cost involved?

Mr. Ryan. Yes.

Senator BAYH. Perhaps I should say 75 percent of the problem.

Mr. Ryan. Yes. It may be 50 percent of the problem and 75 per-

cent of the money.

We were able to increase the number of workers we had. We offer in all but five of the counties that the child welfare department has, the responsibility for probationers, and an instructive service to all children. So, in some cases where children with a problem come to us quite early, we have also initiated a rather extensive homemaker service, which is often not thought of as prevention, but indeed it is.

Senator BAYH. What is a homemaker service?

Mr. Ryan. Where a person can come into a home and work with the family with the problems they are having. It may be a simple thing like learning to cook and to clean the house, to child rearing practices. And the homemakers who go into the homes are themselves people from the area. We have found this quite successful in many cases.

Senator BAYH. Can you tell me why it isn't just as important to provide services to help a mother or father know how to deal with the problems that exist in the home, as it is to find a place to put a young-ster after he has been unable to cope with the problems that exist in a

home?

Mr. Ryan. No, I sure can't tell you. I think it is extremely paradoxical to me that all the money is available for detention, apprehension, and locking kids up with just a pittance of money available for dealing where the problem really is, which is in supporting and working with the family before the problem gets so out of hand that nobody can work with it.

I think some of our experience bears this out by the utilization of a day care center where a member of a family who might be delinquent, could have had the advantage of a day care center. This often prevents delinquency if the mother or child used their facilities early enough. The child gets the stimulation and motivation necessary and is relieved of the pressures from the mother, father, or the other children in the

home during that time.

This is what prevention is all about. The earliest possible moment is essential. Because prevention can't be accomplished after that. We have stressed again and again that prevention programs do not work unless the child is reached at the earliest possible moment. The primary focus of all people working with children should be that the child rightfully belongs in his own home with his natural parents. If that isn't possible, there are alternatives. We have a scheme, the first alternative is foster homes, the second is the group homes, and the third is on a statewide basis, the fourth is private institutions, if all else fails, the child is sent to one of our small residential facilities.

I might venture back to the question you asked earlier about size. I would say that six to eight children for a halfway house, and no more than 40 youngsters ever ought to be in any kind of an institution. After

40 you have trouble. You have the deep impersonalization and all the

other kind of problems that ensue.

If I could, I would like to mention briefly some of the legislation that has just passed on the State level in Kentucky. It is extremely significant and almost exactly parallel to what is being discussed in your bill.

We have passed some bills in the 1972 Kentucky General Assembly that provides a solid groundwork for the implementation of programs and procedures which should result in some serious inroads into the problems of delinquency.

I want to emphasize the following things and I'm going to say them because I think they relate to your bill directly. These bills are not so much significant for the enumeration——

Senator BAYH. May I just interrupt, Mr. Ryan, so the record will show that our committee member from Kentucky, Senator Cook, is here. Senator Cook is a very active member of this committee, who unfortunately has been detained at a hearing of the Commerce Com-

mittee as I said earlier.

Senator, these men have been giving strong testimony of what has been happening in the State of Kentucky. Let me say as one who has been a strong critic of our inability to deal with the problems of juvenile delinquency, under the present system, that it is very fitting to have testimony from your State where so much is being accomplished. Mr. Ryan is an excellent witness who is supporting our bill, S. 3148 but also is describing what Kentucky is doing to improve its juvenile justice system. Hopefully we can use the example of Kentucky to support S. 3148 and get a national program going.

Senator Cook. Mr. Ryan, may I say I owe you an apology for not being here. I started hearings 10 o'clock this morning and I just fin-

ished them, and I haven't had lunch yet.

The only thing—because I have to leave, and I apologize again, and I told Steve I was awfully sorry I couldn't be here—there is no doubt that what we have has got to be reorganized and reoriented. And I want the record to be very clear that the only reason that the Senator from Indiana or myself agreed to the continuation of the 2-year extension of the Juvenile Delinquency Act was for one basis, and on one basis only. And that was that this committee was going to do its best to reorganize the whole thing. And to rewrite it for submission to the Congress. And to that extent the Senator from Indiana has taken on the first brunt of this, and there is no question about the fact that he would take on most of it.

But I sure hope before we wind these hearings up, that I would be able to join you. Because it is a commitment that we both made, it is a commitment as far as the two of us are concerned, are going to fulfill in this committee, and we are going to see to it that it gets accom-

plished.

And I want to thank you for coming, and again apologize that I cannot be here, but I will read this testimony, and my staff is here. And I appreciate very much you coming and your staff coming, and I appreciate Steve Porter coming because it is a contribution to this record that needs to be made, and it is a correction system that has got to be accomplished by us if we are going to see the utilization of a

program that really is going to be meaningful. And if funds are going to be appropriated that frankly we know they are going to be properly spent.

And I want to thank you, Mr. Chairman.

Senator Bayh. Thank you, Senator Cook. And I might say that I happen to be chairman of two subcommittees of the Senate Judiciary Committee, of which Senator Cook is a very active member, and often times chairman of subcommittees face a lonely vigil. There is no member of either one of those subcommittees who has done more to lessen the burden of that lonely vigil than my friend from Kentucky. I just think it is unfortunate that the Commerce Committee had to meet today, and I'm glad that committee had a man like you to chair it.

Senator Cook. Thank you very much.

(Senator Cook departs.)

Senator BAYH. Please proceed.

Mr. RYAN. I think that as the bills were passed, they did not simply enumerate rights similar to those proposed in Senate bill 3148, nor did they consider procedural matters alone. Rather, the implications of the procedural protections and mechanics are used as the point of departure for the special way in which the procedural details are set forth. This recent legislation provides a full range of constitutional and procedural rights for children before juvenile court. We have specific bills and legislation now dealing with the juvenile justice system from apprehension, detention, and hearings, through appeals and the expungement of records.

Three of our new laws deal directly with provisions set forth in Senate bill 3148. We now have a law similar to that opposed by section 204 of Senate bill 3148. For the sake of time I won't list the rest of the bills in our legislation which exactly parallel what is in Senate

bill 3148.

The bills that we passed get at the very heart of the problem. They stress resolution of the problem at the least complicated and least official level possible. They stress community responsibility for community problems. They say that if the court must be involved, due process will be observed so that if some attention is needed to the life of the tried, it will be warranted. They provide that treatment for serious offenders will be directed at them and them alone and no longer will we have the truant and behavior problems mixed in with the rapist and the murderer. The legislation specifically prohibits child offenders and child crimes being sent to any of our delinquent institutions. They provide that the delinquent and the nondelinquent will be dealt with separately as they should be. I think they provide, in short, that the term delinquency will be unraveled in Kentucky and that the offender will be separated from the nonoffender.

Our new legislation represents an attempt to incorporate, just as your bill does along with the constitutional protections, the best thinking in the area of juvenile justice system. We are gaining a foothold into the future, I believe, with this new legislation. We have been left to our own creativity as to the programs we will devise and the funds we will use to carry out the intentions of the legislation. The provisions of Senate bill 3148 call for new law, and tie this law to programs set

forth specifically in the bill. Most importantly, and obviously most importantly, Senate bill 3148 has funds to back up the programs it calls for. Money is necessary, and as far as Kentucky is concerned, we now have a legislative framework within which will allow us to take full advantage of Senate bill 3148.

I think it was important to at least mention briefly, Mr. Chairman, that we do have the statutory framework to utilize the provisions of

this bill to its utmost.

Senator Bayn. Well, gentlemen, you have made a significant contribution to our record here, and I want to compliment you and those in the Kentucky Legislature. It sounds, just from what you have said, that the cooperation that exists between the executive branches and the legislative branches in Kentucky concerning juvenile delinquency programs is about 180° different from what is happening in Massachusetts right now.

Mr. Ryan. Yes; that is one of the differences between the two

States.

Senator BAYH. Hopefully the jury is still out on that issue. Mr.

Miller was very concerned about it.

Mr. RYAN. That's right, And it was difficult to get passed and it certainly wasn't the same kind of situation they had in Massachusetts

at all.

Senator BAYH. I think it is understandable that no dramatic change is going to come easily. I wish otherwise, but it is understandable how this kind of change would take a tough fight. But I am glad that some of you are willing to fight, others are willing to help, and that you are getting some results. And I hope that our bill S. 3148 will do equally well and maybe we can strengthen your hand in Kentucky and any place else that wants to bring a little enlightenment in how to stop crime, by stopping it before it starts in the home community.

So thank you for making your testimony available to us, and A hope we can continue to call on you.

Mr. RYAN. We volunteer right now to do whatever help we can. Senator BAYH. Thank you.

Mr. RYAN. Thank you.

(Mr. Ryan's prepared statement is as follows:)

PREPARED STATEMENT BY WILLIAM RYAN, DEPUTY COMMISSIONER, DEPARTMENT OF CHILD WELFARE, COMMONWEALTH OF KENTUCKY, JUNE 28, 1072

Mr. Chairman, members of the Senate Juvenile Delinquency Subcommittee, it is indeed an honor and privilege to appear before this committee while legislation to improve quality of juvenile justice in the United States and to provide a coordinated approach to problems of juvenile delinquency is being considered. The Kentucky Department of Child Welfare very strongly supports and urges passage of 8, 3148,

The primary reason for our support is the rationale for legislation so closely parallels what many of us in Kentucky have believed should be done for a long time. Quite frankly, when I first rend the bill and Senator Buyh's comments in the Congressional Record, I wanted to shout "Alleluia," somebody has finally developed a comprehensive piece of legislation that makes sense. It should provide a real opportunity for all of us if we want to be serious about

resolving problems facing youthful offenders.

There needs to be a restructuring of the Federal approach to the problem of delinquency; there needs to be in many instances a restructuring of state and local community approaches to delinquency; there needs to be established a National Office of Juvenile Justice and Delinquency Prevention within the Executive Office of the President; there need to be many additional resources to develop and implement methods of preventing and treating delinquency; there need to be effective training programs and a centralized research and a national clearinghouse and information center; there is a crying, crucial, critical need for national guidelines for administration of a juvenile justice system, including community based programs and detention and correctional facilities. All of these things are needed, and actually much more, if we are to even begin to deal seriously with problems facing youthful offenders.

There are monumental obstacles facing us as we search for solutions, resolutions, and even to make a dent in "delinquency problems," not only in Kentucky, but in all the states. Family life, poverty, racism, juvenile justice system, including rehabilitation efforts, housing, education, job opportunities, changing cultural patterns, personal attitudes, and values are some of the more important factors that affect a youngster's life. The forces that produce a delinquent are indeed complex, and this needs always to be kept in mind. If answers were simple, our society would have found solutions long ago. Yet the problem remains with us in significant numbers. Human lives are miscrable so that all society suffers because we are not facing and dealing with difficult problems.

We need desperately to place a high priority on the lives of our young. This

priority is sadly lacking.

Any analysis of any data from any juvenile justice system I have seen and just plain common sense dictates that if we really want to resolve "delinquency problems," some fundamental changes have to be made in the juvenile justice system.

In Kentucky, at least we are striving toward developing viable alternatives to the traditional approach of dumping juveniles in large institutions. The basic philosophy of our Department in working with delinquent youth now is directed toward community based treatment programs. This philosophy came from increased awareness that institutionalization is more destructive than rehabilitative for too many, probably the majority, juvenile offenders. For example, we recently found that at least 60 percent of the adults in prison in Kentucky had previously been in delinquent facilities.

Further, we have found that young offenders who are institutionalized comprise our largest percentage of recidivism. A few years ago, and I can painfully recall doing this myself when I worked directly with juveniles, we believed that early apprehension and institutional treatment of offenders, even truants and children with behavior problems, was desirable in our efforts to rehabilitate. However, experience within the Department has shown the opposite effect, so now the emphasis for rehabilitative efforts is being focused in the community without

the use of facilities whenever possible.

I want to briefly describe some of the development in Kentucky, both in terms of program and legislation and the relationship between what we are doing and S. 3148. The program descriptions are intended to point out the positive things that can be accomplished. By no stretch of the imagination do we pretend to have found answers to "delinquency." Much, much more remains to be accomplished and it is difficult to do what little we have done. So often myth, misconception, punitiveness, public apathy, and lack of knowledge hinder programs. Obviously, we believe provision of S. 3148 would greatly assist us in our efforts. At least it would be an expression of intent by federal government to be serious about the problems of youth.

At this time. I want to point out one unique feature of our state structure in Kentucky. We are the only state having a Cabinet level agency charged with statutory responsibility for services to all children who are dependent, neglected, abandoned, delinquent, or in danger of becoming delinquent. Such a structure provides us an opportunity to focus all our energies and attention to services for children, regardless of their category. There certainly are advantages to central-

ized authority so as the evident intent of S. 8148.

Now let me continue and describe some of our programs. We have recently phased out Kentucky Village, our training school for delinquent youth which at one time housed, and thereby helped destroy, more than 700 children. We now are operating a series of ten small decentralized intensive residential treatment centers. Each of these smaller centers has a maximum capacity of 40 youth with a maximum length of stay of six months. In addition we operate three regional diagonistic centers. We recognize that the residential treatment centers are much more effective in working with delinquent youth than the

large custodial type of facility. Everyone, including the President, Attorney General, and Chief Justice, agrees that large facilities are ineffectual. However, we know residential facilities are not really the answer to the problem of delinquency. There is absolutely no question but that the more effective means of being of service to delinquent youth is by developing programs which are located in his own community. Some of the more effective programs we have re-

cently implemented include:

(1) Aftercare project for "hard-to-place" delinquent youth.—This project, funded through LEAA, was initially focused toward developing foster home and group home placement for youth in delinquent facilities who were considered "hard-to-place." As a result of the project, 110 youth have been placed with a recidivism rate of less than 10 percent during the first year of operation. We feel this is a remarkable accomplishment considering that these youth are the most hardcore of all the delinquent youth we serve. This project was very instrumental in the closing of Kentucky Viliage and placed youth from this facility who had been there for as long as five years and some had been there as many as ten times. The focus of the project is now two-fold—to place youth from facilities who cannot return to their own home and to place youth directly from the courts who would have otherwise been committed to a delinquent facility.

(2) Bootstrap.—A similar project funded and administered jointly by the Department of Child Welfare and the Bureau of Vocational Rehabilitation within

(2) Bootstrap.—A similar project funded and administered jointly by the Department of Child Welfare and the Bureau of Vocational Rehabilitation within the Department of Education, enabled unemployed parents in Appalachia to be trained to become foster parents for delinquent youth. This program has proved successful during the first six months of its operation. The objectives are obvious in that it provides job opportunities for the unemployed and home for youngstors that cannot stay in their natural homes. This group of underemployed and un-

employed persons represents a large untapped resource in every state.

(8) Group Homes.—We now have group homes for delinquent youth centered geographically in each of our eight administrative areas in the state. These group homes serve both youth as an alternative to institutionalization and youth returning home from delinquent facilities. We are now planning to greatly expand our group home program.

(4) Halfway Houses.—A portion of the LEAA Grant for "hard-to-place" youth has resulted in establishment of halfway houses in both the YMCA and the YWCA in Louisville, Kentucky. These halfway houses are to assist in the transition from deliniquent facilities to the community and we have high hopes

for their success.

(5) Alternative School Program.—This program, located in Louisville, our largest urban center and location of the highest number of delinquent commitments, provides an alternative school program for delinquent youth who otherwise would not be able to attend school. This is another LEAA grant to the Louisville Board of Education and with which we cooperate by providing counselors. Referrals from this program come from the school, the courts, and from facilities returning youth back to the community. The primary focus of the program is to keep children out of facilities and to allow them to remain in a school program. There were 75 youth enrolled in the alternative school program during the last school year and only two or three were institutionalized.

It seems appropriate at this point to mention what we have found out about

It seems appropriate at this point to mention what we have found out about educational achievement and delinquents in Kentucky. The average reading level for males committed to the Department of Child Welfare last year was 4.57 grade level and for females 5.43. In arithmetic the average male was at the fourth grade level and the female at the fifth grade level. Obviously, this is far below the expected level of the average 15-year-old committed to our Department. It takes little imagination to draw the implications of low achievement upon a person's life and the failure of our educational system to provide education

learning opportunities for all children.

(6) Juvenile Defender Program.—This program is a project to provide legal assistance to juveniles, as well as social services, through volunteers and students in 17 central Kentucky counties. During the past twenty months the Defender Program provided legal assistance to 280 children. Of these, 175 were placed on probation; 14 committed as delinquents; 90 had charges dismissed with only one held to the grand jury. These facts indicate a very successful program. Funds originally came from HEW and it is my understanding that the project will be refunded by the same organization. I might add that because of the federal bureaucracy, red tape, buck-passing and general indifference to the rights of indigent people, particularly poor kids in juvenile court, it was difficult to find

a place that would even consider funding. I was somewhat involved in trying to locate a funding source for the Defender Program and, believe me, it was a perfect example of fragmentation at the federal level. I want to emphasize the importance of adequate legal services to children appearing in juvenile court. I hope S. 3148 would correct the problem.

As a result of increased utilization of federal funds under Title IV-A of the Social Services Act of 1967, we have managed to almost double our staff in the

community during the past 18 months.

In addition to specific programs mentioned, I want to emphasize three other

developments:

A. We are attempting to establish within state structure an opportunity for citizens at county level to solve their own problems. We are attempting to deal with more complex issues that I enumerated earlier as causal factors of delinquency. Through the Community Resources Development program, we are assisting communities in organizing committees to help resolve problems of children. We are encouraging these committees to set their own priorities and then go about the business of finding solutions.

B. We recently established a Research Unit to begin evaluating and researching what we are doing. Research and evaluation are sadly-lacking in Kentucky.

C. We are rapidly implementing a volunteer program so that persons can become involved in direct services to children and families. At the present time over 800 volunteers are directly involved with children and families.

Finally, with regard to programs, I want to mention cost of services to delinquent children in Kentucky. The average cost for keeping a delinquent child in a facility is \$6,565 per year with an average stay of 5-6 months. The annual cost of a child in a foster home is \$1,194 and a group home, \$3,400. The average cost of a child on probation is \$575.

It is more economical, better treatment and in the main a better system of jus-

tice for a youngster to stay in a community rather than in a facility.

In order to provide a statistical picture of delinquency programs, I submit the following: Commitments to delinquent facilities have decreased at a rate of about 15 percent the last two years and our recidivism rate has decreased by about the same percent. Probationary services have increased by about 20 percent. I should mention that 38 percent of our commitments to delinquent facilities were for child-status offenses: 45 percent for crimes against property, and 5 percent for crimes against people.

In summary, we believe facts indicate some progress is being made in Ken-

tucky, but so much remains undone.

Given this statutory, philosophical, and statistical backdrop, we have just recently been able to gain the passage of some landmark procedural and treatment legislation relating to juvenile court in Kentucky. The 1972 Kentucky General Assembly is to be congratulated for this effort. A solid groundwork has been laid for the implementation of programs and procedures which should result in some

serious inroads into the problems of delinquency in Kentucky.

These laws are not so much significant for the enumeration of the constitutional protections which they contain, but rather for the total context in which these rights are set forth. The bills were drafted so that the most promising and progressive children's programs could be implemented to serve the ends intended by the proposed, and now enacted, legislation. The bills do not simply enumerate rights similar to those proposed in 8, 3148, nor so they consider procedural maters alone. Rather, the implications of the procedural protections and mechanics are used as the point of departure for the special way in which the procedural details are set forth. We think this is some of the most progressive juvenile court legislation in the entire country. We intend to exploit it fully on behalf of the children we serve.

This recently passed legislation provides a full range of constitutional and procedural rights for children before juvenile court. These rights deal with the juvenile justice system from apprehension, detention and hearing through appeal

and the expungement of records.

Three of our new laws deal directly with provisions set forth in 8, 3148. We now have law similar to that proposed by Section 204 of 8, 3148. It is a simple fact that a lot of children are detained without cause and that some sort of hearing should be held to secure the release of these children. This is one of the most abused areas of the juvenile justice system and careful safeguards must be erected to protect children from the unchecked use of official power. Too often children are detained simply for being children.

Our state law is very good as it is written, but the money needed to provide alternatives required by legislation is not. Funds proposed by 8, 3148 could be used to remedy the scandal of jailed children, not only in Kentucky but across the nation. We come from a poor state and most of the jails are antiquated heli-holes where no one should be kept. Nevertheless, for lack of something better, they are used and children frequently populate them. This is not in the best interest of anyone.

While we were concerned with seeking a guarantee of the rights which have been the law of the land at least since 1967 and the Supreme Court decision of

In ro Gault, we were more concerned with the implications of such law,

The observance of proper safeguards has the dual effect of determining those children who need attention from the court and services at the disposal of the court, while at the same time weeding out those cases which do not belong before the court at all. Children whose rights are protected are much more amenable to treatment than those who have been arbitrarily and summarily found delinquent in some sham proceeding. No one is going to respond to a program if he

believes he shouldn't be there in the first place.

Our legislation results in techniques of delinquency prevention and treatment being directed at children properly found delinquent by the court, while other cases are screened out of the formal process for attention of the local, community resource level. The implications for the care of serious oftenders is tremendous. No longer will the truant or unwanted child be lumped with the rapist and called delinquent. Another piece of legislation also deals with this problem by prohibiting the institutionalization or treatment of delinquents with non-delinquents. The overall thrust is at the development of local resources to handle these problems. The state can assume the responsibility for the serious offender, but the local communities, in conjunction with the state, can best solve the problem of the minor offender or problem child. Our new legislation will permit us to take serious steps in this direction. Your proposed legislation, fully in accord with what we have described about Kentucky, seeks a coordination of programming and direction in the same matters upon which we have so holdly embarked. It is only fair to say that the funds proposed by 8, 3148 would help make much of this a reality.

In addition to bills mentioned here, Kentucky has given children the same rights to appeal possessed by adults. Heretofore, children had a vague right to appeal in some cases. This was subject to the discretion of the court to which the appeal was taken. Finally, a law was passed which will allow a child to have his or her juvenile records wiped out if certain reasonable statutory requirements can be met. The negative influence of such records cannot be overstated because when they exist they can come back to haunt a person at times in places so remote from youth as to be ridiculous. For some reason, debts of society, unlike

sins against God, are seldom forgiven.

These three bills get at the very heart of the problems in juvenile court. They stress resolution of problems at the least complicated and least official level possible. They stress community responsibility for community problems. They say that if the court must be involved that due process will be observed so that if some attention is needed to the life of the tried, it will be warranted. They provide that treatment for serious offenders will be directed at them alone and that non-delinquents will be dealt with separately. They provide, in short, that the term "delinquency" will be unrayeled in Kentucky and that the offender will be separated from the non-offender or status offender or simply unwanted child.

Our new legislation that just passed in Kentucky represents an attempt to incorporate, along with the constitutional protections, the best thinking in the area of juvenile justice system. Our legislation was written to allow the use of innovative approaches for dealing with problems in juvenile court. We have gained a foothold in the future with this new legislation, but have been left to our own creativity as to the programs we will devise and the funds we will use to carry out the intentions of the legislation. The provisions of 8, 3148 call for new law and tie this to programs set forth specifically in the bill. Most importantly, 8, 3148 has funds to backup the programs it calls for. Money is necessary, and as far as Kentucky is concerned, we now have a legislative framework which will allow us to take full advantage of 8, 3148.

Senator Bayn. Now, our next witness this afternoon is Stephen Porter, the executive director of the Louisville and Jefferson County Crime Commission.

STATEMENT OF STEPHEN T. PORTER, EXECUTIVE DIRECTOR, LOUISVILLE AND JEFFERSON COUNTY CRIME COMMISSIONER, LOUISVILLE, KY.

Mr. Porter, you have been a very patient soul here, and I apologize for the hour. These problems that we have been dealing with are complex, and the witnesses have had such significant experiences that I just have not been able to resist asking questions to benefit from that

experience.

Mr. Porter. Mr. Chairman, it's a real pleasure to be here, and there are certain advantages to being last on the program. First of all, I would like to say that it is a pleasure to be here because of Senator Cook's presence on this subcommittee, being the Senator not only from my State but also from my home county. As a matter of fact, Senator Cook was instrumental in 1967 in forming the crime commission that I work for. I have a great deal of gratitude for his efforts.

It is also, and this is not on the subject of Senate bill 3148, but it is a great pleasure to be here before this subcommittee because of the work the subcommittee has done in the area of gun control. Our commission has supported strong gun control legislation in Louisville, and we have passed an ordinance in the city of Louisville 2 years ago that has had a great effect on reducing the rate of violent crime, and crimes with guns in our community. But there are many loopholes and I think that the Saturday night special legislation will help fill some of those loopholes. And I would like to congratulate the chairman on his long and tough stand on this particular issue.

As I said, being the last witness gives me certain advantages. I don't believe that I need to present a large amount of statistical data, I believe that over the last 2 days there have been statistics from various people, and I believe that mine would be just superfluous

possibly. They are contained in the written record, however.

I think also that there are many solutions that have been talked about, things that are happening in Ohio, things that are happening in Kentucky. I don't think that I really need to talk anymore about

those at this particular time.

What I would like to do is look at the act itself and look at some of the specific titles in the act, because I think I can agree with the testimony that has come before that there is a need for the Federal Government to act and to act decisively in the area of juvenile delinquency, and it has not done so thus far. I think that many of the suggestions as far as programs, and the programs that were suggested in this bill, are the types of programs that we should be looking for. The 75-percent limitation that is contained in this bill for community treatment programs, this is what we need to be looking for. I think we probably all agree on this. So, I would like to look at some of the specific titles of the bill.

First of all, in title II, this is, of course the section that deals with certain guarantees in the Federal district courts. I think that these guarantees are very good. For the most part, in the district courts in Kentucky, these are being put into practice right now, as a matter of court practice and not as a matter of statute possibly, but court practice. But I think it would be good to put these in as statutory protections and not something that is just the whim of a particular judge.

One thing that we should remember about these though is that the Federal juvenile system is really a very small system. In the western district of Kentucky which covers about half of the State of Kentucky, there are only about 50 juvenile cases per year. Whereas in the local and State courts in that same period of time there will be over 10,000 juvenile cases. So we can make improvements in the Federal courts and the Federal rehabilitation system all we want to, and you are not really going to get to the gut issue. I believe that title V of this act does get to the heart of the issue, and that is helping local and State government solve the problem.

Senator Bayn. The role of the Federal Government in providing standards for juvenile justice is to try to provide an example for the local communities and the States to upgrade their standards of justice.

You point out correctly though, that most juveniles are dealt with in

their local courts.

Mr. Porter. Right, the whole crime problem, basically the action is at the local level. The Federal Government has been working in gun control, organized crime, drug traffic. But the real every day action is at the local level, and the local police and State police have that

responsibility.

Senator Bayıt. Even in the area of gun control, we had a very well intentioned amendment yesterday, we were going to make it a Federal crime for carrying a concealed weapon. Well, my first reaction was that if 32 States now make it a crime to carry a concealed weapon without a license, and 18 make it a violation in the State to carry a concealed weapon because you can't buy a license in 18 States, if these laws aren't enforced, how can we enforce them at the Federal level? Doesn't law enforcement at the local level have to be improved?

Mr. Porter. Right.

Senator Baym, I don't want to shirk responsibility but I think that the Federal Government needs to provide the tools, resources, incentives, and perhaps the leadership and guidance, so the local community can do the job. That's where the action is.

Mr. Porter. Yes, sir. I think title II with its statutory protections and title III with the standards that would be set up, that these can be

a model for local government.

Now, for some reason, and I think it is a good reason probably, many local governments and State governments will look to the Federal statute, to the Federal procedure, and say well, why don't we do it the way they have done it? Of course, some people might react the opposite. But generally speaking I think we can rely on some of the Federal legislation, Federal standards. We certainly do at our level. It is a good thing for us to be able to point to the President's Crime Commission report studies and say they have said this. Or to point to the Commission on civil disorders, or others, those who have made good recommendations.

So, I think title II and title III and also title VI with the National

Institute, can provide this kind of leadership.

Title IV, with the National Office, I think can also provide the coordination that is necessary in this country and in the Federal programs especially, because, as you have pointed out in your remarks when you were introducing this bill, there are at least five major Federal departments that have a major interest in juvenile delinquency programs, and there are other departments who have smaller programs

in the area of delinquency, either prevention or rehabilitation. And I think that it is necessary for there to be one place in Washington and possibly with regional offices, that one could go to find out: here is the program we want, how can we fund it. This is very difficult for us, and I will put some of the blame on myself here in our area of concern. Because our agency deals almost exclusively with LEAA money, with the Crime Control Act money, because this, of course, is where our funds come from first of all so we have some obligations there, and we have a limited stuff so we have to spend most of our time on that. And I think that we should spend more time looking into what HEW has, and what HUD has, and other departments. The Department of Labor might help. We just haven't been able to though. If we had a national office for juvenile justice and delinquency prevention, possibly we could go to them and make them tell us, and they could keep us informed.

I would like to talk a little bit about title V. This is the heart of the bill because it would help local and State government. I understand that in the past you, with some other Senators, Mr. Chairman, have tried to make this particular title or something similar to it a part of the crime control act, through amendments. Possibly creating something like the part E funds for correction, which another member of

this subcommittee had a great hand in.

I believe that my choice would be that this type of funding, and this amount of funding, and I might say that the amount is very attractive in this title, my choice would be that it should go through the LEAA process. I understand that there are difficulties in getting that through the Senate and the House, but the reason I say that——

Senator Bayn. I am not as concerned about getting it through the House and the Senate as I am about getting it into your hands in

the kind of program that we want to provide in this bill.

Mr. Porter. Yes, sir. And I think this is a place where we in Kentucky have had maybe a better experience than some other States. I know of the controversy about LEAA now, the Monagan subcommittee report, and——

Senator BAYH. Just take the Monagan subcommittee out of it, please, because I don't want to get involved in those criticisms when I haven't had a chance to study them. But the fact of the matter is that LEAA officials, admits that half of the crimes are committed by youngsters still in their teens, and yet less than 20 percent of the LEAA moneys are directed at the problem of juveniles.

While there are a large amount of funds directly under LEAA, delinquency programs have to compete with all of the other traditional agencies of law enforcement for those dollars. In most States the delinquency prevention programs have been losing out to other law

enforcement programs.

Mr. Porter. This is why I can speak from my experience in Louisville, in Kentucky, and I feel that if this money were channeled through our State planning agency, through the LEAA branch, in effect, that it would be spent as I believe the chairman wants it to be spent in the area of delinquency prevention programs. We have had over 20 percent go into delinquency prevention.

Senator BAYH. But have you had 50 percent?

Mr. Porter. No.

Senator BAYH. Well, if you are typical, maybe you are not typical in Kentucky, and I am not at all belittling the useful ways some of the LEAA funds are spent, such as to increase professionalism in the

police force.

But I, as a Member of the Senate, have a greater responsibility than anybody to deal with the problem of juveniles and to try to prevent youngsters from becoming hardened criminals. I have to take a very critical look at the way the LEAA funds have been spent as far as accomplishing that purpose is concerned, because they are spending less than half of the money that they ought to be spending to try to prevent younger people from becoming criminals. I would much rather keep the youngsters in the home, dealing with their problems when they first occur, rather than trying to find a way to put them away in some local, State, or Federal institution. I am sure you share that goal.

Mr. Porier. Yes, I do. This is the same type feeling I believe in part E: That LEAA was not putting money into corrections as they should. So this was added on with the specific amount of how much

should be put into corrections.

My feeling about the LEAA program in general is that Congress should control what they do. Congress should force them to do something in certain areas, if Congress has that desire. And if that can be done through amendments to the act, then that would be my particular preference because of our experiences in Kentucky. If Congress cannot do that or if LEAA is not responsive to it, then I think it should be done as is proposed in this particular act.

Senator BAYH. The fact is we really shouldn't have that feeling of competition, because I think there are many ways in which traditional law enforcement agencies need to be made more effective and better

able to protect society.

Unfortunately, delinquency prevention programs haven't had much big political clout. So, what we are trying to do is stimulate interests in some of these volunteer and citizen groups back home so that they can use their power to change the amount of the tax dollars that are being spent on these important prevention programs.

But excuse me, for interrupting. I am sure we are after the same

goal.

Mr. Porter. Yes; I think we are, and again all I can say is that our experience in Kentucky has been good within the State of Kentucky. But I am fully aware, I keep in touch through various organizations that the problem is nationwide with the LEAA program.

One feature of title V that I would like to see added to it, whether it would be put in under LEAA or kept within the structure of this bill, is that there should be some guarantee within the title that the funds would be channeled to those areas of a State that have the serious juvenile delinquency problem. This is a feature that has been added to the LEAA bill. I believe that this guarantee should be put in here. I don't think it should be an absolute percentage guarantee, necessarily, but I think that there should be some language that makes it clear the intent of Congress is to get this money to where the majority of the juvenile delinquency is.

Senator BAYH. That point is well taken.

Mr. Porter. In Jefferson County we have one-third of the juvenile arrests in the State of Kentucky. In some other States in the urban areas they will have an even larger number. And Bill Ryan testified in one place in his testimony, he said that the Department of Child Welfare does not serve five of the counties in Kentucky for certain probation services. Our county is one of those counties. We provide out of local funds in our county all probation services to juveniles and all detention and treatment services for juveniles. When we send a child to an institution, 90 percent of the time he is going to an institution in Jefferson County. We, too, do not have and do not want to have large institutions. We want to have the small ones, And we are working on group homes, and, of course, ideally, treatment in the home situation.

But I believe there should be some guarantee that this will go to those areas of the country where there is the terriffic juvenile delinquency problem. And again, getting back to the item which you said before, maybe a little bit off the track, about the money going to agencies where there is a lot more of political plow, one of the objections that I have had to some of the amendments that have been proposed through the LEAA Act, that the large cities as geographic areas get a certain percentage of the money. That money would all end up going to the police because basically that is the major responsibility that

the police have.

Delinquency and prevention and courts and corrections, are usually either on the State level or on a countrywide level. In our case it is on the county level. So, I believe this money should go, in our case, to county governments.

Another feature of the bill, I mentioned it before, the 75 percent figure, I feel is very good. Again, to show the will of Congress that treatment and prevention is what this money should go to, and not

building large institutions.

Another area in title V that I would like to see added, in section 503 subsection 10, there is a list of certain type of programs. This is not a limiting list, but a list that could be added to. And I would like to see added specifically in there, volunteer programs. I think that volunteer programs have great merit, and many programs are mixtures of volunteer and professional staff. We are funding with LEAA funds in Jefferson County the big brothers program which has now matched up over 100 youngsters with over 100 big brothers; they are now expanding into a big sisters program. And the big brothers in Louisville are expanding into several other urban areas in Kentucky to help them form big brothers organizations with LEAA money.

Volunteer programs can be a great help. We also have volunteer probation officers in our social services department in our county. And we are, I think, getting some real success out of it. It is really to early to evaluate specifically but I think that as a suggestion this might be added in that list, that volunteer programs might receive some

priority.

Senator Bayn. I think that is another great suggestion.

Mr. Porter. One other thing that is not really a further suggestion, but something that you had asked before in the previous testifying, the area of schools and now early can these people be identified. I think

we must face the reality that for some children, unfortunately, the strongest influence in their lives, beside their own peer group pressure, is in the school. And we must be sure that this influence is positive, not negative. Too often the antisocial child comes hated and unwanted in the school situation. The role of the school system as a socialization process is probably more important today than its purely educational role. And I think we must recognize this. I think the schools have got to recognize this. They have got to change some of their attitudes about the fact that if a child is not doing well in the three R's then they ought to try to get rid of him, or something else. I think the Y program that the young ladies were involved in it is a good example of where the school worked with another community organization to provide the community treatment service in conjunction with the school. And I think the schools should take this responsibility, and I think the emphasis in this bill might enable them to do that. Because I feel strongly, and psychologists in our county who have worked in this situation, psychologists both within and without the school system, say, as someone else mentioned that kids in grades one, two, and three can be identified very, very easily, and very quickly, really as to potential problems in the future.

Now, I don't think it is always a good idea to label a child as a delinquent and put him on some type of subpedestal, and cause him to feel unwanted or labeled but I think that these children can be helped and should be helped at an early age. And I think that the schools should take the prime responsibility for that. Our school system in Louisville is doing that. Unfortunately, the county school system is not quite

measuring up.

I believe that those were the major points that I wanted to make because I looked at the bill as a bill, and I think being last, the point about why we should do this and why the Federal Government should make a strong effort were well made, and I didn't think I needed to get into that anymore.

Senator BAYH. Well, your statement we will put in the record as if you have given it, and then we will add to it the important part that you emphasized. I hope that I didn't come down too hard on you on

this LEAA business.

Mr. Porter. No: I fully realize the problems in many other States, and I think the Kentucky has been a good example and I hope that we will continue to be. And, as I said, my preference would be that it might come through the existing LEAA structure. If LEAA is not willing to take that responsibility, if it is not willing to move in the direction that Congress wants it to, then I think Congress should find some other method.

Senator BAYH. Well, I must say I appreciate very much the fact that you have taken the time to be with us, Mr. Porter, and I hope we can continue to call on you as you continue your work in Louisville.

we can continue to call on you as you continue your work in Louisville. From what I observed and heard here today, I think what all of you are doing in Kentucky in this area of dealing with juvenile problems can really serve as an excellent example for the States. I hope we can use your experience to help us pass this national bill and to prod some of the other States who are not moving quite as rapidly as you are to benefit from your enlightened approach.

And I thank you Mr. Ryan, and the other gentleman, for taking your time. I know you are all busy, and this has been very helpful to us, and some of the most valuable testimony which we have had today.

Mr. Porter. Thank you, Mr. Chairman.

(Mr. Porter's prepared statement is as follows:)

PREPARED TESTIMONY ON S. 3148, BY STEPHEN T. PORTER, EXECUTIVE DIRECTOR, LOUISVILLE AND JEFFERSON COUNTY CRIME COMMISSION, LOUISVILLE, KY., JUNE 28, 1972

Mr. Chairman, members of the Subcommittee, and ladies and gentlemen, it is a great pleasure and honor for me to testify before you today. I am especially pleased to testify before this Subcommittee because Senator Marlow W. Cook is not only the Senator from my home state but is a fellow resident of my home county of Jefferson. In fact, Senator Cook, while serving as Jefferson County Judge, was instrumental in the formation of our Commission in 1007. It is with great gratitude to his foresight and action in working on the problem of crime

at the local level that I appear today before this Subcommittee.

It is an additional pleasure to appear before this particular Subcommittee because of the excellent work that this group has done, under the leadership of Senator Bayh, in the controversial area of gun control. I wish to add my voice to those who have supported the important and necessary measure of eliminating the non-sporting handgun, the "Saturday night special", from the shelves and display cases of our nation's stores. We have, in the City of Louisville, a strong firearms ordinance that has been effective in reducing the amount of violent crime in our city. But we must have the support and cooperation of the federal government to close the many loopholes that exist. I ask you to give us at the local level that support and cooperation by enacting stringent federal firearms controls.

I have strayed from the subject at hand for too long now, so let me get to the proposed Juvenile Justice and Delinquency Prevention Act of 1972. I intend to discuss the Act title by title, but it is first necessary to establish the need for

the federal government to isolate the problem of delinquency and treat it as a major social issue affecting the quality of life in our nation.

The Uniform Crime Report, put out yearly by the Federal Bureau of Investigation, shows us the seriousness of the juvenile and young offenders problem. In 1970, nearly half of the arrests for serious crimes in this nation were of persons under 18. That percentage rises to 63% when the years 18 through 21 are included; and when arrested persons under the age of 25 are considered, we find that 70% of the arrests for serious crimes are contained in that category. These persons between 18 and 25 are certainly the products of a system of juvenile justice that has falled in the past. Juvenile and youth crime is also a growing problem in this nation. From the decade 1960 through 1970, juvenile arrests for violent crimes increased 167% while arrests of persons under the age of 18 for the property crimes rose 80%. Both of these statistics are much higher than the same trends for adults.

In the City of Louisville in 1970, persons under the age of 21 accounted for

the following percentages of serious crime arrests:

52% of the robbery arrests. 62% of the burglary arrests. 50% of the larceny arrests. 85% of the auto theft arrests.

In the City of Louisville, 44% of the arrests for serious crimes are arrests of persons under 18 years of age. In suburban Jefferson County, the problem is even more frightening because of the greater increase. In the decade of 1961 through 1970, suburban Jefferson County, outside the City of Louisville, saw

a 175% increase in the number of arrests of persons under 18

Also significant in measuring the extent of the problem is the view which the people of the community have concerning the problem. It is accurate to state that the people of Louisville and Jefferson County are highly concerned. A recent survey of the attitudes of the black and white communities in Louisville showed that in the black community, 43% of the people view juvenile delinquency as their number one problem -- more than any other problem. In the white community, 30% of the people regarded it as their most pressing problem. The joint problems of crime, juvenile delinquency and drugs were shown to be by far the most important problems in the minds of the respondents to the survey. Despite the continued interest in such social problems as the war in Vietnam, the economy, ecology and others, it is my opinion that the number one personal concern of the large majority of persons in the nation is the problem

of crime and delinquency.

I think it is evident from the above statistics and comments that the problem of delinquency is worthy of serious concern and action by the Congress. Indeed, the existence of this Subcommittee is evidence of that concern, and the passage of the Juvenile Delinquency Prevention and Control Act of 1968 and its extensions is evidence of some limited action. Additionally, funds authorized under the Omnibus Crime Control Act of 1968 and its extensions have been used for delinquency programs. But maybe the time has come for a separate and major commitment to the delinquency problem. Some of the basic elements of that commitment are contained in the Act we are discussing today. But we must be careful not to destroy those elements by either losing them in existing bureaucracy or by creating an unnecessary duplication.

With that admonition in mind, let me examine the proposed Act title by title.

TITLE I

As is obvious by my previous remarks, I agree completely with the findings contained in Title I and certainly subscribe to the enumerated purposes of the Act.

TITLE II

The protections contained in this title are all important and necessary. For the most part, all of these are presently being followed as a matter of policy by the federal district courts. But it would be an added safeguard if these were statutory protections. The problem is that no amount of legislation directed at federal courts will grant protections to the over ninety-nine percent of arrested juveniles who are processed through local and state law enforcement systems.

The United States District Court for the Western District of Kentucky averages only about fifty juvenile cases in a year while the local authorities in the same area will average over 10,000 juvenile arrests. As with most crime problems, improvements in the federal criminal justice system and its dealings with delinquents will have little impact on the great amount of juvenile crime in the Nation. Few federal programs (the exceptions would be in the area of organized crime, drug trafficking, frearms laws, and some others) can have a real impact on crime in this country unless they serve to improve the criminal justice systems at the local level. Of course, Title V attempts to do just that and I will discuss that later.

For example, Section 201 attempts to require federal courts to defer to state courts whenever possible if a juvenile is involved. This is fine to make that command to the federal courts, but who, in turn, will command the state courts to receive these cases. What does a federal judge do when the local juvenile court is overcrowded, understaffed or twenty years behind in its philosophy? What does a federal judge do when a local court breathes a sigh of relief that the "feds flinally caught that kid so we don't have to bother with him anymore"? Does a federal judge sent a juvenile to a local court when that court does not provide adequate defense, or has antiquated or no detention facilities and places the child in a county jail? Does he send the child to be judged by a man who is not even a lawyer? All of these questions point out again that the real impact be at the local level. We are lucky in Jefferson County that most of the above problems are not serious in our county. We were complying with the Gault decision long before the subject of the case was ever arrested, thanks to strong leadership in the early sixties. But I fear that we may be exceptional and, even then, still have much room for improvement.

Section 204 could create serious practical problems if a federal judge is holding court in an area where there are no juvenile detention facilities available. Many local jurisdictions just do not provide separate facilities and probably would find it fiscally impossible to do so. Even the federal court is affected by local inadequacies in this case. Again, the answer is at the local level.

TITLE III

The creation of a National Commission on Standards for Juvenile Justice is an excellent idea. Such a Commission could take the general recommendations of the President's Crime Commission and expand them into a detailed set of standards. Federal and state agenices could then use these standards to provide

aid in planning and in setting priorities in a funding process. A fantastic amount of work has been done in this area by many agencies, especially such private agencies as the National Council on Crime and Delinquency and the American Bar Association through the Institution of Judicial Administration. As a matter of fact, that institute is presently working on standards under an LEAA grant. There would still be a need, however, for federal level Commission to add to and adopt those standards.

TITLE IV

The establishment of an executive level office in the field of juvenile justice is certainly an attractive feature of this Act for those of us who see the problem of delinquency as being the core of the total crime problem. Such importance and authority is probably deserved by this subject matter. The coordination of federal juvenile delinquency programs, especially those operated at the local level but funded with federal money, is an absolute necessity because of the board jurisdictional lines that delinquency crosses. At least five major federal agencies have delinquency programs and a high-level coordination is necessary at least for informational purposes and hopefully for evaluative and directional purposes.

TITLE V

Because of my concern for and involvement with the local criminal justice system, this title seems to be the real heart of this Act. I hope the Chairman, as author of the bill, will forgive me if I suggest not that the heart be cut out of the bill but that maybe a transplant is in order here. My suggestion is that this title should become a part of the Crime Control Act which established the Law Enforcement Assistance Administration. Not long ago, and due largely to the efforts of a member of this Subcommittee, corrections were given a special spot in that Act. There is no reason why juvenile justice does not deserve a similar position.

In light of the current debate over the success of the LEAA program, let me share with you some of my experiences in Kentucky. Nationally, there has been great concern that the bulk of LEAA money has been going for equipment, hardware, communications devices and other police-related expenditures. That may be so. National critics have claimed that corrections and juvenile programs have received very small shares of the LEAA pie. In fact, Part E was added to the Crime Control Act in order to correct that specific problem. This proposed title seems to reflect a similar concern for juvenile justice. (A major concern that I have is why nobody has spoken up for the courts along these same lines.) In Kentucky, over twenty-one percent of the total LEAA funds received since 1969 have been committed to juvenile problems. The same percentage applies to those LEAA funds that have come into my home county. In Jefferson County, we have funded group homes for juveniles, training for teachers, Big Brothers programs, community school programs, youth service bureaus, re-entry schools and probation and after-care services for juveniles. In Kentucky, police programs are not receiving a strongly disproportionate share of LEAA funds as in some other states where sixty, seventy or even more percent is going to police.

For those who have criticized LEAA for these reasons (and I think the criticism is justified), I would say do not destroy or avoid the program but change it. The LEAA program can work well and can be progressive, as it is in Kentucky. However, Congress must insist upon success and must act when improvements or guidelines are necessary. This is what happened when corrections was singled out as a new Part E. Maybe juvenile justice should be a new Part F of the Crime Control Act.

There are those who say that LEAA has failed to bring money into the major cities, the high-crime areas of the nation. I agree. Again the criticism is not as valid in Kentucky as it may be elsewhere. But do not destroy LEAA, change it. Insist that high-crime areas receive an adequate funding level. Along these lines, it is imperative that this proposed title be amended to provide a guarantee that local programs will receive a share of the funds proportionate to the amount of delinquency in the state. Jefferson County accounts for one-third of the juvenile arrests for serious and other crimes in Kentucky. Treatment programs in our county should be guaranteed a similar share of any federal funds. This amendment should be added whether the Act continues in its present form or whether Title V would be switched to LEAA.

Another reason for switching this title to the LEAA system is to avoid duplication of effort, not only at the federal level but at the state level as well. Many states have developed very sophisticated criminal justice planning capabilities. New funds should not be brought into those states in such a manner that might

allow duplication and conflict at the state level.

A major feature of the proposed Act is the restriction providing at least seventy-five percent of the money available for prevention, diversion and community treatment for juveniles. This is an outstanding feature of the Act. Pure prevention programs are difficult to devise but even harder to finance. Federal money-is-more easily available after the fact and so is local money. Private, community-based agencies can probably provide more services for juveniles more effectively than any large public agency, but yet the public agencies can find federal or local funds much more easily. These attitudes must shift. Small, personalized, community programs must be given a fair chance to do their work. The most difficult task for a juvenile court judge is making a determination on what to do with a child who needs help. Commission to an institution is an undesirable and last-resort solution.

Placing the child back in a poor home with supervision by an overworked, undertrained probation officers is no more attractive. Alternatives somewhere inbetween are absolutely necessary. In our community, many groups are interested in providing this type of service—Boy Scouts, Big Brothers, Big Sisters, settlement houses, church groups, Boy's Clubs and others. But money is necessary. These activities need staff to carry out these services.

Another type of program that is showing great promise in our community is the use of volunteers as probation officers and counselors. Volunteer help can give the court an opportunity to provide a one-to-one relationship for many troubled children. I would think that this concept would deserve a place in Sec-

tion 503, subsection 10 of the Act.

Another type of program that is listed in that subsection is the development of school delinquency prevention programs. We must face the reality that, for some children, the strongest influence in their lives, besides peer group pressure, is the school. We must be sure that this influence is positive not negative. Too often the anti-social child becomes hated and unwanted in the school situation. The role of the school system as a socialization process is probably more important than its purely educational role. We must recognize that and provide our schools with the resources to meet this need. It is the emphasis on this type of program and the others I mentioned that make this title an especially important one.

TITLE VI

The creation of a National Institute for Juvenile Justice has great merit. We should be careful, however, not to duplicate or confuse the powers of the already existing National Institute of Law Enforcement and Criminal Justice. An agreement should be reached as to the method of cooperation between the two agencies. The amount of money proposed in the Act far exceeds the amount available to NILE, and therefore a stronger commitment to juvenile research could be expected from the juvenile institute. Very little of NILE's fund has gone to juvenile research or projects.

One proposed function of the new institute would be to serve as an information center for the collection and dissemination of information. This task is not

being performed adequately by LEAA at the present time.

Another important area touched by this title is that of training. In Louisville and Jefferson County, no training other than on-the-job is being provided for juvenile workers. We are presently trying to establish a training academy at the University of Louisville to meet this need. The problem of qualified personnel at all stages of the criminal justice system is the most serious problem we face. This emphasis on training in this title could help solve the problem in at least the juvenile field.

CONCLUSION

The conclusion that young people account for a disproportionate share of crime is unavoidable. The conclusion that efforts to prevent and control delinquency have been disproportionately low is equally unavoidable. Let us look at some of the contributing factors to the first conclusion:

First, juveniles are apprehended more easily than adults. They are generally more inexperienced in crime, they are more highly visible, and police powers are generally far more flexible in dealing with juveniles, thereby meaning more arrests.

Secondly, crimes such as auto theft and burglary are more attractive to a younger, more agile and aggressive person. The advent of the "joy-ride" auto theft clearly demonstrates youthful motivations, not necessarily profit or gain oriented.

Thirdly, adolescence is a period of considerable turmoil and great social and psychological adjustment. Young people generally are inclined to react and rebel against established authority, testing the system to gauge its sincerity and severity.

Finally, young people tend to have lesser pressures and responsibilities, such as strong family responsibilities, and are therefore more likely to be unrestrained.

The above factors are not offered to justify, but merely to enhance understanding. We see, therefore, that we are not dealing simply with surface acts

but with deep underlying problems in many, many cases.

Any action that is taken by the federal government must be prepared to deal with these types of factors and problems, not only financially but attitudinally as well. For this reason, I can support the type of high-level and separate agency concept contained in this Act. My reservations, as previously expressed, fall into the realm of prevention of duplication and the assurance of coordinated planning. If Congress is truly concerned about juvenile justice, then it should impose that concern on the executive branch and see to it that it is carried out.

Senator BAYH. Thank you.

(Whereupon, at 4:50 p.m. the hearing was adjourned to be reconvened at the call of the Chair.)

THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1973

THURSDAY, FEBRUARY 22, 1973

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

The subcommittee (composed of Senators Bayh, Hart, Burdick, Kennedy, Cook, Hruska, Fong, and Mathias) met, pursuant to notice, at 12:15 p.m., in room 2228, Dirksen Senate Office Building, Senator Birch Bayh (chairman of the subcommittee) presiding.

Present : Senator Bayh.

Also present: Mathea Falco, staff director and chief counsel; John M. Rector, deputy chief counsel; Alice B. Popkin, special counsel; Mary K. Jolly, editorial director and chief clerk; Nancy L. Smith, research director; B. Elizabeth Marten, personal secretary to the staff director and chief counsel; Lance Ringel, assistant clerk; F. Woodman Jones, research assistant; and Steven Fox, intern.

Senator Bayh. We will convene our hearing this morning.

Senator BAYH. We will convene our hearing this morning.

I will include in the record at this point the subcommittee's enabling resolution, S. Res. 56, the bill before us today, S. 821 and a copy of my Congressional Record insert on the introduction of this legislation.

[The documents are marked "Exhibit Nos. 6, 7, and 8" and are as

follows:

EXHIBIT NO. 6

93D CONGRESS 18T SESSION

S. RES. 56

[Report No. 93-46]

IN THE SENATE OF THE UNITED STATES

JANUARY 31, 1973

Mr. Eastland, from the Committee on the Judiciary, reported the following resolution; which was referred to the Committee on Rules and Administration

FEBRUARY 22, 1973
Reported by Mr. CANNON, with amendments

February 27, 1973
Considered, amended, and agreed to

RESOLUTION

Authorizing additional expenditures by the Committee on the Judiciary for inquiries and investigations.

- 1 Resolved, That in holding hearings, reporting such hear-
- 2 ings, and making investigations as authorized by sections
- 3 134(a) and 136 of the Legislative Reorganization Act of
- 4 1946, as amended, and in accordance with its jurisdiction
- 5 under rule XXV of the Standing Rules of the Senate so far
- 6 as applicable, the Committee on the Judiciary, or any sub-
- 7 committee thereof, is authorized from March 1, 1973,
- 8 through February 28, 1974, for the purposes stated and
- 9 within the limitations imposed by the following sections, in
- 10 its discretion (1) to make expenditures from the contingent
- 11 fund of the Senate, (2) to employ personnel, and (3) with

V—O ★(Star Print)

- 1 the prior consent of the Government department or agency
- 2 concerned and the Committee on Rules and Administra-
- 3 tion, to use on a reimbursable basis the services or person-
- 4 nel of any such department or agency.
- 5 SEC. 2. The Committee on the Judiciary, or any sub-
- 6 committee thereof, is authorized from March 1, 1973,
- 7 through February 28, 1974, to expend not to exceed
- 8 \$3,946,800 to examine, investigate, and make a complete
- 9 'study of any and all matters pertaining to each of the sub-
- 10 jects set forth below in succeeding sections of this resolution,
- 11 said funds to be allocated to the respective specific inquiries
- 12 and to the procurement of the services of individual consult-
- 13 ants or organizations thereof (as authorized by section 202
- 14 (i) of the Legislative Reorganization Act of 1946, as
- 15 amended) in accordance with succeeding sections of this
- 16 resolution.
- SEC. 3. Not to exceed \$377,800 shall be available for a
- 18 study or investigation of administrative practice and proce-
- 19 dure, of which amount not to exceed \$3,000 may be expended
- 20 for the procurement of individual consultants or organizations
- 21 thereof.
- SEC. 4. Not to exceed \$767,000 shall be available for a
- 23 study or investigation of antitrust and monopoly, of which
- 24 amount not to exceed \$10,000 may be expended for the
- 25 procurement of individual consultants or organizations thereof.

1 SEC. 5. Not to exceed \$239,700 shall be available for a study or investigation of constitutional amendments, of which 2 amount not to exceed \$12,000 may be expended for the 3 procurement of individual consultants or organizations thereof. 4 SEC. 6. Not to exceed \$299,900 shall be available for a 5 6 study or investigation of constitutional rights, of which amount not to exceed \$10,000 may be expended for the 7 procurement of individual consultants or organizations thereof. 8 SEC. 7. Not to exceed \$210,200 shall be available for 9 a study or investigation of criminal laws and procedures. 10 11 SEC. 8. Not to exceed \$14,500 shall be available for a study or investigation of Federal charters, holidays, and 12 celebrations. 13 14 SEC. 9. Not to exceed \$240,000 shall be available for 15 a study or investigation of immigration and naturalization. 16 SEC. 10. Not to exceed \$223,000 shall be available for 17 a study or investigation of improvements in judicial ma-18 chinery. 19 SEC. 11. Not to exceed \$532,500 shall be available for 20 a complete and continuing study and investigation of (1) 21 the administration, operation, and enforcement of the In-22 ternal Security Act of 1950, as amended, (2) the administration, operation, and enforcement of other laws relating 23 to espionage, sabotage, and the protection of the internal 24

security of the United States, and (3) the extent, nature,

25

بہر

24

25

and effect of subversive activities in the United States, its 1 territories and possessions, including, but not limited to, 2 3 espionage, sabotage, and infiltration by persons who are or may be under the domination of the foreign government 4 or organization controlling the world Communist movement 5 or any other movement seeking to overthrow the Govern-6 ment of the United States by force and violence or otherwise 7 threatening the internal security of the United States. Of such 8 \$532,500, not to exceed \$3,785 may be expended for the 9 procurement of individual consultants or organizations thereof. SEC. 12. Not to exceed \$335,400 shall be available 11 for a study or investigation of juvenile delinquency, of which 12 amount not to exceed \$14,000 may be expended for the 13 procurement of individual consultants or organizations 14 thereof. 15 SEC. 13. Not to exceed \$143,000 shall be available for 16 a study or investigation of patents, trademarks, and copy-17 rights. 18 SEC. 14. Not to exceed \$79,000 shall be available for 19 a study or investigation of national penitentiaries, of which 20 amount not to exceed \$1,000 may be expended for the 21 procurement of individual consultants or organizations 22 thereof. 23 SEC. 15. Not to exceed \$172,500 shall be available for a

study or investigation of refugees and escapees, of which

- 1 amount not to exceed \$2,000 may be expended for the pro-
- 2 curement of individual consultants or organizations thereof.
- 3 Sec. 16. Not to exceed \$62,300 shall be available for
- 4 a study or investigation of revision and codification.
- 5 Sec. 17. Not to exceed \$250,000 shall be available for
- 6 a study or investigation of separation of powers between
- 7 the executive, judicial, and legislative branches of Govern-
- 8 ment, of which amount not to exceed \$10,000 may be
- 9 expended for the procurement of individual consultants or
- 10 organizations thereof.
- 11 Sec. 18. The committee shall report its findings, to-
- 12 gether with such recommendations for legislation as it decuis
- 13 advisable with respect to each study or investigation for
- which expenditure is authorized by this resolution, to the
- 15 Senate at the earliest practicable date, but not later than
- ¹⁶ February 28, 1974.
- 17 SEC. 19. Expenses of the committee under this resolu-
- 18 tion shall be paid from the contingent fund of the Senate
- upon vouchers approved by the chairman of the committee.

Ехнівіт No. 7

93D CONGRESS 18T SESSION

S. 821

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 1973

Mr. BAYH (for himself and Mr. Cook) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To improve the quality of juvenile justice in the United States and to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes. Be it enacted by the Senate and House of Representa-1 tives of the United States of America in Congress assembled, That this Act may be cited as the "Juvenile Justice and Delinquency Prevention Act of 1973". 5 TITLE I-FINDINGS AND DECLARATION OF 6 PURPOSE 7 FINDINGS 8 SEC. 101. The Congress hereby finds-Ð (1) that juveniles account for almost half the arrests 10 for serious crimes in the United States today;

II

| 1 | (2) that understaffed, overcrowded juvenile courts, |
|--------------|--|
| 2 | probation services, and correctional facilities are not able |
| :3 | to provide individualized justice or effective help; |
| 4 | (3) that States und local communities, which expe- |
| .5 | rience the devastating failures of the juvenile justice sys- |
| 6 | tem, do not presently have sufficient technical expertise |
| 7 | or adequate resources to deal comprehensively with the |
| \mathbf{s} | problems of juvenile delinquency; |
| 9 | (4) that the adverse impact of juvenile delinquency |
| 10 | results in enormous annual cost and immeasurable loss |
| 11 | in buman life, personal security, and wasted human re- |
| 12 | sources; |
| l:i | (5) that existing Federal programs have not pro- |
| 1.1 | vided the direction, coordination, resources, and lead- |
| b | ership required to meet the crisis of delinquency; and |
| 16 | (6) that juvenile delinquency constitutes a grow- |
| 17 | ing threat to the national welfare requiring immediate, |
| 18 | comprehensive, and effective action by the Federal |
| 19 | Government. |
| 20 | SEC. 102. It is the purpose of this Act— |
| 21 | (1) to provide the necessary resources, leadership. |
| 22 | and coordination to improve the quality of juvenile jus- |
| 33 | tice in the United States and to develop and implement |
| 24 | effective methods of preventing and treating juvenile |
| 25 | deliminency; |

| 1 | (2) to increase the capacity of State and local gov- |
|----|---|
| 2 | crnments, and public and private agencies, institutions, |
| 3 | and organizations to conduct innovative, effective juve- |
| 4 | nile justice and delinquency prevention and treatment |
| 5 | programs and to provide useful research, evaluation, |
| 6 | and training services in the area of juvenile delin- |
| 7 | quency; |
| 8 | (3) to develop and implement effective programs |
| 9 | and services to divert juveniles from the traditional ju- |
| 10 | venile justice system and to increase the capacity of |
| 11 | State and local governments to provide critically needed |
| 12 | alternatives to institutionalization; |
| 18 | (4) to provide for the development of national |
| 14 | guidelines for juvenile detention and corrections facili- |
| 15 | ties, and for the administration of juvenile justice; |
| 16 | (5) to guarantee certain basic rights to juveniles |
| 17 | who come within Federal jurisdiction: |
| 18 | (6) to establish a centralized research effort on the |
| 19 | problems of juvenile delinquency, including an informa- |
| 20 | tion clearinghouse to disseminate the findings of such |
| 21 | research and all data related to juvenile delinquency; |
| 22 | (7) to provide for the thorough and prompt evalua- |
| 28 | tion of all federally assisted juvenile delinquency pro- |
| 24 | grams; |

(8) to provide technical assistance to public and

25

4

private agencies, institutions, and individuals in develop-1 ing and implementing juvenile delinquency programs: 2 3 (9) to establish training programs for persons, including professionals, paraprofessionals, and volunteers, 4 who work with delinquents or potential delinquents or 5 whose work or activities relate to juvenile delinquency 6 programs; and 7 (10) to establish a new National Office of Juvenile 8 Justice and Delinquency Prevention in the Executive .9 Office of the President to provide direction, coordination, 10 and review of all federally assisted juvenile delinquency 11 programs. 12 DEFINITIONS 13 SEC. 103. For the purpose of this Act-14 15 (1) the term "community-based" facility, program. or service means a small, open group home or other 16 suitable place located near the juvenile's home or family 17 and programs of community supervision and service 18 which maintain community and consumer participation 19 in the planning, operation, and evaluation of their pro-20 grams which may include, but are not limited to, medi-21 cal, educational, vocational, social, and psychological 22 guidance, training, counseling, and other rehabilitative 23 services: 24

(2) the term "construction" includes construction

25

of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including arbchitects' fees but not the cost of acquisition of land for new buildings). For the purposes of this paragraph, the term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them:

- (3) the term "Federal juvenile delinquency program" means any juvenile delinquency program which is conducted directly or indirectly, or is assisted by the Departments of Health, Education, and Welfare; Labor; Housing and Urban Development: and Justice, and any program funded under this Act. With regard to those Federal programs which appear to have only a tangential or indirect involvement in the area of juvenile delinquency, the Director of the Office of Management and Budget, upon consultation with the Director, named in section 301, is authorized to determine whether such programs come within the purview of this Act:
- (4) the term "juvenile delinquency program" means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, the improvement of the juvenile justice system and any

| 1 | program or activity for neglected, abandoned, or de |
|----|--|
| 2 | pendent youth and other youth who are in danger o |
| 3 | becoming delinquent; |
| 4 | (5) the term "local government" means any city |
| 5 | county, township, town, borough, parish, village, o |
| 6 | other general purpose political subdivision of a State |
| 7 | and an Indian tribe and any combination of two or more |
| 8 | of such units acting jointly; |
| 9 | (6) the term "public agency" means any depart |
| 10 | ment, agency, or instrumentality of any State, unit o |
| 11 | local government, or combination of such States of |
| 12 | units; |
| 13 | (7) the term "State" means each of the severa |
| 14 | States of the United States, the District of Columbia |
| 15 | the Commonwealth of Puerto Rico, the Virgin Islands |
| 16 | Guam, American Samoa, and the Trust Territory o |
| 17 | the Pacific Islands. |
| 18 | TITLE II-AMENDMENTS TO THE FEDERAL |
| 19 | JUVENILE DELINQUENCY ACT |
| 20 | SEC. 201. Section 5031 of title 18. United States Code |
| 21 | is amended to read as follows: |
| 22 | "§ 5031. Definitions |
| 23 | "For the purposes of this chapter, a 'juvenile' is a per- |
| 24 | son who has not attained his eighteenth birthday, and 'juve- |
| 25 | nile delinquency' is the violation of a law of the United |

| 1 | States committed by a juvenile which would have been a |
|----|--|
| 2 | crime if committed by an adult." |
| 3 | SEC. 202. Section 5032 of title 18, United States Code, |
| 4 | is amended to read as follows: |
| 5 | "§ 5032. Delinquency proceedings in district courts; trans- |
| 6 | fer for criminal prosecution |
| 7 | "A juvenile alleged to have committed an act of juve- |
| 8 | nile delinquency shall not be proceeded against in any court |
| 9 | of the United States unless the Attorney General, after in- |
| 10 | vestigation, certifies to an appropriate district court of the |
| 1 | United States that the juvenile court or other appropriate |
| 2 | court of a State (1) does not have jurisdiction or refuses |
| 13 | to assume jurisdiction over said juvenile with respect to |
| 4 | such alleged act of juvenile delinquency, or (2) does not |
| 5 | have available programs and services adequate for the re- |
| 6 | habilitation of juveniles. |
| 7 | * MIf the Attorney General does not so certify, such juve- |
| | nile shall be surrendered to the appropriate logal authorities |
| 9 | of such State. |
| 0 | "If an alleged delinquent is not surrendered to the au- |
| 1 | thorities of a State or the District of Columbia pursuant to |
| 2 | this section, any proceedings against him shall be in an ap- |
| 3 | propriate district court of the United States. For such |
| 4 | purposes, the court may be convened at any time and place. |
| 5 | within the district, in chambers or otherwise. The Attorney |

1 General shall proceed by information, and no criminal prose-2 cution shall be instituted for the alleged act of juvenile 3 delinquency.

"A juvenile who is alleged to have committed an offense 4 and who is not surrendered to State authorities shall be pro-.5 ceeded against as a juvenile delinquent unless he is sixteen 6 years old or older. With respect to a juvenile sixteen years 7 and older alleged to have committed an act which if com-8 mitted by an adult would be a felony punishable by a maxi-Ð mum penalty of ten years imprisonment or more, life im-10 prisonment, or death, criminal prosecution may be begun by 11 motion to transfer of the Attorney General in the appro-12 priate district court of the United States and if such court 13 finds, after hearing, that there are no reasonable prospects 14 for rehabilitating such juvenile before his twenty-first birth-15 day. 16

"Evidence of the following factors shall be considered in assessing the prospects for rehabilitation: the age of the juvenile: the nature of the alleged offense; the extent and nature of the juvenile's prior delinquency record; the juvenile's present mental condition; the nature of past treatment efforts and the juvenile's response to such efforts.

"Reasonable notice of the transfer hearing shall be given to the juvenile, his parents, guardian, or custodian and to his counsel. The juvenile shall be assisted by counsel during the

transfer hearing, and at every other critical stage of the 1 proceedings. 2 "Once a juvenile has entered a plea with respect to an 3 alleged act of juvenile delinquency a criminal prosecution 4 5 based upon such alleged act of delinquency shall be barred." SEC. 203. Section 5033 of this title is amended to read 6 as follows: "§ 5083. Custody prior to appearance before magistrate "Whenever a juvenile is taken into custody for an alleged 9 act of invenile delinquency, the arresting officer shall imme-10 diately advise such juvenile of his legal rights, in language 11 comprehensible to a juvenile, and shall immediately notify 12 the Attorney General and the juvenile's parents, guardian, 13 or custodian of such custody. The arresting officer shall also 14 notify the parents, guardian, or custodian of the rights of the 15 juvenile and of the nature of the alleged offense. 16 "The juvenile shall be taken before a magistrate forth-17 with. In no event shall the juvenile be detained for more than 18 twenty-four hours before being brought before a magistrate." 19 SEC. 204. Section 5034 of this title is amended to read as 20 follows: 21 "§ 5034. Duties of magistrate 22 "If counsel is not retained for the juvenile, or it does not 23 appear that counsel will be retained, the magistrate shall ap-

point counsel for the juvenile. Counsel shall be assigned to

S. 821-----2

24

represent a juvenile when the juvenile and his parents, guar-1 dian, or custodian are financially unable to obtain adequate 2 representation. In cases where the juvenile and his parents. 3 guardian, or custodian are financially able to obtain adequate 4 representation but have not retained counsel, the magistrate 5 6 may assign counsel and order the payment of reasonable attorney's fees or may direct the juvenile, his parents, guardian, or 7 custodian to retain private counsel within a specified period of 8 9 time. "The magistrate may appoint a guardian ad litem if a 10 11 parent or guardian of the juvenile is not present, or if the magis-12 trate has reason to believe that the parents or guardian will not 13 cooperate with the juvenile in preparing for trial, or that the 14 interests of the parents or guardian and those of the juvenile 15 are adverse. 16 "If the juvenile has not been discharged before his initial 17 appearance before the magistrate, the magistrate shall release 18 the juvenile to his parents, guardian, custodian, or other re-19 sponsible party (including, but not limited to, the director of 20 a shelter-care facility) upon their promise to bring such juve-21 nile before the appropriate court when requested by such court 22 unless the magistrate determines, after hearing, that the deten-23 tion of such juvenile is required to secure his timely appearance 24 before the appropriate court or to insure his safety or that of

25

others."

11

SEC. 205. Section 5035 of this title is amended to read as follows:

"§ 5035. Detention prior to disposition

3

14

"A juvenile alleged to be delinquent may be detained only 4 in a juvenile facility or such other suitable place as the Attorney 5 General may designate. The Attorney General shall not cause 6 7 any juvenile alleged to be delinquent to be detained or confined in any institution in which adult persons convicted of a crime 8 or awaiting trial on criminal charges are confined. Alleged delinquents shall be kept separate from adjudicated delin-10 quents. Every juvenile in custody shall be provided with ade-11 12 quate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary 13

SEC. 206. Section 5036 of this title is amended to read as follows:

psychiatric, psychological, or other treatment."

17 "§ 5036. Speedy trial

18 "If an alleged delinquent who has been detained pend-19 ing trial is not brought to trial within thirty days from the 20 date when such juvenile was arrested, the information shall 21 be dismissed with prejudice, on motion of the alleged de-22 linguent or at the direction of the court, unless the Atter-23 ney General shows that additional delay is unavoidable, 24 caused by the juvenile or his counsel, or consented to by 25 the juvenile and his counsel. Unavoidable delay may not include delays attributable solely to court calendar congestion."

12

 $_{1}$ Sec. 207. Section 5037 of this title is amended to read $_{2}$ as follows:

"§ 5037. Rights in general

3

"A juvenile charged with an act of juvenile delinquency shall be accorded the constitutional rights guaranteed an adult in a criminal prosecution, with the exception of indictment by grand jury. Public trial shall be limited to members of the press, who may attend only on condition that they not disclose information that could reasonably be expected to reveal the identity of the alleged delinquent. Any violation of that condition may be punished as a contempt of court."

12 SEC. 208. A new section 5038 is added, to read as 13 follows:

14 "§ 5038. Dispositional hearing

"(a) If a juvenile is adjudicated delinquent, a separate dispositional hearing shall be held no later than ten court days after trial unless the court has ordered further study in accordance with subsection (c). Copies of the presentence report shall be provided to the attorneys for both the juvenile and the Government at least three court days in advance of the hearing.

"(b) The court may suspend the adjudication of de-23 linquency or the disposition of the delinquent on such 24 conditions as it deems proper, place him on probation, or

- 1 commit him to the custody of the Attorney General. Pro-
- 2 bation, commitment, or commitment in accordance with sub-
- 3 section (c) shall not extend beyond the juvenile's twenty-
- 4 first birthday or the maximum term which could have been
- 5 imposed on an adult convicted of the same offense, which-
- 6 ever is sooner.
- "(c) If the court desires more detailed information 7 concerning an alleged delinquent, it may commit him after 8 notice and hearing at which the juvenile is represented by 9 10 counsel, to the custody of the Attorney General for observation and study by an appropriate agency. Such observation 11 and study shall be conducted on an outpatient basis, unless 12 the court determines that inpatient observation and study 13 14 are essential. No alleged delinquent may be committed to 15 the custody of the Attorney General for study and observa-16 tion without the consent of his attorney and his parent, 17 custodian, or guardian. In the case of an adjudicated delin-18 quent, such study shall not be conducted on an inpatient basis without prior notice and hearing. The agency shall 19 20 make a complete study of the alleged or adjudicated delin-21 quent to ascertain his personal traits, his capabilities, his background, any previous delinquency or criminal experi-22 ence, any mental or physical defect, and any other relevant 23 factors. The Attorney General shall submit to the court and 24

| 1 | the autorneys for the juvenile and the Government the re- |
|-----|---|
| 2 | sults of the study within thirty days after the commitment |
| 3 | of the juvenile, unless the court grants additional time." |
| 4 | SEC. 209. Section 5039 is added, to read as follows: |
| 5 | "§ 5039. Use of juvenile records |
| 6 | "(a) Upon the completion of any formal juvenile de- |
| 7 | linquency proceeding, the district court shall order the entire |
| . 8 | file and record of such proceeding scaled. After such scaling, |
| 9 | the court shall not release these records except under the |
| 10 | following circumstances: |
| 11 | "(1) inquiries received from another court of law; |
| 12 | "(2) inquiries from an agency preparing a presen- |
| 13 | tence report for another court; |
| 14 | "(3) inquiries from law enforcement agencies |
| 15 | where the request for information is related to the in- |
| 16 | vestigation of a crime or a position within that agency; |
| 17 | "(4) inquiries, in writing, from the director of a |
| 18 | treatment agency or the director of a facility to which |
| 19 | the juvenile has been committed by the court; and |
| 20 | "(5) inquiries from an agency considering the per- |
| 21 | son for a position immediately and directly affecting the |
| 22 | national security. |
| 23 | Information about the sealed record may not be released |
| 24 | when the request for information is related to an application |
| 25 | for employment, license, bonding, or any civil right or privi- |

- 1 lege. Responses to such inquiries shall not be different from
- 2 responses made about persons who have never been involved
- 3 in a delinquency proceeding.
- 4 "(b) The entire file and record of juvenile proceedings
- 5 where an adjudication of delinquency was not entered shall
- 6 be destroyed and obliterated by order of the court.
- 7 "(e) District courts exercising jurisdiction over any
- 8 juvenile shall inform the juvenile, his parent or guardian, in
- 9 writing, of rights relating to the sealing of his juvenile rec-
- 10 ord. The information in these communications shall be stated
- 11 in clear and nontechnical language.
- "(d) During the course of any juvenile delinquency
- 13 proceeding, all information and records relating to the pro-
- 14 ceeding, which are obtained or prepared in the discharge of
- 15 official duty by an employee of the court or an employee of
- 16 any other governmental agency, shall not be disclosed di-
- 17 rectly or indirectly to anyone other than the judge or others
- 18 entitled under this section to receive scaled records.
- "(e) Unless a child who is taken into custody is prose-
- 20 cuted as an adult-
- 21 "(1) neither the fingerprints nor a photograph
- shall be taken, without the written consent of the judge;
- 23 and
- 24 "(2) neither the name nor picture of any child
- 25 shall be made public by any medium of public informa-

| ı | tion in connection with a juvenile definquency proceed |
|-----|---|
| 2 | ing." |
| 3 | Sec. 210. Section 5040 is added, to read as follows: |
| 4 | "§ 5040. Commitment |
| 5 | "A juvenile who has been committed to the Attorney |
| 6 | General has a right to treatment and is entitled to custody |
| 7 | care, and discipline as nearly as possible equivalent to that |
| 8 | which should have been provided for him by his parents |
| 9 | No juvenile may be placed or retained in an adult jail or cor- |
| 10 | rectional institution. |
| 11 | "Every juvenile who has been committed shall be pro |
| 12 | vided with adequate food, heat, light, sanitary facilities, bed |
| 13 | ding, clothing, recreation, education, and medical care, in |
| 14 | cluding necessary psychiatric, psychological, or other care |
| 15 | "Whenever possible, the Attorney General shall commi |
| 16 | a juvenile to a foster home or community-based facility lo |
| 17 | cated in or near his home community." |
| 18 | SEC. 211. Section 5041 is added, to read as follows: |
| 19 | "§ 5041. Support |
| 20 | "The Attorney General may contract with any public |
| 21 | or private agency or individual and such community-based |
| 22 | facilities as halfway houses and foster homes, for the observa- |
| .23 | tion and study and the custody and care of juveniles in his |
| | |

- 1 custody. For these purposes, the Attorney General may use
- 2 the appropriation for 'support of United States prisoners'
- 3 or such other appropriations as he may designate."
- 4 SEC. 212. Section 5042 is added, to read as follows:
- 5 "\$ 5042. Parole
- 6 "The Board of Parole shall release on parole, on such
- 7 conditions as it deems necessary, each juvenile delinquent
- 8 who has been committed, as soon as the Board is satis-
- 9 fied that he is likely to remain at liberty without violating
- 10 the law."
- 11 Sec. 213. Section 5043 is added to read as follows:
- 12 "§ 5043. Revocation of parole or probation
- 13 "Any juvenile parolee or probationer shall be accorded
- 14 notice and a hearing with counsel before his parole or pro-
- 15 bation can be revoked."
- 16 SEC. 214. The table of sections of chapter 403 of this
- 17 title is amended to read as follows:

"Sec.

"5031. Definitions.

"5032. Delinquency proceedings in district courts; transfer for criminal prosecution.

"5033. Custody prior to appearance before magistrate.

"5034. Duties of magistrate.

"5055. Detention prior to disposition.

"5036. Speedy trial.

"5037. Rights in general.

"5038. Dispositional hearing.

"5039. Use of juvenile records.

"5040. Commitment.

"5041. Support.

"5042. Parole.

"5043. Revocation of parole or probation.".

8.821---3

| 1 | TITLE III-NATIONAL OFFICE OF JUVENILE |
|-----|--|
| 2 | JUSTICE AND DELINQUENCY PREVENTION |
| 3 | ESTABLISHMENT OF OFFICE |
| 4 | SEC. 301. (a) There is hereby established in the Execu- |
| 5 | tive Office of the President an office to be known as the |
| 6 | National Office of Juvenile Justice and Delinquency Pre- |
| 7 | vention (referred to in this Act as the "Office"). |
| 8 | (b) There shall be at the head of the Office a Director |
| 9 | (referred to in this Act as the "Director") who shall be |
| 10 | appointed by the President, by and with the advice and con- |
| 11 | sent of the Senate. |
| 12 | (c) There shall be in the Office a Deputy Director of |
| 13 | the Office who shall be appointed by the President, by and |
| 1.4 | with the advice and consent of the Senate. The Deputy |
| 15 | Director shall perform such functions as the Director from |
| 16 | time to time-assigns or delegates, and shall act as Director |
| 17 | during the absence or disability of the Director or in the |
| 18 | event of a vacancy in the office of the Director. |
| 19 | (d) There shall be in the Office not to exceed three |
| 20 | Assistant Directors who shall be appointed by the Director. |
| 21 | Each Assistant Director shall perform such functions as the |
| 22 | Director from time to time assigns or delegates. |
| 23 | PERSONNEL, SPECIAL PERSONNEL, EXPERTS, AND |
| 24 | CONSULTANTS |
| 25 | SEC. 302. (a) The Director is authorized to select, |

- employ, and fix the compensation of such officers and em-1 ployees, including attorneys, as are necessary to perform 2 3 the functions vested in him and to prescribe their functions. 4 (b) The Director is authorized to select, appoint, and 5 employ not to exceed five officers and to fix their compensation at rates not to exceed the rate now or hereafter prescribed for GS-18 of the General Schedule by section 5332 of title 5 of the United States Code. (c) Upon the request of the Director, the head of any 9 Federal agency is authorized to detail, on a reimbursable 10 basis, any of its personnel to the Director to assist him in 11 12 carrying out his functions under this Act. (d) The Director may obtain services as authorized by 13 14 section 3109 of title 5 of the United States Code, at rates not to exceed the rate now or hereafter prescribed for GS-18 15 16 of the General Schedule by section 5332 of title 5 of the 17 United States Code. 18 VOLUNTARY SERVICE 19 SEC. 303. The Director is authorized to accept and employ, in carrying out the provisions of this Act or any Fed-20 21 eral juvenile delinquency program, voluntary and uncom-
- 24 CONCENTRATION OF FEDERAL EFFORTS
- 25 Sec. 304. (a) The Director shall establish overall policy

pensated services notwithstanding the provisions of section 3679 (b) of the Revised Statutes (31 U.S.C. 665 (b)).

22

| 1 | and develop objectives and priorities for all Federal juvenilo |
|----|---|
| 2 | delinquency programs and activities relating to prevention |
| 3 | diversion, training, treatment, rehabilitation, evaluation, re- |
| 4 | search, and improvement of the juvenile justice system in |
| 5 | the United States. In carrying out his functions, the Director |
| 6 | shall consult with the National Advisory Council for Juvenilo |
| 7 | Justice and Delinquency Prevention. |
| 8 | (b) In carrying out the purposes of this Act, the Di- |
| 9 | rector is authorized and directed to— |
| 10 | (1) advise the President as to all matters relating |
| 11 | to federally assisted juvenile delinquency programs and |
| 12 | Federal policies regarding juvenile delinquency; |
| 13 | (2) assist operating agencies in the development |
| 14 | and promulgation of, and review regulations, guidelines |
| 15 | requirements, criteria, standards, procedures, and budge |
| 16 | requests in accordance with the policies, priorities, and |
| 17 | objectives he establishes; |
| 18 | (3) review and as he deems necessary, modify |
| 19 | insofar as they pertain to Federal juvenile delinquency |
| 20 | programs: |
| 21 | (A) implementation plans for any Federal pro- |
| 22 | gram; and |
| 23 | (B) the budget request of any Federal de |
| 24 | partment or agency; |
| | |

(4) recommend changes in organization, manage-1 ment, personnel, standards, and budget requests which he 2 deems advisable to implement the policies, priorities, and 3 objectives he establishes; 4 (5) conduct and support evaluations and studies of 5 the performance and results achieved by Federal juvenile 6 delinquency programs and activities and of the prospective 7 performance and results that might be achieved by alterna-8 tive programs and activities supplementary to or in lieu 9 of those currently being administered; 10 (6) coordinate Federal juvenile delinquency pro-11 grams and activities among Federal departments and 12 agencies and between Federal juvenile delinquency pro-13 grams and activities and other Federal programs and 14 activities which he determines may have an important 15 bearing on the success of the entire Federal juvenile 16 delinquency effort; 17 (7) develop annually with the assistance of the 18 Federal agencies operating juvenile delinquency pro-19 grams and submit to the President and the Congress, 20 after the first year the legislation is enacted, prior to 21 September 30, an analysis and evaluation of Federal 22 invenile delinquency programs conducted and assisted 23

by Federal departments and agencies, the expenditures

| 1 | made, the results achieved, the plans developed, and |
|----|---|
| 2 | problems in the operations, and coordination of such |
| 3 | programs; |
| 4 | (8) develop annually, and submit to the President |
| 5 | and the Congress, after the first year the legislation is |
| 6 | enacted, prior to March 1, a comprehensive plan for |
| 7 | Federal juvenile delinquency programs, with particular |
| 8 | emphasis on the prevention of juvenile delinquency and |
| 9 | the development of programs and services which will |
| 10 | encourage increased diversion of juveniles from the tra- |
| 11 | ditional juvenile justice system; and |
| 12 | (9) provide technical assistance to Federal, State, |
| 13 | and local governments, courts, public and private agen- |
| 14 | cies, institutions. and individuals, in the planning, es- |
| 15 | tablishment, funding, operation, or evaluation of juvenile |
| 16 | delinquency programs. |
| 17 | (c) The Director may require departments and agencies |
| 18 | engaged in any activity involving any Federal juvenile de- |
| 19 | linquency program to provide him with such information and |
| 20 | reports, and to conduct such studies and surveys, as he may |
| 21 | deem to be necessary to carry out the purposes of this Act. |
| 22 | (d) The Director may delgate any of his functions under |
| 23 | this title, except the making of regulations, to any officer or |

employee of the Office.

- 1 (e) The Director is authorized to utilize the services and · 2 facilities of any agency of the Federal Government and of 3 any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in 4 advance or by way of reimbursement as may be agreed upon. 5 (f) The Director is authorized to transfer funds appro-6 priated under this Act to any agency of the Federal Gov-7 ernment to develop or demonstrate new methods in juvenile 8 delinquency prevention and rehabilitation and to supplement 9 existing delinquency prevention and rehabilitation programs 10 which the Director finds to be exceptionally effective or for 11 which he finds there exists exceptional need. 12
- 13 JOINT FUNDING

SEC. 305. Notwithstanding any other provision of law. 14 where funds are made available by more than one Federal 15 agency to be used by any agency, organization, institution, or 16 17 individual to carry out a Federal juvenile delinquency program or activity, any one of the Federal agencies providing 18 funds may be designated by the Director to act for all in 19 administering the funds advanced. In such cases, a single 20 non-Federal share requirement may be established according 21 to the proportion of funds advanced by each Federal agency, 22 and the Director may order any such agency to waive any 23 technical grant or contract requirement (13 defined in such 24

- 1 regulations) which is inconsistent with the similar require-
- 2 ment of the administering agency or which the administering
- 3 agency does not impose.

4 TRANSITIONAL PROVISIONS

- 5 SEC. 306. (a) The President may authorize any per-
- 6 son who immediately prior to the date of enactment of this
- 7 Act held a position in the executive branch of the Gov-
- 8 ernment to act as the Director of the National Office of
- 9 Juvenile Justice and Delinquency Prevention until the office
- 10 of Director is for the first time filled pursuant to the pro-
- 11 visions of this Act or by recess appointment, as the case
- 12 may be.
- (b) The President may similarly authorize any such
- 14 person to act as Deputy Director.
- 15 (c) The President may authorize any person who
- 16 serves in an acting capacity under the foregoing provisions
- 17 of this section to receive the compensation attached to the
- 18 office in respect to which he so serves. Such compensation,
- 19 if authorized, shall be in lieu of, but not in addition to,
- 20 other compensation from the United States to which such
- 21 person may be entitled.
- 22 (d) No Federal officer, department, or agency shall
- 23 be deemed to be relieved of any responsibility that such
- 24 officer, department, or agency had on the date of enact-

1 ment of this Act with respect to any federally assisted

| 2 | juvenile delinquency program. |
|----|---|
| 3 | AMENDMENTS TO TITLE 5, UNITED STATES CODE |
| 4 | SEC. 307. (a) Section 5313 of title 5, United States |
| 5 | Code, is amended by adding at the end thereof the follow- |
| 6 | ing new paragraph: |
| 7 | "(21) Director, National Office of Juvenile Justice |
| 8 | and Delinquency Prevention.". |
| 9 | (b) Section 5314 of title 5, United States Code, is |
| 10 | amended by adding at the end thereof the following new |
| 11 | paragraph: |
| 12 | "(58) Deputy Director, National Office of Juvenile |
| 13 | Justice and Delinquency Prevention.". |
| 14 | (c) Section 5315 of title 5, United States Code, is |
| 15 | amended by adding at the end thereof the following new |
| 16 | paragraph: |
| 17 | "(95) Assistant Directors, National Office of Juve- |
| 18 | nile Justice and Delinquency Prevention.". |
| 19 | ADVISORY COUNCIL |
| 20 | Membership Established |
| 21 | SEC. 308. (a) There is hereby established a National |
| 22 | Advisory Council for Juvenile Justice and Delinquency |
| 23 | Prevention (hereinafter referred to as the "Council") which |
| 24 | shall consist of twenty-one members. |

1 (b) The Attorney General, the Secretary of Health,
2 Education, and Welfare, the Secretary of Labor, and the
3 Secretary of Housing and Urban Development or their re4 spective designees, shall be ex officio members of the

Council.

- (c) The regular members of the Council shall be ap-6 pointed by the President from persons who by virtue of 7 their training or experience have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice. The President shall 10 designate the Chairman. A majority of the members of the 11 Council, including the Chairman, shall not be full-time em-12 ployees of Federal. State, or local governments. At least 13 seven members shall not have attained twenty-six years of 14
- age on the date of their appointment, of whom at least three
 shall have had actual experience within the juvenile justice
 system.
- (d) Members appointed by the President to the Council shall serve for terms of four years and shall be eligible for
 reappointment except that for the first composition of the
 Council, one-third of these members shall be appointed to
 one-year terms, one-third to two-year terms, and one-third
 to three-year terms; thereafter each term shall be four years.
 Any member appointed to fill a vacancy occurring prior to

| 1 | the expiration of the term for which his predecessor was ap |
|----|--|
| 2 | pointed, shall be appointed for the remainder of such term. |
| 3 | duties of the council |
| 4 | SEC. 309. (a) The Council shall meet at the call of the |
| 5 | Chairman, but not less than four times a year. |
| 6 | (b) The Council shall make recommendations to the Di |
| 7 | rector at least annually with respect to planning, policy, pri |
| 8 | oritics, operations, and management of all Federal juvenile |
| 9 | delinquency programs. |
| 10 | (c) The Chairman may designate a subcommittee of the |
| 1 | members of the Advisory Council to advise the Director or |
| 12 | particular functions or aspects of the work of the Office. |
| 13 | (d) The Chairman shall designate a subcommittee o |
| 4 | five members of the Council to serve as members of an Ad- |
| 5 | visory Committee for the National Institute of Juvenile Jus- |
| 6 | tice to perform the functions set forth in section 505. |
| 7 | (c) The Chairman shall designate a subcommittee of |
| 8 | five members of the Council to serve as an Advisory Com- |
| 9 | mittee to the Director on Standards for the Administration of |
| 0 | Juvenile Justice to perform the functions set forth in section |
| 1 | 507. |
| 2 | COMPENSATION AND EXPENSES |
| 3 | SEC. 310. (a) Members of the Council who are em- |
| 4 | placed by the Federal Government full time shall serve with- |

| 1 | out compensation but shall be reimbursed for travel, sub- |
|----|--|
| 2 | sistence, and other necessary expenses incurred by them in |
| 3 | carrying out the duties of the Council. |
| 4 | (b) Members of the Council not employed full time by |
| 5 | the Federal Government shall receive compensation at a rate |
| 6 | not to exceed the rate now or hereafter prescribed for GS-18 |
| 7 | of the General Schedule by section 5332 of title 5 of the |
| 8 | United States Code, including traveltime for each day they |
| 9 | are engaged in the performance of their duties as members |
| 10 | of the Commission. Members shall be entitled to reimburse- |
| 11 | ment for travel, subsistence, and other necessary expenses |
| 12 | incurred by them in carrying out the duties of the Council. |
| 13 | APPROPRIATIONS AUTHORIZED |
| 14 | SEC. 311. There are hereby authorized to be appro- |
| 15 | priated for the purposes of this title \$15,000,000 for the fiscal |
| 16 | year ending June 30, 1973, \$20,000,000 for the fiscal year |
| 17 | ending June 30, 1974, \$25,000,00 for the fiscal year end- |
| 18 | ing June 30, 1975, and \$30,000,000 for the fiscal year end- |
| 19 | ing June 30, 1976. |
| 20 | TITLE IV-FEDERAL ASSISTANCE FOR STATE |
| 21 | AND LOCAL PROGRAMS |
| 22 | PART A-FORMULA GRANTS |
| 23 | AUTHORIZATION |
| 24 | SEC. 401. There are authorized to be appropriated \$50 |
| 25 | 000,000 for the fiscal year ending June 30, 1973; \$100,- |
| | |

- 1 000,000 for the fiscal year ending June 30, 1974; \$150,-
- 2 000,000 for the fiscal year ending June 30, 1975; and
- 3 \$200,000,000 for the fiscal year ending June 30, 1976, for
- 4 grants to States and local governments to assist them in
- 5 planning, establishing, operating, coordinating, and evalu-
- 6 ating projects for the development of more effective educa-
- 7 tion, training, research, prevention, diversion, treatment, and
- 8 rehabilitation programs in the area of juvenile delinquency
- 9 and programs to improve the juvenile justice system.
- 10 SEC. 402. (a) In accordance with regulations pro-
- 11 mulgated under this title, the Director shall allocate an-
- 12 nually among the States the sums appropriated under
- 13 section 401 on the basis of the relative population of people
- 14 under age eighteen, per capita income, and rate of de-
- 15 linquency. After the first year of the administration of
- 16 this Act, the Director may take into consideration any
- 17 decline in the rate of delinquency in allocating these sums.
- 18 No such allotment to any State shall be less than \$200,000,
- 19 except that for the Virgin Islands, Guam, American Samoa,
- 20 and the Trust Territory of the Pacific Islands, no allotment
- 21 shall be less than \$50,000.
- 22 (b) If any amount so allotted remains unobligated at
- 23 the end of the fiscal year, the Director may reallocate such
- 24 funds on such basis as he deems equitable and consistent
- 25 with the purposes of this title. Any amount so reallocated

| 1 | shall be in addition to the amounts already allotted and avail- |
|----|---|
| 2 | able to the States, the Virgin Islands, American Samoa, |
| 3 | Guam, and the Trust Territory of the Pacific Islands for the |
| 4 | same period. |
| 5 | (c) In accordance with regulations developed by the |
| 6 | Director, a portion of any allotment to any State under |
| 7 | this part shall be available to develop a State plan and to |
| 8 | pay that portion of the expenditures which the Director finds |
| 9 | necessary for efficient administration. Not more than 15 |
| 10 | per centum of the total annual allotment of such State |
| 11 | shall be available for such purposes. The State shall make |
| 12 | available needed funds for planning and administration to |
| 13 | local governments within the State on an equitable basis. |
| 14 | STATE PLANS |
| 15 | SEC. 403. (a) In order to receive part A formula |
| 16 | grants, a State shall submit a plan for carrying out its |
| 17 | purposes. In accordance with regulations set forth by the |
| 18 | Director, such plan must— |
| 19 | (1) designate a single State agency as the sole |
| 20 | agency responsible for the preparation and adminis- |
| 21 | tration of the plan, or designate an agency as the sole |
| 22 | agency for supervising the preparation and administra- |
| 23 | tion of the plan; |
| 24 | (2) contain satisfactory evidence that the State |

1 agency designated in accordance with paragraph (1) (hereafter referred to in this Act as the "State agency") 2 has or will have authority, by legislation if necessary, 3 to implement such plan in conformity with this part; 4 (3) provide for supervision of the programs funded 5 under this Act-by the State agency by a board appointed 6 by the Governor which shall consist of persons who have 7 training, experience, or special knowledge concerning 8 the prevention and treatment of juvenile delinquency or 9 the administration of juvenile justice. A majority of the 10 11 members, including the Chairman, must not be full-time employees of the Federal, State, or local government, 12 and at least one-third of the members of the Board shall 13 be under the age of twenty-six at the time of appoint-14 15 ment. This board shall approve the State plan prior to _ 16 its submission to the Federal Government; (4) provide for the active consultation with and 17 participation of local governments in the development 18 of a State plan which adequately takes into account the 19 20 needs and requests of local governments; (5) provide that at least 50 per centum of the 21 22 funds received by the State under section 401 shall be expended through programs of local government inso-23 far as they are consistent with the State plan, except

| 1 | that this provision may be waived at the discretion of |
|------------|--|
| 2 | the Director for any State if the services for delinquents |
| 3 | are organized primarily on a statewide basis; |
| 4 | (6) provide that the chief executive officer of the |
| 5 | local government shall assign responsibility for the prep- |
| 6 | aration and administration of the local government's part |
| 7 | of the State plan, or for the supervision of the prepara- |
| 8 | tion and administration of the local government's part |
| 9 | of the State plan, to that agency within the local govern- |
| 10 | ment's structure (hereinafter in this Act referred to as |
| 11 | the "local agency") which can most effectively carry |
| 12 | out the purposes of this Act; |
| 13 | (7) provide for an equitable distribution of the as- |
| 14 | sistance received under section 401 within the State; |
| 1 5 | (8) set forth a detailed study of the State needs for |
| 16- | an effective, comprehensive, coordinated approach to |
| 17 | juvenile delinquency prevention and treatment and the |
| 18 | improvement of the juvenile justice system. This plan |
| 19 | shall include itemized estimated costs for the develop- |
| 20 | ment and implementation of such programs; |
| 21 | (9) provide for the active consultation with and |
| 22 | participation of private agencies in the development and |
| 23 | execution of the State plan; provide for coordination |
| 24 | and maximum utilization of existing juvenile delin- |

quency programs and other related programs, such as 1 education, health, and welfare within the State; 2 3 (10) provide that not less than 75 per centum of the funds available to such State under section 401, 4 whether expended directly by the State or by the local 5 government, shall be used for advanced techniques in 6 developing, maintaining, and expanding programs and 7 8 services designed to prevent juvenile delinquency, to 9 divert juveniles from the juvenile justice system, to establish probation subsidy programs as set forth in 10 section 402 (10) (G), and to provide community-based 11 12 alternatives to juvenile detention and correctional facilities. The advanced techniques include but are not limited 13 14 to-15 (A) community-based programs and services 16 for the prevention and treatment of juvenile delin-17 quency through the development of foster-care and 18 shelter-care homes, group homes, halfway houses, 19 and any other designated community-based diag-20 nostic, treatment, or rehabilitative service; 21 (B) community-based programs and services 22 to work with parents and other family members to maintain and strengthen the family unit, so that the

juvenile may be retained in his home;

23

| 1 | (C) community-based programs to support |
|-----------------|--|
| 2 | counsel, provide work and recreational opportuni- |
| 3 | ties for delinquents and youth in danger of becom- |
| 4 | ing delinquent; |
| 5 | (D) comprehensive programs of drug abuse |
| 6 | education and prevention, and programs for the |
| 7 | treatment and rehabilitation of drug addicted youth, |
| 8 | and "drug dependent" youth (as defined in section |
| 9 | 2 (g) of the Public Health Service Act (42 U.S.C. |
| 10 | 201 (g)); |
| 11 | (E) educational programs or supportive serv- |
| 12 | ices designed to keep delinquents or youth in danger |
| 13 | of becoming delinquent in elementary and secondary |
| 14 | schools or in alternative learning situations; |
| 15 | (F) expanded use of probation and recruitment |
| 16 | and training of probation officers, other professional |
| 17 ⁽ | and paraprofessional personnel and volunteers to |
| 18 | work effectively with youth; |
| 19 | (G) probation subsidy programs providing- |
| 20 | (i) incentives for local governments to |
| 21 | operate a subsidized probation program utiliz- |
| 22 | ing innovative supervision practices designed to |
| 23 | reduce commitments of juveniles to correc- |
| 24 | tional institutions, and |
| 25 | (ii) procedures for determining on an equi- |
| | • |

| 1 | table basis the yearly reductions of such com- |
|------|---|
| 2 | mitments considering the distribution of juve- |
| 3 | nile delinquents within the State and the suc- |
| 4 | cess of each local government in making such |
| - 5- | yearly reductions. |
| 6 | Each State shall include in its plan a provision |
| 7 | for the establishment and operation of such a proba- |
| 8 | tion subsidy program, unless this requirement is |
| 9 | waived by the Director. |
| 10 | (11) provides for the development of an adequate |
| 11 | research, training, and evaluation capacity within the |
| 12 | State; |
| 13 | (12) provide within a reasonable period of time |
| 14 | that juveniles who are charged with or who have com- |
| 15 | mitted offenses that would not be criminal if committed |
| 16 | by an adult, shall not be placed in juvenile detention or |
| . 17 | correctional facilities, but must be placed in shelter |
| 18 | facilities; |
| 19 | (13) provide that juveniles alleged to be or found |
| 20 | to be delinquent shall not be detained or confined in any |
| 21 | institution in which adult persons convicted of a crime |
| 22 | or awaiting trial on criminal charges are incarcerated; |
| 23 | (14) provide assurances that assistance will be |
| 24 | available on an equitable basis to deal with all dis- |
| 25 | advantaged youth including, but not limited to, females, |

| 1 | minority youth, and mentally retarded or emotionally |
|----|--|
| 2 | handicapped youth; |
| 3 | (15) provide for procedures which will be estab- |
| 4 | lished for protecting under Federal, State, and local law |
| 5 | the rights of recipients of services and which will assure |
| 6 | appropriate privacy with regard to records relating to |
| 7 | such services provided to any individual under the State |
| 8 | plan; |
| 9 | (16) provide that fair and equitable arrangements |
| 10 | are made, as determined by the Secretary of Labor, to |
| 11 | protect the interests of employees affected by assistance |
| 12 | under this Act. Such protective arrangements shall in- |
| 13 | clude, without being limited to, such provisions as may |
| 14 | be necessary for- |
| 15 | (A) the preservation of rights, privileges, and |
| 16 | benefits (including continuation of pension rights |
| 17 | and benefits) under existing collective-bargaining |
| 18 | agreements or otherwise; |
| 19 | (B) the continuation of collective-bargaining |
| 20 | rights; |
| 21 | (C) the protection of individual employees |
| 22 | against a worsening of their positions with respect |
| 23 | to their employment; |
| 24 | (D) assurances of employment to employees |
| 25 | of any State or political subdivision thereof who |
| | |

| ī | will be affected by any program funded in whole |
|----|--|
| 2 | or in part under provisions of this Act; and |
| 3 | (E) training or retraining programs. |
| 4 | The State plan shall provide for the terms and con |
| 5 | ditions of the protective arrangements established pursu |
| 6 | ant to this section. |
| 7 | (17) provide for such fiscal control and fund ac- |
| 8 | counting procedures necessary to assure prudent use |
| 9 | proper disbursement, and accurate accounting of fund |
| 10 | received under this title; |
| 11 | (18) provide reasonable assurance that Federa |
| 12 | funds made available under this part for any period wil |
| 13 | be so used as to supplement and increase, to the exten- |
| 14 | feasible and practical, the level of State, local, and other |
| 15 | non-Federal funds that would in the absence of such |
| 16 | Federal funds be made available for the programs de |
| 17 | scribed in this part, and will in no event supplant such |
| 18 | State, local, and other non-Federal funds; |
| 19 | (19) provide that the State agency will from time |
| 20 | to time, but not less often than annually, review its |
| 21 | plan and submit to the Director an analysis and evalua |
| 22 | tion of the effectiveness of the programs and activities |
| 23 | carried out under the plan, and any modifications in the |
| 24 | plan, including the survey of State and local needs, which |
| 25 | it considers necessary; and |

| 1 | (20) contain such other terms and conditions as the |
|----|---|
| 2 | Director may reasonably prescribe to assure the effect |
| 3 | tiveness of the programs assisted under this title. |
| 4 | (b) The Director shall approve any State plan and |
| 5 | any modification thereof that meets the requirements o |
| 6 | subsection (a) of this section. |
| 7 | PART B-SPECIAL EMPHASIS PREVENTION AND |
| 8 | TREATMENT PROGRAMS |
| 9 | PROGRAM AND AUTHORIZATION |
| 10 | SEC. 404. There are authorized to be appropriated |
| 11 | \$50,000,000 for the fiscal year ending June 30, 1973 |
| 12 | \$100,000,000 for the fiscal year ending June 30, 1974 |
| 13 | \$150,000,000 for the fiscal year ending June 30, 1975 |
| 14 | and \$200,000,000 for the fiscal year ending June 30, 1976 |
| 15 | The Director is authorized to use these appropriations to |
| 16 | make grants to and enter into contracts with public and |
| 17 | private agencies, organizations, institutions, or individuals |
| 18 | to |
| 19 | (1) develop and implement new approaches, tech- |
| 20 | niques, and methods with respect to juvenile delin- |
| 21 | quency programs (as defined in section 103(4)); |
| 22 | (2) develop and maintain community-based alter- |
| 23 | natives to traditional forms of institutionalization; |
| 24 | (3) develop and implement effective means of |
| | |

| 1 | diverting juveniles from the traditional juvenile jus- |
|----|---|
| 2 | tice and correctional system; |
| 3 | (4) improve the capability of public and private |
| 4 | agencies and organizations to provide services for de- |
| 5 | linquents and youths in danger of becoming delin- |
| 6 | quent; and |
| 7 | (5) facilitate the adoption of the recommendations |
| 8 | of the Advisory Committee on Standards for Juvenile |
| 9 | Justice as set forth pursuant to section 507 (b). |
| 10 | CONSIDERATIONS FOR APPROVAL OF APPLICATIONS |
| 11 | SEC. 405. (a) Any agency, institution, or individual |
| 12 | desiring to receive a grant, or enter into any contract under |
| 13 | this part, shall submit an application at such time, in such |
| 14 | manner, and containing or accompanied by such informa- |
| 15 | tion as the Director may prescribe. |
| 16 | (b) In accordance with guidelines established by the |
| 17 | Director, each such application shall |
| 18 | (1) provide that the program for which assistance |
| 19 | under this title is sought will be administered by or |
| 20 | under the supervision of the applicant; |
| 21 | (2) set forth a program for carrying out one or |
| 22 | more of the purposes set forth in section 404; |
| 23 | (3) provide for the proper and efficient adminis- |
| 24 | tration of such program; |

| 1 | (4) provide for regular evaluation of the program; |
|----|---|
| 2 | (5) indicate that the applicant has requested the |
| 3 | review of the application from the State and local agency |
| 4 | designated in section 403, when appropriate; |
| 5 | (6) indicate the response of such agency to the re- |
| 6 | quest for review and comment on the application; |
| 7 | (7) provide that regular reports on the program |
| 8 | shall be sent to the Director and to the State and local |
| 9 | agency, when appropriate; and |
| 10 | (8) provide for such fiscal control and fund ac- |
| 11 | counting procedures as may be necessary to assure pru- |
| 12 | dent use, proper disbursement, and accurate accounting |
| 13 | of funds received under this title. |
| 14 | (c) In determining whether or not to approve applica- |
| 15 | tions for grants under this title, the Director shall consider— |
| 16 | (1) the relative cost and effectiveness of the pro- |
| 17 | posed program in effectuating the purposes of the Act; |
| 18 | (2) the extent to which the proposed program will |
| 19 | incorporate new or innovative techniques; |
| 20 | (3) the extent to which the proposed program |
| 21 | meets the objectives and priorities of the State plan, |
| 22 | when a State plan has been approved by the Director |
| 23 | under section 403 (b) and when the location and scope |
| 24 | of the program make such consideration appropriate; |
| | • |

| 1 | (4) the increase in capacity of the public and pri- |
|----|--|
| 2 | vate agency, institution or individual to provide services |
| 3 | to delinquents or youths in danger of becoming delin- |
| 4 | quent; |
| 5 | (5) the extent to which the proposed project serves |
| 6 | communities which have high rates of youth unemploy- |
| 7 | ment, school dropout, and delinquency; and |
| 8 | (6) the extent to which the proposed program |
| 9 | facilitates the implementation of the recommendations |
| 10 | of the Advisory Committee on Standards for Juvenile |
| 11 | Justice as set forth pursuant to section 507 (b). |
| 12 | WITHHOLDING |
| 13 | SEC. 406. Whenever the Director, after giving reason- |
| 14 | able notice and opportunity for hearing to a grant recipient |
| 15 | under this title, finds— |
| 16 | (1) that the program or activity for which such |
| 17 | grant was made has been so changed that it no longer |
| 18 | complies with the provisions of this title; or |
| 19 | (2) that in the operation of the program or activity |
| 20 | there is failure to comply substantially with any such |
| 21 | provision; |
| 22 | the Director shall notify such recipient of his findings and |
| 23 | no further payments may be made to such recipient by the |

| 1 | Director until he is satisfied that such noncompliance has |
|----|--|
| - | • |
| 2 | been, or will promptly be, corrected. |
| 3 | USE OF FUNDS |
| 4 | SEC. 407. (a) Funds paid to any public or private |
| 5 | agency, institution, or individual (whether directly or |
| 6 | through a State or local agency) may be used for: |
| 7 | (1) securing, developing, or operating the pro- |
| 8 | gram designed to carry out the purposes of this Act; |
| 9 | (2) not more than 50 per centum of the cost of |
| 10 | construction of innovative community-based facilities (as |
| 11 | defined in section 103 (1) and (2) which, in the |
| 12 | judgment of the Director, are necessary for carrying |
| 13 | out the purposes of this Act, |
| 14 | (b) In accordance with criteria set forth by the Direc- |
| 15 | tor, grants or contracts may provide for long-term-funding, |
| 16 | provided that such grants or contracts provide for yearly |
| 17 | evaluation to ascertain if the goals of such grants or contracts |
| 18 | are being achieved. |
| 19 | (c) At the discretion of the Director, when there is no |
| 20 | other way to fund an essential juvenile delinquency pro- |
| 21 | gram, the State may utilize 25 per centum of the funds |
| 22 | available to it under this Act to meet the non-Federal |
| 23 | matching share requirement for any other Federal juvenile |
| 24 | delinquency program grant. |
| 25 | (d) The Director may require the recipient of any |

- grant or contract to contribute money, facilities, or services 1 2 up to 25 per cencum of the cost of the project. 3 (e) Payments under this title, pursuant to a grant or 4 contract, may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments 5 6 or underpayments) in advance or by way of reimbursements, and in such installments and on such conditions as the Director may determine. TITLE V-NATIONAL INSTITUTE FOR JUVENILE 9 JUSTICE 10 NATIONAL INSTITUTE 11 SEC. 501. (a) There is hereby established within the 12 National Office of Juvenile Justice and Delinquency Pre-13 vention a National Institute for Juvenile Justice (referred to 14 in this Λ ct as the "Institute") . 15 (b) The Institute shall be under the supervision and
- (b) The Institute shall be under the supervision and direction of an Administrator who shall be appointed by and be responsible to the Director of the Office. Acting through the Institute, the Director shall take any action consistent with the intent and purpose of this Λet, including but not limited to the functions stated in this title.
 - (c) With the approval of the Director, the Administrator is authorized to make grants to, or enter into contracts with, any public or private agency, institution, or individual to carry out the purposes of this title.

| 1 | INFORMATION FUNCTION |
|----|--|
| 2 | Sec. 502. The Institute is authorized to— |
| 3 | (1) serve as an information bank by collecting sys- |
| 4 | tematically and synthesizing the data and knowledge |
| 5 | obtained from studies and research by public and private |
| 6 | agencies, institutious, or individuals concerning all as |
| 7 | pects of juvenile delinquency, including the prevention |
| 8 | and treatment of juvenile delinquency; |
| 9 | (2) serve as a clearinghouse and information center |
| 10 | for the preparation, publication, and dissemination o |
| 11 | all information regarding juvenile delinquency, includ- |
| 12 | ing State and local juvenile delinquency prevention and |
| 13 | treatment programs and plans, availability of resources |
| 14 | training and educational programs, statistics, and other |
| 15 | pertinent data and information. |
| 16 | RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS |
| 17 | SEC. 503. The Institute is authorized to- |
| 18 | (1) conduct, encourage, and coordinate research |
| 19 | and evaluation into any aspect of juvenile delinquency |
| 20 | particularly with regard to new programs and methods |
| 21 | which show promise of making a contribution toward |
| 22 | the prevention and treatment of juvenile delinquency |
| 23 | (2) encourage the development of demonstration |
| 24 | projects in new, innovative techniques and methods to |
| 25 | prevent and treat juvenile delinquency; |
| | |

| 1 | (3) provide for the evaluation of all programs as- |
|----|---|
| 2 | sisted under this Act in order to determine the results |
| 3 | and the effectiveness of such programs; |
| 4 | (4) provide for the evaluation of any other Fed- |
| 5 | eral, State, or local juvenile delinquency program, upon |
| 6 | the request of the Director; and |
| 7 | (5) disseminate the results of such evaluations and |
| 8 | research and demonstration activities particularly to |
| 9 | persons actively working in the field of juyenile de- |
| 10 | linquency. |
| 11 | TRAINING FUNCTIONS |
| 12 | Sec. 504. The Institute is authorized to- |
| 13 | (1) develop, conduct, and provide for training |
| 14 | programs for the training of professional, paraprofes- |
| 15 | sional, and volunteer personnel, and other persons who |
| 16 | are or who are preparing to work with juveniles and |
| 17 | juvenile offenders: |
| 18 | (2) develop, conduct, and provide for seminars, |
| 19 | workshops, and training programs in the latest proven |
| 20 | effective techniques and methods of preventing and |
| 21 | treating juvenile delinquency for law enforcement offi- |
| 22 | cers, juvenile judges, and other court personnel, proba- |
| 23 | tion officers, correctional personnel, and other Federal, |
| 24 | State, and local government personnel who are engaged |
| 25 | in work relating to juvenile delinquency. |

INSTITUTE ADVISORY COMMITTEE

SEC. 505. The Institute Advisory Committee established in section 309 (d) shall advise, consult with, and make recommendations to the Administrator of the Institute concerning the overall policy and operations of the Institute.

6 ANNUAL REPORT

1

25

7 SEC. 506. The Administrator shall develop annually and submit to the Director after the first year the legislation 8 is enacted, prior to June 30, a report on research, demon-9 stration, training, and evaluation programs funded under this 10 11 title, including a review of the results of such programs, an 12 assessment of the application of such results to existing and to new juvenile delinquency programs, and detailed recom-13 mendations for future research, demonstration, training, and 14 evaluation programs. The Director shall include a summary 15 of these results and recommendations in his report to the 16 President and Congress required by section 304 (b) (7). 17 DEVELOPMENT OF STANDARDS FOR JUVENILE JUSTICE 18 SEC. 507. (a) The Institute, under the supervision of 19 the Advisory Committee on Standards for Juvenile Justice 20 established in section 309 (e), shall review existing reports, 21 data, and standards, and, where necessary, independently 22 study the juvenile justice system in the United States. This 23 study shall emphasize juvenile court administration and pro-24

cedures, and the conditions of confinement in juvenile deten-

tion and correctional facilities in order to develop standards 1 for juvenile justice. 3 (b) Not later than eighteen months after the passage of this Act, the Advisory Committee shall submit to the Presi-4 dent and the Congress a final report which-5 (1) recommends standards for the administration 6 of juvenile justice at the Federal, State, and local level, 7 8 including juvenile court procedures and conditions of confinement in juvenile detention and correctional 9 facilities; 10 (2) recommends Federal action, including but not 11 limited to administrative, budgetary, and legislative 12 action, required to facilitate the adoption of these stand-13 14 ards throughout the United States; and 15 (3) recommends State and local action to facilitate the adoption of these standards for juvenile justice at 16 17 the State and local level. (c) Each department, agency, and instrumentality of 18 the executive branch of the Government, including inde-19 pendent agencies, is authorized and directed to furnish to the 20 Advisory Committee such information as the Committee 21 deems necessary to carry out its functions under this Act. 22

(d) The Advisory Committee shall hold public hear-

ings on its proposed standards.

23

24

| i | AUTHORIZATION OF APPROPRIATIONS |
|---|---|
| 2 | Sec. 508. To carry out the purposes of this title there |
| 3 | are hereby authorized to be appropriated \$50,000,000 for |
| 1 | the fiscal year ending June 30, 1973; \$100,000,000 for the |
| 5 | fiscal year ending June 30, 1974; \$150,000,000 for the |
| 3 | fiscal year ending June 30, 1975; and \$200,000,000 for |
| 7 | the fixed year ending June 30, 1976 |

EXHIBIT No. 8

(From the Congressional Record, Feb. 8, 1973)

By Mr. BAYH (for himself and Mr. Cook):

S. 821. A-bill to improve the quality of juvenile justice in the United States and to provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes. Referred to the Committee on the Judiciary.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1973

Mr. Bayh. Mr. President, I am pleased today to join with my distinguished colleague from Kentucky, Senator Marlow Cook, the ranking minority member of the Subcommittee To Investigate Juvenile Delinquency of which I am chairman, in introducing the Juvenile Justice and Delinquency Prevention Act of 1973. Our bill provides a comprehensive, coordinated program to prevent juvenile delinquency, rehabilitate juvenile delinquents, and improve the quality of juvenile justice in this country. In addition, it authorizes substantial resources to assist State and local governments as well as public and private agencies in developing an effective approach to the multifaceted problems of juvenile delinquency.

delinquency.

This measure received strong support during the 92d Congress when it was introduced as S. 3148. It has been endorsed by youth-serving organizations and juvenile delinquency experts throughout the country. It has received the support of many of the major organizations working in the field of youth development and delinquency prevention, such as the American Parents Committee, the Boys Clubs of America, the National Education Association, the Young Women's Christian Association and the Young Men's Christian Association. The National Council on Crime and Delinquency and the National Council of Juvenile Court Judges have enthusiastically approved the comprehensive attack on delinquency contained in this bill. This legislation has also received widespread support from many individuals throughout the Nation who are actively involved in providing services to young people in trouble.

Extensive hearings conducted by the Subcommittee on Juvenile Delinquency have demonstrated the desperate need for this legislation. Expert witnesses, including State and local officials, representatives of private agencies, social workers, sociologists, criminologists, judges, and criminal justice planners have testified on the bankruptcy of the current juvenile justice system which provides neither individualized justice nor effective help to juveniles. In particular they have repeatedly emphasized that large custodial institutions such as reformatories and training schools are nothing more than schools of crime, where

juveniles learn the skills of the experienced criminal.

This bill provides strong incentives for State and local governments to develop community-based programs and services as alternatives to these damaging training schools. It is encouraging to note that the National Advisory Commission on Criminal Justice Standards and Goals has recently recommended that no new major institutions for juveniles should be built under any circumstances. The Commission provides additional support for the philosophy of this legislation that many delinquents who have previously been institutionalized can be helped successfully in community settings.

State officials testifying before the subcommittee have stressed the need for effective, coordinated Federal funding to assist the States in carrying out their efforts to treat juveniles in the community. The Governor of Massachusetts, the Honorable Francis Sargent, and the Governor of Ohio, the Honorable John Gilligan, were eloquent in describing the urgent need for this legislation. The deputy director of the Kentucky Department of Child Welfare, Bill Ryan, confirmed the feeling of many State administrators in urging passage of this bill:

"Quite frankly, when I first read the bill and Senator Bayh's comments in the Congressional Record, I wanted to shout "Alleluia," somebody has finally developed a comprehensive piece of legislation that makes sense. It should provide a real opportunity for all of us if we want to be serious about resolving problems facing youthful offenders."

During my 2 years as chairman of the Subcommittee To Investigate Juvenile Delinquency, I have carefully reviewed the Federal juvenile delinquency programs which are scattered among more than 40 agencies. Unfortunately, this

investigation confirmed what had already been painfully suggested—that existing Federal programs have not provided the requisite direction, coordination, resources, and leadership needed to deal with the crisis of delinquency. They have had virtually no impact on the devastating effects of juvenile crimeof adult arrests for serious crimes are those we failed to rehabilitate as

As we know all too well, young people account for more than half the crime in this country. Persons under 25 make up 60 percent of the total arrests for crimes of violence and 81 percent of the arrests for property crimes each year. During the past decade, criminal activity by young people has increased alarmingly. Arrests of juveniles for violent crimes jumped 193 percent; arrests for property crimes such as burglary, larceny, and auto theft increased 99 percent. Yet, the problem is even worse than the figures indicate, since a large proportion of adult arrests for serious crimes are those we failed to rehabilitate as juveniles.

The price of juvenile crime to our society is enormous, not only in a costly, unproductive juvenile justice system but also in blighted young lives. One million juveniles will enter the juvenile justice system this year; 100,000 of them will be incarcerated in institutions. The cost of maintaining this system is high—nearly \$1 billion a year—and it is increasing at a rate of \$50 million a year. Yet, our efforts to rehabilitate are clearly failing; recidivism among

juveniles is estimated between 74 and 85 percent.

When juvenile crime costs our society billions of dollars each year and our juvenile correctional system only produces more sophisticated offenders, a drastically new approach is needed. Such an approach must recognize the severity of the delinquency crisis, the inadequacy of the Federal Government's response and the need to restructure the Federal effort. Our tax dollars must be used to help develop productive, law-abiding young citizens. This makes good sense not only from a humanitarian point of view, but from an economic point of view as well.

The Juvenile Justice and Delinquency Prevention Act which we are introducing today will provide the comprehensive, coordinated Federal effort combined with the massive resources that have so long been needed to deal effec-tively with the crisis of delinquency. This bill creates a new National Office of Juvenile Justice and Delinquency Prevention to insure national coordination of federally assisted delinquency programs and provides substantial new resources for delinquency prevention, treatment, and rehabilitation programs. It creates a centralized research, training, data collection, and evaluation effort in a new Institute of Juvenile Justice. It provides for the development of model uniform standards for the administration of the juvenile justice system, including conditions of confinement in detention and correctional institutions. Finally, it establishes basic procedural rights for juveniles who some under Federal jurisdiction.

Our bill does not propose the termination or the relocation of existing juvenile delinquency programs; rather, it provides the authority to establish priorities and objectives for all Federal delinquency programs, including training, evaluation, research, prevention, rehabilitation, and treatment activities. The Director of the new National Office of Juvenile Justice would be the spokesman and central coordinator for the entire Federal juvenile delinquency effort. He would have broad supervisory review over the operation of delinquency programs in other agencies, and would be responsible for reporting on their effectiveness and recommending budget and program modifications to the President.

The need for centralized authority has been recognized by both major Federal agencies operating in the field of juvenile delinquency—the Law Enforcement Assistance Administration and the Department of Health, Education, and Welfare. In announcing the decentralization of authority to regional offices on May 18, 1971, Mr. Jerris Leonard, Administrator of the Law Enforcement Assistance Administration, specified that juvenile delinquency programs would be expected from this decentralization and that supervisory control would remain in headquarters. Mr. Leonard said:

"This is a real problem area—the apparent inability of all of the programs that we have in the juvenile delinquency field to dovetail and address the problem on a very broad and effective base. That is something that cannot be done at the regional or state level; the coordination effort has got to come from the National Government and from Washington."

The 1971 report of the Youth Development and Delinquency Prevention Administration within the Department of Health, Education, and Welfare concluded that Federal efforts to combat delinquency demonstrate a lack of priorities, emphasis, and direction, and that State planning has been spasmodic and ineffective. The report recommended that a new national program be created to provide coordination and leadership for all delinquency related efforts—Federal, State, and local.

This bill creates the new, national program that has so long been needed to coordinate and direct federally assisted juvenile delinquency efforts. The President responded to the crisis of drug addiction facing our Nation by creating a new Special Action Office for Drug Abuse Prevention with far-reaching powers over the numerous drug programs scattered throughout the Federal Government. Our bill recognizes that a similar response is needed to meet the crisis of juvenile delinquency—a response which will focus Federal resources to have a meaningful impact on the terrible social, economic, and human cost of juvenile

delinquency.

The Federal effort to combat delinquency has failed not only because of lack of direction and coordination, but also because we simply have not allocated resources commensurate to the size of the problem. Despite the fact that young people represent more than half the crime problem in our country, the Federal Government allocates only a small fraction of its total crime prevention money to the problems of juvenile delinquency. In fiscal 1970, LEAA spent less than 12 percent of its appropriation on juvenile delinquency programs; in fiscal 1971, although the percentage increased somewhat, it still remained well under 15 percent. In fiscal 1972, according to LEAA's figures, only 19 percent of its total appropriations went to juvenile delinquency programs.

The Department of Health, Education, and Welfare has consistently requested shockingly low appropriations under the Juvenile Delinquency Prevention and Control Act. In the past 4 fiscal years, the Department has requested only \$50 million out of a total authorization of \$275 million. Of this \$50 million, \$45

million were actually appropriated.

Equally significant is the fact that the Federal responsibility for developing and funding juvenile delinquency prevention programs rests entirely with HEW by agreement with LEAA. The resources devoted to this vitally important effort—to prevent young people from becoming involved in criminal activity—are so minimal as to be practically useless.

We can only conclude that to date no Federal agency, including those specifically charged with the prevention and control of crime and delinquency, has responded to the fact that young people account for more than half the crime problem in our country. On the contrary, juveniles seem to be last on the list of national priorities when it comes to allocating vitally needed resources.

Our bill authorizes substantial appropriations—one and a half billion dollars over the next 4 years—so that resources will be available at the State and local level for developing and implementing delinquency prevention, rehabilitation, and treatment programs. Funds will be distributed by the States through designated planning agencies in accordance with comprehensive State plans approved by the new nation office. Funds are also provided for direct grants to public and private agencies to develop and implement new methods of delinquency prevention, treatment, and rehabilitation. This will maintain the funding flexibility required to develop innovative approaches to the problems of delinquency. The ability of the Director to develop and implement an effective, coordinated Federal delinquency effort will be enhanced by making funds available for direct grants. Further, by making funds to nongovernmental agencies, institutions, and individuals, participation by a wide spectrum of the community in developing ways of dealing with the problems of juvenile delinquency will be encouraged.

Representatives of private youth-serving agencies have testified with particular feeling about the need for this kind of Federal support for their efforts to help young people. These agencies already have resources, facilities and volunteer workers which can and should be part of a coordinated national effort to reduce juvenile delinquency. These witnesses have affirmed the need for a partnership between Government and the private sector to help the youth of this country. While they are willing to accept the responsibility of the private sector to respond to the delinquency problem, they need the commitment, leadership, and assistance of the Federal Government to do the job. Our bill places heavy emphasis on the role of the private sector in developing prevention and treatment alternatives and provides both the necessary assistance and direction to make this an effective partnership.

Grants under the Juvenile Justice and Delinquency Prevention Act will be made in accordance with broad guidelines which reflect the consensus of those who have long worked in the juvenile delinquency field. These guidelines encourage the development of viable alternatives to the traditional juvenile justice system, with particular emphasis on replacing large, outmoded juvenile detention and corrections institutions with community-based services and facilities.

The bill provides that at least three-quarters of the funds a State planning agency receives must be spent on the development of programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, and to provide community-based alternatives to traditional detention and correctional facilities used for the confinement of juveniles. Witnesses before our subcommittee strongly advocated the adoption of the treatment techniques supported in this bill, such as foster care, shelter care, group homes and halfway houses, diagnostic facilities and expanded use of probation services and probation subsidy programs. These witnesses testified that many delinquents who had previously been incarcerated could be better and more humanely handled in community-based alternatives at less cost to the public.

This bill provides States and localities with the incentive and with the resources to develop these and other alternatives to large institutions. Through the use of community-based services and facilities, juveniles will be able to receive the help they need while remaining in their communities, close to the

families and friends so necessary to rehabilitative efforts.

One of the most successful alternatives to institutionalization has been the probation subsidy program which is provided for in the proposed legislation. Under this program, which is now operating in several States, a unit of local jurisdiction is reimbursed for every juvenile it retains in the community rather than committing to a State correctional institution. This program allows a child to stay at home while receiving intensive probation services, and in fact, costs far less than institutionalization. For example, in California, the operation of the probation subsidy program from 1966 through 1972 has reduced commitments to the California youth authority by 10,624 young people at an estimated savings to the State of over \$68 million. This worthwhile program saves the taxpayer's money while providing assistance to the local community, and treatment for the juvenile in his own neighborhood where the chances of rehabilitation are greatest.

One of the best documented problems facing our youth today is that of drug abuse. Not only do drugs destroy the lives of many young people, they are also the direct cause of serious delinquent behavior. The Subcommittee to Investigate_Juvenile Delinquency has conducted an extensive investigation of the problems of non-opiate addiction among young people, especially with regard to amphetamines and barbiturates. We have found that a shockingly large percentage of our high school, and even elementary school, population have become involved in the abuse of these dangerous drugs, often without realizing their target consequences. Numerous young witnesses have told us of their first experiences with these drugs, of their increasing dependence and eventual addiction, and of the delinquent, often criminal activity to which their drug habits led them.

Our bill provides for comprehensive programs of drug abuse education and prevention which will reach even the youngest children before they become hopelessly enmeshed in the destructive cycle of drug addiction and criminal activity. For those children who are already involved with drugs, the bill provides for rehabilitation and treatment programs. As many correctional authorities have indicated, drug abuse is a grave problem both within juvenile correctional institutions and in the communities in which the juveniles live. We must make a concerted attack on this evil if we are ever going to reduce the numbers of children for whom crime becomes a necessary way of life.

Many of the early signs of delinquent behavior, or of problems at home, first show up in the schools. Any approach to delinquency prevention must include intensive services within the elementary and secondary education systems which will identify and help youth in danger of becoming delinquent. This bill emphasizes the need to develop such programs through the use of individuals and family counseling, and other supportive services within the schools or in alternative learning situations. Grantees are also encouraged to provide training for professionals and paraprofessionals working with juvenile delinquents and predelinquents in all aspects of the problem.

The creation of these innovative community-based facilities and services at the State and local level may result in changes in employment opportunities which will affect current State, county, and local governmental employees. The burden of these desirable changes in the handling of delinquents should not be made to fall on the employees alone. Our bill requires the State plan to include provisions for fair and equitable arrangements, as determined by the Secretary of Labor, to protect the interests of employees affected by this act. These provisions assure that in dealing fairly with children we do not deal unfairly with employees.

One of the problems in carrying out delinquent programs by public and private agencies at the State and local level has been a lack of sufficient technical expertise on how to develop these programs and services. The new National Office of Juvenile Justice and Delinquency Prevention would provide technical assistance to Federal, State, and local agencies, courts, institutions, and individuals involved in developing and implementing delinquency programs. Thus, our bill provides both the resources at the State and local level for needed delinquency programs and the technical know-how to make these programs effective.

One of the major features of our bill is the creation of a National Institute for Juvenile Justice within the new National Office of Juvenile Justice and Delinquency Prevention. The need for such an institute has long been recognized. Many of our colleagues in both the Senate and House have responded to this need by supporting a similar, far more limited concept in the Institute for Continuing Studies of Juvenile Justice. Our proposal would give the institute the national prestige, the authority, and the resources required to develop long-range strategies for dealing effectively with the problems of juvenile delinquency. Even more important, the institute would be an integral part of the new national office. Promising research and evaluation results developed through the institute could be translated promptly into operating programs in the field. By closely relating the functions of the institute to the activities of the national office, we will be effectively closing the information gap that has severely hindered our efforts to combat delinquency.

The Institute would be responsible for the evaluation of programs assisted under this act, as well as other juvenile delinquency programs, at the request of the Director of the National Office. In the past, there has been little evaluation of federally assisted delinquency programs and it is vital that analysis of delinquency programs be commenced and carried out on a systematic basis. The dissemination of the results of these evaluations will mean that persons actively engaged in working with juveniles will know for the first time which programs

are effective in the delinquency field.

The Institute would serve as an information clearinghouse, both collecting all data related to juvenile delinquency and disseminating it throughout the country. There is general agreement that the impact of various research and demonstration programs results has been severely limited due to the fragmented Federal structure and the lack of any centralized source of information. Further, it is extremely difficult for a prospective grantee to obtain comprehensive information of Federal resources available in the area of juvenile delinquency. The Institute would serve as a clearinghouse for delinquency information, including statistics, research, availability of resources, and Federal, State, and local prevention, rehabilitation and treatment programs.

Research on the problems of juvenile delinquency would be a primary function of the Institute. The bill provides substantial funding for research and demonstration projects to be conducted both by Institute personnel as well as by public and private agencies, institutions, and individuals. The quality of these research projects would be regularly evaluated and the findings widely

disseminated.

The Institute would also be responsible for conducting training programs throughout the country for persons working in the area of juvenile delinquency, such as policemen, judges, probation officers, correctional personnel, and Federal, State, and local officials, in the latest proven effective techniques and methods of preventing and treating juvenile delinquency. In addition, the Institute would develop training programs for professional, paraprofessional and volunteer personnel who work directly with juveniles or juvenile offenders.

The Institute would provide vitally needed leadership in developing effective research, training, and information services relating to juvenile delinquency.

It is an essential part of the new comprehensive, coordinated Federal approach we are recommending. Appropriations of \$500 million over the next 4 years are authorized for the vital work of the Institute.

Our bill recognizes that the National Office and the Institute will need the support and advice of private citizens and groups actively involved in the area of juvenile delinquency working with juveniles and juvenile delinquents. Accordingly, it provides for a National Advisory Council for Juvenile Justice and Delinquency Prevention to make recommendations to the Director of the National Office on the planning, policies and operations of Federal juvenile delinquency programs. A subcommittee of five members of the Council will serve as an Advisory Committee for the National Institute and consult with the Director of the National Office and the Administrator of the Institute on the overall

policy and operations of the Institute.

Another subcommittee of the Council, the Advisory Committee on Standards for Juvenile Justice, will supervise the Institute in developing standards for the administration of juvenile justice at the Federal, State, and local levels, including juvenile court procedures and conditions of confinement in juvenile detention and correctional facilities. The Advisory Committee would, of course, draw upon the considerable body of work already done in these areas. Within 18 months after the passage of this act, the Advisory Committee would make its recommendations on standards for juvenile justice and report its findings to Congress and the President. These recommendations would be widely publicized, and State and local governments would be urged to adapt their practices and procedures to the standards recommended by the commission. The final report will also include recommendations concerning Federal administrative, budgetary and legislative action required to facilitate the adoption of these standards throughout the United States. Moreover, the Director is authorized to make grants to facilitate the adoption of these recommendations and to consider the recommendations in making individual funding decisions.

We have been told again and again of the wide disparities in the procedures governing the treatment of juveniles at all stages of the adjudicatory and dispositional process. Many State juvenile laws are archaic and even unjust; further, they are often inconsistent with laws in neighboring jurisdictions. The result is that children in trouble frequently are deprived of basic procedural safeguards, depending on the particular laws of the jurisdiction they are in. By creating national standards of juvenile justice backed by Federal leadership, we can help assure that State and local governments will strive to meet

these standards.

Finally, our proposed Juvenile Justice and Delinquency Prevention Act provides for a series of specific amendments to existing Federal law, designed to guarantee certain basic protections to inveniles under Federal jurisdiction.

guarantee certain basic protections to juveniles under Federal jurisdiction.

Whenever possible, juveniles would be processed through State and local juvenile courts and correctional systems, and not in the Federal courts. Unfortunately, neither the Federal courts nor the Federal correctional system has ever been properly equipped to handle large numbers of juveniles. The result has been that great numbers of juveniles have been sent to institutions far from their home communities. This dislocation has been repeatedly criticized, since one of the most important factors in successful rehabilitation is the access the juvenile has to stabilizing community and family influences.

The bill contains an absolute prohibition against the detention or confinement of any juvenile alleged or found to be delinquent in any institution in which adults—whether convicted or merely awaiting trial—are confined. Juveniles who are incarcerated with sophisticated criminals are much less likely to be rehabilitated. The older offenders become the teachers of graduate seminars in crime. In addition, we have heard repeated charges about the homosexual attacks that take place in adult institutions, and confining juveniles in institutions only increases the likelihood of such attacks. There is no reason to imprison adults and juveniles together. Only harm can come from such a policy, and this bill would forbid it completely.

Under present law, a juvenile alleged to have committed an act which if committed by an adult would be a felony can be handled either in juvenile proceedings or in criminal proceedings. Our bill would require a hearing before a Federal district judge before an eligible juvenile could be transferred to adult criminal jurisdiction. Only if the Federal judge found that "there are no reasonable prospects for rehabilitating" the juvenile before he reaches the age

of majority could the criminal prosecution take place. Transfer proceedings could be instituted only against a juvenile age 16 or older who has committed certain serious felonies. In all other cases, he would be treated as a juvenile.

We have heard too many stories of juveniles being detained for long periods of time without having the nature of the charges against them precisely stated, and without sufficient evidence against them to make their detention legal. The bill requires that immediately after arrest the juvenile be advised of his legal rights and that the juvenile's parents or guardian be notified forthwith of such custody and of the juvenile's rights. The juvenile must then be brought before a magistrate who shall release him to his parents or guardian, unless, after hearing, the magistrate determines that detention is necessary to secure the juvenile's timely appearance before the appropriate court or to protect the safety of others.

Our bill would implement recent Supreme Court decisions dealing with the right to counsel. The arresting officer and the magistrate would be required to inform the juvenile that he has the right to be represented by legal counsel at all critical stages of the juvenile proceedings, and if the juvenile does not retain counsel, legal counsel will be appointed by the court.

The proposed amendments would also establish safeguards for juveniles under Federal jurisdiction, guaranteeing them virtually all the constitutional rights guaranteed an adult in a criminal prosecution. These guarantees are

fundamental to our system of justice.

The Juvenile Justice and Delinquency Prevention Act provides an effective new approach to the problems of juvenile delinquency. We have failed too long to respond in any meaningful way to the crisis of delinquency facing our Nation. We cannot afford to delay any longer. We urge our colleagues in the Congress to give this bill careful consideration. We hope that they will act expeditiously to give this country the comprehensive, coordinated juvenile delinquency program it so desperately needs.

Mr. President, I ask unanimous consent that the bill and accompanying ex-

planatory material be printed at this point in the RECORD.

There being no objection, the bill and material were ordered to be printed in the RECORD, as follows:

"S. 821

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Juvenile Justice and Delinquency Prevention Act of 1973."

"TITLE I—FINDINGS AND DECLARATION OF PURPOSE

"FINDINGS

Sec. 101. The Congress hereby finds-

"(1) that juveniles account for almost half the arrests for serious crimes in the United States today;

"(2) that understaffed, overcrowded juvenile courts, probation services and correctional facilities are not able to provide individualized justice or effective help

"(3) that states and local communities which experience the devastating failures to the juvenile justice system, do not presently have sufficient technical expertise or adequate resources to deal comprehensively with the problems

of juvenile delinquency;
"(4) that the adverse impact of juvenile delinquency results in enormous annual cost and immeasurable loss in human life, personal security, and wasted

human resources;

- "(5) that existing Federal programs have not provided the direction, coordination, resources, and leadership required to meet the crisis of delinquency;
- "(6) that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate, comprehensive, and effective action by the Federal Government.

"Sec. 102. It is the purpose of this Act-

"(1) to provide the necessary resources, leadership, and coordination to improve the quality of juvenile justice in the United States and to develop and implement effective methods of preventing and treating juvenile delinquency;

"(2) to increase the capacity of State and local governments, and public and private agencies, institutions and organizations to conduct innovative, effective juvenile justice and delinquency prevention and treatment programs and to provide useful research, evaluation, and training services in the area of juvenile delinquency;

(3) to develop and implement effective programs and services to divert juveniles from the traditional juvenile justice system and to increase the capacity of State and local governments to provide critically needed alterna-

tives to institutionalization:

"(4) to provide for the development of national guidelines for juvenile detention and corrections facilities, and for the administration of juvenile justice; "(5) to guarantee certain basic rights to juveniles who come within Federal

jurisdiction:

"(6) to establish a centralized research effort on the problems of juvenile delinquency, including an information clearing-house to disseminate the findings of such research and all data related to juvenile delinquency;

"(7) to provide for the thorough and prompt evaluation of all federally

assisted juvenile delinquency programs;

"(8) to provide technical assistance to public and private agencies, institutions, and individuals in developing and implementing juvenile delinquency programs:

"(9) to establish training programs for persons, including professionals, paraprofessionals and volunteers, who work with delinquents or potential delinquents or whose work or activities relate to juvenile delinquency programs; and

"(10) to establish a new National Office of Juvenile Justice and Delinquency Prevention in the Executive Office of the President to provide direction, coordination and review of all federally assisted juvenile delinquency programs.

"DEFINITIONS

"Sec. 103. For the purpose of this Act——
"(1) the term 'community-based' facility, program, or service means a small, open group home or other suitable place located near the juvenile's home or family and programs of community supervision and service which maintain community and consumer participation in the planning, operation and evaluation of their programs which may include, but are not limited to, medical educational, vocational, social and psychological guidance, training, counseling,

and other rehabilitative services;
"(2) the term 'construction' includes construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees but not the cost of acquisition of land for new buildings). For the purposes of this paragraph, the term "equipment" includes machinery, utilities and any built-in equipment and any necessary enclosures or

structures to house them;

"(3) the term 'Federal juvenile delinquency program means any juvenile delinquency program which is conducted directly or indirectly, or is assisted by the Departments of Health, Education, and Welfare; Labor; Housing and Urban Development; and Justice, and any program funded under this Act. With regard to those Federal programs which appear to have only a tangential or indirect involvement in the area of juvenile delinquency, the Director of the Office of Management and Budget, upon consultation with the Director, named in Section 301, is authorized to determine whether such programs come within the purview of this Act;

"(4) the term 'juvenile delinquency program' means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education training, and research, the improvement of the juvenile justice system and any program or activity for neglected, abandoned or dependent youth and other youth who are in danger of becoming

delinquent;

"(5) the term 'local government' means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State and an Indian tribe and any combination of two or more of such units acting jointly;

"(6) the term 'public agency' means any department, agency, or instrumentality of any State, unit of local government, or combination of such States or units;

"(7) the term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands. Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"TITLE II—AMENDMENTS TO THE FEDERAL JUVENILE DELINQUENCY ACT

"Sec. 201. Section 5031 of title 18, United States Code, is amended to read as follows:

"'§ 5031. Definitions.

"For the purpose of this chapter, a 'juvenile' is a person who has not attained his eighteenth birthday, and 'juvenile delinquency' is the violation of a law of the United States committed by a juvenile which would have been a crime if committed by an adult.

"SEC. 202. Section 5032 of title 18, United States Code, is amended to read

as follows:

"'§ 5032. Delinquency proceedings in district courts; transfer for criminal prosecution.

"'A juvenile alleged to have committed an act of juvenile delinquency shall not be proceeded against in any court of the United States unless the Attorney General, after investigation, certifies to an appropriate district court of the United States that the juvenile court or other appropriate court of a State (1) does not have jurisdiction or refuses to assume jurisdiction over said juvenile with respect to such alleged act of juvenile delinquency, or (2) does not have available programs and services adequate for the rehabilitation of juveniles.

"If the Attorney General does not so certify, such juvenile shall be sur-

rendered to the appropriate legal authorities of such State.

"If an alleged delinquent is not surrendered to the authorities of a State or the District of Columbia pursuant to this section, any proceedings against him shall be in an appropriate district court of the United States. For such purposes, the court may be convened at any time and place within the district, in chambers or otherwise. The Attorney General shall proceed by information, and no criminal prosecution shall be instituted for the alleged act of juvenile delinquency.

"'A juvenile who is alleged to have committed an offense and who is not surrended to State authorities shall be proceeded against as a juvenile delinquent unless he is sixteen years old or older. With respect to a juvenile sixteen years and older alleged to have committed an act which if committed by an adult would be a felony punishable by a maximum penalty of ten years imprisonment or more, life imprisonment, or death, criminal prosecution may be begun by motion to transfer of the Attorney General in the appropriate district court of the United States and if such court finds, after hearing, that there are no reasonable prospects for rehabilitating such juvenile before his twenty-first highday.

"'Evidence of the following factors shall be considered in assessing the prospects for rehabilitation: the age of the juvenile; the nature of the alleged offense; the extent and nature of the juvenile's prior delinquency record; the juvenile's present mental condition; the nature of past treatment efforts and

the juvenile's response to such efforts.

"Reasonable notice of the transfer hearing shall be given to the juvenile, his parents, guardian, or custodian and to his counsel. The juvenile shall be assisted by counsel during the transfer hearing, and at every other critical stage of the proceedings.

"Once a juvenile has entered a plea with respect to an alleged act of juvenile delinquency a criminal prosecution based upon such alleged act of

delinquency shall be barred."

"Sec. 203. Section 5033 of this title is amended to read as follows:

"'§ 5033. Custody prior to appearance before magistrate.

"'Whenever a juvenile is taken into custody for an alleged act of juvenile delinquency, the arresting officer shall immediately advise such juvenile of his legal rights, in language comprehensive to a juvenile, and shall immediately

notify the Attorney General and the juvenile's parents, guardian, or custodian of such custody. The arresting officer shall also notify the parents, guardian, or custodian of the rights of the juvenile and of the nature of the alleged offense.

"'The juvenile shall be taken before a magistrate forthwith. In no event shall the juvenile be detained for more than twenty-four hours before being brought before a magistrate.

"Sec. 204. Section 5034 of this title is amended to read as follows:

" § 5034. Duties of Magistrate.

"'If counsel is not retained for the juvenile, or it does not appear that counsel will be retained, the magistrate shall appoint counsel for the juvenile. Counsel shall be assigned to represent a juvenile when the juvenile and his parents, guardian or custodian are financially unable to obtain adequate representation. In cases where the juvenile and his parents, guardian or custodian are financially able to obtain adequate representation but have not retained counsel, the magistrate may assign counsel and order the payment of reasonable attorney's fees or may direct the juvenile, his parents, guardian or custodian to retain private counsel within a specified period of time.

"The magistrate may appoint a guardian ad litem if a parent or guardian of the juvenile is not present, or if the magistrate has reason to believe that the parents or guardian will not cooperate with the juvenile in preparing for trial, or that the interests of the parents or guardian and those of the juvenile

are adverse.

"'If the juvenile has not been discharged before his initial appearance before the magistrate, the magistrate shall release the juvenile to his parents, guard-ian, custodian, or other responsible party (including, but not limited to, the director of a shelter-care facility) upon their promise to bring such juvenile before the appropriate court when requested by such court unless the magistrate determines, after hearing, that the detention of such juvenile is required to secure his timely appearance before the appropriate court or to insure his safety or that of others.

"Sec. 205. Section 5035 of this title is amended to read as follows:

"'§ 5035. Detention prior to disposition.

"'A juvenile alleged to be delinquent may be detained only in a juvenile facility or such other suitable place as the Attorney General may designate. The Attorney General shall not cause any juvenile alleged to be delinquent to be detained or confined in any institution in which adult persons convicted of a crime or waiting trial on criminal charges are confined. Alleged delinquents shall be kept separate from adjudicated delinquents. Every juvenile in custody shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education and medical care, including necessary psychiatric, psychological or other treatment.

"Sec. 206. Section 5036 of this title is amended to read as follows:

" '§ 5036. Speedy trial.

"If an alleged delinquent who has been detained pending trial, is not brought to trial within thirty days from the date when such juvenile was arrested, the information shall be dismissed with prejudice, on motion of the alleged delinquent or at the direction of the court, unless the Attorney General shows that additional delay is unavoidable, caused by the juvenile or his counsel, or consented to by the juvenile and his counsel. Unavoidable delay may not include delays attributable solely to court calendar congestion.

"Sec. 207. Section 5037 of this title is amended to read as follows:

" '§ 5037. Rights in general.

"A juvenile charged with an act of juvenile delinquency shall be accorded the constitutional rights guaranteed an adult in a criminal prosecution, with the exception of indictment by grand jury. Public trial shall be limited to members of the press, who may attend only on condition that they not disclose information that could reasonably be expected to reveal the identity of the alleged delinquent. Any yiolation of that condition may be punished as a contempt of court.

Sec. 208. A new Section 5038 is added, to read as follows:

"'\\$ 5038. Dispositional Hearing.

"'(a) If a juvenile is adjudicated delinquent, a separate dispositional hearing shall be held no later than ten court days after trial unless the court has ordered further study in accordance with subsection (c). Copies of the presentence report shall be provided to the attorneys for both the juvenile and the

government at least three court days in advance of the hearing.

"'(b) The court may suspend the adjudication of delinquency or the disposition of the delinquent on such conditions as it deems proper, place him on probation, or commit him to the custody of the Attorney General. Probation, commitment or commitment in accordance with subsection (c) shall not extend beyond the juvenile's twenty-first birthday or the maximum term which could have been imposed on an adult convicted of the same offense, whichever is sooner.

"'(c) If the court desires more detailed information concerning an alleged delinquent, it may commit him after notice and hearing at which the juvenile is represented by counsel, to the custody of the Attorney General for observation and study by an appropriate agency. Such observation and study shall be conducted on an out-patient basis, unless the court determines that in-patient observation and study are essential. No alleged delinquent may be committed to the custody of the Attorney General for study and observation without the consent of his attorney and his parent, custodian or guardian. In the case of an adjudicated delinquent, such study shall not be conducted on an in-patient basis without prior notice and hearing. The agency shall make a complete study of the alleged or adjudicated delinquent to ascertain his personal traits, his capabilities, his background, any previous delinquency or criminal experience, any mental or physical defect, and any other relevant factors. The Attorney General shall submit to the court and the attorneys for the juvenile and the government the results of the study within thirty days after the commitment of the juvenile, unless the court grants additional time.

"Sec. 209. Section 5039 is added, to read as follows:

" § 5039. Use of juvenile records.

"'(a) Upon the completion of any formal juvenile delinquency proceeding, the District court shall order the entire file and record of such proceeding sealed. After such sealing, the court shall not release these records except under the following circumstances:

"(1) inquiries received from another court of law;

"(2) inquiries from an agency preparing a presentence report for another court;

"(3) inquiries from law enforcement agencies where the request for information is related to the investigation of a crime or a position within that agency;

"(4) inquiries, in writing, from the Director of a treatment agency or the Director of a facility to which the juvenile has been committed by the court; and

"(5) inquiries from an agency considering the person for a position imme-

diately and directly affecting the national security.

"Information about the scaled record may not be released when the request for information is related to an application for employment, license, bonding, or any civil right or privilege. Responses to such inquiries shall not be different from responses made about persons who have never been involved in a delinquency proceeding.

"'(b) The entire file and record of juvenile proceedings where an adjudication of delinquency was not entered shall be destroyed and obliterated by order

of the court.

"'(c) District courts exercising jurisdiction over any juvenile shall inform the juvenile, his parent or guardian, in writing, of rights relating to the sealing of his juvenile record. The information in these communications shall be stated

in clear and non-technical language.

"'(d) During the course of any juvenile delinquency proceeding, all information and records relating to the proceeding, which are obtained or prepared in the discharge of official duty by an employee of the court or an employee of any other governmental agency, shall not be disclosed directly or indirectly to anyone other than the judge or others entitled under this section to receive sealed records.

- "'(e) Unless a child who is taken into custody is prosecuted as an adult:
- "(1) neither the fingerprints nor a photograph shall be taken, without the written consent of the judge; and
- "(2) neither the name nor picture of any child shall be made public by any medium of public information in connection with a juvenile delinquency proceeding.

"Sec. 210. Section 5040 is added to read as follows:

"'§ 5040. Commitment.

"'A juvenile who has been committed to the Attorney General has a right to treatment and is entitled to custody, care and discipline as nearly as possible equivalent to that which should have been provided for him by his parents. No juvenile may be placed or retained in an adult jail or correctional institution.

"Every juvenile who has been committed shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education and medical care, including necessary psychiatric, psychological or other care.

"'Whenever possible, the Attorney General shall commit a juvenile to a foster home or community-based facility located in or near his home community.

Sec. 211. Section 5041 is added, to read as follows:

" '§ 5041. Support.

"The Attorney General may contract with any public or private agency or individual and such community-based facilities as halfway houses and foster homes, for the observation and study and the custody and care of juveniles in his custody. For these purposes, the Attorney General may use the appro-priation for "support of United States prisoners" or such other appropriations as he may designate.

"Sec. 212. Section 5042 is added, to read as follows:

" '§ 5042. Parole.

"'The Board of Parole shall release on parole, on such conditions as it deems necessary, each juvenile delinquent who has been committed, as soon as the Board is satisfied that he is likely to remain at liberty without violating the

"Sec. 213. Section 5043 is added to read as follows:

" '§ 5043. Revocation of Parole or Probation.

"'Any juvenile parolee or probationer shall be accorded notice and a hearing with counsel before his parole or probation can be revoked.

"Sec. 214. The table of sections of chapter 403 of this title is amended to read as follows:

" 'Sec.

" '5031. Definitions.

- "5032. Delinquency proceedings in district courts; transfer for criminal prosecution.
- " '5033. Custody prior to appearance before magistrate.

"5034. Duties of magistrate.
"5035. Detention prior to disposition.
"5036. Speedy trial.
"5037. Rights in general;

- " '5038. Dispositional hearing.
- " '5039. Use of juvenile records.
- "'5040. Commitment.
- " '5041. Support.
- " '5042. Parole.
- "'5043. Revocation of Parole or Probation.

"TITLE III—NATIONAL OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

"ESTABLISHMENT OF OFFICE

"Sec. 301. (a) There is hereby established in the Executive Office of the President, an office to be known as the National Office of Juvenile Justice and Delinquency Prevention (referred to in this Act as the "Office").

"(b) There shall be at the head of the Office a Director (referred to in this Act as the 'Director') who shall be appointed by the President by and with the advice and consent of the Senate.

"(c) There shall be in the Office a Deputy Director of the Office who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall perform such functions as the Director from time to time assigns or delegates, and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director.

"(d) There shall be in the Office not to exceed three Assistant Directors who shall be appointed by the Director. Each Assistant Director shall perform such

functions as the Director from time to time assigns or delegates.

"PERSONNEL-SPECIAL PERSONNEL-EXPERTS AND CONSULTANTS

"Sec. 302. (a) The Director is authorized to select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him and to prescribe their functions.

(b) The Director is authorized to select, appoint, and employ not to exceed five officers and to fix their compensation at rates not to exceed the rate now or hereafter prescribed for GS-18 of the General Schedule by section 5332 of title 5 of the United States Code.

"(c) Upon the request of the Director, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of its personnel to the

Director to assist him in carrying out his functions under this Act.

"(d) The Director may obtain services as authorized by section 3109 of title 5 of the United States Code, at rates not to exceed the rate now or hereafter prescribed for GS-18 of the General Schedule by section 5332 of title 5 of the United States Code.

"VOLUNTARY SERVICE

"Sec. 303. The Director is authorized to accept and employ, in carrying out the provisions of this Act or any Federal juvenile delinquency program, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

"CONCENTRATION OF FEDERAL EFFORTS

"Sec. 304. (a) The Director shall establish overall policy and develop objectives and priorities for all Federal juvenile delinquency programs and activities relating to prevention, diversion, training, treatment, rehabilitation, evaluation, research, and improvement of the juvenile justice system in the United States. In carrying out his functions, the Director shall consult with the National Advisory Council for Juvenile Justice and Delinquency Prevention.

"(b) In carrying out the purposes of this Act the Director is authorized and

directed to-

"(1) advise the President as to all matters relating to federally assisted juvenile delinquency programs and Federal policies regarding juvenile delin-

quency :

- "(2) assist operating agencies in the development and promulgation of, and review regulations, guidelines, requirements, criteria, standards, procedures and budget requests in accordance with the policies, priorities, and objectives he establishes;
- "(3) review and as he deems necessary, modify, insofar as they pertain to Federal juvenile delinquency programs:

"(A) implementation plans for any Federal program; and

"(B) the budget request of any Federal department or agency;

- "(4) recommended changes in organization, management, personnel, standards, and budget requests which he deems advisable to implement the policies, priorities, and objectives he establishes:
- "(5) conduct and support evaluations and studies of the performance and results achieved by Federal juvenile delinquency programs and activities and of the prospective performance and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered:
- "(6) coordinate Federal juvenile delinquency programs and activities among Federal departments and agencies and between Federal juvenile delinquency programs and activities and other Federal programs and activities which he determines may have an important bearing on the success of the entire Federal juvenile delinquency effort:

"(7) develop annually with the assistance of the Federal agencies operating juvenile delinquency programs and submit to the President and the Congress, after the first year the legislation is enacted, prior to September 30, an analysis and evaluation of Federal juvenile delinquency programs conducted and assisted by Federal departments and agencies, the expenditures made, the results achieved, the plans developed, and problems in the operations, and coordination of such programs;

"(8) develop annually, and submit to the President and the Congress, after the first year the legislation is enacted, prior to March 1, a comprehensive plan for Federal juvenile delinquency programs, with particular emphasis on the prevention of juvenile delinquency and the development of programs and services which will encourage increased diversion of juveniles from the traditional

juvenile justice system; and

'(9) provide technical assistance to Federal, State, and local governments, courts, public and private agencies, institutions, and individuals, in the planning, establishment, funding, operation, or evaluation of juvenile delinquency pro-

"(c) The Director may require departments and agencies engaged in any activity involving any Federal juvenile delinquency program to provide him activity involving any Federal juvenile delinquency program to provide him with such information and reports, and to conduct such studies and surveys, as he may deem to be necessary to carry out the purposes of this Act.

"(d) The Director may delegate any of his functions under this title, except

the making of regulations, to any officer or employee of the Office.

"(e) The Director is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either

in advance or by way of reimbursement as may be agreed upon.

"(f) The Director is authorized to transfer funds appropriated under this Act to any agency of the Federal Government to develop or demonstrate new methods in juvenile delinquency prevention and rehabilitation and to supplement existing delinquency prevention and rehabilitation programs which the Director finds to be exceptionally effective or for which he finds there exists exceptional need.

"JOINT FUNDING

"Sec. 305. Notwithstanding any other provision of law, where funds are made available by more than one Federal agency to be used by any agency, organization, institution, or individual to carry out a Federal juvenile delinquency program or activity, any one of the Federal agencies providing funds may be designated by the Director to act for all in administering the funds advanced. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Director may order any such agency to waive any technical grant or contract requirement (as defined in such regulations) which is inconsistent with the similar requirement of the administering agency or which the administering agency does not impose.

"TRANSITIONAL PROVISIONS

"Sec. 306. (a) The President may authorize any person who immediately prior to the date of enactment of this Act held a position in the executive branch of the Government to act as the Director of the National Office of Juvenile Justice and Delinquency Prevention until the office of Director is for the first time filled pursuant to the provisions of this Act or by recess appointment, as the case may be.

"(b) The President may similarly authorize any such person to act as Deputy

Director.

"(c) The President may authorize any person who serves in an acting capacity under the foregoing provisions of this section to receive the compensation attached to the office in respect of which he so serves. Such compensation, if authorized, shall be in lieu of, but not in addition to, other compensation from the United States to which such person may be entitled.

"(d) No Federal officer, department, or agency shall be deemed to be relieved of any responsibility that such officer, department, or agency had on the date of enactment of this Act with respect to any federally assisted juvenile delin-

quency program.

"AMENDMENTS TO TITLE 5 UNITED STATES CODE

"Sec. 307.(a) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph: (21) Director, National Office of Juvenile Justice and Delinquency Preven-

tion.'

"(b) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"'(58) Deputy Director, National Office of Juvenile Justice and Delinquency

Prevention.'.

"(c) Section 5315 of title 5, United States Code, is amended by adding at the

end thereof the following new paragraph:

"'(95) Assistant Directors, National Office of Juvenile Justice and Delinquency Prevention.'.

"ADVISORY COUNCIL-MEMBERSHIP ESTABLISHED

"Sec. 308.(a) There is hereby established a National Advisory Council for Juvenile-Justice and Delinquency Prevention (hereinafter referred to as the Council) which shall consist of 21 members.

"(b) The Attorney General, the Secretary of Health, Education and Welfare, the Secretary of Labor, and the Secretary of Housing and Urban Development or their respective designees, shall be ex officio members of the Council.

"(c) The regular members of the Council shall be appointed by the President from persons who by virtue of their training or experience have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice. The President shall designate the Chairman. A majority of the members of the Council, including the Chairman, shall not be full-time employees of Federal, State or local governments. At least seven members shall not have attained twenty-six years of age on the date of their appointment, of whom at least three shall have had actual experience within the juvenile justice system.

"(d) Members appointed by the President to the Council shall serve for terms of four years and shall be eligible for reappointment, except that for the first composition of the Council, one-third of these members shall be appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms; thereafter each term shall be four years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was

appointed, shall be appointed for the remainder of such term.

"DUTIES OF THE COUNCIL

"Sec. 309. (a) The Council shall meet at the call of the Chairman, but not less than four times a year.

"(b) The Council shall make recommendations to the Director at least annually with respect to planning, policy, priorities, operations, and management of all Federal juvenile delinquency programs.

"(c) The Chairman may designate a subcommittee of the members of the Advisory Council to advise the Director on particular functions or aspects of

the work of the Office.

"(d) The Chairman shall designate a subcommittee of five members of the Council to serve as members of an advisory Committee for the National Institute

of Juvenile Justice to perform the functions set forth in Section 505.

"(e) The Chairman shall designate a subcommittee of five members of the Council to serve as an Advisory Committee to the Director on Standards for the Administration of Juvenile Justice to perform the functions set forth in Section 507.

"COMPENSATION AND EXPENSES

"Sec. 310. (a) Members of the Council who are employed by the Federal Government full-time shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carry-

ing out the duties of the Council.

"(b) Members of the Council not employed full time by the Federal Government shall receive compensation at a rate not to exceed the rate now or hereafter prescribed for GS-18 of the General Schedule by Section 5332 of title 5 of the United States Code including travel time for each day they are engaged in

the performance of their duties as members of the Commission. Members shall be entitled to reimbursement for travel, subsistence and other necessary expenses incurred by them in carrying out the duties of the Council.

"APPROPRIATIONS AUTHORIZED

"Sec. 311. There are hereby authorized to be appropriated for the purposes of this title \$15,000,000 for the fiscal year ending June 30, 1973, \$20,000,000 for the fiscal year ending June 30, 1974, \$25,000,000 for the fiscal year ending June 3, 1976.

"TITLE IV—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

"PART A-FORMULA GRANTS

"AUTHORIZATION

"Sec. 401. There are authorized to be appropriated \$50,000,000 for the fiscal year ending June 30, 1973; \$100,000,000 for the fiscal year ending June 30, 1974; \$150,000,000 for the fiscal year ending June 30, 1976; and \$200,000,000 for the fiscal year ending June 30, 1976, for grants to States and local governments to assist them in planning, establishing, operating, coordinating, and evaluating projects for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system.

"Sec. 402. (a) In accordance with regulations promulgated under this title, the Director shall allocate annually among the States the sums appropriated under section 401 on the basis of the relative population of people under age eighteen, per capita income, and rate of delinquency. After the first year of the administration of this Act, the Director may take into consideration any decline in the rate of delinquency in allocating these sums. No such allotment to any State shall be less than \$200,000, except that for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, no allotment shall be less than \$50,000.

"(b) If any amount so allotted remains unobligated at the end of the fiscal year, the Director may reallocate such funds on such basis as he deems equitable and consistent with the purposes of this title. Any amount so reallocated shall be in addition to the amounts already allotted and available to the States, the Virgin Islands, American Samoa, Guam and the Trust Territory of the Pacific Islands for the same period.

"(c) In accordance with regulations developed by the Director, a portion of any allotment to any State under this part shall be available to develop a state plan and to pay that portion of the expenditures which the Director finds necessary for efficient administration. Not more than 15 percent of the total annual allotment of such State shall be available for such purposes. The State shall make available needed funds for planning and administration to local governments within the State on an equitable basis.

"STATE PLANS

"Sec. 403. (a) In order to receive Part A Formula Grants, a state shall submit a plan for carrying out its purposes. In accordance with regulations set forth by the Director, such plan must—

"(1) designate a single State agency as the sole agency responsible for the preparation and administration of the plan, or designate an agency as the sole agency for supervising the preparation and administration of the plan:

"(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) (hereafter referred to in this Act as the 'State agency') has or will have authority, by legislation if necessary, to implement such plan in conformity with this part:

"(3) provide for supervision of the programs funded under this Act by the State agency by a Board appointed by the Governor which shall consist of persons who have training experience, or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice. A majority of the members, including the Chairman, must not be full-time employees of the Federal, state or local government, and at least one-third of the members of the Board shall be under the age of 20 at the time of appoint-

ment. This Board shall approve the state plan prior to its submission to the Federal Government;

"(4) provide for the active consultation with and participation of local governments in the development of a state plan which adequately takes into

account the needs and requests of local governments;

"(5) provide that at least fifty percent of the funds received by the State under Section 401 shall be expended through programs of local government insofar as they are consistent with the state plan, except that this provision may be waived at the discretion of the Director for any state if the services

for delinquents are organized primarily on a statewide basis;

"(6) provide that the chief executive officer of the local government shall assign responsibility for the preparation and administration of the local government's part of the state plan, or for the supervision of the preparation and administration of the local government's part of the state plan to that agency within the local government's structure (hereinafter in this Act referred to as the 'local agency') which can most effectively carry out the purposes of this

Act;
"(7) provide for an equitable distribution of the assistance received under

"(8) set forth a detailed study of the State needs for an effective, comprehensive, coordinated approach to juvenile delinquency prevention and treatment and the improvement of the juvenile justice system. This plan shall include itemized estimated costs for the development and implementation of such programs;

"(9) provide for the active consultation with and participation of private agencies in the development and execution of the state plan; provide for coordination and maximum utilization of existing juvenile delinquency programs and other related programs, such as education, health, and welfare

within the State;

"(10) provide that not less than 75 percent of the funds available to such State under Section 401, whether expended directly by the State or by the local government, shall be used for advanced techniques in developing, maintaining, and expanding programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, to establish probation subsidy programs as set forth in Section 402(10)(G), and to provide community-based alternatives to juvenile detention and correctional facilities. The advanced techniques include but are not limited to-

"(A) community-based programs and services for the prevention and treatment of juvenile delinquency through the development of foster-care and shelter-care homes, group homes, halfway houses, and any other designated

community-based diagnostic, treatment or rehabilitative service;

"(B) community-based programs and services to work with parents and other family members to maintain and strengthen the family unit, so that

the juvenile may be retained in his home;

"(C) community-based programs to support, counsel, provide work and recreational opportunities for delinquents and youth in danger of becoming delinquent:

"(D) comprehensive programs of drug abuse education and prevention, and programs for the treatment and rehabilitation of drug addicted youth, and 'drug dependent' youth (as defined in section 2(g) of the Public Health Service Act (42 U.S.C. 201(g));
"(E) educational programs or supportive services designed to keep de-

linquents or youth in danger of becoming delinquent in elementary and sec-

ondary schools or in alternative learning situations;

"(F) expanded use of probation and recruitment and training of probation officers, other professional and paraprofessional personnel and volunteers to work effectively with youth;

(G) probation subsidy programs providing:

"(i) incentives for local governments to operate a subsidized probation program utilizing innovative supervision practices designed to reduce com-

mitments of juveniles to correctional institutions, and

"(ii) procedures for determining on an equitable basis the yearly reductions of such commitments considering the distribution of juvenile delinquents within the State and the success of each local government in making such yearly reductions.

"Each state shall include in its plan a provision for the establishment and operation of such a probation subsidy program, unless this requirement is waived by the Director.

"(11) provides for the development of an adequate research, training and

evaluation capacity within the State;

"(12) provide within a reasonable period of time that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, shall not be placed in juvenile detention or correctional facilities, but must be placed in shelter facilities;

"(13) provide that juveniles alleged to be or found to be delinquent shall not be detained or confined in any institution in which adult persons convicted of a crime or awaiting trial on criminal charges are incarcerated;

- "(14) provide assurances that assistance will be available on an equitable basis to deal with all disadvantaged youth including, but not limited to females, minority youth, and mentally retarded or emotionally handicapped youth:
- "(15) provide for procedures which will be established for protecting under Federal, State and local law the rights of recipients of services and which will assure appropriate privacy with regard to records relating to such services provided to any individual under the State plan;

"(16) provide that fair and equitable arrangements are made, as determined by the Secretary of Labor, to protect the interests of employees affected by assistance under this Act. Such protective arrangements shall include, without being limited to, such provisions as may be necessary for—

"(A) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective bargaining agreements or otherwise;

"(B) the continuation of collective bargaining rights;

"(C) the protection of individual employees against a worsening of their

positions with respect to their employment;

"(D) assurances of employment to employees of any State or political subdivision thereof who will be affected by any program funded in whole or in part under provisions of this Act; and

"(E) training or retraining programs.

"The State plan shall provide for the terms and conditions of the protective arrangements established pursuant to this section.

"(17) provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of

funds received under this title;

"(18) provide reasonable assurance that Federal funds made available under this part for any period will be so used as to supplement and increase, to the extent feasible and practical, the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and would in no event supplant such State, local, and other non-Federal funds;

"(19) provide that the State agency will from time to time, but not less often than annually, review its plan and submit to the Direcor an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of

State and local needs, which it considers necessary; and

"(20) contain such other terms and conditions as the Director may reasonably prescribe to assure the effectiveness of the programs assisted under this title.

"(b) The Director shall approve any State plan and any modification thereof that meets the requirements of subsection (a) of this section.

"PART B-Special Emphasis Prevention and Treatment Programs

"PROGRAM AND AUTHORIZATION

"Sec. 404. There are authorized to be appropriated \$50,000,000 for the fiscal year ending June 30, 1973; \$100,000,000 for the fiscal year ending June 30, 1974; \$150,000,000 for the fiscal year ending June 3, 1975, and \$200,000,000 for the fiscal year ending June 30, 1976. The Director is authorized to use these appropriations to make grants to and enter into contracts with public and private agencies, organizations, institutions, or individuals to—

"(1) develop and implement new approaches, techniques, and methods with respect to juvenile delinquency programs (as defined in Section 103(4));

"(2) develop and maintain community-based alternatives to traditional forms

of institutionalization;

(3) develop and implement effective means of diverting juveniles from the traditional juvenile justice and correctional system;

"(4) improve the capability of public and private agencies and organiza-tions to provide services for delinquents and youths in danger of becoming delinquent; and

"(5) facilitate the adoption of the recommendations of the Advisory Committee on Standards for Juvenile Justice as set forth pursuant to Section 507(b).

"CONSIDERATIONS FOR APPROVAL OF APPLICATIONS

"Sec. 405. (a) Any agency, institution, or individual desiring to receive a grant, or enter into any contract under this part, shall submit an application at such time, in such manner, and containing or accompanied by such information as the Director may prescribe.

"(b) In accordance with guidelines established by the Director, each such

application shall:

"(1) provide that the program for which assistance under this title is sought will be administered by or under the supervision of the applicant;

"(2) set forth a program for carrying out one or more of the purposes set forth in section 404:

"(3) provide for the proper and efficient administration of such program;

"(4) provide for regular evaluation of the program;
"(5) indicate that the applicant has requested the review of the application from the state and local agency designated in Section 403, when appropriate;

'(6) indicate the response of such agency to the request for review and comment on the application:

"(7) provide that regular reports on the program shall be sent to the Direc-

tor and to the State and local agency, when appropriate; and,

"(8) provide for such fiscal control and fund accounting procedures as may be necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title.

"(c) In determining whether or not to approve applications for grants under this title, the Director shall consider—

"(1) the relative cost and effectiveness of the proposed program in effectuating the purposes of the Act;

(2) the extent to which the proposed program will incorporate new or

innovative techniques;

'(3) the extent to which the proposed program meets the objectives and priorities of the state plan, when a state plan has been approved by the Director under Section 403

"(b) and when the location and scope of the program make such considera-

tion appropriate:

"(4) the increase in capacity of the public and private agency, institution or individual to provide services to delinquents or youths in danger of becoming delinquent:

"(5) the extent to which the proposed project serves communities which have high rates of youth unemployment, school drop-out, and delinquency;

"(6) the extent to which the proposed program facilitates the implementation of the recommendations of the Advisory Committee on Standards for Juvenile Justice as set forth pursuant to Sec. 507(b).

"WITHHOLDING

"Sec. 406. Whenever the Director, after giving reasonable notice and opportunity for hearing to a grant recipient under this title, finds-

"(1) that the program or activity for which such grant was made has been so changed that it no longer complies with the provisions of this title; or "(2) that in the operation of the program or activity there is failure to

comply substantially with any such provision; the Director shall notify such recipient of his findings and no further payments may be made to such recipient by the Director until he is satisfied that such noncompliance has been, or will promptly be, corrected.

"USE OF FUNDS

"Sec. 407. (a) Funds paid to any public or private agency, institution or private agency, institution or individual (whether directly or through a State or local agency) may be used for:

"(1) securing, developing, or operating the program designed to carry out

the purposes of this Act;

"(2) not more than 50 percent of the cost of construction of innovative community-based facilities (as defined in Section 103 (1) and (2) which, in the judgment of the Director, are necessary for carrying out the purposes of this Act.

(b) In accordance with criteria set forth by the Director, grants or contracts may provide for long-term funding, provided that such grants or contracts provide for yearly evaluation to ascertain if the goals of such grants

or contracts are being achieved.

"(c) At the discretion of the Director, when there is no other way to fund an essential juvenile delinquency program, the State may utilize 25 percent of the funds available to it under this Act to meet the non-Federal matching share requirement for any other Federal juvenile delinquency program grant.

"(d) The Director may require the recipient of any grant or contract to

contribute money, facilities, or services up to 25 percent of the cost of the

project.

"(e) Payments under this title, pursuant to a grant or contract, may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursements, and in such installments and on such conditions as the Director may determine.

"TITLE V-NATIONAL INSTITUTE FOR JUVENILE JUSTICE

"NATIONAL INSTITUTE

"Sec. 501. (a) There is hereby established within the National Office of Juvenile Justice and Delinquency Prevention a National Institute for Juvenile

Justice (referred to in this Act as the 'Institute').

"(b) The Institute shall be under the supervision and direction of an Administrator who shall be appointed by and be responsible to the Director of the Office. Acting through the Institute, the Director shall take any action consistent with the intent and purpose of this Act, including but not limited to the functions stated in this title.

"(c) With the approval of the Director, the Administrator is authorized to make grants to, or enter into contracts with, any public or private agency, institution, or individual to carry out the purposes of this title.

"INFORMATION FUNCTION

"Sec. 502. The Institute is authorized to-

"(1) serve as an information bank by collecting systematically and synthesizing the data and knowledge obtained from studies and research by public and private agencies, institutions, or individuals concerning all aspects of iuvenile delinquency including the prevention and treatment of juvenile delin-

"(2) serve as a clearinghouse and information center for the preparation, publication, and dissemination of all information regarding juvenile delinquency, including State and local juvenile delinquency prevention and treatment programs and plans, availability of resources, training and educational programs, statistics, and other pertinent data and information.

"RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS

"Sec. 503. The Institute is authorized to-

"(1) conduct, encourage, and coordinate research and evaluation into any aspect of juvenile delinquency, particularly with regard to new programs and methods which show promise of making a contribution toward the prevention and treatment of juvenile delinquency.

"(2) encourage the development of demonstration projects in new, innovative

techniques and methods to prevent and treat juvenile delinquency;

"(3) provide for the evaluation of all programs assisted under this Act in order to determine the results and the effectiveness of such programs;

"(4) provide for the evaluation of any other Federal, State, or local juvenile

delinquency program, upon the request of the Director; and

"(5) disseminate the results of such evaluations and research and demonstration activities particularly to persons actively working in the field of juvenile delinquency.

"TRAINING FUNCTIONS

"SEC. 504. The Institute is authorized to-

"(1) develop, conduct, and provide for training programs for the training of professional, paraprofessional, and volunteer personnel, and other persons who are or who are preparing to work with juveniles and juvenile offenders;

"(2) develop, conduct, and provide for seminars, workshops, and training programs in the latest proven effective techniques and methods of preventing and treating juvenile delinquency for law enforcement officers, juvenile judges, and other court personnel, probation officers, correctional personnel, and other Federal, State, and local government personnel who are engaged in work relating to juvenile delinquency.

"INSTITUTE ADVISORY COMMITTEE

"Sec. 505. The Institute Advisory Committee established in section 309(d) shall advise, consult with, and make recommendations to the Administrator of the Institute concerning the overall policy and operations of the Institute.

"ANNUAL REPORT

"Sec. 506. The Administrator shall develop annually and submit to the Director after the first year the legislation is enacted, prior to June 30, a report on research, demonstration, training, and evaluation programs funded under this title, including a review of the results of such programs, an assessment of the application of such results to existing and to new juvenile delinquency programs, and detailed recommendations for future research, demonstration. training, and evaluation programs. The Director shall include a summary of these results and recommendations in his report to the President and Congress required by section 304(b) (7).

"DEVELOPMENT OF STANDARDS FOR JUVENILE JUSTICE

"Sec. 507. (a) The Institute under the supervision of the Advisory. Committee on Standards for Juvenile Justice established in section 309 (e), shall review existing reports, data, and standards, and, where necessary, independently study the juvenile justice system in the United States. This study shall emphasize juvenile court administration and procedure, and the conditions of confinement in juvenile detention and correctional facilities in order to develop standards for juvenile justice.

standards for juvenile justice.

"(b) Not later than 18 months after the passage of this Act, the Advisory Committee shall submit to the President and the Congress a final report

which---

"(1) recommends standards for the administration of juvenile justice at the Federal, State, and local level, including juvenile court procedures and conditions of confinement in juvenile detention and correctional facilities;

"(2) recommends Federal action, including but not limited to administrative, budgetary and legislative action, required to facilitate the adoption of these

standards throughout the United States; and

"(3) recommends State and local action to facilitate the adoption of these

standards for juvenile justice at the State and local level.

"(c) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Advisory Committee such information as the Committee deems necessary to carry out its functions under this Act.

"(d) The Advisory Committee shall hold public hearings on its proposed

standards.

"AUTHORIZATION OF APPROPRIATIONS

"Sec. 508. To carry out the purposes of this title there are hereby authorized to be appropriated \$50,000,000 for the fiscal year ending June 30, 1973;

\$100,000,000 for the fiscal year ending June 30, 1974; \$150,000,000 for the fiscal year ending June 30, 1975, and \$200,000,000 for the fiscal year ending June 30, 1976."

"SUMMARY AND ANALYSIS OF THE JUVENILE JUSTICE AND DELINQUENCY ACT OF 1973

"TITLE I: FINDINGS AND DECLARATION OF PURPOSE

"This title sets forth the need for a comprehensive, expanded Federal approach to the problems of juvenile delinquicy, and briffy outlines the activities encompassed by the Act.

"FINDINGS

"This section essentially summarizes the problem and includes general statements concerning the alarming increase in juvenile delinquency, the adverse impact of juvenile delinquency on our society, the lack of technical expertise or resources to deal with delinquency at the state and local level, the failure of Federal delinquency programs to provide the necessary direction, coordination, resources, and leadership, and the need for an immediate and effective Federal governmental response to the crisis of delinquency.

"PURPOSE

"This section sets forth the objectives the Act is designed to achieve. Such objectives include coordination of Federal delinquency programs: authorization of additional resources; creation of centralized research, information clearing-house, training, technical assistance, and evaluation activities; development of national guidelines for the administration of juvenile justice, including conditions of confinement; and finally, adoption of basic procedural protections for juveniles under Federal jurisdiction.

"DEFINITIONS

"This section sets forth the definitions used throughout the Act. Such definitions include: (1) 'community-based' facility, program or service means a small, open group home located near the juvenile's home and programs of community supervision and service, which maintain community participation in planning and operation; (2) 'Federal juvenile delinquency program' means any juvenile delinquency program which is conducted by the Departments of Health, Education, and Welfare, Labor, Housing and Urban Development, and Justice and any program funded under this Act. The Director of the Office of Management and Budget, on consultation with the Director, is authorized to determine whether additional programs come within the purview of this Act: (3) "juvenile delinquency program" means any activity related to juvenile delinquency prevention, control, diversion, rehabilitation, planning, training, and research, the improvement of the juvenile justice system and any program for neglected, abandoned or dependent youth and other youth who are in danger of becoming delinquent.

"TITLE II: AMENDMENTS TO THE FEDERAL JUVENILE DELINQUENCY ACT

"This title sets forth a series of specific amendments to the Federal Juvenile Delinquency Act (Secs. 5031-5037 of Title 18) designed to guarantee certain basic rights to juveniles who come within Federal jurisdiction.

"DEFINITIONS

"A 'juvenile' is a person under 18 and 'juvenile delinquency' is the violation of a law of the United States committed by a juvenile which would have been a crime if committed by an adult.

"DEFERENCE TO LOCAL COURTS

"In cases involving juveniles, Federal courts would be required to defer to state courts unless the Attorney General certified that the state does not have jurisdiction or does not have available adequate rehabilitative programs for juveniles. The Federal courts and the Federal correctional system have never

been properly equipped to handle large numbers of juveniles with the result that Federal juvenile delinquents are frequently transferred away from their home communities for treatment. By deferring jurisdiction to state courts, the harmful effects of this dislocation would be reduced.

"DELINQUENCY PROCEEDINGS AND TRANSFER HEARINGS

"In Federal cases, a juvenile alleged to have committed a crime shall be proceeded against as a juvenile delinquent unless he is 16 years or older. Where a juvenile age 16 and older alleged to have committed a serious felonies act could be prosecuted either as a juvenile or as an adult, a Federal District judge would be required to conduct a hearing and find that 'there are no reasonable prospects for rehabilitation' before a juvenile could be prosecuted as an adult criminal. The Attorney General now has sole discretion to make this determination. Juvenile proceedings are designed to rehabilitate a youthful offender and no eligible child should face criminal prosecution without careful decision by a court.

"RIGHT TO COUNSEL

"The bill implements Supreme Court decisions guaranteeing the right to counsel at all critical stages in the proceedings including the right of indigent juveniles to have court-appointed counsel.

"PROCEDURAL SAFEGUARDS

"The bill requires that juveniles be advised of their rights and taken before a committing magistrate forthwith upon arrest, and that pre-adjudication detention is permitted only if a magistrate determines, after hearing, that detention is necessary to secure the juvenile's timely appearance before the appropriate court or to protect his safety or the safety of others. Once a juvenile has entered a plea to an alleged act of juvenile delinquency a criminal prosecution is barred. The bill also accords juveniles the constitutional rights guaranteed an adult in a criminal prosecution, with the exception of indictment by grand jury. Public trial is limited to members of the press under certain conditions, A juvenile is also guaranteed the right to a speedy trial.

"PROHIBITION AGAINST COMMINGLING

"The bill prohibits the detention or confinement of juveniles in institutions in which adults who are convicted or awaiting trial are confined. Juveniles who are incarcerated with adults are not only less likely to be rehabilitated, but are also likely to learn the ways of criminals. For similar reasons, the bill provides that alleged delinquents must be kept separate from adjudicated delinquents.

"STUDY AND DISPOSITION

"This legislation provides that the court may suspend the sentence of the delinquent, place him on probation, or commit him to the custody of the Attorney_General. If the court desires more detailed information concerning an alleged delinquent, it may commit him after notice and hearing and with the consent of his counsel and parents to the custody of the Attorney General for study for 30 days. Such study shall be conducted on an out-patient basis, unless the court determines that in-patient study is necessary. In the case of an adjudicated delinquent, such study shall not be conducted on an in-patient basis without prior notice and hearing.

"A juvenile who has been committed to the Attorney General has a right to treatment, and is entitled to custody, care and discipline as nearly as possible equivalent to that which should have been provided for him by his parents, A juvenile shall be placed whenever possible in a foster home or community based facility located in or near his home community.

"PAROLE AND PROBATION

"The Board of Parole is required to release on parole any juvenile delinquent who has been committed as soon as satisfied that he is likely 'to remain at liberty without violating the law.' Furthermore, a juvenile cannot have parole or probation revoked without a hearing. The provision is in accordance with the trend of recent court decisions and enables the juvenile to prepare himself for a normal life in the community.

"JUVENILE RECORDS

"The record of any juvenile proceeding shall be sealed upon completion and only released by the court under certain very limited and prescribed circumstances. Juvenile records are all too frequently used inappropriately to eliminate adjudicated delinquents from meaningful opportunities in our society.

"The provisions of Title II as a whole guarantee a juvenile under Federal jurisdiction the basic rights of our system of justice and increase the probability of his rehabilitation while still protecting the safety of the public.

"TITLE III: NATIONAL OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE

"This title establishes a new National Office in the Executive Office of the President (hereinafter referred to as the 'Office') charged with the responsibility of administering the Juvenile Justice and Delinquency Prevention Act. The Office is administered by a Director, appointed by the President with the advice and consent of the Senate. The Director is assisted by a Deputy Director, three Assistant Directors, and such other employees as are necessary to perform the duties vested in him. The Director also has the authority to hire consultants and to request the detailing of personnel from other Federal agencies.

"POWER

"Patterned after the new Special Action Office for Drug Abuse Prevention, the Office would have supervisory and coordinating power over all Federal juvenile delinquency programs. This concept is central to the bill. There is general agreement that the Fderal effort to date has been badly fragmented and lacking in direction, and has had virtually no impact in reducing the spiralling rate of juvenile crime. The President responded to the drug abuse crisis by proposing a centralization of program authority in one office; this bill recognizes that a similar response is warranted in the area of juvenile delinquency.

"PROGRAMS INCLUDED

"The programs which come under the supervision of the new National Office of Juvenile Justice include those conducted directly or indirectly by the Departments of Health, Education, and Welfare; Labor; Housing and Urban Development, and Justice and any program founded under this Act. The Director of the Office of Management and Budget, on consultation with the Director of the Office, is authorized to determine whether additional programs come within the purview of the Act.

"AUTHORITY AND POWER OF THE DIRECTOR

"The Director will provide overall planning and policy and establish objectives and priorities for all Federal juvenile delinquency programs and activities relating to prevention, diversion, training, treatment, rehabilitation, evaluation, escurch, and programs to improve the juvenile justice system. He would be the spokesman and central coordinator for the entire Federal juvenile delinquency effort. He would have broad supervisory review over the operation of programs in other agencies, and would be responsible for reporting on their effectiveness and for making budgetary and programmatic recommendations to the President.

"The need for centralized authority for Federal delinquency programs has been recognized by many State and local officials and representatives of private agencies who have emphasized their problems in working with the Federal government due to the fragmentation of responsibility for delinquency programs. The bill would solve that problem and provide a focus for a coordinated national attack on the juvenile crime crisis.

"ANNUAL REPORT

"The Director will be required to report annually on the activities of the Office, on problems encountered in the operation and coordination of the various Federal juvenile delinquency programs, and on the effectiveness of Federal

efforts to deal with juvenile delinquency. He is also required to develop annually a comprehensive plan for Federal juvenile delinquency programs with particular emphasis on prevention and diversion.

"NATIONAL ADVISORY COUNCIL

"A National Advisory Council for Juvenile Justice and Juvenile Delinquency Prevention of 21 members will advise the Director with respect to the planning, operations and management of Federal juvenile delinquency programs. A subcommittee of five members will serve as an Advisory Committee on the overall policy and operations of the National Institute of Juvenile Justice. Another subcommittee of five members will serve as an Advisory Committee to the Director on Standards for the Administration of Juvenile Justice.

"The National Advisory Council will bring citizen participation and cooperation to the work of the Office. The bill recognizes that we will only be able to do something meaningful about juvenile delinquency with the help and support

of the public.

"In addition, there are certain routine, housekeeping sections in Title III such as transitional provisions, joint-funding, voluntary service, and personnel provisions.

"APPROPRIATIONS

"Appropriations of \$15 million for Fiscal '73, \$30 million for Fiscal '74, \$25 million for Fiscal '75, and \$30 million for Fiscal '76 are authorized.

"TITLE IV: FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

"In addition to exercising superisory power over existing Federal efforts, the Director is authorized to make grants and enter into contracts to-carry out the purposes of the Act.

"STATE AND LOCAL FORMULA GRANTS

"Funds appropriated under this part will be reserved for grants to states which develop a state plan containing the following fundamental requirements:

"(a) the designation of a single state agency supervised by a Board appointed by the Governor consisting of persons knowledgeable about juvenile delinquency and juvenile justice;

"(b) the expenditure of at least 50 percent of the state's funds through local government programs:

"(c) the expenditure of three-quarters of the funds a state receives on the development and use of advanced techniques designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, to establish probation subsidy programs to provide community-based alternatives to traditional detention and correctional institutions. The advanced techniques include community-based prevention, diversion, and rehabilitation efforts through development of foster-care and shelter care facilities, group homes, halfway houses, and other diagnostic or rehabilitative facilities; expanded use of probation subsidy programs; training of probation personnel, other professionals and para-professionals to work with youth; and comprehensive drug abuse prevention and education programs and treatment and rehabilitation programs for drug addicted and dependent youth. Such techniques also include communitybased services to work with parents to retain the juvenile in his home and educational or supportive services designed to keep the juvenile in school or alternative learning situations and to provide work and recreational opportunities for delinquents or youth in danger of becoming delinquent.

"Grants will be allocated among the states on the basis of relative population under ago 18, per capita income, and rate of delinquency. Appropriations of \$500 million are authorized over the next four years for grants to states.

"SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

"Funds under this part will be used for grants or contracts with public or private agencies and individuals to develop and implement new juvenile delinquency programs; to develop and maintain community-based alternatives to institutionalization; to develop and implement means of diverting juveniles from the traditional juvenile justice and correctional system; to improve the capability of public and private agencies to provide services for delinquents and

youth in danger of becoming delinquent; and to facilitate the adoption of recommendations of the Advisory Committee on Standards for Juvenile Justice.

"Direct funding authority will allow the new Office to provide additional overall resources for juvenile delinquency programs and to maintain the funding flexibility required to develop innovative approaches to the problems of delinquency. Moreover, the ability of the Director to develop and implement an effective, coordinated Federal delinquency effort will be enhanced by making funds available for direct grants over which he has supervisory control. This will allow him to implement his decisions as to what must be done in the area as well as to supplement existing efforts. Moreover, these special emphasis grants will enable the new Office to benefit from the experience and knowledge of private organizations on how to handle youth in trouble. Appropriations of \$500 million are authorized over the next four years for Special Emphasis Prevention and Treatment Programs.

"TITLE V: NATIONAL INSTITUTE FOR JUVENILE JUSTICE

"This title establishes a National Institute for Juvenile Justice (hereinafter referred to as the 'Institute') which will be the research and training arm of the Office. It is under the direction of an Administrator, appointed by the Director of the Office. The Institute is closely tied to the operation of the Office and the Director is authorized to act through the Institute to carry out any of the purposes of the Act. For example, although preparing an analysis of all Federal delinquency programs is a responsibility of the Director, he may choose to delegate that responsibility to the Institute.

"Information Clearinghouse"

"The Institute will serve as an information clearinghouse, both collecting all data related to juvenile delinquency and disseminating it throughout the country. There is general agreement that the impact of various research and demonstration program results has been severely limited due to the fragmented Federal structure and the lack of any centralized source of information. Further, it is extremely difficult for a prospective grantee to obtain comprehensive information of Federal resources available in the area of juvenile delinquency. The Institute is intended to serve as a clearinghouse for delinquency information, including statistics, research, availability of resources, and Federal, State and local juvenile delinquency programs.

"RESEARCH, DEMONSTRATION AND EVALUATION

"Research, demonstration and evaluation will be central functions of the Institute, conducted both by Institute personnel and by outside agencies, institutions, or individuals. The quality of the research and demonstration projects will be regularly evaluated and the findings widely disseminated. In addition, the Institute will provide for the evaluation of all programs funded under this Act and any other delinquency programs at the request of the Director. Those which prove effective can then be adapted for use on a broad scale in various parts of the country. By relating the research demonstration and evaluation functions closely to the program funding function of the National Office, the bill will permit promising results to be translated promptly into operating programs in the field.

"TRAINING

"The Institute is also responsible for conducting training programs (directly or by contract) throughout the country for persons working in the juvenile justice and delinquency field, such as policemen, judges, probation officers, and corrections personnel. In addition, the Institute would train professional, paraprofessional and volunteer personnel who work with young people to prevent and treat juvenile delinquency.

"STANDARDS FOR JUVENILE JUSTICE

"The Institute, under the supervision of the Advisory Committee on Standards for Juvenile Justice, is also responsible for reviewing existing studies and independently studying, if necessary, all aspects of the juvenile justice system in the United States, with particular emphasis on juvenile court procedure and the conditions of confinement in juvenile detention and correctional facilities in order to develop model standards for the administration of juve-

nile justice in the United States. Not later than 18 months after the passage of the Act, the Committee will submit to the President and Congress a final report which (1) recommends standards for the administration of juvenile justice at the Federal, State, and local level: (2) recommends Federal administrative budgetary and legislative action to facilitate the adoption of the standards; and (3) recommends state and local action to facilitate the adoption of these standards at the state and local level.

"IMPLEMENTATION OF RECOMMENDATIONS

"To increase the likelihood of carrying out these recommendations, the Director is authorized to make grants to public and private agencies to facilitate the adoption of the standards of juvenile justice.

"We have been told repeatedly of the wide disparities between states governing the treatment of juveniles at all stages of the court and correctional process. By creating national standards of juvenile justice backed by Federal leadership and funds, we can help assure that state and local governments will meet these standards.

"AUTHORIZATION

"Amounts authorized for appropriations to the Institute are \$50,000,000 for Fiscal '73, \$100,000,000 for Fiscal '74, \$150,000,000 for Fiscal '75, \$200,000,000 for Fiscal '76."

"Section-by-Section Analysis of the Provisions of the Juvenile Justice AND DELINQUENCY PREVENTION ACT OF 1973

"TITLE I: FINDINGS AND DECLARATION OF PURPOSE

"This title sets forth the need for a comprehensive, expanded Federal approach to the problems of juveline delinquency, and briefly sets forth the objectives the Act is designed to achieve.

"DEFINITIONS

"Sec. 103. This section establishes definitions for purposes of this Act:

"(1) the term 'community-based' facility, program or service means a small, open group home or other suitable place located near the juvenile's home or family and programs of community supervision and service which maintain community participation in planning and operation;

"(2) the term 'construction' includes construction of new buildings and acquisition and alteration of existing buildings;

"(3) the term 'Federal juvenile delinquency program' means any juvenile delinquency program which is conducted directly or indirectly by the Departments of Health, Education, and Welfare; Labor; Housing and Urban Development; Justice; and any program funded under this Act. The Director of the Office of Management and Budget, upon consultation with the Director, named in section 301, is authorized to determine whether additional programs come within the purview of this Act;

"(4) the term 'iuvenile delinquency program' means any program or activity related to juvenile, treatment, rehabilitation, planning, education, training, and research, the improvement of the juvenile justice system and any program or activity for neglected, abandoned or dependent youth and other youth who are

in danger of becoming delinquent;

"(5) the term 'local government' means any city, county, or town, or other political subdivision of a State, and an Indian tribe and any combination of such units acting jointly;

"(6) the term 'public agency' means any department or instrumentality of

any State, unit of local government, or combination of such State or units: "(7) the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"TITLE II: AMENDMENTS TO THE FEDERAL JUVENILE DELINQUENCY ACT

"This title amends sections 5031-5037 of Title 18 of the United States Code, which deal with proceedings in Federal courts against juvenile delinquents, to provide that:

"(1) A 'juvenile' is a person under 18 and 'juvenile delinquency' is the violation of a law of the United States committed by a juvenile which would

have been a crime if committed by an adult:

"(2) A juvenile alleged to have committed an act of juvenile delinquency shall not be proceeded against in any Federal court unless the Attorney General certifies to an appropriate district court of the United States that the State (1) does not have jurisdiction or refuses to assume jurisdiction, or (2) does not have available adequate programs for the rehabilitation of juveniles;

"(3) A juvenile alleged to have committed a crime shall be proceeded against

as a delinquent unless he is 16 years or older.

"Adult criminal prosecutions of juveniles age 16 and older alleged to have committed a felonious act punishable by a maximum penalty of ten years imprisonment or more, life imprisonment or death may be commenced only if a Federal judge finds, after a hearing, that 'there are no reasonable prospects for rehabilitation' the juvenile before he reaches twenty-one. Reasonable notice of the transfer hearing shall be given to the juvenile, his parents or guardian and to his counsel. The juvenile shall be assisted by counsel at the transfer hearing and every other critical stage of the proceeding.

"(4) Once a juvenile has entered a plea with respect to an alleged act of juvenile delinquency, a criminal prosecution based upon this act shall be

arred:

"(5) A juvenile must be advised of his rights and taken before a committing

magistrate forthwith upon arrest;

"(6) If counsel is not retained for a juvenile, the magistrate must appoint counsel for him. No juvenile may be detained prior to adjudication of delinquency unless the magistrate determines, after hearing, that such detention is required to secure the juvenile's timely appearanc in court or to protect his safety or the safety of others;

"(7) No juvenile may be detained or confined in any institution in which adults are incarcerated. Alleged delinquents shall be kept separate from ad-

judicated delinquents;

"(8) If a juvenile detained pending trial is not brought to trial within thirty days, the information shall be dismissed with prejudice unless the Attorney General shows that the additional delay was unavoidable, caused by the juvenile or his counsel, or consented to by the juvenile and his counsel;

"(0) A juvenile charged with an act of juvenile delinquency shall be accorded the constitutional rights guaranteed an adult in a criminal prosecution, with the exception of indictment by grand jury. Public trial shall be limited

to members of the press under certain conditions;

"(10) An adjudicated delinquent is entitled to a separate dispositional hearing within ten court days. The court may suspend the sentence of the delinquent, place him on probation, or commit him to custody of the Attorney General. Probation or commitment shall not extend beyond the juvenile's twenty-first birthday or the maximum term for an adult convicted of the same offense, whichever is sooner. If the court desires more detailed information concerning an alleged delinquent, it may commit him, after notice and hearing, to the custody of the Attorney General for study for 80 days. Such study shall be conducted on an out-patient basis, unless the court determines that in-patient study is necessary. No alleged delinquent may be committed for study without the consent of his counsel and parents, or guardian. In the case of an adjudicated delinquent such study shall not be conducted on an in-patient basis without prior notice and hearing.

"(11) The record of any juvenile proceeding shall be sealed upon completion, and the court shall release this record only to another court of law, an agency preparing a presentence report, law enforcement agencies, the Director of a treatment agency, the Director of a correctional facility to which the juvenile has been committed, or to an agency considering the juvenile for a position

affecting the national security;

"(12) A juvenile who has been committed to the Attorney General has a right to treatment, and is entitled to custody, care and discipline as nearly as possible equivalent to that which should have been provided for him by his parents. A juvenile shall be placed whenever possible in a foster home or community-based facility located in or near his home community:

"(13 The Attorney General may contract with any public or private agency, including such community-based facilities as halfway houses and foster homes,

for the observation and study and custody and care of juveniles in his custody; "(14) The Board of Parole shall release on parole any juvenile delinquent who has been committed as soon as it is satisfied that he is likely "to remain at liberty without violating the law."

"(15) A juvenile cannot have parole or probation revoked without a hearing

at which the juvenile is represented by counsel.

"TITLE III: NATIONAL OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

"Sec. 301. This section establishes a new National Office of Juvenile Justice and Delinquency Prevention (hereinafter referred to as the 'Office') in the Executive Office of the President, administered by a Director appointed by the President. The Director is assisted by a Deputy Director and three Assistant Directors.

"Sec. 302. This section authorizes the Director to employ personnel, hire consultants, and request the detailing of personnel from other Federal agencies.

"Sec. 303. This section authorizes the Director to accept voluntary service

in carrying out the provisions of the Act.

"Sec. 304. This section sets forth the functions and authority of the Director. He is the spokesman and central coordinator for the entire Federal juvenile delinquency effort. He has broad supervisory review over the operation of programs in other agencies, and is responsible for reporting on their effectiveness and for making budgetary and programmatic recommendations to the President. Specifically, this section authorizes the Director to provide overall planning and policy and to establish priorities and objectives for all Federally assisted juvenile delinquency programs and activities. Further he is authorized to recommend changes in organization, management, and standards in accordance with the policies and priorities he has established; to review implementation plans of any Federal program and budget requests of any Federal agency pertaining to juvenile delinquency; to conduct evaluations of the performance of Federal juvenile delinquency programs; and to coordinate Federal juvenile delinquency and related activities among all Federal agencies. The Director is required to report annually on the activities of the Office, on problems encountered in the operation and coordination of the various Federal juvenile delinquency programs, and on the effectiveness of Federal efforts to deal with juvenile delinquency. He is also required to develop annually a comprehensive plan for Federal juvenile delinquency programs, with particular emphasis on the prevention of juvenile delinquency and the development of programs and services which will encourage increased diversion of juveniles from the traditional juvenile justice system. The Director is also authorized to provide technical assistance to Federal, State and local governments and public and private agencies in the planning and operation of juvenile delinquency programs. In addition, there are certain provisions regarding cooperation with other Federal agencies, delegation of functions, and transfer of funds to other innovative or effective Federal delinquency programs.

"Sec. 305. This section establishes procedures for joint funding of programs by more than one Federal agency, including a single non-Federal share require-

ment

"Sec. 306. This section sets forth transitional provisions regarding the appointment of an Acting Director and Deputy Director.

"Sec. 307. This section sets forth routine amendments to Title 5 of the

United States Code to include the Office within its purview.

"Sec. 308. This section establishes a National Advisory Council for Juvenile Justice and Juvenile Delinquency Prevention of 21 members who shall be appointed by the President from persons who have knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice. A majority shall not be full-time government employees, but the heads of the Federal departments with significant delinquency programs shall be *cw officio* members. At least 7 members shall be under 26 of whom three shall have had experience within the juvenile justice system.

"Sec. 309. The Council shall make recommendations to the Director with respect to the planning, operations and management of Federal juvenile delinquency programs. The Chairman shall designate a subcommittee of five members to serve as an Advisory Committee on the overall policy and operations of the National Institute of Juvenile Justice. The Chairman shall also designate a

subcommittee of five members to serve as an Advisory Committee to the Director on Standards for the Administration of Juvenile Justice.

"Sec. 310. This section authorizes the payment of expenses of members of the Council who are full-time employees of the Federal government and the payment of compensation and expenses to other members of the Council.

"Sec. 311. This section authorizes appropriations of \$15,000,000 for Fiscal '73, \$20,000,000 for Fiscal '74, \$25,000,000 for Fiscal '75, and \$30,000,000 for Fiscal '76.

"TITLE IV: FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

"PART A-FORMULA GRANTS

"Sec. 401. This section authorizes appropriations of \$50,000,000 for Fiscal '73, \$100,000,000 for Fiscal '74, \$150,000,000 for Fiscal '75, and \$200,000,000 for Fiscal '76 to assist the States in planning, establishing, operating, coordinating, and evaluating projects for the development of more effective education, training, prevention, diversion, treatment, and rehabilitation programs to deal with juvenile delinquency and programs to improve the juvenile justice system.

"Sec. 402. This section provides that funds under this part are to be allocated equitably among the States on the basis of the relative population of people under age 18, per capita income and rate of delinquency. No allotment to any State, except the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands shall be less than \$200,000. The Director is authorized to reallocate unused or surplus funds to other states as he deems advisable. In accordance with regulations developed by the Director, not more than 15 percent of the State's allotment may be used to develop the plan and to pay administrative expenses.

"Sec. 403. This section authorizes the Director to make grants to state agencies to develop and implement comprehensive state plans for juvenile delinquency programs and services. The requirements which these plans must meet are set forth in the following subsections:

"Sec. 403(a)(1). This subsection requires the plan to designate a single state agency for supervising the preparation and administration of the plan.

"Sec. 403(a)(2). This subsection requires satisfactory evidence that the designated state agency has authority to implement the plan.

"Sec. 403(a)(3). This subsection requires the designated State agency be supervised by a Board appointed by the Governor consisting of persons who have experience or knowledge of juvenile delinquency or the administration of juvenile justice. A majority shall not work for government and one-third shall be under 26. The Board shall approve the State plan prior to submission,

"Sec. 403(a) (4). This subsection provides for the active consultation of local

governments in the development of the plan.

"Sec. 403(a) (5). This subsection requires that at least 50 percent of the funds received by the State shall be spent through programs of local government except that this provision may be waived by the Director for any State if the services for delinquents are organized on a State-wide basis.

"Sec. 403(a)(6). This subsection provides that the chief executive officer of the local government shall assign responsibility for preparation and administration of the local government's part of the plan to that agency which can most effectively carry out the purposes of the plan.
"Sec. 403(a) (7). This subsection requires that the assistance received under

this act be equitably distributed throughout the State.

"Sec. 403(a)(8). This subsection requires the State agency to submit a detailed survey of State and local needs for the prevention and treatment of juvenile delinquency and a comprehensive program to meet those needs.

"Sec. 403(a) (9). This subsection requires that the applicant State consult private agencies in developing the plan and provide for maximum coordination and utilization of existing juvenile delinquency programs within the State.

"Sec. 403(a) (10). This subsection requires that at least three-quarters of the funds a State receives under this part shall be spent on advanced techniques for the prevention of juvenile delinquency, the diversion of juveniles from the juvenile justice system, the establishment of probation subsidy programs and the development of community-based alternatives to traditional detention and correctional facilities. The advanced techniques include community-based prevention, diversion, and rehabilitation efforts through development of foster-care and shelter care facilities, group homes, half-way houses, and other diagnostic or rehabilitative facilities; expanded use of probation; funding of probation subsidy programs; training of probation personnel, other professionals and paraprofessionals to work with youth; and comprehensive drug abuse prevention and education programs and treatment and rehabilitation programs for drug dependent youth. Such techniques also include community-based services to work with the juvenile and his family and educational or supportive, services designed to keep the juvenile in school or alternative learning situations and to provide work and recreational opportunities for delinquents or youth in danger of becoming delinquent.

"Sec. 403(a)(11). This subsection encourages the States to develop research,

training, and evaluation capacity in the field of juvenile delinquency.

"Sec. 403(a) (12). This subsection provides that juveniles who are not charged with or who have not committed substantive, criminal offenses shall not be placed in juvenile detention or correctional facilities, but must be placed in shelter facilities. This would include runaways, truants, neglected children, persons in need of supervision (PINS), and incorrigibles.

"Sec. 403(a) (13). This subsection provides that no juvenile may be confined

in an adult jail or prison.

"Sec. 403(a) (14). This subsection requires adequate assurance that assistance will be available on an equitable basis to all disadvantaged youth.

"Sec. 403(a) (15). This subsection provides for procedures protecting the rights of recipients of services and assuring appropriate privacy with regard to records relating to services received under the State plan.

"Sec. 403(a) (10). This subsection provides that the State plan must provide that fair and equitable arrangements are made, as determined by the Secretary of Labor, to protect the interests of employees affected by assistance under this Act.

"Sec. 403(a) (17). This subsection requires the State to make prudent use,

proper disbursement and accurate accounting of funds.

"Sec. 403(a) (18). This subsection requires adequate assurances that Federal funds will be used to supplement rather than supplant State funds.

"Sec. 403(a) (19). This subsection requires regular reporting by the State agency of the effectiveness of programs carried out under the State plan. "Sec. 403(a) (20). This subsection provides that the State plan shall contain such other terms as the Director may reasonably prescribe to assure the effectiveness of programs assisted under this title.

"Sec. 403(b). This subsection provides that the Director shall approve any

State plan which meets the requirements of subsection 403(a).

"PART B-SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

"Sec. 404. This section authorizes appropriations for the purposes of this part of \$50,000,000 for Fiscal '78; \$100,000,000 for Fiscal '74; \$150,000,000 for Fiscal '75; and \$200,000,000 for Fiscal '76. The Director is authorized to make grants and enter into contracts with public or private agencies or individuals to develop and implement new approaches for juvenile delinquency programs; to develop and maintain community-based alternatives to institutionalization; to develop and implement means of diverting juveniles from the traditional juvenile justice and correctional system; to improve the capability of public and private agencies to provide services for delinquents and youth in danger of becoming delinquents; and to facilitate the adoption of recommendations of the Advisory Committee on Standards for Juvenile Justice.

"Sec. 405(a). This subsection provides that in order to receive a grant the agency must submit an application containing information prescribed by the

Director.

"Sec. 405(b). This subsection sets forth the requirements for an application including provision for supervision of the delinquency program, administrative and accounting procedures, evaluation of the program, and review of the application by appropriate State and local planning agencies.

"Sec. 405(c). This subsection sets forth the factors which the Director shall consider in approving applications. These factors include the relative cost of the program, the extent to which the program incorporates new techniques, the extent to which the program carries out the State plan, the increase in capacity of the agency to provide delinquency services, the extent to which

the proposed program serves communities which have high rates of youth unemployment, school dropouts and delinquency and the extent to which the program implements the recommendations of the Advisory Committee on Standards for Juvenile Justice.

"Sec. 406. This section authorizes the Director to withhold funds from a grantee for failure to comply with the provisions of this title. The Director is

required to give reasonable notice and opportunity for hearing.

"Sec. 407(a). This subsection provides that funds paid to any public or private agency may be used to operate the program and to meet not to exceed 50 percent of the cost of construction of innovative community-based facilities.

"Sec. 407(b). This subsection authorizes long-term funding for grants pro-

viding that provision is made for yearly evaluation.

"Sec. 407(c). At the discretion of the Director, a State may utilize 25 percent of the funds available to it under this Act to meet the non-Federal matching share requirement for another Federal delinquency grant.

"Sec. 407(d). This subsection authorizes a Director to require a grant recip-

ient to contribute up to 25 percent of the cost of the project.

Sec. 407(e). This subsection establishes payment procedures for grants or contracts under this title.

"TITLE V: NATIONAL INSTITUTE FOR JUVENILE JUSTICE

"Sec. 501. This section establishes within the Office a National Institute for Juvenile Justice (hereinafter referred to as the "Institute") under the supervision of an Administrator appointed by the Director. With the approval of the Director, the Administrator is authorized to make grants to any public or privae agency to carry out the purposes of this title.

"Sec. 502. The Institute is authorized to serve as an information bank and clearinghouse, both collecting data concerning juvenile delinquency and dis-

seminating it throughout the country.

"Sec. 503. This section authorizes the Institute to conduct, encourage, and coordinate all types of research relating to juvenile delinquency; to encourage the development of demonstration projects; to provide for the evaluation of all programs funded under this Act and any others at the request of the Director; and, to disseminate the results of such evaluation, research and demonstration activities.

Sec. 504. This section authorizes the Institute to devise and conduct training programs throughout the country on the prevention and treatment of juvenile delinquency for law enforcement officers, judges, and governmental personnel who are engaged in work relating to juvenile delinquency. The Institute is also authorized to provide training for professional, paraprofessional and volunteer personnel who work with juveniles.

"Sec. 505. This section provides that the Institute Advisory Committee shall advise the Administrator concerning the overall policy and operations of the

Institute.

"Sec. 500. This section requires the Adiministrator to report annually to the Director on research activities, including a review of research results and their

applicability to operating programs.

Sec. 507(a). This subsection authorizes the Institute, under the supervision of the Advisory Committee on Standards for Juvenile Justice, to study the juvenile justice system with emphasis on juvenile court procedures and conditions of confinement in juvenile detention and correctional facilities in order to develop standards for the administration of juvenile justice which will serve as models for Federal, State, and local governments.

"Sec. 507(b). Not later than 18 months after the passage of the Act, the

Committee shall submit to the President and Congress a final report which:

"(1) recommends standards for the administration of juvenile justice at the Federal, State, and local level:

'(2) recommends Federal administrative, budgetaary and legislative action to facilitate the adoption of the standards; and,

"(3) recommends State and local action to facilitate the adoption of these standards at the State and local level.

"Sec. 507(c). This subdivision provides that all Federal agencies are directed

to furnish the Advisory Committee with all necessary information. "Sec. 507(d). This subsection provides that the Advisory Committee shall hold public hearings on its proposed standards.

"Sec. 508. This section authorizes appropriations for the purposes of this title of \$50,000,000 for Fiscal '73; \$100,000,000 for Fiscal '74; \$150,000,000 for Fiscal '75; and, \$200,000,000 for Fiscal '76."

Senator Bayh. We resume hearings today on the Juvenile Justice and Delinquency Prevention Act, which received strong support in the 92d Congress when it was introduced as S. 3148. I was pleased to join with the distinguished ranking minority member of the Juvenile Delinquency Subcommittee, Senator Marlow W. Cook, in reintroducing this bill in this session as S. 821. During the past year, we have benefited from the suggestions of numerous juvenile delinquency experts, law enforcement officials, and concerned representatives of state and local governments and private youth-serving agencies regarding ways in which this measure could be made more effective. Many of their ideas have been incorporated in S. 821, but the basic concept and purpose remain the same.

Our bill provides the desperately needed comprehensive, coordinated Federal effort to prevent juvenile delinquency, rehabilitate juvenile offenders, and improve juvenile justice in this country. Nothing short of a major national commitment can meet the delinquency crisis in this country. Anything less than such a commitment will

not do the job.

We cannot continue to ignore the fact that young people account for more than half the crime in this country. Youth under 25 make up 60 percent of the total arrests for crimes of violence and 81 percent of the arrests for property crimes each year. During the last 10 years, more and more young people have turned to criminal activity. Arrests of juveniles for violent crimes have jumped 193 percent while arrests for crimes against property have increased 99 percent. Yet the juvenile justice system has proven itself utterly incapable of turning these young people away from lives of crime. Witnesses before this subcommittee have repeatedly testified about the tragic failure of our juvenile justice and correctional system and the bankruptcy of the Federal approach to the depth and scope of the

delinquency crisis.

Yet we continue to ignore the devastating cost of juvenile crime in lost and damaged lives, diminished personal security, squandered opportunities and wasted economic and social resources. The Federal juvenile delinquency effort has not had the direction or the resources needed to respond to the large and complex delinquency problem. Despite the fact that young people represent more than half the crime problem and many adult criminals are persons we failed to rehabilitate as juveniles, the Federal government devotes only a small fraction of its crime-fighting money to combating delinquency. For example, in each of the past 3 fiscal years, the Law Enforcement Assistance Administration has never allocated more than 19 percent of its total appropriations to delinquency programs. The youth development and delinquency prevention administration, the only Federal program specifically responsible for juvenile delinquency prevention, has been funded at such a low level-by its own request—that its impact is negligible. Other Federal delinquency-related programs are scattered among so many different agencies that even knowledgeable delinquency administrators do not know where or how these programs actually operate. There must be a better answer to the delinquency crisis than the current disorga-

nized, ineffectual, inadequate, response.

Our bill clearly provides the comprehensive response so long demanded by concerned individuals who have thought about the most effective way of reducing crime and delinquency in this Nation of ours. Our bill will provide the required Federal leadership along with the substantial resources required to assist States, localities and private agencies in creating community-based facilities and services for delinquents and potential delinquents. The job to be done is clear. Now it is up to us in Congress to provide the legislative authority

and the massive funds to get the job done.

I have noted with interest that a number of the witnesses who are going to testify today are representatives of private agencies who understand the problems of children in trouble. Our bill has already received the support of many major organizations working in the field of youth development and delinquency prevention, such as the American Parents Committee, the Boys' Clubs of America, the National Education Association, the Young Women's Christian Association, and the Young Men's Christian Association. Organizations with specific and extensive expertise in dealing with juvenile delinquency, such as the National Council on Crime and Delinquency and the National Council of Juvenile Court Judges, have also supported our bill. Many of these agencies already have resources, facilities, and volunteer workers which can and should be part of a coordinated national effort to reduce delinquency. Our bill places heavy emphasis on the role of the private sector in developing prevention and treatment alternatives and provides both the necessary assistance and direction to make this an effective partnership. I appreciate the willingness of representatives of private agencies to take the time to aid this subcommittee in its efforts.

I will call as our first witness, Mrs. Carol Kimmel, the coordinator of legislative activity for the National Congress of Parents and Teachers because she has to leave. I appreciate the understanding of Mrs. Kimmel and the rest of today's witnesses of the need for my

presence on official business elsewhere until this late hour.

STATEMENT OF CAROL G. KIMMEL, COORDINATOR OF LEGISLATIVE ACTIVITY, NATIONAL CONGRESS OF PARENTS AND TEACHERS

Mrs. Kimmel. Senator Bayh, many of our people have gone. We have 36 States represented here in our group, plus the District of Columbia, and one representative from the European PTA. And most of them were here and because they had a scheduled luncheon, part of them had to go on. But, we do appreciate this opportunity of testifying and we certainly appreciate your efforts in setting up the hearing at the time that our people could be here. And they have picked up the material and are very interested in this bill. We appreciate the opportunity of offering to your committee the views of the National PTA in respect to the provisions of the bill to improve the quality of juvenile justice in the United States, to provide a comprehensive, coordinated approach to the problems of juvenile delin-

quency and to achieve other related purposes—the bill known as the Juvenile Justice and Delinquency Prevention Act of 1973.

I am Mrs. Walter G. Kimmel of Rock Island, Ill., coordinator of legislative activity for the National Congress of Parents and Teachers—and this is an organization with a membership of approximately 9 million.

Concern for children has been the reason for our existence since the founding of the PTA in 1897. Problems change and social conditions change, but the needs of children seem to be constantly on the increase. The PTA's concern for the protection of children and the prevention of delinquency has been continuous through all the years. Early in our history, we were involved in the efforts to secure juvenile courts in every State. Judge Ben B. Lindsay has been quoted as saying that no one factor has done more to advance this cause than

the efforts of our organization.

We have been associated with the National Council of Juvenile Court Judges for several years. We have held and are holding conferences across the Nation involving thousands—possibly millions—of people which will provide information and training for people working with children. As early as 1967, we joined the judges in a program, called "Judicial Concern for Children in Trouble." Our current joint project is "Volunteers in the Court"—a program for training volunteers to work with the court, the family, and the child in trouble. Early in this work, cooperating judges impressed upon us that, from their experience, a child in trouble does not live in a vacuum—he usually lives with a family in trouble.

We will not belabor the statistics which are already a part of your records. We are alarmed at the increase in juvenile crimes, and saddened by the high rate of recidivism. It is said that juvenile crime cost society billions of dollars every year, but no one can estimate

the cost in human resources and human suffering.

Therefore, we find great hope in many of the provisions of the proposed bill. Yet, it reminds us that in 1967, we appeared before a similar committee urging the enactment of many of the same provisions—such as the separation of juveniles in trouble from adult criminals. The PTA has participated in and initiated surveys and questionnaires all across the nation, and we know, as do you, that in some places children are still detained in the same quarters as adults, under circumstances not only bad but inhumane. We believe, too, that rehabilitation must take place within the surroundings of a young person's community and family.

The findings of this committee certainly indicate the need for coordination of Federal efforts in the area of the prevention and treatment of juvenile crime. Those of us who share your concern for children have tried to find our way in supporting specific pieces of legislation and in helping to implement that legislation, but the maze of programs has made this difficult. If an Office of Juvenile Justice and Delinquency Prevention could indeed coordinate all of these efforts into one effective program, surely our youth, as well

as the Nation, would be better served.

We are pleased that provision would be made for a substantial amount of the funds to go to the States and hopefully be forward for

local use. We observe that there would be training of professionals and paraprofessionals for serving in the court system. We would like to suggest the training of volunteers, and I see that that is included in the bill, with both youths and adults, as well. A former president of the National Council of Judges was recently quoted as saying, "Without some system of utilizing volunteer services to assist our staffs in rehabilitation of juvenile delinquents, the juvenile courts as we know them today will go down the drain." Just as children are teaching other children, there is a great reservoir of help in young people, as volunteers, to help in the rehabilitation process. Successful programs are now operating as models. Organizations such as the PTA can give tremendous assistance to the courts if funds are available for training volunteers.

We are impressed with the possibility of alternate methods of institutionalizing the youthful offender—community based programs with services to the family as well as the child, foster-home care, group homes—all ements of rehabilitation which give new hope for our children. More than 50,000 children are currently in correctional institutions—even though indications are that offenders are usually

further damaged—not helped—by being institutionalized.

We have long supported the various programs of child life research that are carried on by the various Federal agencies and have believed they should be correlated and supported by adequate appropriations. We believe this bill is a step in that direction.

Our organization has only one commitment—the care, protection, and welfare of children and youth. To us, the problems of children and youth seem greater, more complex, more devastating, than ever before. We also firmly believe that children cannot be helped unless in some way, we can help parents to be better parents. We are deeply involved in programs related to juvenile delinquency—drug abuse, the tragic rise in VD among our youth, children so emotionally disturbed that they stand little chance of success in school. Consideration of all of these problems is an aspect of our juvenile delinquency program. Many features of this proposed bill give us hope for help in copying with these problems.

Thank you very much for the opportunity of expressing our con-

cern to you today.

Senator RAYH. Thank you, Mrs. Kimmel.

I share your concern and your frustration about how little progress has been made in this area since you presented your views in 1967. I cannot promise you that history will not repeat itself. If it does, it will not be due to lack of effort by the chairman of this subcommittee. I am hopeful that with the assistance of your organization, and organizations like yours, we will be able to create grassroots support for action on juvenile delinquency. The children's lobby in America ought to be the largest one in existance. The question is how we harness the concern for children and how we bring this concern to bear on the political process. Perhaps I am naive but I think it can be done. I am not going to accept that as the final chapter.

Let me ask you about your experience in the volunteer area in the program that PTA has carried out with the National Council of Juvenile Court Judges called "Volunteers in the Courts." You mentioned that the judges have stressed that without adequate volunteers there is no way to get on top of this kind of a problem. Could you tell us a little bit more about how this program operates?

Mrs. Kimmel. With the help of the juvenile court judges, we have held workshops all over the country in the eight various regions of our PTA. Now, we have brought people from the cities and communities together in these workshops in teams, which included a juvenile court judge, a school superintendent, a PTA president and,

if possible, a youth from the area.

In this, we have tried to give instructions to the PTA people and, very often, there was a probation person as a part of the team, too. These people then go home and start training groups within their own communities and, of course, also working always with the juvenile court. The volunteers cannot be of service unless they are welcomed by the court and if the court is willing to give some help in the training of the volunteers. Then they work primarily as the court chooses to use them, and so the pattern is varied from area to area.

The PTA's greatest wealth is in human resources. We have people to provide and certainly the State PTA president and the juvenile protection chairman of the States have spearheaded these programs and where the courts are willing to use them, we have had programs

set up in the volunteers working with the courts.

Senator Bayn. Have you had success in achieving a significant

number of volunteers?

Mrs. Kimmel. Yes. Some areas have had a great many people working. You know from your experience in this that immediate success is hard to see, and there were even people at our conferences who say, "Well, we have tried this and we lost every kid and they went back to the institution." The judges tried to impress upon our people too, that sometimes the benefits are too far in the future for us to see immediately. But, there are many programs working in the country now and we are slowly but surely increasing the number of programs.

There is a program in Chicago, too, working with volunteers in the courts and I think I sent some documented evidence to your

office on that some time in the past.

Senator BAYH. Yes; we appreciate getting that information. As you pointed out, in S. 821 we provide for expanded use of volunteers and provided for training of volunteers. Are there any suggestions you might have to give our subcommittee that would improve the provisions of the bill in this area, or in any other areas?

Mrs. Kimmel. Well, not necessarily. I think in the bill 2 years ago you did not refer to volunteers. Now the volunteer is more in

evidence in the new bill, as I read it.

Senator BAYH. I would not be surprised if the PTA input is not

responsible for that change.

Mrs. Kimmel. We feel that it is very important that the volunteers be used. There are all kinds of programs with paraprofessionals. I sent you a little bit of evidence, too, of a personal experience that I have had. My son and his family are involved in a rehabilitation program in southern Indiana. I think it started out to be the Clark County program, and I have been able to watch them as foster parents' youngsters. Most of the kids they get are out of jail. We have such a firm belief that the rehabilitation of children must take place in the community in which they live, and in which they must return to, if we take them away. We believe this is the place where the work must be done and that the families must be helped as well as the children.

Senator Bayii. I have had some experience with the Clark County program. As you may know, I had a chance to observe that program firsthand and to see what Judge Martin accomplished there with the help of volunteers. It is with a little bit of personal pride that I would say that if we had that kind of program in every county and State in the Nation we would really have made a great deal of progress,

Mrs. Kimmel. This is true, and I think unless volunteers have some training it is hard for us to adjust our sights because this is difficult work, and people must be prepared to do it. It is the hope of our bill—this bill—that you can provide that assistance so that

we, as people, can be more helpful in the program.

Senator BAYH. No problem dealing with juveniles is really going to be solved by the passage of one bill, the election of one judge, or the astuteness of one parent-teachers' organization. It requires a

composite, team effort in each community.

What are your impressions of the quality of juvenile court judges? I have been very impressed with the members of the National Council of Juvenile Court Judges with whom I have come in contact. I suppose by the very nature of their interest, that they are the cream of the crop. Are there things that we can do to provide more expertise in the juvenile court?

Do you have any input you would like to make in this area?

Mrs. Kimmel. I really have no expertise here because, as I say, we work with the Council of Juvenile Court Judges and in the workshops it is kind of like, you know, at church you talk to the people who are there. People who are at the workshops are the juvenile court judges who are interested in promoting this program, and I am sure if we could fan out over the country we would find many PTA people who say, "Well, I would like to work with the juvenile court program, but our juvenile judges are not interested in this." I really do not know how you can legislate that. That is not within my purview of information.

Senator Bayn. The proposed legislation provides incentives for additional training of both professionals, paraprofessionals and volunteers. This is certainly one of the areas where the Federal Government can make a contribution. I firmly believe also that the Federal Government must establish national goals and that the PTA can help to shape those goals and help to see that they are carried out at the local level. Some juvenile judges may be insensitive to the problems of the young but are not insensitive to the concerns

of their parents.

Mrs. Kimmel. I think if there are funds available, that we can say there are funds available to train people to work with you,

it will help. I think that some judges' fears are justified that they do not want people meddling in their business who are ill prepared to do this. I think that motivation is part of it, and then the funds to back up people's good intentions with some training.

Senator Bayn. Well, I'm impressed. We have many sensitive and concerned judges but not only such judges but others would be impressed by the work of your organization in training personnel to

work in juvenile courts.

You have been very kind and very patient and I want to thank you and the members of your organization. We are honored that you would take the time to be with us this morning, and I hope that you will continue to be helpful in a continuing advisory capac-

Mrs. Kimmel. We will be in touch. Senator BAYH. Thank you very much. Mrs. KIMMEL. Thank you.

[Mrs. Kimmel's prepared statement is as follows:]

PREPARED STATEMENT ON JUVENILE JUSTICE, BY MRS. WALTER G. KIMMEL, COORDINATOR OF LEGISLATIVE ACTIVITY NATIONAL PTA

Mr. Chairman and members of the committee; we greatly appreciate the opportunity of offering to your committee the views of the National PTA in respect to the provisions of the bill to improve the quality of juvenile justice in the United States, to provide a comprehensive, coordinated approach to the problems of juvenile delinquency and to achieve other related purposes—the bill known as the Juvenile Justice and Delinquency Prevention Act of 1973.

I am Mrs. Walter Kimmel of Rock Island, Illinois, coordinator of legislative activity for the National Congress of Parents and Teachers-an organization

with a membership of approximately 9 million.

Concern for children has been the reason for our existence since the founding of the PTA in 1897. Problems change and social conditions change, but the needs of children seem to be constantly on the increase. The PTA's concern for the protection of children and the prevention of delinquency has been continuous through all the years. Early in our history, we were involved in the efforts to secure juvenile courts in every state. Judge Ben B. Lindsay has been quoted as saying that no one factor has done more to advance this cause than the efforts of our organization.

We have been associated with the National Council of Juvenile Court Judges for several years. We have held and are holding conferences across the nation involving thousands-possibly millions-of people which will provide information and training for people working with children. As early as 1967 we joined the judges in a program, "Judicial Concern for Children in Trouble." Our current joint project is "Volunteers in the Courts"-a program for training volunteers to work with the court, the family, and the child in trouble. Early in this work, cooperating judges impressed upon us that, from their experience, a child in trouble does not live in a vacuum—he usually lives with a family in trouble.

We will not belabor the statistics which are already a part of your records. We are alarmed at the increase in juvenile crimes, and saddened by the high rate of recidivism. It is said that juvenile crimes cost society billions of dollars every year, but no one can estimate the cost in human resources and human suffering.

Therefore, we find great hope in many of the provisions of the proposed bill. Yet, it reminds us that in 1967 we appeared before a similar committee urging the enactment of many of the same provisions—such as the separation of juveniles in trouble from adult criminals. The PTA has participated in and initiated surveys and questionnaires all across the nation, and we know, as do you, that in some places children are still detained in the same quarters as adults, under circumstances not only bad but inhumane. We believe, too, that rehabilitation must take place within the surroundings of a young person's community and family.

The findings of this committee certainly indicate the need for coordination of federal efforts in the area of the prevention and treatment of juvenile crime. Those of us who share your concern for children have tried to find our way in supporting specific pieces of legislation and in helping to implement that legislation, but the maze of programs has made this difficult. If an Office of Juvenile Justice and Delinquency Prevention could indeed coordinate all of these efforts into one effective program, surely our youth, as well as the nation, would be better served.

We are pleased that provision would be made for a substantial amount of the funds to go to the states and hopefully be forwarded for local use. We observe that there would be training of professionals and para-professionals for service in the court system. We would like to suggest the training of volunteers, both youths and adults, as well. A former president of the National Council of Judges was recently quoted as saying, "Without some system of utilizing volunteer services to assist our staffs in rehabilitation of juvenile delinquents, the juvenile courts as we know them today will go down the drain." Just as children are teaching other children, there is a great reservoir of help in young people, as volunteers, to help in the rehabilitation process. Successful programs are now operating as models. Organizations such as the PTA can give tremendous assistance to the courts if funds are available for training volunteers.

We are impressed with the possibility of alternate methods to institutionalizing the youthful offender-community based programs with services to the family as well as the child, foster-home care, group homes—all clements of rehabilitation which give new hope for our children. More than 50 thousand children are currently in correctional institutions—even though indications are that offenders are usually further damaged-not helped-by being institutionalized.

We have long supported the various programs of child life research that are carried on by the various federal agencies and have believed they should be correlated and supported by adequate appropriations. We believe this bill is a step in that direction.

Gentlemen, our organization has only one commitment—the care, protection, and welfare of children and youth. To us, the problems of children and youth seem greater, more complex, more devastating, than ever before. We also firmly believe that children cannot be helped unless, in some way, we can help parents to be better parents. We are deeply involved in programs related to juvenile delinquency-drug abuse, the tragic rise in VD among our youth, children so emotionally disturbed that they stand little chance of success in school. Consideration of all of these problems is an aspect of our juvenile delinquency program. Many features of this proposed bill give us hope for help in coping with these problems.

Thank you very much for the opportunity of expressing our concern to you today.

JUDICIAL CONCERN FOR CHILDREN IN TROUBLE

(Resolution adopted by the 1969 convention delegates)

Whereas, State PTA surveys in connection with the September 1968 National Conference on Judicial Concern for Children in Trouble indicate that facilities and services are tragically inadequate in many communities; and

Whereas, Official agencies and citizens in those communities have not been

sufficiently responsive to the needs of children in trouble; and

Whereas, The joint efforts of the National PTA and the National Juvenile Court Foundation have been directed toward solving the problem of inadequacies to meet the needs of children in trouble; and

Whereas, Authoritative sources indicate that the increasing number and size of institutions for care of youth away from their home is not the single answer to the problem; and

Whereas, The report further showed a tremendous need for increased supportive services to the juvenile court; and

Whereas, By the Objects of this organization we are dedicated to the care and protection of all children; therefore be it

Resolved, That each PTA member and each unit be urged to become involved in the welfare of these children in the local community, and in the programs which affect these children at any level.

Senator Baym. Our next witness this afternoon is Robert Cain, Jr., the director of the Division of Juvenile Corrections, Department of Health and Social Services of Delaware. I understand he is testifying on behalf of the National Association of State Juvenile Delinquency Program Administrators.

We had originally planned, Mr. Cain, for you to be our leadoff witness, because we thought it was appropriate that the state agencies which have the direct responsibility for juvenile delinquency programs be given a chance to show what they are doing and could do

if S. 821 is passed.

My apologies again for keeping you waiting and my appreciation for the fact that you have persevered. Please go ahead.

STATEMENT OF ROBERT D. CAIN, JR., DIRECTOR DIVISION OF JUVENILE CORRECTIONS, DEPARTMENT OF HEALTH AND SOCIAL SERVICES OF DELAWARE ON BEHALF OF NATIONAL ASSOCIATION OF STATE JUVENILE DELINQUENCY PROGRAM ADMINISTRATORS

Mr. Cain. Mr. Chairman, I am happy to be here this morning for three major reasons to testify before your committee. The first reason is that in all sincerity the Juvenile Justice and Delinquency Prevention Act of 1973 has the potential, within the foreseeable future, to bring about the most comprehensive and progressive reform in juvenile justice and delinquency prevention and treatment efforts in the history of the United States.

Senator Bayn. That is quite a statement.

Mr. Cain. This is a very sincere statement and on behalf of the National Association Executive Committee we commend you for your bold and courageous leadership to propose such a bill at a time when our Nation and States are suffering from severe fiscal constraints and

all programs and priorities have to be reassessed.

I am honored to be representing the National Association of State Juvenile Delinquency Program Administrators in making this statement. This association represents the heads of State agencies in 44 of the 50 States who are responsible for juvenile delinquency prevention and treatment programs. The only States that are not yet members of this association are those that do not have statewide systems. We have extended invitations and are working with them to get additional involvement.

The third reason that I am very pleased to be here this morning is that we have made, we think, some very dramatic progress in the State of Delaware in preventing and treating juvenile delinquency and we would like to share that with you. But, at the same time, we would like to point out that we have not yet faced the substantive issues that are included in this new legislation that will allow us to complete the job and effectively prevent the delinquency of the future.

We have prepared and are submitting for the record, two statements; the first is the position prepared by the National Association which I would like to just briefly highlight, and then leave it for the record.

Senator BAYH. We will place your statements in the record as if you had given it in toto and appreciate your highlighting it for us

orally.

Mr. Cain. Fine. The basic thrust of this statement is to give very strong support to this new legislation. It is based on the premise that we have delinquency and social devience because our society is imperfect. The institutions that have been designed are incapable in their present structure and organization to provide the service that is needed. This position supports the creation of a new national agency as recommended in this act to provide the national leadership, coordination and priority setting to bring about a new national effort in this area.

This position also includes examples of programs that are currently taking place in 29 States and more than 65 programs are illustrated as the kinds of programs that could become a possibility on a national basis when this act is fully implemented. The act as now prepared, if it survives the Federal legislative process without substantial change will, without a doubt, have tremendous impact on making successful programs available to and sustain their operation in States throughout the country.

One of the concerns of our association is to share information on problems, and the resolution to those problems so that other States may benefit. The National Institute proposed in this bill would

certainly help us in this effort.

The second statement which we would like to also enter into the record is a statement which describes the progress which we have achieved in the State of Delaware. In particular, it was only 3 years ago in Delaware that Howard James, a National Pulitzer Prize winner from the Christian Science Monitor, visited juvenile institutions in Delaware and found the conditions that are listed in the findings of your bill; institutions which are overcrowded, understaffed, corporal punishment was commonplace, the system was punitive, not in the least therapeutic and, in fact, children were being abused and exploited beyond belief.

Senator Bayn. When did these events take place?

Mr. Cain. This was 3½ years ago. It was in 1969 that Mr. James came to Delaware. The resulting articles from his visit, and the national and local publicity, resulted in extreme public expressions of concern and indignation. The Governor of the State made a commitment at that time to correct the situation by bringing about a massive and swift reform in the Juvenile Correction Services of the State. This position describes what has happened in the last 3½ years and we think it is very substantial.

At that point in time, there really were no community-based services of substance. Juveniles were still incarcerated in the adult prison system and the only effort of any kind of delinquency prevention were liimted to very secondary level programs such as public

speaking.

We hasten to add that while we are very proud of our accomplishments, we also are very much aware that we still have very serious problems to resolve. Our efforts to date have been basically to develop the existing system and to make it function the way it should. We

have not faced the more substantive issues that this new bill will face in bringing about the major societal change necessary if we are to

effectively overcome juvenile delinquency and youth crime.

In the final portion of this paper we have some comments which illustrate what the impact of the National Juvenile Justice and Delinquency Prevention Act of 1973 will be on our programs. I think this is the very essence and the heart of what is possible if this legislation becomes reality. It has been known for many years that there has not been effective or adequate national leadership in this area. There have been some well-intended efforts but they have not been well enough funded and they have not had the sustained leadership that is necessary to really bring about a unified national effort to serve the problems of children and youth. This is a very attractive, but to date, it has been a very elusive concept.

Another factor of the bill that we consider very important is that while at the same time the national leadership and funding is provided for, the States and local communities throughout the State will be supported in developing and increasing their capabilities to actually deliver service and work directly with people. This is a tremendously important aspect of local, State and national relationships.

The amendments proposed in this bill to the Federal Juvenile Delinquency Act, we think, will have great significance. While at the State and local levels, local juvenile and criminal codes are, in fact, the most important laws except in the case of a Federal offense. The fact that Federal law is being improved and will be providing leadership in this fashion will, no doubt, have significant impact on the relationship and revision of local codes. Most States are in need of a comprehensive and continuous revision of codes and if we can incorporate in State codes throughout this country the provisions that are included in this bill, such as the right to a speedy trial, the guarantee of constitutional rights, the application of due process, counsel at parole revocation hearings, the removal of people who have committed no criminal offense from the correction system; these things are just as essential at the State and local level as they are at the national level, and we consider this to be one of the most significant sections of the bill as far as its potential impact on the judicial

The proposed National Office of Juvenile Justice and Delinquency Prevention, we see as having the potential, to bring about for the first time the concentration of Federal effort that is required if we are to be successful in this new effort. While there are many resources currently available through the more than 40 Federal agencies to have funds and programs that are designed to work with youth, the history is that they have not been well-coordinated and even if the funding proposed in this bill has to be reduced as it proceeds through the legislative process, it would be a tremendous asset to the States and local communities to coordinate what already exists in the way of programs, policies and funding, so these resources could be con-

centrated on the problem.

The authority of the new office as proposed in this bill, we think, is capable, with the right leadership, of performing this service.

Of major significance to many States and, in particular, I can speak to the State of Delaware, is the section of this bill which provides Federal assistance for State and local programs. Of particular importance to us is the section that requires the development of a State plan for such programs and the requirements of that plan to make the State eligible for funding. We have been fortunate in Delaware that our local law enforcement assistance planning agency, the Delaware Agency to Reduce Crime, has allocated a section of its plan and some funding to delinquency prevention work. But, the creation of a separate single-State agency, and a separate State plan focusing on the problems of children and youth will certainly help us both on a local and national level to bring to the attention of the public, the legislative bodies and the executive departments of these jurisdictions, the problems and needs of youth in a way that we can develop and carry out the major reforms that are needed.

The provisions to remove offenders who have committed no criminal offense from the correctional systems within a reasonable period of time is perhaps the most significant impact that we would immediately feel in Delaware. This means in Delaware that 47 percent of the children that are in our correctional system will be removed and it will call for a major restructuring of both State and private social service agencies to develop a new delivery system to provide the services needed to help these children and youth, without the

negative corrections label.

Senator BAYH. Pardon me, 47 percent?

Mr. Cain. 47 percent of the children in the Juvenile Corrections System in Delaware.

Senator BAYH. That would be for such status offenses as truancy. What other categories are included in this figure?

Mr. Cain. Truancy, curfew violations. Senator Bayn. How about runaways?

Mr. Cain. It still includes runaways. These are offenses that if the child would now be 18 years of age, with the new age of majority, would not be an offense.

Senator Bayn. Truancy, runaways-

Mr. Cain. Well, there are also provisions, although it is not done very much at this time that neglected and dependent children can also still be put in the correctional system which, is something that has been greatly reduced and must be stopped altogether.

Senator BAYH. Do you still use the indeterminate sentence in

Delaware?

Mr. Cain. Yes, the sentence is indeterminate. There are also some delinquency offenses, such as incorrigibility, uncontrolled, which are broad terms that can be a multitude of things. The Family Court system in the State of Delaware was unified under one State-wide administration in September of 1971, and this has improved the judicial administration, but we still have much progress to make in this area.

Senator BAYH. You used the word uncontrollable. That can be applied not only to children but parents and maybe even Presidents.

Mr. Cain. I would say here that——

Senator BAYH. Senators, too. We do not want to be prejudicial to the Executive.

Mr. Cain. My personal point of view in looking at the charge of uncontrolled is that this is probably more reflective of the lack of parental capability to provide the supervision that a child may need. In Delaware we recently did a demographic analysis of our client population and found that 73 percent of the children we currently have in custody are from broken families. Seventy-three percent do not have a two-parent family. We also found that 53 percent of them have a serious history of truancy which implies a problem with the public school system.

Senator BAYH. Do you have any breakdown between those who are not now in your institutions because of their immediate truancy and those who may be there for other acts but first came to you as a result

of truancy?

Mr. Cain. I can say at this time we do not have any children who were committed on truancy offenses, where that is the only charge. We do have children in the system who were committed on a truancy offense along with other offenses which may have taken place while the child was truant. This is an area of concern that the chief judge of the family court in the State of Delaware agrees with, and he has agreed with me that any time we receive a child committed solely on a truancy charge and there is no other history of delinquency that we immediately remove that child from the system.

Senator Bayii. Let me ask you to give me your picture in Delaware as it applies to young people under the age of 18, and those over the age of 18. I notice that your figures show that only 28 percent of those who are now in your institutions have committed felonies; 25 percent have committed misdemeanors. What kind of penalty would be assessed to a young or an older person over the age of 18, say 28 or 80, if he or she has committed a misdemeanor? Are they incarcerated in the State of Delaware for committing a misdemeanor?

Mr. Cain. Some are, yes. Now, misdemeanors also include things like burglaries, for which people are incarcerated, according to Delaware law.

are mw.

Senator Bayn. Petty larceny?

Mr. Cain. Petty larceny. The felonies as coded in Delaware would be the violent crimes or crimes which have a potential of violence. This would include armed robbery, felonious assault, homicide.

Senator BAYH. How do you define a misdemeanor or is that less

than 1 year or—

Mr. CAIN. I am not—I do not know what the legal definition is right now. However, in response to your question, if the person is 18 years of age or older, the court, before which the individual comes, if found guilty, would receive a fixed sentence where a juvenile receives an indeterminate sentence and may, in fact, be in the system longer, depending upon what relation other problems have to this child's well-being, than he would be if he were 18.

Senator BAYH. If Delaware is like most States, the sentence or the fine for a misdemeanor is rather limited. In most States a youngster, who commits a misdemeanor at age 15, has the possibility of

as long sentence as an adult would receive for a felony.

Mr. CAIN. That is right.

Senator BAYH. Excuse me for interrupting.

Mr. Cain. Well, in looking at the statistics that are included in the testimony, let me share with you some of the specific statistical factors on our population. Forty-seven percent are committed for juvenile offenses, 25 percent for misdemeanors, 28 percent for felonies, 53 percent have a serious history of truancy, and 73 percent come from broken homes. Sixty percent have no work experience. The average functional educational level is fourth grade, which means that the average individual is functionally illiterate since it takes a fifth grade education to be able to read an ordinary daily newspaper.

Sixty-nine percent are from families with six or more children and 51 percent are from families with less than a \$5,000 income. From looking at this we have come to the conclusion that we are, in fact, more of a child welfare agency that we are a correctional system. The number of serious offenders in terms of deliquent acts are really a very small proportion of our total client population, and those with juvenile offenses, or those that are there for reasons

that really are beyond their control are the majority.

Senator BAYH. What is the average age?

Mr. Cain. Right now the average age is slightly over 16. The age legally ranges from seven through 17. Custody could be retained up to 21, but it is very seldom now that we receive a child under 12 years of age.

Senator BAYH. The average age is 16?

Mr. Cain. Yes. With boys, the average is slightly over 17, with girls it is a little under 16. That averages out to 16 plus for the

total population.

Senator Bayn. If it is not too much trouble, could you give us the chronological breakdown in each category as well as an average age? It would be interesting to know in a system such as yours which has a great deal of enlightenment and how many younger children you have. You say you seldon do get anyone under 12 now?

Mr. CAIN. That is right.

Senator BAYH. If it is not too much trouble if you could categorize the youth in the custody of the Division of Juvenile Corrections by age, we would appreciate it. It is not critical if it would be too time-consuming.

Mr. Cain. To be accurate on that, I would have to send the in-

formation back to you.

Senator BAYH. That is fine, at some later date and we will put it in the record as if you had given it to us right now. Thank you.

Mr. Cain. We, in fact, are now discussing the need to, in addition to the potential represented with this new act, we are discussing very seriously changing our name to remove the label of "corrections." We have used the correctional name only since the State government reorganized from a commission to a cabinet form of government. It was previously called Youth Services. We have found, and I think this is well represented in both the Delaware statement and the national statement presented here, that when an agency bears he correctional label in its name the public interpretation of corrections generally carries a negative "criminal" connotation. And we feel this is a very unfair burden to place on a child

because the public attitude then is to treat this person as an offender, and the level of tolerance for further devience is reduced and the child is pushed further and further into the system. It is time to start talking more positively about the aspects of youth development. We need to overcome juvenile delinquency and youth crime but we also need to do it in a positive and progressive way.

Senator BAYH. I am sure what you say is true about the regres-

siveness, once the title of correctional institution is attached.

Mr. Cain. One other aspect in the appropriations section of the bill that we consider extremely important is the inclusion of private agencies in the overall effort. I think historically one will find that private agencies have been more in the forefront with innovative programs and social change than public agencies have an opportunity to be. Also, it terms of bring about a unified national effort to resolve the problems of juvenile delinquency and youth crime we must use every available resource at the State, local, and national levels. The day when any one agency or any one governmental unit can lay claim to being the sole provider of youth services, is gone forever. If we are to achieve this worthy goal we have to do it in a

very unified and massive fashion.

1-

Related to that, both in terms of public and private agencies, we feel the provision for long-term funding is especially important. Many programs have financial assistance which is based on 1-year grants, and it takes so long to prepare the grant application, to justify the program and to maintain the reports that are required that by the time the program is partially implemented, it is time to start thinking about the second year funding and evaluating what has already happened and the procedural and mechanical aspects of this really procludes sound and indepth treatment programs. Programs of a 3- to 5-year duration, granted they need to be evaluated to see if the funding should be sustained, but programs of this duration would allow a more significant, indepth approach to really developing and providing new types of service that just simply is not possible with 1-year grants.

The demonstration program function outlined in the bill for the National Institute of Juvenile Justice we also feel is a very worthy and a very, very necessary function. In the period of time that we are in now, and the serious financial difficulty that many States or local municipalities are facing, funding at that level which is necessary for a successful, innovative attempt, just simply is not available. If we are going to continue to expand the boundaries of our knowledge in working with human behavior to effectively prevent delinquency and effectively serve problems of children and youth on a national scale, we must expand our current base of knowledge so we can do a better job. The proposed institute and the provision for innovative funding and the research and evaluation that goes with it, we see as a very necessary and essential component of the new program. As it currently stands, State and local governments just sim-

ply do not have the expertise to provide an adequate research, planning, and evaluation function, and with the exception of a few

large States, most States will not be able to develop this capacity within existing resources.

The only additional comments I would have at this time would be to say that the training functions and the function of developing national standards, we also see as very essential in the long-range effort. There really has been no national effort to develop training for persons in this field. There may have been a regional or local effort, but in each State or locality people have pretty much been doing their own thing in terms of staff training, as well as in terms of programs and the decision of what to do is influenced not necessarily by what is effective but because someone thinks it is a good idea. The National Institute which could bring to bear effective training methods and disseminate effective program techniques is one that will be a valuable resources.

Senator Baym. It is interesting to get your appraisal of need for training. We had been trying to get that bill moved since last year. Some of the critics, particularly in the executive branch, suggested that to provide for training capacity would be duplicative of existing training efforts. As someone who receives the benefit of present train-

ing services, apparently you do not feel they are sufficient?

Mr. CAIN. That is right, particularly, with the revolution that is taking place now in the juvenile delinquency field. They are not at all sufficient. If we look at the provision of youth services, historically we find that the attitude has been one which has really been void of treatment. The field is now drawing on the fields of social work, business, education, finance and many other disciplines. The major revolution is now taking place in corrections, both adult and juvenile, by bringing persons in from other disciplines. We are finding, in part, that the knowledge of human behavior and treatment techniques that we take for granted in other fields are new in corrections. We really need to bring about a focus that will recognize and disseminate information, and to establish well-founded principles of working with human behavior. The kinds of programs that exist now may be very good on a regional or local basis but many of them are developed because of a particular professional concept that was proven to be successful or effective, and the program has developed around a research effort or a funding arm or program development arm of the university. Although it may do well locally, we need this kind of an effort on a national scale. I think the same thing could be said for the development of standards. There are several efforts under way now, including the LEAA Judicial Institute in New York, and the National Juvenile Law Center, at the St. Louis University School of Law, where standards are being developed, but there is no national overview of the standards and no one is looking at them to see what the applicability is on a national level. The recent report and efforts of the National Commission on Criminal Justice Standards and Goals began to approach this but really did not go all of the way. But, it certainly helped to document the need for such standards.

In short, what I am trying to say here today is that we are very supportive of this bill. We think it is the best thing that has come along for the future of children and youth in this country, and we

are going to work very aggressively to support it.

Senator BAYH. Speaking for your entire organization-

Mr. Cain. I am speaking for the executive committee with that statement.

Senator Bayn. Well, I am sure that your executive committee, being a very representative and responsive committee knows that this represents the feeling of the whole organization. At least I hope so because we need your help and we cannot thank you enough for your contribution. And we appreciate your complimentary remarks.

May I just ask a couple of questions at you, if you have the time? Is it fair to interpret the remarks that you made to mean that you favor the provision in the bill providing due process for young

people who are facing serious charges?

Mr. Cain. I think there would be some problems initially because the disciplines of the judicial process, the youth-serving agencies, the legal profession, all would need to prepare themselves to provide the additional services required. What I am saying is that I, personally and professionally, believe that it is essential that we do it. The fact that a person may be a child or 16 years of age instead of 18 does not mean that they are not an individual and should be accorded the same human rights that an adult would have. This has been one of the tragedies of juvenile corrections, particularly in this country, that we have not treated children as people. That is very basic principle and that is why I support this provision.

Senator BAYH. We are glad to have your thoughts on it. As one who is charged with this responsibility at the State level and represents others who are, I would like to get your thoughts for the record on whether the present Federal effort in the field of juvenile

delinquency is sufficient.

In no way being critical of the job being performed by the Department of Justice, is it important to bring together outside LEAA a focus for delinquency programs? At the State level, do you have to compete with the traditional system of law and order including hardware for the police and computers? Do juveniles come out second best?

You know what I mean. I do not know what your answer is

going to be.

Mr. Cain. At meetings of our association we have discussed this and we have about as many points of view as we have members. So, I will qualify what I am going to say to indicate that it represents my personal opinion and will go from there. I think we would be better off at the national level if we had a separate cabinet level agency for children and youth. Children and youth need to become our national priority. They have not been a high priority for too long and I think this is, in part, why we are dealing with some of the problems we are today. At the State level, the best material that I have seen developed on the organizational structure or management approach to services for children and youth has been developed by the National Council on Crime and Delinquency. This was in a position statement developed first in 1970 and later it is to be included in a book which I do not think has been published yet. But, this organization recommends that States have a single State agency, preferably a department level, for children and youth services and if that is not possible, due to local, public, political, or financial concerns, then children and youth services ought to be under one division in a larger department but administratively they should

be under one agency.

Senator Bayii. One of the reasons we did not take the position of a cabinet-level post—I could not agree more that as far as priorities are concerned children and youth ought to be at the top—but this suggestion has really been around for at least 50 years without action. We thought that rather than try to get into the position of competing with Agriculture, Commerce, Transportation, and Defense, we could go the route which seemed to be readily acceptable in the area of drugs with a special office created in the White House immediately responsible to the President.

Mr. CAIN. Well, in terms of the national office which would be under the Executive Office of the President, I notice in the bill that there is no indication what would happen to that officer after 1976. We do agree with and support the creation of this office as a way to start this major reform, and to bring about the authority and the coordination and the policy development and setting of objectives. But, the question is, would it continue to remain under the Office of the President after the extent of the present legislation, or would it be shifted to another agency? We have come to no resolution as to what our thinking is on that, but the question has been raised.

Senator Bayir. Well, I must say I appreciate your farsightedness in trying to determine what we are going to do when the authority expires in our present law. I have the very pragmatic feeling that that is going to be an easier problem to resolve than getting this bill passed and establishing this new independent authority in the first place.

You have been very kind.

I may have some other questions on which I would like to get your opinion. I think maybe because of the hour that if you do not mind, we can submit those to you in writing. If you do not

Mr. Cain. We would be happy to do it in writing, if you wish. Senator Bayii. Why don't we do that, and, again, I appreciate your contribution and the willingness of the national association to lend a hand and let us have their expertise. We have tried over the last year or two to mobilize all of you who are giving your lives to this important effort. I do not suppose you could find 5 percent of the people who would take issue with your feelings and mine that the problems of young people are more important than anything else. But, I am convinced we have an equally great challenge of mobilizing the individuals who make up the national association involved into a quasi-political force, and I say quasi because we are not talking about the traditional term of this party or that party, but as concerned citizens you are willing to go out and beat the bushes and talk to responsible politically elected officials to get something done for the youth of this country.

I thank you.

Mr. CAIN. Thank you.

[Mr. Cain's prepared statement, an additional statement on remarks about the Juvenile Justice and Delinquency Prevention Act of 1973, and a letter supplied for the record are as follows:]

REMARKS ABOUT THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1973—INCLUDING INFORMATION ABOUT PROGRESS IN THE PREVENTION AND TREATMENT OF JUVENILE DELINQUENCY IN THE STATE OF DELAWARE

(Prepared and Presented by Robert D. Cain, Jr., Director, Division of Juvenile Corrections, Department of Health and Social Services, State of Delaware)

To get an appreciation of the accomplishments in Juvenile Corrections in Delaware from 1970 through 1972, we must first speak to the condition of Juvenile Corrections in the sixties. If we take 1969 as the point in time to make our evaluation of the sixties, the summary statement would consist of one word—"neglect." During a period when juvenile delinquency was growing by leaps and bounds in Delaware and across the nation, the State was paying little or no attention to the care and treatment of juvenile delinquents.

In the decade from 1960 to 1970 commitments of youthful offenders to juvenile institutions in the State of Delaware increased one hundred twenty percent compared to a population increase of twenty-three percent in the state for the same period of time. The rising rate of commitments continued through 1971 and 1972, but is showing a slight downward trend for fiscal year 1973.

It was only three and one-half years ago. In 1969, that Mr. Howard James, a Pulitzer Prize winning reporter on the staff of the Christian Science Monitor visited juvenile institutions in the State of Delaware. The resulting articles by Mr. James brought to national attention a number of very disturbing facts about the way children were being treated in Delaware institutions. Children were being warehoused in institutions with little or no service provided. Corporal punishment was commonplace and youth who were placed in the custody of the State for "rehabilitation" were being exploited, abused, and punished beyond belief. These facts were later confirmed by an extensive investigation by the State Attorney Generals Office. At this point in time Delaware's juvenile institutions were not centers for treatment and rehabilitation, but in fact had become, perhaps in the most negative sense of the term, schools of crime.

As a result of the efforts of Mr. James and the local press, the Executive and Legislative branches of State Government and citizens throughout the State of Delaware became painfully aware of this tragic situation. With these facts in the open and amid cries of public indignation and concern, the Governor made a commitment to swiftly and effectively correct this situation by providing the appropriate executive leadership in bringing about a major reform of the juvenile corrections system in the State. The Governor requested the Delaware Council on Crime and Justice, a local United Fund supported agency, to conduct an in-depth investigation, and prepare recommendations for upgrading and expanding Delaware's services for delinquent children.

This was the beginning of the reorganization and reform of services for juveniles which has resulted in the programs and services of the Division of Juvenile Corrections as we know it today.

Given the circumstances just described, the challenge to bring about an improved and effective system of the juvenile delinquency prevention and treatment services in the State of Delaware was a formidable task.

However, in contrast to what existed in 1969, there have been major improvements in an expansion of programs and staffing throughout the Division during the past three years. In illustrating the improvements I will briefly contrast the outlook of 1969 with todays encouraging progress.

The major programs and responsibilities of the Division are briefly described in the following paragraphs:

DIVISION OF JUVENILE CORRECTIONS

The present Division of Juvenile Corrections is a part of the Department of Health and Social Services of the State of Delaware. The responsibilities of the Division, as stated in the Delaware Code are: * * * "the administration of all State-owned training facilities for the detention, care and freatment, and aftercare supervision of juvenile delinquents. In addition, the commission (Division) shall foster the expansion of community services directed toward the overall prevention of juvenile delinquency * * *."

Administration and Management Support Services

It was and is not enough to limit the administration of correctional programs to the operation of institutions and post-institutional services for released

offenders. The Division, to be taken seriously and to be effective, had to accept the responsibility to provide the foresight and leadership in setting and achiev-

ing goals for preventing at well as treating juvenile delinquency.

The commitment of the State of Delaware to bring about a viable and effective system of youth services has received unprecedented support from the Office of the Governor and the State Legislature. Substantial increases in financial resources necessary to do the job have been provided. The Division's operational budget has grown from 1.3 million in fiscal year 1969 to more than 3.5 million, including State Federal, and special funds for program operation, during fiscal year 1973. An additional 4.2 million in capitol improvement funds is currently being applied to renovation or new construction program to replace obsolete facilities.

The administrative support services which existed in 1969 were primarily related to fiscal management and food services. With the commitment to revitalize the system and to provide effective management and services, it was essential that additional State-wide management supportive services be

developed.

Program Development and Evaluation.—An Office of Program Development and Evaluation was established. The responsibilites of this office were identified as, (a) initiate and maintain a useful information and statistical system; (b) evaluate the effectiveness of rehabilitative programs and treatment methods; (c) determine the cost benefits of current and proposed programs; (d) recommend appropriate programs and assist in their implementation; and (f) assist in coordinating the Division's program development activities with other public and private agencies.

Prior to the establishment of this office in 1972, there was no formal effort within the Division to conduct program development and evaluation activities by professional staff with special training and experience. A most obvious weakness of most corrections systems, and specifically in this Division, has been the lack of sound program planning and evaluation. Program development historically has been on a hit or miss basis with no assurance whatsoever of

effectiveness, quality, efficiency, or accountability.

This first experience of the Division in an effort at systematic program development and evaluation activities at all levels of the operation has taken much time and effort and has involved the entire Division. One of the most serious problems of the Division was the lack of capability to measure effectiveness of programs and treatment techniques. There was no significant effort to measure quality which would permit a comparison to present programs and/or techniques, or to select new alternatives with assurance. Continued and expanded program development and evaluation activities will improve the capability of the Division to justify programs, to select and implement alternative programs, to consider reorganization or modification of existing services, to establish a sound data basis for developing priorities, and to begin the development of long-rauge comprehensive plans as well as systematic shortrange efforts. In short, a quality Program Development and Evaluation capability is essential to permit a sound management approach for the Division.

Personnel Administration and Staff Training.—An Office of Personnel and

Staff Development was established. This office was given the responsibility for providing supportive personnel services to the Division's programs and facilities, including labor relations and staff training activities. This was the first full time Division Personnel Office. Its creation enabled the individual program administrators to spend their time in program related areas rather than on supportive personnel functions. The centralized personnel unit currently assists in implementing a uniform approach for routine matters of personnel administration such as preliminary recruitment and screening of new staff, and the mechanical aspects of salary increments and promotions. The office provides day by day liaison with the State Personnel Commission, and technical assistance to individual program administrators as necessary to properly administer the State Merit System. This centralized personnel unit is also responsible for continually reviewing and recommending improvements in the Division's personnel policies and practices, reviewing job descriptions and pay grades and recommending appropriate adjustments to insure that they are competitive. This staff also serves as the labor relations unit for providing liaison with employee unions and assisting management in the resolution of staff grievances and concerns. Additional services include the development and implementation

of performance evaluation procedures, recruitment and training of staff, conducting termination interviews, and insuring the proper use of personnel files.

This office is also responsible for the development and coordination of orientation and training programs for the staff throughout the Division. Up to this time, the Division had little in the way of training or orienation programs for staff. As a result, staff at all levels had minimal preparation for their jobs. A well planned and executed orientation and training program is necessary to enable staff to achieve and maintain the required skills and attitudes. In order to fulfill the responsibility of treatment and the necessary uniformity in application of policies and procedures, employees with varying backgrounds both occupationally and educationally must be welded into cohesive terms. The degree of success in rehabilitating delinquents is directly related to the attitude, skill, and knowledge of staff. Successful training programs also help to improve staff morale and results in a decrease in staff turnover which ultimately results in a better service to our client.

The current staff development program includes planning for and conducting in-service orientation and training programs for (1) orientation of new and existing staff; (2) assisting with staff meetings in all program units; (3) developing training programs that will: (a) provide staff with the techniques and knowledge necessary for job accomplishments; (b) help staff recognize and accept the need for personal growth and development; (c) prepare staff

for greater responsibility and advancement.

Additional staff development activities have included (1) establishing relationships with universities and agencies for developing credit and non-credit courses for volunteers and Division employees; (2) coordinating efforts for Division-wide programs, and; (3) continuing a constant review of training

programs and needs.

The importance of this major emphasis on improved personnel administration and staff development programs becomes apparent when it is realized that the Division's staff was doubled in number and was substatially upgraded in quality within a three year period. Minimum qualifications were established for every position, graduate level training is now required for all positions of supervisory and administrative level in treatment programs. Substantial revisions in job descriptions and increases in salary scales were accomplished resulting in the recruitment of retention of quality staff in direct client treatment positions as well as key administrative positions.

Community Relations and Volunteer Services.—An Office of Community Relations and Volunteer Services was established early in 1972. The Community Relations program is primarily directed to Division staff both paid and volun-

teer and also to our clients, both individual and family.

An important first concern of this program is the establishment of individual expectation, responsibility, pride, and confidence among Division staff members and volunteers. Ideally, the staff should be an integrated and well functioning team with its members working together toward recognizable goals. Thus, the program is heavily focused on the communication of overall Division philosophy and on familiarization with total program purpose plant structure.

Of equal concern is an information program for the youth and their families. "Why am I here; what can I expect during my stay; and what awaits me when I am released", are questions that must be answered to the satisfaction of both the individual and his family if rehabilitation efforts are to have

maximum effect.

Paralleling this basic effort to increase intra-Division understanding and responsiveness is a public information effort aimed at community leadership, designed to attract additional volunteer services and supportive public cooperation.

The major premise of the Community Relations Program is that it is essential for the community in which the youth lives and with which he/she identifies to be involved in programs for youth development. Residents in the community, especially of the same ethnic or racial background, are more likely to understand the needs of the youth than outsiders. The objective of community relations programs, therefore, is to enable the community to identify its own resources and/or create new resources whereby it can come to the support of its own children. Residential treatment programs are designed to keep youth in close relationship with their communities rather than isolating them from their communities, as is now so often the case. More effective links of communication and collaboration are being developed between the local

community and the institutions and the programs which are designed to serve the youth of that community. The local community must not feel that services are simply presented to it or imposed upon it, but rather are made available to satisfy the needs of youth as the community helps to define them.

The Volunteer Services Program was initially established with assistance from the Delaware Council on Crime and Justice. After one year of assistance from this private agency, the Division assumed full responsibility for this

program.

The Volunteer Services program has proven to be extremely valuable in helping the community to understand what the Divsion is responsible for in its various facilities and programs, and also for helping the Division to most successfully carry out these responsibilities. At the present time, there are more than 300 volunteers working throughout the Division in tasks such as: individual tutoring, organizing recreational activities and carryout out special projects. Most of the involvement was intially accomplished on an informal basis without any real coordination or attempts for proper recruiting, screening, and placement of volunteers. Recently, a staff person to coordinate volunteer services on a State-wide level has been added to the Division's Central Administrative Office to assist in developing and implementing improved techniques for recruitment, screening, training, placement, and supervision of volunteers. This staff member will continue to assist in the development of volunteer programs where they will be beneficial to our clients and will help provide assistance to program administrators in developing and maintaining improved understanding and working relationships between paid and volunteer staff. We hope to increase the number of volunteers working with the Division by at least one hundred percent by the end of fiscal year 1974.

Detention Services

Bridge House.—The Bridge House Detention Center, which serves Wilmington and New Castle County, operated a severely limited custodial oriented program in 1969. The institution was continually overcrowded and understaffed and medical and psychological testing as well as athletic and recreation programs were almost non-existent.

In contrast to the above, Bridge House now has doubled its testing and remedial education services and now includes athletic and arts and crafts and recreation programs. Attention is given to medical examinations upon intake with appropriate follow-up for necessary treatment. Bridge House is a coeducational institution. A volunteer Foster Grandparent program is very effective in providing supplemental program activities. The administration of Bridge House has been substantially improved. Bridge House still experiences periodic overcrowding due to limited space and lack of alternative community placements for children who do not really need a detention setting. Plans are underway for the Division to sub-contract with a private agency to open additional shelter resources which will alleviate this problem.

Stevenson House.—In 1969, the Stevenson House Detention Center which serves Kent and Sussex Counties was a new spacious coeducational facility which was frought with problems of ineffective administration resulting in poor quality programs, The administration has been improved and effective

liaison with the Family Court has been established.

Stevenson House now provides, in addition to its medical examination intake program, psychological testing, and quality educational programs. This facility also has significant extra-curricular program activities made possible by a very active Foster Grandparent program. Services provided also include regularly scheduled athletic and recreational programs and exploratory vocational counseling.

Residential (Institutional) Treatment Services

Ferris School for Boys.—A prison for children best describes Ferris School of the late sixties. Corporal punishment was common-place, treatment personnel nonexistent, educational programs practically non-existent, case records were not kept, living area privacy was totally lacking, illegal detention was routine, the institution had virtually no intake program, and it was constantly overcrowded and understaffed.

To-tailor a program for each individual student's needs, an intake program has been developed at Ferris School which now includes medical, psychological,

social, and educational evaluation. A new diagnostic-medical-reception center is currently under construction and will be completed in July of 1973. This new unit will house boys during their initial introduction to the institution and diagnostic testing period.

The academe school program at the institution now provides a specialized program for students at all grade levels and also includes a "phasing in" program for new students with adjustment problems. Remedial reading, social studies, language arts, and remedial math are included in the curriculum. An average stay in the Ferris educational program of four to five months has been demonstrated to raise grade levels an average of .75 and in some cases in excess of 1.0. In addition, an excellent vocational program includes auto mechanics, carpentry, cabinet making, re-upholstering along with a variety of arts and crafts.

A full time counselor is provided for each of the cottages and complete case records are maintained. Social activities now include a full scale recreation program with a monthly calendar of scheduled social, academic, and recreational events. The volunteer program is growing and provides many extra curricular activities. Volunteer services are coordinated by a full time VISTA volunteer. An "honors" program as reward and incentive for mature behavior is functioning successfully in the volunteer-renovated Ball Cottage. This is a pre-release program. The administration of the institution has been greatly improved.

Plans to implement a behavior modification treatment modality are well underway and the initial phases of this new program will be introduced early

in March of 1973.

1

Woods Haven-Kruse School for Girls.—Adjudicated delinquent, a girl was "put away" in the Woods Haven-Kruse School for Girls and left to wait out her release. Until the recent development of programs at this institution, the girl often returned to the community more frustrated and bitter than when she went in. There was an extremely limited diagnostic-medical intake capability; academic and vocational education programs were almost nonexistent; living quarters were dreary and totally inadequate; and the facility was continually overcrowded and understaffed.

A new diagnostic-medical-reception unit has been in operation since its completion in 1970. Girls reside in this program during intake while completing

extensive medical, psychological, educational, and social evaluation.

Academically, the school now offers an excellent remedial reading class, social studies, language arts, and remedial math. A greatly expanded vocational program offers courses in cosmetology, typing, home and factory sewing, cooking, horticulture, and nursing education. The educational program now meets specialized education standards.

Some girls who are functioning at an adequate academic level attend public school in the local community of Claymont, Delaware. Older girls who qualify

attend accredited vocational training programs in the community.

Special efforts to involve the community with the school has resulted in an excellent volunteer program which provides the girls with supervised activities away from the institution, including bowling, movies, skating, trips, and other social activities. The volunteer help has been responsible for activating a small, but very good, library.

New cottages have been constructed to provide individual living units for every girl. These cottages are in the final phases of completion and will be in use by the end of March 1973. The cottages being replaced with the new housing are being renovated to provide expanded day program space, offices, and storage areas for the institution. A pre-release honor cottage program has been in operation now for several years.

A new behavior modification program was introduced at this institution in September of 1972 and has received enthusiastic support and cooperation from

both students and staff.

Delaware Youth Center.—Prior to September of 1970, older, more aggressive, juveniles who could not function in an open institutional setting were housed with adult offenders in the old New Castle County Correctional Institution near Wilmington. The juveniles in this particular situation received virtually no treatment. There were no counselors or other treatment staff available to work with juveniles in this setting. The physical condition of the "First Offend-

ers Building" in which juveniles were housed was deplorable. Recreational op-

portunities were an extremely negative anti-social inmate culture.

Established by Executive Order of the Governor, the Delaware Youth Center housed in the renovated Kent County jail building in Dover, Delaware, for the first time provided the capability to remove all juveniles from the adult prison system. This action rectified a most serious failing in the State's correctional system. The program at the Center utilizes a successful team and peer group treatment program. The total staff was recruited from the Dover community and surrounding areas especially for this facility. On-the-job training programs in team-treatment concepts, institutional program and security procedures were developed and conducted by the superintendent. Every staff person at the facility participates in the individual counseling program and each student participates in small group therapy sessions. The educational program includes individual tutoring, remedial academic work, and exploratory vocational testing. Through the growing volunteer program, community facilities are available for busketball and swimming. The program is designed so each youth knows what his participation in the program must be to earn his way back into the community.

Progress in the Center's program is on the basis of "contracts" for program activities and privileges which the student may initiate at any time. A further impact of the group treatment program has been the removal of all locks from the dormitory areas, resulting in student established socialized values against stealing. Interpersonal skills developed in therapy sessions have made it possible for once shy and defensive youth to develop enough confidence to speak before community service organizations and churches, resulting in increased volunteer participation and donations of program equipment for the Center. All leading court decisions about the rights of incarcerated individuals which can be implemented at this time are routine procedures at this facility.

Funds have been approved to construct a new Youth Center to replace the

present obsolete facility.

Educational Services.—The Division is especially proud of its educational program which is provided in all five of the institutions listed above. The educational program budget, staff, and services, has been virtually doubled to meet special education standards established by the State Department of Public Instruction for services to socially and emotionally maladjusted children. Vocational counseling and training programs have also been expanded to all facilities. The educational program curriculum is now certified by the State Department of Public Institution and transcripts and grade credit are now transferrable between the Division and every public school district in the State. The time a juvenile is in a correctional facility is no longer lost in his educational development. In 1972, for the first time, juveniles who were in the Division's facilities who had achieved senior high school status graduated with diplomas from their local public school system. All students who are placed in the Division's institutions who are not capable of returning to the public school system because of age or behavior or educational problems now have an opportunity to complete the General Educational Program Development and training requirements and may receive a high school equivalency certificate.

Aftercare Services.—Prior to the reorganization and expansion of the Division. Aftercare services were almost non-existent (post institutional). Many youth who were placed on Aftercare status never saw a counselor. Caseloads exceeded 200 individuals per counselor. The program focus was one of authoritative supervision. Separate, but totally inadequate, programs were provided for boys and girls resulting in duplication of service in working with some families. Because of the woefully inadequate staff, the only service actually provided was responding to emergencies on a day by day basis. Existing records

were inconsistent and incomplete.

A new Aftercare Bureau was established early in 1970. Services for boys and girls were consolidated into one program and decentralized and staffed throughout the State. Uniform recordkeeping procedures were established, resulting in accumulation of the first reliable statistics regarding the number of Aftercare juveniles who return to the institution. The increased staffing and decentralization resulted in staff residing in the areas they served. Counselors are now "on call" on a 24 hour per day, seven day a week basis. For maximum effectiveness, an effort is made to keep case responsibility at no more than 25 to 30 cases per counselor. This is not always possible depending on the number of

cases and budget and staffing limitations, but significant progress has, and is being made. Current services exceed the U.S. Department of Health, Education and Welfare standards in all localities of the State except the City of Wil-

mington

Significant to the prevention of recidivism is the relationship between the counselor and the juvenile when his return to the community is realized. The counselor works with each juvenile and his family in preparation for his return home. Rapport is established and an individual program of action is formed. The emphasis is now on a counseling/helping role making extensive use of community resources and supportive services for the youth and his family. When the juvenile and his family are adjusted and functioning well and the services of Aftercare are no longer needed, the counselor will recommend discharge from legal custody of the Division. This generally comes after six to twelve months of regular counseling with the juvenile and his family and many home and school and employer visits and frequent case evaluations.

Vital to the services performed by Aftercare is the cooperation and understanding of public and private agencies which serve youth throughout the Delaware community. After years of neglect in this area, the working relationships have been established by the Division and the community resources which can

be used to the advantage of the youth returning to the community.

While we do not have the capability to track individuals for periods of three to five years to determine the long-range success or failure of our work with each youth, in 1971 the recidivism rate of juveniles while in the custody of the Division under community supervision was 14.2%. In 1972, the rate was re-

duced to 11.9%.

Community Bused Group Homes.—Prior to September of 1971, State operated community-based group homes as alternatives to institutional care did not exist. The first two post-institutional homes, one for hoys and one for girls, were opened by the Division in September of 1971. The most recent group home (Preventive Environment for Girls), which was opened in April 1972, is co-sponsored by the Division and the Junior League of Wilmington, a women's volunteer service organization, as an alternative to institutional placement for girls.

These programs were developed to serve the needs of some of the children in the legal custody of the Division who could more effectively be served in a community-based group home setting than in the institutional programs. Each home houses up to a maximum of ten juveniles between 12 and 17 years of age.

In addition to a home-like atmosphere, available community resources are used to help the youth establish positive attitudes and behavior patterns. The children attend local schools, churches, and participate in community activities. Other services include medical care, tutoring, individual, group and family

counseling.

Delinquency Prevention Services

The Delaware Code states that the Division of Juvenile Corrections "shall foster the expansion of community services directed toward the over-all prevention of juvenile delinquency." To carry out this responsibility, the Division of Juvenile Corrections, in 1970, established a Delinquency Prevention Bureau $t\sigma$:—

(a) Assist local communities recognize and assess juvenile delinquency problems.

(b) Help local communities develop and maintain appropriate programs to prevent and reduce delinquency.

(c) Provide education and information programs to schools and community groups on methods to control delinquent behavior.

(d) Counsel and refer parents and youth to appropriate agencies for pro-

ressional help.

Although the Delinquency Prevention Bureau has a staff of only seven persons, its services have helped thirty-three communities develop delinquency prevention programs.

Herewith are three examples of the type of problems faced and successful programs developed by local communities and/or agencies to reduce juvenile delinquency.

Rehoboth Beach Youth-To-Youth Program.—In early 1971 Rehoboth Beach city officials requested the Division's Delinquency Prevention Bureau to design

and operate a program to reduce the increasing rate of juvenile delinquency during summer months.

In cooperation with the city's Police Department, a Youth-To-Youth information, counseling and referral program was inaugerated in the summer of 1971 for the purpose of preventing delinquent behavior and for helping, on an informal basis, those youth who came to the official attention of the police.

The program, directed by a Delinquency Prevention Bureau staff member was operated from a trailer near the beach with a trained staff of college

students. Services included:

(a) Counseling youth referred by police.

(b) "Rapping" informally with youth whose behavior, if continued, would result in police action.

(c) Publication and distribution, in cooperation with a local service club, of a pamphlet listing city ordinances governing behavior on the beach and boardwalk.

(d) Information concerning lodging, job opportunities, youth programs, health and drug services and other types of help available to youth in

trouble.

(c) Assisting stranded and run-a-way youth to return home.

The program was jointly financed by the City of Rehoboth and LEAA funds granted by the Delaware Agency to Reduce Crime (DARC). During the summer of 1972 the city assumed responsibility for administration of the program with consultation from the Delinquency Prevention Bureau. City officials have submitted a request for LEAA funds from DARC to operate the program during the Summer of 1973. The Delinquency Prevention Bureau will offer only limited consultation services. Each year the City of Rehoboth has assumed a larger responsibility for funding and operating the program. This will be the last year for the Bureau's participation in the program.

During the 1971 and 1972 summer operations, 3,052 and 6,609 youth received direct service from the Youth-To-Youth Project. According to police records 54 and 110 young persons were referred to the project for services who would have otherwise been officially charged with delinquency and become the re-

sponsibility of the Juvenile Justice System.

Neighborhood Program To Reduce Delinquency and Vandalism by Youth Gangs in Northeast Wilmington.—Merchants and residents in Northeast Wilmington requested the Delinquency Prevention Bureau to help develop a neighborhood program to combat increasing crime and vandalism by youth gangs between the ages of 11 and 13 years.

gangs between the ages of 11 and 13 years.

A Bureau staff member was assigned to work with citizens, businessmen, social agencies, churches and the schools of the neighborhood to help develop and carry out a local program to bring improvement. An organization known as UBACC (United Business, Agencies and Community Council) was formed and took the following action:

(a) Developed part-time job opportunities in local businesses for youth

previously involved in delinquent behavior.

(b) Secured membership and participation of youth in recreation programs such as scouts, summer camping and the YMCA.

(c) Worked with a multi-purpose health and social service center to provide coordinated social services to youth and their families.

(d) Secured the services of local clergy to provide family counseling in the home and group counseling with youth in the school.

(e) Helped develop an inter-church cultural and social program for youth.

Although specific statistics are not available, the Chief of the Wilmington Bureau of Police has publicly noted a decrease in juvenile crime and gang activities and has attributed much of improvement to the concerted neighborhood effort led by the UBACC organization.

Wilmington Community-School Program To Reduce School Absenteelsm.—In 1971 forty percent (40%) of the students attending Wilmington High School were failing three or more subjects. Of these children, 50% were absent from school one out of every three days. Ninety percent (90%) were absent one out of every five days. In January 1971 the average daily attendance was 79% of the school population of 1700 students.

Officials of the School requested help from the Delinquency Prevention Bureau to mobilize community help to reduce the problem. A committee of parents, youth, school personnel, representatives of civic groups and seventeen community agencies and elected state and city officials was formed to study the problem and plan action. A staff member of the Delinquency Prevention Bureau served as coordinator and staff consultant to the project.

Seven months of work by the Committee produced the following:

(a) Establishment of neighborhood student study centers, supervised by voluñteers.

(b) Reorganization of school bus scheduling and the addition of more buses.

(c) New school procedures for notifying parents of their children's absence

(d) Community and police action to reduce the number of small businesses which permitted students to "hangout" during school for three days.

(e) Agreement by staff of neighborhood agencies, upon notification by the school, to contact and work with parents whose children have been absent from school for three days.

(f) Changes in curriculum and registration procedures which gave students more latitude in choice of courses and less confusion and delay in the registration process.

(g) Arranged for the Latin-American Community to provide volunteer interpreters for parents requiring such service while shopping and making other community contacts. Previously, parents used their children for this purpose. Community Agencies were requsted, also to provide interpreters.

(h) Carried out an educational program for parents, in cooperation with the neighborhood association, stressing the importance of the child's attend-

ance at school.

(i) The establishment of a permanent community-school committee to continue efforts to curb absenteeism.

(j) Adoption of a unified policy on school attendance by the Wilmington Board of Education, as recommended by the Community-School Committee

As a result of the above unified effort, the average daily attendance at Wilmington High School rose from 79% to 90% in the course of one school year. The above are examples of successful projects which are developed and carried out in local communities with technical assistance provided by the Staff of the Delinquency Prevention Bureau of Delaware's Division of Juvenile Corrections. Other projects, although well designed and urgently needed never got off the ground because of the lack of financial resources.

The Juvenile Justice and Delinquency Prevention Act of 1973, if it becomes law, will for the first time provide the level of national leadership and resources necessary for an all-out-National-effort to prevent juvenile delinquency. It will also establish, for the first time, a national policy calling for a unified approach to the problems of children and youth, an approach which

has been in the past an attractive but elusive concept.

We are very pround of our accomplishments in the last three years. We are especially proud of the many employees and volunteers who have worked tirelessly to initiate and sustain the progress. However, the above program examples and illustrations of progress in Delaware's Division of Juvenile Corrections should not in any way be misconstrued to believe that we do not have serious problems yet to be resolved. Every program still has room for improvement. We have a long way yet to go in providing the quality and quantity of services which we know are essential if we expect to successfully overcome juvenile delinquency and youth crime.

It must also be recognized that these major efforts to improve the Division of Juvenile Corrections have been oriented primarily toward the improve-ment and effective operation of a system of services. We have yet to face the greater issues which must be confronted in bringing about the full potential of juvenile justice and delinquency prevention and treatment efforts as proposed in the Juvenile Justice and Delinquency Prevention Act of 1973.

REMARKS ABOUT JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1973

In the following comments, I will attempt to indicate the potential impact of the Juvenile Justice and Delinquency Prevention Act of 1973 on juvenile delinquency prevention and treatment programs in the State of Delaware. For ease of presentation, these comments are organized in the format of Senate Bill 821 as it appears in the Congressional Record dated February 8, 1973:

Findings and Declaration of Purpose

١

The Findings and Declaration of Purpose as outlined in Title I are certainly applicable to the State of Delaware. It is very timely and commendable that this Act proposes to provide the National leadership and resources that have for so long been necesseary in the Juvenile Justice and Delinquency Prevention fields. It is significant that while this leadership will be provided on a National basis, the approach is one that allows and will support an increase in the capabilities of State and local governments and private agencies and organizations to develop and maintain innovative and effective programs.

Amendments to the Federal Juvenile Delinquency Act

While the amendments to the Federal Juvenile Delinquency Act proposed in-Title II propose basic changes in the U.S. Code with respect to the judicial process for juveniles within the jurisdiction of Federal Courts, these amendments will certainly have significant impact on the standards of judicial proceedings at the State level. Although the State criminal and juvenile codes still remain a key factor at the State level, many States, including Delaware, are in need of comprehensive and continuous revision of juvenile laws. Treatment and prevention of juvenile delinquency is not an easy job. In fact, the scope of responsibility is increasing not only in size but also in the degree or difficulty and complexity of providing adequate and effective service without unduly infringing on individual and civil rights. As individual States begin to face these substantive issues in the improvement of juvenile justice and delinquency prevention and treatment programs, the standards provided in the Federal Code will be a major influence on State and local progress.

While many of the standards outlined in Title II are partially or fully in effect in the State of Delaware, there is much room for improvement and full implementation of such standards. The provisions made in the Act for legal counsel, speedy trial, guarantee of constitutional rights, separate dispositional hearings, and the confidentiality of records and the right to treatment, are all very valid and necessary at the State as well as at the Federal level.

The provision of legal counsel and official hearings in the Aftercare (parole) revocation process will be an improvement to the present system in Delaware. This standard is not applied at this time.

National Office of Juvenile Justice and Delinquency Prevention

The National Office of Juvenile Justice & Delinquency Prevention proposed in Title III of the Act is certainly a major step in the right direction. The need to concentrate Federal efforts to establish overall policy objectives and priorities for Federal juvenile delinquency programs and activities has been evident for many years. The fact that Federal juvenile delinquency programs are currently scattered throughout the Federal bureaucracy and that there is little or no coordination between the more than 40 agencies has resulted in many well intended State and local efforts dying prematurely because of our inability to successfully maneuver through the mass of red tape and Federal regulations to find the appropriate Federal agency from which to receive substantive and sustained technical assistance and financial support.

The authority of this new office to establish overall policy and to develop objectives and priorities for all Federal juvenile delinquency programs and activities should be very effective in concentrating the leadership and resources provided by this Act which are necessary to enable the States to make substantial progress in improving local juvenile justice and delinquency prevention efforts.

Federal Assistance for State and Local Programs

The Federal assistance provided for State and local programs in Title IV of the Act is substantial in the level of funding provided, and significant in its expectations of States to make them eligible for receiving such funds. Of special significance in Part A of Title IV is the development of a State Plan and the designation of a single State agency with responsibility for the preparation and administration of the Plan. The requirement that the designated State agency have the authority to implement the Plan is extremely important. Dela-

ware has been fortunate in that the Delaware Agency to Reduce Crime (Delaware's Law Enforcement Assistance Administration planning and funding agency) has included a juvenile delinquency section in the comprehensive plan required annually by LEAA and has provided substantial funding for State juvenile justice and treatment programs and also for local delinquency prevention programs. However, the development of a State plan focusing fully on the requirements for an effective, comprehensive, and coordinated approach to improving juvenile justice and delinquency prevention and treatment programs will undoubtedly assist in bring about the increased level of public awareness and attention that such efforts must have if we are to be successful in bringing about the major changes and achieve the progress called for in the Juvenile Justice and Delinquency Prevention Act of 1973.

It is also significant that this Plan will provide for the active participation of private as well as public agencies. If it is to be effective, this new and massive National effort to develop and sustain more effective juvenile justice and delinquency prevention and treatment programs must be nothing less than an all-out effort, using every available Federal, State, and local resource. There can be no sacred cows in this new venture. The time when any public or private agency can lay claim to the total responsibility for youth services is gone forever.

We are pleased with the emphasis on community based programs which will be required in the State Plan. We have maintained that a majority of the juveniles served by the Division of Juvenile Corrections in Delaware could be effectively provided for in community based treatment programs with only a small number of youth actually requiring extended institutionalization. While we do not subscribe to the theory that all institutions should be closed, we do believe that the majority of children should never be placed in an institution.

The provision requiring educational programs or services designed to keep delinquents or youth in danger of becoming delinquent in elementary and secondary schools or in alternative learning situations is especially significant. Our experience in Delaware has shown that youth committed to the Division of Juvenile Corrections are functioning, on an average, approximately four grades below where they are placed in the public school system. In fact, actual test scores of youth committed to the Ferris School for Boys in 1972 indicated that the last public school grade completed was at an 8.2 grade average, but the actual functional ability of these students tested at a 4.3 grade average. This is also significant because we have documented that 53% of the youth committed to our Division have had a serious history of truncy in the public school system.

The provision for the development of adequate research, training and evaluation capabilities at the State level is one of extreme importance. In the past, States have been unable to determine whether a program falled because it was not funded at an adequate level or because the treatment modality was not effective. We have passed the day when we can depend on good will and volunteerism to do the total job. The Federal and State agencies in this field must provide the professional leadership and expertise to effect sound management and effective program development and evaluation practices. With the possible exception of a few large States, this capability does not currently exist at the State or local levels.

The most dramatic impact on existing programs in the State of Delaware would result from implementation of the provision that "juveniles who have committed offenses that would not be criminal if committed by an adult shall not be placed in juvenile detention or correctional facilities." A demographic study of the youth in-the custody of the Division of Juvenile Corrections on June 1, 1972 revealed that 47.3% of our client population have been committed on juvenile offenses. These are offenses if the individual were 18 years of age or older at the time of the offense. Full implementation of this provision would result in a major restructuring of the existing agencies and services designed to serve youth in the State of Delaware, both public and private, and would eliminate the need to construct any major new (additional) correctional institutions for juveniles.

The demographic study mentioned above also revealed that 73% of the youth in the custody of the Division come from broken homes. In reality, when one examines the fact that 47% of our client population has been committed for

juvenile offenses, 25% for misdemeanors, and only 28% for felonies, 53% have a serious history of truancy, 73% come from broken homes, the average functional educational level is only slightly above the 4th grade, 60% have no work experience, 68% are from families with six or more children, and 51% are from families with less than a \$5,000 per year income, it becomes apparent, in fact, that we are already more a child welfare agency than a correctional system.

We welcome this major shift in the direction of providing services to youth without the negative labeling that has historically occurred. In fact, we are currently discussing the importance of changing the name of our Division from the Division of Juvenile Corrections to a name which represents the positive aspects of working with youth in trouble. It is, indeed, unfortunate that any agency working with children and youth in trouble must bear the "corrections" label in its name. It is unfortunate, but true, that the public interpretation of the term "corrections" is generally negative and those youthful offenders that are labeled as a result of receiving services from such a system must live under the negative shadow of the "adult criminal" connotation. This is certainly an unfair societal burden to place on a youth who, in fact, may have been placed in the system for reasons beyond his own control. This type of labeling is especially tragic if the invenile has committee no criminal offense.

The special emphasis on prevention and treatment programs and funding provided for in Part B of the Act is essential if a full scale effort to improve juvenile justice and juvenile delinquency prevention and treatment programs is to be effective. Again, may I emphasize the importance of working cooperatively with and providing funding for programs by private as well as public agencies. The private agency can and will, no doubt, be in the forefront in assisting in the development and maintenance of community based alternatives to traditional programs of institutionalization. The ability to implement effective means of diverting juveniles from the traditional juvenile justice and correctional systems will depend heavily on the nature of resources developed and maintained as alternatives.

Of special significance in this section of the Act is the provision for long-term funding. The need for long-term demonstration grants is well documented in the history of Federal funding for public and private agency efforts. Short-term (one-year) programs have many built in problems that can be overcome with long-term funding. The amount of time required to gear up-for an effective program operation, the recruitment and retention of qualified staff, the efforts to secure continued funding, and the ability to measure the effectiveness of a program are all areas which limit the results of short-term programs. A one-year funding sequence negates the very necessary process of long-range planning and evaluation. Long-term demonstration grants of a three to five year duration will allow agencies to focus more readily on the important aspects of developing and testing new methods of effective treatment and will allow the administrative and supervisory time necessary for in-depth planning, implementation, operation, and evaluation of new program efforts.

National Institute for Juvenile Justice

The services to be provided by the National Institute for Juvenile Justice as outlined in Title V of the Act will prove to be of immediate as well as long-range value to State and local governments and private agencies.

While some may see the establishment and operation of an information bank and a clearing house and information center as a mechanical or procedural program, such programs effectively administered can, in reality, ease the administrative burden on operational agencies at the State and local level, Agencies like this Division are deluged almost daily with requests for program information, copies of annual reports, reports on special programs, requests for information on policies or procedure or local law. Most agency administrators, like myself, tend to place a lower priority on such requests than we perhaps should. However, we do it because the pressures of day to day administration and program activities receive our attention first, and the result is that information which could be of help to other jurisdictions is quite often not identified and disseminated in an effective fashion. If the information bank and dissemination functions of the National Institute are properly designed and administered and agencies are required to feed information into it, it will provide a valuable new resource.

The demonstration program function is one of immense value at a time when Federal, State, and local governments are experiencing tightened funding policies and are struggling with new budgetary restraints and re-assessment of program priorities. Many public and private agencies in the very near future will be fortunate to maintain an adequate level of funding for basic agency operations and to maintain present levels of service. Major funding for experimenting in innovation or demonstration of new treatment techniques is, without question, going to be more difficult to obtain than ever before. A substantial effort to provide demonstration projects to facilitate innovation in program and treatment techniques is absolutely essential if we are to continue expanding the boundaries of human knowledge which currently limit our efforts to understand and treat delinquent human behavior in a more effective fashion.

The research and evaluation functions as previously mentioned are essential to measuring the effectiveness of the programs undertaken to carry out the intent of this Act. The lack of an effective research and evaluation capacity in the Federal, State, and local levels has, without question, hampered efforts to bring about a more coordinated and comprehensive approach to working with the problems of youth. The provision that the National Institute may provide for the evaluation of any other Federal, State, or local juvenile delin-quency program is of special imporance simply because many jurisdictions do not have and will not be able to develop this capability.

The training functions assigned to the National Institute are timely and should be of major assistance to all agencies and organizations working in the juvenile justice and delinquency prevention fields. While various institutes have provided such a service on a local or regional basis, there really has been no National effort to provide training programs for persons who work with juveniles and juvenile offenders. Certainly, there has been no National effort to provide such training to the broad spectrum of personnel who are engaged in working daily in the areas of juvenile justice and juvenile delinquency prevention and treatment.

The development of standards for juvenile justice is an important area that deserves in-depth consideration. There is a general awareness in the field that the LEAA Institute for Judicial Administration in New York and other Federally supported institutes are also currently developing standards for juvenile justice. The recent efforts of the LEAA supported National Commission to Develop Standards and Goals for Criminal Justice, further identified the need for the development of Nationally recognized standards for juvenile justice. We would certainly hope that the National Institute for Juvenile Justice will take advantage of the many efforts currently underway to develop standards and will conduct its activities in this area in such a way as to become recognized as the Official National body for the development and recommendation of juvenile justice standards.

REMARKS ABOUT THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT of 1973

(Prepared by and Presented for The National Association of State Juvenile Delinquency Program Administrators, Allen F. Breed, President, Presented by Robert D. Cain, Jr., Director, Division of Juvenile Corrections, Department of Health and Social Services, State of Delaware)

The ancient Greeks and Romans bemoaned their inability to comprehend the attitudes of youth. Succeeding generations added their concern to those of their predecessors. The traditional remedy argued for a turn to orthodoxy and stability in religion, parent-child relations and relationships with authority. Today, the central theme is expressed in the desire to breathe new life into such changing institutions as the family, the church, the school, and the state. The hope is that once revitalized, these institutions will be able to make themselves right again.

The thrust of this statement is that today's institutions, as constituted, cannot meet the needs of all, or even most, children and youth. Further, it is doubtful that "tinkering with the system" will do much good; a structural reordering of social service institutions is called for. This paper argues that a new mechanism must be added to those already in existence to assist children and youth to discover and achieve their full potential as constructive participants in the world of tomorrow. The Juvenile Justice and Delinquency Prevention Act of 1973 is an effective effort directed at the development of that new mechanism.

PREMISES

First, the problems of all children and youth, including delinquency, crime, and social dependency, are the product of an imperfect society; with inequality of opportunity; with conflicts in values as between the middle class majority and many subcultures within it; with prejudice and discrimination toward many minority groups; with a social and economic system that is not adequately meeting the needs of certain marginally equipped persons or groups. Secondly, the problems of children and youth are also the product of per-

Secondly, the problems of children and youth are also the product of personal deficiencies or inadequacies or intrapsychic conflicts of pathological family relationships.

Finally, behavior is an interaction between a personality (with whatever drives, motives, values, or conflicts it may have) and an environmental situation (with whatever characteristics, stresses, or supports it may have). Any service system that wrestles with only half of this equation will limit itself accordingly.

The structural and procedural system that society has established to deal with its problem segments has two built-in-patterns that tend to be self-defeating. First, the youth in need or trouble is identified and labeled. As he is labeled, certain sanctions are imposed and certain critical stances assumed. The sanctions and the stance tend to convine the individual that he is deviant, that he is different, and to confirm any doubts he may have had about his capacity to function in the manner of the majority.

Second, as the label is more securely affixed, society's agencies (police, schools, etc.) lower their level of tolerance of any further deviance: the curfew violator who is an identified parolee or probationer may go into detention: the non-labeled offender will frequently go home: and the misbehaving probationer will be remanded to the vice-principal's office faster than his non-probation fellow. As these distinctions are made, the youth is further convinced of the difference and of society's discrimination.

If the unacceptable behavior continues and the youngster penetrates further into the justice and correctional apparatus, he is subjected to an increasing degree of segregation from others of his kind—from special schools to detention to state correctional school—each step invites a greater identification with the subculture of the delinquent, and so, again, his antiadult-antisocial peer-oriented values are reinforced and confirmed, and the socializing conformity-producing influences of the majority society are removed further from him.

producing influences of the majority society are removed further from him.

Thus, as the state's "treatment" is intensified, so too is the rejection, both covert and overt, and as we try harder to socialize the deviant, we remove him further from the noraml socializing processes.

Our objective must be, therefore, to minimize the youngster's penetration into all negative labeling, institutional processes. To this end, we must exploit all of the available alternatives at each decision point, i.e., suspension, expulsion, arrest, detention, court wardship, commitments, parole revocation. At each critical step, we should exhaust the less rejecting, the less stigmatizing recourses before taking the next expulsive step. This does not preclude the correctional agency taking leadership in the promotion, development, or organization of the preventive program, but it does mean that prevention and protective services must not take on the aura of dealing exclusively, or even primarily, with the offender group. It also speaks directly to the importance-nonecessity for greater involvement of private agencies in the business of prevention and treatment of juvenile delinquency. Again, the Juvenile Justice and Delinquency Prevention Act of 1973 addresses this issue with its emphasis on community alternatives.

PRINCIPLES

1. A single state agency must have the responsibility for developing and administering a state plan for delinquency prevention through cooperative arrangements with others, preferably private agencies and groups.

2. Public services should develop around configurations of related problems and not just single individual problems alone, hence prevention and correctional efforts can be complementary efforts.

3. Programs for justice and crime prevention involve the people of the community (including the children and youth) in the process of identifying and resolving their own problems. People support those programs and systems

in which they have a stake—their commitment is determined by the extent that they have an opportunity to participate in a meaningful way, hence, power to effect change or make a difference.

4. Research and evaluation are critical to the development of effective children and youth service programs and systematic organizational change.

5. The least amount of intervention is the best intervention—this does not mean no intervention; it does mean that amount of help required to correct an unsatisfactory condition or state.

6. Services for children and youth must be organizationally responsive and flexible and without undue reliance on traditional bureaucratic responses.

7. Direct operations of prevention and treatment programs for juveniles must be as decentralized as cost effectiveness permits; services that can be better administered by contract should be handled in that manner.

8. An agency serving children and youth must be an advocate for the problems and needs of children and youth, even those who are delinquent and

those who create problems of control.

9. A single state agency for children and youth services should be the recipient of and disburser of funds allocated for improving or maintaining the quality of services offered to delinquent or pre-delinquent children and youth; further, a state agency administering these funds should have the responsibility for helping to establish standards for both the quality and the quantity of programs offered.

OBJECTIVES

Any agency responsible for developing a comprehensive plan for delivering prevention services to children and youth must:

1. Encourage, support, promote, and provide for:

(a) Child protective services.

(b) Improved school services for the culturally deprived, psychologically

and emotionally deficient, and the emotionally disturbed.

(c) Public education programs to inform and to give visibility to and promote awareness of deficiencies of our social system and the manner in which they are dysfunctional to children and youth.

(d) The organization of concerned citizenry in support of preventive,

protective, and correctional programs.

- 2. Provide, either directly or through purchase of service, for adequate community-based diagnostic and treatment services for youth in need of assistance in a manner that:
 - (a) Minimizes stigmatization,
 - (b) Maintains youth in or as close to the mainstream of the law-abiding community as possible.

(c) Discourages or precludes the youth's identification with delinquent values and perspectives.

(d) Minimizes the possibility of alienation from the more positive in-

fluence in the youth's society.

What is neded is the resources and mechanism by which a federal agency, through a single state agency, provides the teclinical assistance and financial support to ensure that programs reach the children who most need them. Each of America's communities has differential needs and requires special service delivery programs to resolve these needs. The problems of the ghetto and the problems of suburbia are both important, but their significance and impact on the total system are substantially different and call for different priorities. We must stop acting as if these problems were of equal magnitude and importance to the larger society. This broader perspective cannot be achieved if there are no guidelines and standards and if everyone can "do his own thing." Change is always difficult, but without the interested observer who prods, challenges, and advocates, little change is likely to occur. Standards for performance, compled with financial incentives can be the catalytic process by which positive change is initiated in the juvenile justice field.

WHERE WE STAND

It should be abundantly clear from these remarks that legislation for a comprehensive, coordinated program to prevent juvenile delinquency and improve the quality of juvenile justice in this country should be provided through:

1. The development and expansion of community-based programs and services;

- 2. Coordination of federally-assisted prevention programs;
- 3. Planning:
- 4. Research and evaluation:
- 5. Technical assistance;
- 6. Training; and most important,
- 7. Sensible funding parallels our interest and beliefs as well as the needs of children with problems.

Let me comment, briefly, on the important elements of this legislation as I see it.

First, the federal government, although verbally supporting the concept of prevention and crime reduction, has never seriously funded programs at a level that suggests that the national government is willing to back their good thoughts with positive action. This program is a step in correcting this intolerable situation. It is a credible program, if I may use that word.

Secondly, the proposed legislation fixes responsibility for prevention programs in a single national agency rather than dissipating limited resources throughout a federal labyrinth within which even the tax reformers get lost. The legislation calls for someone to become an informed guide to federal resources and programs for children and youth. This new agency has a responsibility for program funding, but equally important, it has the responsibility for activities like research, data collection, training, and technical assistance, which are necessary if we are ever to begin transferring knowledge.

The recent effort by LEAA to develop Standards and Goals for Community Crime Prevention is an excellent example of the problem we have when everyone, yet no one, is an expert in delinquency prevention. Theoretical paper after paper was developed without reference to operating programs. Personnel prejudice and hunch were shared through committee process and political compromise. The political process produced a final document that was late, lacking in definitive position and almost void of standards as such.

My purpose is not just to criticize what is an important work, but to emphasize that no single agency, group, or even individual had access to or was sufficiently knowledgeable about effective programs for prevention or treatment to put together a work comparable to the Corrections, Police or Cours Task Force Reports.

This is appalling, particularly when the contributors to the Community Crime Prevention Report did, individually, cite some of the nation's most important prevention projects. It seems to me that this speaks rather eloquently to the need for a national office that has within it a capacity to centralize research, training, data collection, and program evaluation.

Let me cite just a few of the programs to which I have reference, programs

that have demonstrated their effectiveness:

The Youth Services Project in San Antonio, Texas, provides an example of how an administrative policy change by the police department is bringing about diversion in that city. The police chief has ordered all officers to deliver juveniles picked up for such offenses as glue or paint sniffing, liquor violations, runaway, ungovernable and disorderly conduct, truancy, or loitering to one of three project neighborhood centers in the city.

Availability of bureau staff to immediately respond to a case being handled by the police also increases the likelihood that diversion will take place in San Antonio. The Youth Services Project places bilingual intake workers in the juvenile aid bureau of the police department at night and on weekends

to guarantee immediate follow-up on a case.

The immediacy of service and the convenient physical location of the bureau saves police a long drive to juvenile hall, i.e., three centers are located in housing projects of the target area. Location is a stimulant to implementing

a diversion policy.

Accessibility of the bureau's offices to law enforcement is another asset in encouraging diversion. The Rhode Island Youth Service Bureau's regular work hours are 2:00 p.m. until 10:00 p.m., a fact greatly appreciated by the Providence Police Department. Until recently, the Youth Services Bureau of Greensboro, Inc., in North Carolina, was located across the street from the police department. Not only did this permit bureau staff to daily pick up "paper referrals" from the police department, but it also increased understanding between the police department's juvenile officers and the bureau staff during the youth service bureau's developmental stages. A similar effort exists in Seattle, Washington, where the Center for Youth Services and the police de-

partment have cooperatively developed a social agency referral projet for youth in trouble.

After the Youth Service Bureau was established in 1971 in Dekalb, Illinois, each of the 86 youth arrested by the police department were referred to the youth service bureau: none were referred to the court system. Only 20 of the 86 again came to the attention of the police department. All were again referred to the youth service bureau. Court statistics for youth from Dekalb reflect this policy change.

Most youth service bureaus have focused primarily on developing alternative services to fill the gaps in the community rather than facilitating access to ongoing services. Thus, they provide direct service more often than refer youth to other agencies for youth.

The fundamental strength of most bureaus has been in their provision of a variety of innovative services for youth—services that include counseling, tutoring, job referrals and other employment services, crisis intervention, crisis shelter care, and medical services, generally provided at accessible locations and hours in an appealing manner to their clients. Moreover, several of the bureaus that provide direct service also provide referral services—follow-up, individual advocacy, and service brokerage.

Where a youth service bureau's office is the focal point of activities, accessibility has been increased by locating near a school or in a business and commercial area frequented by young people. In rural areas or other communities with widely dispersed populations, some bureaus (such as the Tri-County Youth Services Bureau in Hughesville, Maryland) have opened one-day-a-week outreach centers in churches and other locations.

In some communities, youth service bureaus operate hotlines—anonymous listener services which young people with problems can call. Examples of hotlines linked to youth service bureaus include those in Peru, Indiana; Palatine, Illinois; Shamokin, Pennsylvania; and El Paso, Texas. In these communities, volunteers staff telephones so that young people with personal crises can call in and discuss problems anonymously with a concerned, trained listener. In many instances, the telephone conversation is the only assistance needed. However, the volunteer listener refers the young person to the bureau or another resource if further help is necessary. In Palatine, college students receive credit for volunteering to staff the hotline. Although it does not operate a hotline, the Hughesville, Maryland, bureau urges young people with problems to call collect, thus overcoming economic and transportation barriers to accessibility. Youth in need of the services of Manteca House in California can receive free transportation from a local cab company.

A more aggressive approach to reaching out to young people is seen in the use of outreach or street workers. Many of the outreach workers go where groups of youth gather—in order to link individual youth to services, to divert the groups into constructive activities or to attempt to prevent confrontations between young people and the police. Traditionally, outreach workers have worked with gangs in urban areas, but in many of the youth service bureaus located in suburban communities, outreach workers have instead attempted to involve unaffiliated and alienated youth in purposeful activities. In Pacifica, California, high school and college age students are employed by the youth service bureau as outreach workers, with a few assigned to each of the young people's gathering places, including the beach in this suburban town. In Fairmount Heights, Maryland, the Roving Youth Leader program concentrates on an outreach approach. This program sends five part-time teams, each composed of a young adult male and high school student, into the community to provide positive role models and to encourage idle youth to participate in the Roving Leader's recreation programs and community services.

Hughesville, Maryland, and Tri-County Community Center in Jackson, Mississippi, offered diagnosis and evaluation prior to counseling. In El Paso, Texas, where court approval is required before any youth under 16 can drop out of school, the juvenile court requires youngsters to first be counseled by the Youth Service Bureau. The bureau attempts to solve the underlying problems, such as employment, and then makes its recommendation to the court regarding leaving school.

A drop-in center primarily frequented by youth experiencing identity problems characterizes the Glastonbury, Connecticut, Youth Service Bureau. Individual conjoint family and group counseling are the main services provided. The Youth Intercept Project of Kansas City, Missouri, does not provide traditional casework services. Instead, it helps the child survive and stay in school and helps his family get what they need in order to allow that kind of success.

In the Bronx, the Neighborhood Youth Diversion Program and in East Palo Alto, California, the Community Youth Responsibility Project have developed a program on the premise that indigenous people who know the problems and who have had minimal training in conciliation and arbitration techniques can help resolve interpersonal and interfamily problems without relying on the format judicial system.

In Los Angeles County, the Bassett Youth Service Bureau focuses on strengthening the community's efforts to meet youth needs. It developed a free clinic in conjunction with other community groups, staffed primarily by volunteers. It includes a counseling and drop-in center in addition to an outpatient medical clinic. Venereal disease, pregnancies, and drug problems are among the most frequently treated medical problems.

Individually tailored service provided by the burcaus has occasionally been supplemented by purchase of services. For example, the Tucson, Arizona, Youth Service Bureau supplements its range of services by contracting for services

for its clients, including remedial reading,

Coordination of services for individual youth is taking place through case conferences, e.g., in Worcester, Massachusetts, and Howard County, Indiana, representatives of all agencies involved with the youth meet in an attempt to attain a complete view of the problem and to develop a comprehensive plan to meet the youth's needs. The program in San Aagelo, Texas, emphasizes linking-up community resources for youth through conferences and training workshops. Special programs of coordination, counseling, and direct services for Blacks are found in Louisville, Kentucky and Columbus, Ohio, The program in Bowling Green, Kentucky is similar, but serves a racially mixed population with a racially mixed staff known as the Mod Squad. The Youth Services Bureau of Tarrant County (Fort Worth, Texas) emphasizes its role as a crisis intervention service by attempting to understand each client's problem and make a referral to the most appropriate agency.

Advocacy is another role some bureaus fulfill. The most notable example of this is the youth service bureau in Ponce, Puerto Rico, Youth and Community Alerted. Here, 12 young people are trained to act as advocates for youth who have come in contact with the police or the juvenile court, or are in danger of becoming delinquent. In addition, the bureau and its leadership are advocates for community improvements, i.e., better sanitation, drug abuse prevention, and

improved educational facilities.

In Bridgeport, Connecticut, one staff member of the Youth Service Bureau appears in juvenile court each day to "stand up" for young people for whom they feel they can provide service. And in Fairmount Heights, Maryland, Roving Youth Leaders staff act as a third party with school authorities and juveniles in instances where parents or guardians are unwilling to act.

Meeting the needs for shelter has been a subgoal in several bureaus. The Omaha, Nebraska, YMCA Youth Service Bureau operates a group home which is responsive to the runaway problem and emphasizes family reconciliation. Whether a youth stays is his choice, but parental permission is required.

The Youth Crisis Center, Inc., in Jackson, Mississippi, provides shelter and services up to five days for a few youth at a time who come to it for help. Parents are not contacted unless the youth agrees. Professional volunteers, including medical and legal people, supplement the small staff.

In Scottsdale, Arizona, the youth service bureau is located in a four-bedroom home, with two of the bedrooms used as offices and two for youth to stay if they need overnight accommodations. If the youth is under 18, parental consent is required.

The vouth service bureau in Boise, Idaho, provides temporary shelter care in lieu of incarceration. In Las Cruces, New Mexico, the Council for Youth operates a group home for boys, most of whom remain there for a few months. The Council's outreach program provides aftercare. The Youth Action Commission in Arvada, Colorado, operates a group home for girls requiring short-term placement.

The Yuba-Sutter Youth Service Bureau in California developed crisis homes where youth could stay for short periods of time. These crisis homes

were private homes volunteered for short-term care. Volunteer homes were

paid a nominal sum per day for expenses.

The Palama Settlement of Hawaii has a successful ongoing "behavior modification school" program for court referrals and rejects from the regular schools. The Youth Advocacy Program in South Bend, Indiana, contracts for a "street academy", an alternative school program for junior high and high school youth who have dropped out of the regular schools. In Ann Arbor, Michigan, the Washtenaw Youth Service Bureau, funded through the school system, has set up an alternative school program.

The Youth Development Service in Billings, Montana, and the Rural America Project operating out of Helena, Montana, provide consultant and technical assistance to a variety of other social service agencies in their respective areas. Coordination efforts bring agencies together to agree on community priorities, to eliminate service duplication, and to redirect resources where current projects are inappropriate. Morreltown, Arkansas, uses a technique referred to as "resource management" to meet the needs of rural youth.

The Washtenaw Youth Service Bureau in Ann Arbor, Michigan, emphasizes the initiation of programs for your people who, although troubled and acting out, have not yet had contact with the justice system. It has published a youth services guide, which is to be updated every three months. It conducts demonstration projects, primarily in the schools, and attempts to develop skills and resources within the system.

The Youth Advocacy Program in South Bend, Indiana, also attempts to get youth-serving agencies to develop new ways of dealing with young people. Their methods are positive proposals and involvement, Field workers are assigned to five youth-serving agencies—the recreation department, schools, a family and child agency, city government, and Model Cities—with the task of making them more responsive to youth needs.

Practical and effective prevention program examples can be drawn from many fields. Those just cited describe some of the efforts being carried out under the banner of Youth Service Bureaus. For the sake of illustration, however, let me cite some examples from other areas to demonstrate that we do have operational programs that have proven their ability to reduce delinquency.

Philadelphia has a roving leader project that is currently in its third year. It is a part of their Model Cities Program.

Sixty Roving Leader trainees are acquainted with and assigned to a facility (community-based organizations or agencies) in an area frequented by gang members with whom the trainee is familiar. The trainees then attempt to find out the interests and needs of the members of a particular gang and try to channel their energies into constructive efforts to meet those needs. The Philadelphia Department of Recreation is the operating agency under the direction of the Deputy Commissioner for Administration. The Department of Recreation works closely with all sixteen Neighborhood Councils in the recruitment and selection of trainees as Roving Leaders, Trainees are given sensitivity training, instruction on how to organize and conduct recreational activities and how to deal specifically with hostile or difficult groups, and guidance on certain reporting procedures.

Several other Group Service Programs of MFY should be mentioned briefly also, namely the Preadolescent Program, Adventure Corps, and the Coffee Shop Program. The Preadolescent and Coffee Shop Programs, like the Detached Worker Program essentially used recreation as a means of involving teenagers in therapeutic relationships. The Adventure Corps on the other hand, viewed its program activities as therapeutic ends in themselves, and "rather than fit activities to the individual needs of the participants, the program itself demands on them, set up standards for conformance, and provided rewards for excellence."

A major youth development program is presently operated by the Eight Northern Indian Pueblos Council (ENIPC) in New Mexico and has as one of its primary purposes the prevention and/or reduction of the incidence of juvenile delinquency. Unemployment and lack of general recreational activities are major problems among Pueblo Indian Youth and at least 50% of the budget goes to student salaries. One objective is to establish organized Youth Groups and Teen Centers and programs at each of the Eight Pueblos. To date, these are some of the resulting major youth groups: baseball teams, National

Youth Project Using Mini-bikes (NYPUM), youth council, girls softball teams, boy scouts, ala-teen, 4-H, rodeo club, tutoring services and explorers post. Recreational facilities have been constructed at two Pueblos and several Teen Centers have been renovated.

Other objectives include providing supervised work experience to high school and college students; mobilizing state and federal resources; providing employment counseling and job placement services; offering special services and/or opportunities for Indian Youth such as a pre-college orientation program, financial assistance to attend a Presidential Congress, sponsorship to an All Indian Conservation and Ecology Workshop, and a NYPUM workshop; providing opportunities in Journalism and knowledge in community affairs; creating linkages between the youth programs and the courts, the police, juvenile officers and other correctional agencies, to service both delinquent and pre-delinquent youth. The ENIPC Youth Development project is funded through the Department of Health, Education and Welfare.

One Los Angeles urban community with a fairly high rate of delinquency organized itself to deal with many of the problems associated with that type of setting. It formed the Pico-Union Neighborhood Council and is credited for being the first community to plan, organize and build a "vest pocket" park by itself. It involved the youth of the community with such success that it applied for and received a California Council on Criminal Justice grant under the project name of the Pico-Union Delinquency Prevention Program.

The program is designed to recruit gang members and other delinquent youths from high delinquency areas in Los Angeles and involve them in the construction of three "vest pocket" parks in their neighborhood. These parks are to be built with the cooperation of the Los Angeles Department of Parks and Recreation. Once a site is selected and funded, Pico-Union Neighborhood Council will send an "Advance Worker" into the neighborhood to get acquainted with the people there. He will identify and seek out youth gang leaders and hire them to do the actual construction of the park in their areas. The goal of the project is to lower target neighborhood delinquency rates and to change the attitudes and self-image of the young people living there. Three purposes have been enunciated:

1. To provide much needed recreation and park areas in otherwise blighted neighborhoods. 2. To involve and interest community people in the development of their neighborhood. Each park construction project is preceded by numerous neighborhood meetings to obtain community interest and support. 3. To provide project youths with job training from professional skilled union members during park construction and the opportunity to enter union apprenticeship programs after completion of project. 4. To provide counseling and other services to youth involved in the project designed to bring about the changes in attitudes and behavior.

This is an ambitious program but one which has much potential replicability across the country. It can be considered a success to the extent that self-confidence is instilled in the young men during the program that enables them to successfully pursue viable alternative life styles. In addition, the program makes use of a neighborhood council in which all members are invited to give input for a more effective program and involves community volunteers who are utilized in seeking both material donations and heavy equipment. It is worth noting that this is the only delinquency prevention project sponsored by the City of Los Angeles.

In a suburban central California county, predominately middle-class, citizents alarmed by increasing patterns of youth deviance and delinquency established a program in cooperation with the School of Criminology at the University of California to deal with the problem. A study was undertaken which showed that many acts which might normally be processed through the juvenile justice or other agency systems were handled informally within the community through a process of "absorption", but that this capacity appeared to be diminishing. Since this method of handling youth produced a relatively low rate of recidivism and avoided the problems of "labeling" a youth as delinquent it was felt that the reduced capacity might have negative consequences for the youth of the two communities that were involved.

Delinquency being mainly a group phenomenon in these communities, suggested the need to address the social systems of youth in programs designed to prevent, control, and treat delinquency and deviance. And finally it was

perceived there was a lack of understanding on the part of adults to the social systems of youth or of the significance of these social systems upon the activities, attitudes, behavior and misbehavior of youth.

A demonstration project was begun to increase the absorption capacity of the community by fostering a redefinition of deviance, i.e., an increase in tolerance on the part of the community, its individual members, and the formal and informal agencies and organizations toward various kinds of behavior. It also developed an awareness in the community of the problems of youth and of systems for coping with the problems. And finally, since the capacity of a community to absorb misbehavior is, in part, a product of a dialogue and understanding between the adult and youthful social systems it was necessary to bring these two social systems together—particularly the involvement of youth in a significant fashion with adults in decision making activities which relate to youth.

Each community formulated its own youth organization. One community passed an ordinance which called for a fifteen member commission appointed by the Mayor with approval of the City Council. Originally calling for a ratio of six students and nine adults, the commission was later amended to eight adults and seven youth. It had a formal and legal basis of operation, with organization, qualifications of members, terms of office, rules, records, and other related data prescribed by City Ordinance.

In the other unincorporated community, a more informal Youth Council developed. Originally only nine members, six adults and three youths, it recognized soon after its inception that it did not represent a cross section of the community and it was expanded to twenty with eleven, a majority, to be youth. Again, feeling that it did not represent the total community it expanded to thirty-three members, seventeen of whom were youth. An executive committee of nine members, comprised of individuals selected from the larger body, was created to develop policy recommendations for board consideration.

The programmatic aspects of the project emerged from the councils and showed clearly that youth not only can play a viable and meaningful role in formulating policies and programs, but also that they can provide adults with enthusiasm, insight, imagination, and dedication within a framework of complete cooperaton. "Indeed, without the 'advise and consent' of the youthful segment of a community, programs ranging from leisure-time activities and recreation to delinquency prevention are likely to encounter significant difficulties."

Examples of the kinds of activities and programs which were developed by the councils included a survey of all leisure-time activities for youth, dances, tutoring program, an aviation program to discuss navigation, weather, aerodynamics, etc., Teen Drop-In Center, basketball program, a class on personality development, an auto center, motorcycle safety program, youth newspaper, sex education, Town Hall, coffee house, a drug seminar, a teen column in a community newspaper entitled "Teen Think" designed to be short statements of special concerns to youth, employment programs and police-youth discussion groups.

Still other examples of practical prevention programs can be drawn from the field of education. Take, for example, the following:

A number of studies have demonstrated that parental involvement and concern about school programs encourages the development of an enriched curriculum that accommodates the different needs of of the individual children found within a given community. An outstanding example of parental cooperation in a successful basic school program is Clawson Elementary School in Oakland, California. It was one of only 24 Title I schools in California which reported an overall reading achievement gain of 1.1 to 1.2 months for every month of instruction in the school year, 1970-71.

Clawson is a typical K-6th Black ghetto elementary school. Average family income in the area is less than four thousand dollars per year. Chief means of support for families in the school attendance area is public welfare.

Clawson has exemplary parental involvement. Twenty-five parents have sat as a school site advisory group since May 1969, representing all parents and the neighborhood community. The group derives its power from veto power over Title I funds made available to the school.

The parents wanted pupils to receive a firm foundation in fundamental skills. They received strong commitments from faculty and the principal to establish minimum standards of performance for each grade level. Teachers received

assistance in preparing objectives and standards, and a program of diagnosis, needs assessment, teaching, and evaluation was institued. Charts were main-

tained on each pupil and were reevaluated each week.

Another successful parent-participation program in basic skills is in China Creek School, in Trail, British Columbia. One hundred twenty students are serviced by only one teacher and a principal who teaches part-time. But 80 parents donate their services on an almost daily basis: they work on a volunteer basis during the day and four nights a week, preparing lesson plans, instructional materials, and assisting with teachings. The results of this program have received great visibility.

Schools operating on a 12-month basis and designed to serve the entire com-

munity can now be found in many parts of the United States.

The first, the most comprehensive, and probably the best model can be found

in many parts of the United States.

The first, the most comprehensive, and probably the best model can be found in Flint, Michigan. Six hundred school districts across the nation have emulated the Flint plan. The latest city, Worcester, Massachusetts, has recently opened its first community school and two others will be opened in the very near future.

Since its inception in Flint, Michigan, in 1926, the Charles Stewart Mott Foundation has had as its primary objective, the development of the human resources of Flint. Believing that the most effective way to help people help themselves is to "place within the community the ladders upon which the aspiring can arise." The Foundation has worked in close cooperation with the public education institutions of the community in the development of a broadly based community education system. Flint, a microcosm of urban America in its racial and ethnic makeup, has thus constituted for nearly 40 years a human development laboratory for a unique partnership between the Foundation and the Flint Board of Education. It has produced a concept of education known as the community school concept. The community school concept as practiced in Flint may be defined in the following manner.

Purpose,-To mobilize the human and institutional resources of a community

in such a fashion that:

1. Senseless and costly duplication is avoided.

2. People of all classes and creeds are given the necessary encouragement and opportunity to help themselves to a better life.

3. Local institutions-schools, government, business-become genuinely re-

sponsive to human needs and wants.

Method.—The traditional role of the neighborhood school is expanded from that of a formal learning center for the young to a total community opportunity center for young and old operating virtually around-the-clock, around-the-year. Schools make excellent community centers because:

1. They are located so as to serve neighborhoods.

2. They have facilities adaptable to broad community uses.

3. They are owned and supported by the public.

4. They are non-political.

The traditional school, operating six hours a day, five days a week for 39 weeks each year, is a luxury this era cannot afford. Too many Americans are lost in a void of leisure time.

A Community Activities Coordinator assigned to each school promotes and coordinates use of the school for adult education and retraining; after hours education, recreational, and counseling; civic affairs meetings and discussions; health clinics and forums; teen counseling, Y.M.C.A., Y.W.C.A., Boy Scouts, Girl Scouts, Big and Little Brother activities; job counseling and placement; Senior Citizen activities; and parent aid in development of curriculum.

Each school is advised by a neighborhood council, composed of chairmen of school organizations such as homeroom mothers, PTA, safety and health, neighborhood clergy and businessmen, and student representatives. This council is the sounding board of the neighborhood. The community council expresses

explicitly the desires of its respective neighborhood.

The Community School Concept thus involves existing agencies in a system of operation and referral. The community schools offer their facilities, their close communication to neighborhood families, and their familiarity with neighborhood problems to other local institutions with problem solving resources. Thus, the resources are mobilized to serve without wasted effort and money.

Results.—Duplication of effort and funds is avoided. Other institutions as well as schools become responsive to local human needs. People receive the necessary encouragement to use opportunities to improve themselves and look after others. After thirty years of bearing the community school standard, the Mott Foundation and the Flint Board of Education have made Flint a demonstration laboratory in four comprehensive areas:

1. Flint is an educative community. There are 92,000 people per week using the schools after school hours, because the community school operates a consummate 3,800 hours annually rather than the 1,400 hours if it were a traditional school. A total of 80,000 adults enroll in classes each year. In one year alone, 1,000 adults earned high school diplomas. Moreover, there is constantly increasing enrollment in both Genesse Community College and the University

of Michigan-Flint, as well as in training and retraining programs.

2. Local institutions have been strengthened. The people of Flint, keenly aware of the benefits of the community school system, have voted for increases in local taxes for schools on eight successive occasions in the past 18 years. Statistics reveal that programming and support have tripled and quadrupled since the inception of the Community School Concept for such institutions as the Red Feather, Y.M.C.A., Y.W.C.A., Boy Scouts, Girl Scouts, Big Sisters, and others. Cooperation and cordination nourish enthusiasm upon which greater effort is produced.

3. Civil peace and order have been maintained, Enlightenment of broad segments of the community has led to progress in the correction of social injustices. With some 25 percent of its population B'ack, Flint was the first major American city to elect a Black mayor, and the first to pass a referendum favoring an open occupancy ordinance. The total population indicates a decreasing juvenile crime rate, a decreasing high school dropout rate, and a decreasing parolee recidivism rate. Special programs in Flint schools from elementary through senior high, as well as for men and women entangled in the law, show unparalleled results of success compared with national statistics.

4. Flint is an involved community. There were 3,700 volunteer coaches, supervisors, teachers, advisors, Big Brothers, and tutors involved in the com-

munity school program in one year alone.

Implications.—Six hundred school districts across the nation have emulated this plan. Prospects for total nationwide adoption are encouraged by its effectiveness in Flint and by the introduction of a United States Senate Bill

proposing federal support in spreading community schools.

The dropout problem is endemic to public education in the United States. Ninety-five precent of dropouts occur after age 16. There were 3,180,000 American males between 25 and 34 who had fulled to receive a high school diploma as of 1969. Not only did each member of this group lose an average of \$74,000 in life time income, but it is among this group that most delinquent and future inmates of correctional programs come.

The origins of future failure are in the earliest years of school experience and some of the programs previously mentioned in the area of parent teaching. community involvement, enrichment, compensatory education are aimed at changing the process. Historically, the schools have attempted to deal with the deviancy resulting from these failures by referring them to the juvenile

justice system. The focus is now on the schools caring for their own.

Many unique programs exist to provide an alternative school experience for those students who can't adjust to the conventional classroom situation. These programs involve the "white, bright, and bored" as well as minority and

economically disadvantaged students.

One such program is the Evening High School in the Pasadena Unified School District. The school originally was designed for those students who worked during the day, had to care for younger family members, or were unable to adjust to the traditional day program. It is now open to all who wish to attend. There are 200 students presently and a waiting list.

The school operates from 4:30 p.m. to 0:30 p.m., Monday through Thursday.

All courses are for credit and the course content must be completed before a

satisfactory grade is given. There are no F's.

The principal controls only two areas: (1) Five absences for any reasons lead to exclusion from the Evening High School but not from the Pasadena School System, and (2) course work must be completed satisfactorily before a passing grade is received.

Every other aspect of school life is determined by the students through various committees such as curriculum, disciplinary, etc. Students interview teachers all of whom must be credentialed and who, during the first year of school, were already in the Pasadena system. Teachers are hired for one year and can be dismissed by the students at the end of that year.

Curriculum is developed by the Curriculum Committee and must be approved by the Board of Education. The first year's curriculum tended to follow the conventional requirements of the system's regular high schools, with certain additions such as courses in the performing arts, design, social science, and credit for travel.

There are weekly Town Hall meetings as well as regular meetings of the various committees. Students determine the use of the school budget and a revealing insight developed in the area of school security.

The students at first wished to spend the money allocated for a security guard on other needs. A parking lot theft of a stereo from one of the student's cars led them to hire a human relations officer from the Pasadena Police Department with whom they had good rapport as their school security officer.

If students smoke marijuana or use narcotics on campus, the Disciplinary Committee decided they face dismissal from the school. They have dismissed one student during the school's first year.

The students ran a student store from which they earned \$400 and handle the business management of their student newspaper, the Kosmic Times, for which they hire the printers, sell advertising, and made a profit.

During the first year, 30 students were dismissed for absenteeism, the dropout rate was 5 percent, and the absence rate was 3 percent compared to about 20 percent in the regular high schools. The following excerpt is from the Kosmic Times:

"When I leave this school, and I think I am speaking for the graduating class, I will miss all these really fine people.

"For eleven years of my life, education never meant a damn thing to me. I was spoon fed, stepped on, kicked out, yelled at, and even beat up trying to get an education. Next year, they ought to give some kind of Olympic medal for endurance if you graduate from high school. Only this year, I have been able to find myself and express myself like I always knew I could, but couldn't find the basic motivation. This motivation was the right to freedom of expression in a place where it wasn't 'void where prohibited by district policy.' The kind of education I have absorbed from this type of learning situation isn't just facts and figures. That isn't what's imperative to me at this corner of my life. I have grasped what many people never quite find, that is, what is going to happen to the rest of my life. This and the harmony I have finally found with my friends, family, and with education itself, are the two most valuable things I have learned.

"The only wish I have now is that everybody can share the same educational

experience which I have had at the Evening High School.

The DANE (Drug and Narcotics Education) Program

The DANE (Drug and Narcotics Education) Program in the San Diego City Schools has selected ten teachers from the system who were more responsive to student needs and designated each of them as a counselor in one of the city's high schools and one junior high school. Space has been provided in a "rap room" within the school but away from the regular administrative offices where students can be excused from class and discuss any type problem with one of these counselors. If detoxification is required because of drug use, the DANE (counselors) can refer to community detoxification facilities without going through the police unless there are unusual circumstances. Confidentiality is part of the program and is essential to student trust.

The police are supportive of the program and whereas they formerly were brought on campus in any routine situation involving drug use (as differentiated from sales), these problems are now handled through the DANE. Drugs, pregnancy, and other mainstream youth problems are discussed and factual information in these areas provided.

High school students are used to discuss problems with sixth grade younsters in the elementary schools and sit on the floor in discussion groups in which some animated conversations take place.

It is estimated that in 1972 from 800,000 to one million youngsters will leave school early, the majority in the tenth and eleventh grades. Although 16 is the age at which most dropouts occur, the decision has probably been made much earlier.

Diagnosis of potential dropouts should begin in elementary school, The following are considered telltale signs:

Inability to read at grade level.

Frequent absenteeism.

Lack of participation in extracurricular activities.

Rebellious attitude toward teachers.

Disrupting the classroom.

Emotional disturbances in home environment.

A program funded by the United States Office of Education's Dropout Prevention Branch in the inner city schools in Baltimore involves a pupil service team approach to diagnosing problem children and prescribing remedial action. The team consists of a social worker, counselor, community liaison worker, and two part-timers; a psychiatrist and a psychologist. If necessary, the team may also bring in the school nurse, a medical doctor, and the parents.

The team looks at all aspects of the child—academic, physical, and emotional—to determine why he isn't succeeding. It could then result in referral of the pupil to a special STAY (Services to Assist Youth) classroom which are limited to ten pupils so that the team and teacher can provide individual

counseling, reinforcement, and individualized instruction.

The objective is to prepare the pupil for a return to his regular classroom or to transfer him to another school or agency. This diagnostic technique has proved so successful in the demonstration program that it is now being applied citywide in Baltimore schools.

United States Office of Education's Dropout Prevention Programs have the following objectives each central to one of their programs for potential dropouts.

Objective.—Involvement of Private Industry.

Project STAY in St. Louis has work-study programs with McGraw-Hill, Sinclair Oil, Famour Barr Department Store, and several local hospitals. Bell Telephone provides students with work-study skills. They receive wage increases and promotion as school progress and skills development are shown.

Objective.—Motivating Students Through Rewards.

In Texarkana, Arkansas, successful students receive coupons to redeem for merchandise. Students who complete two grade levels of achievement receive transistor radios.

Objective .- Relaxing Traditions Which Inhibit Programs.

New patterns of teacher preparation are developing. In Dayton, Ohio, college students with inner city backgrounds are hired to assist younger students to stay in school. Technical assistance is provided through a Dayton-Miami Valley consortium of colleges.

Objective.—Discovering Pupil Motivation.

A program in which students develop their own project and make a contract. with the teacher to complete them is the Burlington Vermont High School A.S.P.I.R.E. (A Students Planned Innovative Research) Project for uninspired tenth graders. Admission to the program is voluntary but, once accepted, students must agree to complete the course and fulfill its requirements.

A program which exists outside of the schools but has school achievement for low income pre-delinquent Chicano youth in South El Monte, California, as one goal, is Project ARRIBA. The objectives of the program are to reduce delinquency among 8 to 13 year old Chicano youth by stimulating community interest to provide more constructive opportunities for youth development.

The program is multi-faceted in its services but one feature that is relevant here is its provision of billingual/bicultural tutoring, counseling, and educational help with a totally bilingual/bicultural staff. Chicano studies by the youth workers are part of the youth's structured program from Monday to Thursday. A Chicano workbook has been developed by staff in the area of culture and history.

ARRIBA youths have shown 16 months academic growth for eight months of the program. Teachers report greater percentage of improvements for ARRIBA Chicanos in contrast to control Chicanos. Delinquency has decreased dramatically in area served by ARRIBA in contrast to control area.

Additional examples from other fields may also be cited, such as, crisis intervention, which reduces assaults, family break-ups and physical conflicts that lead to the arrests of both adults and children. As primitive as our knowledge may be about how to control crime and reduce delinquency, we do have examples of programs that can reduce the amount of crime that is committed by a given individual. If we begin to sysematically pull this information together and develop a method whereby we can transfer the knowledge and experience gained in one area to problems being encountered in another, we will have the rudimentary mechanism for transferring knowledge. More important,

we will have an increased capacity to begin solving problems.

I would be remiss if I did not comment on California's Probation Subsidy. It has had a dramatic impact on the commitment of both adults and juveniles to state correctional institutions. Although there are many critics of the program, the impact of a subsidy based on performance and planned incentive can hardly be disputed. As was reported in the Congressional Record of February 8, 1973. California's subsidy reduced new admissions to the Youth Authority by 10.000 young people between the period 1966 and 1972. This reduction, which focusses only on the youth, saved the state over \$68,000,000. Several tens of millions were also saved when an equally large number of adults were diverted from the state correctional system.

California's Probation Subsidy is a basic systems change model which diverted thousands from the contamination of state correctional institutions, while at the same time instituting local community treatment. The California approach was unique in that it rewards performance and states a very clear objective, i.e., reduced commitments to state correctional institutions, while it

rewards counties voluntarily participating in the program.

It is my understanding that the Governor of California has asked the Legislature to establish a new incentive subvention similar in some ways to the probation subsidy. The new incentive subvention is limited solely to juvenile delinquents and has as its objective the complete elimination of commitments of juveniles to state correctional agencies within three years. Unlike the probation subsidy which emphasized only community supervision, the new juvenile incentive subvention calls for the establishment of appropriate community correctional programs, whether they be residential, institutional, treatment, or community supervision. Interestingly enough, the new legislation also authorizes expenditures of funds for programs of community crime reduction and makes these funds available to other public and private groups.

In many ways, California has in the past pioneered some of the more interesting concepts to which we address ourselves today. It has had over fourteen years of experience in one of the most complete experimental programs for community treatment ever designed. The data accumulated is almost over-whelming. The California Community Treatment Program has during that period of time very clearly demonstrated the efficiency and desirability of correctional treatment carried out in the community. Very clearly, the message out of the California experience is that a much larger number of delinquent children and youth can be successfully controlled and treated outside of the

correctional institution than was ever believed possible.

It was not my intention to inundate you with illustrative examples of positive programs, yet, I think it is important to know that we have knowledge of examples of the kinds of positive programs that are outlined in the Juvenile Justice and Delinquency Prevention Act of 1973. The importance of this act is that for the first time a federal agency would have the responsibility for doing on a much larger scale what I have tried to do in this presentation, namely, to identify and describe some of those successful programs that operate to reduce crime and effectively treat delinquency.

FUNDING

Probably of the greatest importance to the practical administrator of the juvenile delinquency prevention or treatment program is a funding formula that calls for performance and not just promise, a formula that faces the necessity for standards which will insure that children and youth will not be forgotten as a priority in our wild rush to share national revenues.

The states do not want any unnecessary restrictions or standards, but, like it or not, it is in the process of developing state or national standards that we are forced to-examine and determine local, state and national priorities. It is repeatedly suggested that absolute knowledge and truth does not necessarily reside on the Potomac. I would like to suggest that it is equally true that absolute truth and knowledge doesn't reside in the hinterlands either. Standards are essential if the states and local communities are to overcome their provincial approach to problem-solving. Comprehensive planning does not occur when everyone is permitted to "do his own thing" without regard to its effect or impact on others. Standards are one method by which planning is promoted,

if not guaranteed.

The Juvenile Justice and Delinquency Prevention Act of 1973 is important for another reason. It demands that 75 percent of the funds be spent on services to prevent, divert and treat children and youth outside of the state correctional system. That type of priority and commitment is essential if any priority is to be given to programs on delinquency prevention which, by definition, are future oriented. This emphasis is critical if we are not to bury our interest in delinquency prevention and treatment under the equally important but overshadowing problems of the inner city, polution and tax reform.

Without priorities and programs that offer some form of specific grants to juvenile delinquency prevention and treatment, it may well be the year 2001 before we can hope to have shared revenues directed at these "future problems." How many juvenile and adult offenders will we have created by then; how much crime will be have generated by our ability to defer the solution of

future problems?

We have precedent and evidence that suggests that local government will not be any more enthusiastic about sponsoring prevention efforts than the national government has. If prevention, community treatment, and alternatives to state correctional care for the juvanile offender are to become realities, then there must be national leadership that is both accountable and responsible for the development of programs that address these critical national problems, If it is true that youth is a resource to be spent in the future, then we cannot afford to waste that resource by ignoring them today. The Juvenile Justice and Delinquency Prevention Act of 1973 is not a panacea, it will not correct all of the problems in the fields of juvenile delinquency that exist; in fact, its very existence will probably create new problems because as it affects change, as it begins to address real issues, this legislation could lead us on to some of the larger issues that confront society teday.

Division of Juvenile Corrections, Wilmington, Del., March 2, 1973.

Ms. Mathea Falco, Staff Director and Chief Counset, U.S. Scnate, Subcommittee on Juvenile Delinquency, Washington, D.C.

Dear Ms. Falco: Enclosed, is the corrected copy of my testimony at the hearing on Thursday, February 22, 1973 regarding 8, 821, the Juvenile Justice and Delinquency Prevention Act. The following information provides additional details on the composition of the population served by the Division of Juvenile Corrections in Delaware. These factors, including age, sex, and offense categories, were determined by a demographic study of youth in the custody of the Division on June 1, 1972. The study did not include youth in the two detention facilities administered by the Division, but did include youth in all other programs. At one point during the hearing, Senator Bayh asked me to provide a breakdown by age category. The specific age breakdown is as follows. At the point in time when this study was made, there were no youth under age 12 in our system. The following percentages are percentages of the total population.

My comment that our Division is, in fact, more a child welfare agency than a traditional correction system was really based not on the age breakdown but on the type of services we must provide to effectively return children placed in our care to the community in such a way that they are assisted in finding a meaningful participation in community life. Many of our services are supportive, helping, counseling, type services both with individuals and families. Field staff efforts include work with schools, employers, and private agencies. Most of our programs are designed to facilitate youth development by focusing on the positive potential of the youth.

In reading the transcript, I believe I misinterpreted Senator Bayh's question about how many youth first came to our Division as a result of truancy and later returned on serious offenses. Of the active population in our Division's programs on June 1, 1972, there were 7.7% committed for truancy, and these were identified as cases of serious truancy where the child was truant from school at least five times a month. Further, 53% of the youth had a history of serious truancy. A calculation of actual numbers and percentages of juveniles who are presently in custody on felony or misdemeanor charges who first came to the Division for truancy are not readily available. We have not yet refined our data system to provide such data correlation on a readily retrievable basis. However, the incidence of a serious history of truancy in the records of current offenders, we believe, substantiates the hypothesis of initial exposure due to truancy and related problems.

I would also like to offer additional clarification on the three offense cate-

gories that were mentioned during the hearing.

Juvenile offenses are those committed against the self, generally, rather than against society. Included are offenses such as truancy, incorrigibility (uncontrolled), and runaway. These are not offenses for which a child would be held in secure custody if he were to be held accountable only for adult offenses.

Misdemeanors under existing Delaware statutes are considered as not relatively serious offenses against society, such as disorderly conduct, molesting,

assault and battery, and breaking and entering.

Felonies are serious offenses against society and usually are violent, physical aggressive acts inflicted on one or more persons. Included are offenses such as murder, rape, grand larceny, and arson.

| Age: | • | Percent |
|------|---|---------|
| 12 | | 1,56 |
| 13 | | 0.78 |
| 14 | ~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~ | |
| | ~~~ | |
| | | |
| | | |
| 18 | | |
| 19 | | 17.52 |

I appreciated the opportunity to appear before the Subcommittee to testify. Please let me know if I can be of further assistance.

Sincerely,

ROBERT D. CAIN. Jr., Director.

Senator BAYH. Our next witness is Dr. Charles Shireman, testifying on behalf of the National Association of Social Workers.

We appreciate your taking the time to be with us and, with the other witnesses, I apologize for the delay that has been thrust at you and we appreciate your patience.

STATEMENT OF DR. CHARLES SHIREMAN ON BEHALF OF THE NATIONAL ASSOCIATION OF SOCIAL WORKERS

Dr. Shireman. Well, I must say we appreciate the opportunity to be here this afternoon.

I represent an organization of some 59,000 people who have a very strong interest in the area of inquiry and work in which you are engaged. We appreciate your inviting us to be here. I must say that after today, I am more cognizant than I previously was of how busy you are.

Senator BAYH. So am I.

Dr. Shireman. I have submitted a written statement which is rather brief, but which I will not endeavor to cover now.

Senator Bayii. Well, I must admit I have not had a chance to read it. My chief counsel tells me it is a magnificent statement. She has read it with great care.

Dr. SHIREMAN. Thank you.

Senator BAYH. We think it will make a great contribution to our record.

Dr. Shireman. Thank you.

I will very briefly pull a couple of points out of my statement,

expecting you to interrupt me as you care to. I will be brief.

I think I should call to your attention that we, in social work, have long had an abiding interest in exactly the sort of thing you are working on. As a matter of fact, in my own home community of Chicago, in Cook County, Ill., it was a small group of social workers, some of whom were included among the founders of the school where I now teach, who allied themselves with the representatives of the Cook County Bar Association and joined in establishing the first statutorily created juvenile court in the world. Since then, social work has taken leadership in expanding juvenile services to community treatment in probation and parole, to the establishment of the first Child Guidance Clinic in the world, and to a variety of programs of this nature.

And so, obviously, we are deeply committed to the sort of endeavor that you are engaged in. We are proud to be here to testify on a bill that we think is so cogently addressed to a major problem of our

times as this bill is.

We are particularly interested in the problem of education and training for work in this field; in the problem of community-based treatment as an alternative to institutionalization; and in the emphasis in your Bill upon research and evaluation upon what I would like to term a strategy of inquiry associated with the strategy of action. We think these three things are enormously important. I do not mean by this to underemphasize our interest in the ponts that you make on the revision of juvenile justice procedures and the centralization and coordination of federal activities in this field. We have long been bafiled by attempts to claw our way through the maze of agencies

that are engaged in it.

First, let me comment very briefly on the problem of training. You know it was not too long ago that there were inaugurated a number of experiments in the provision in the community of intensive treatment for juveniles through probation and parole. Those original experiments almost all failed. The reason that they failed, it soon became evident, was that the officers that were given the functions of providing the planned intensive treatment did not know how to do it. They needed help in determining what it was they were supposed to do. Now, at the present time, there is a great deal of emphasis, justifiably and correctly on the fact that we need a number of different types of personnel in this field. We can use youthful offenders themselves to great advantage. We can use citizens from the communities from which the great burden of delinquency comes. We can use eager and dedicated young B.A. students. All of these people are desperately needed. But behind them, we have to have a trained corps of professionals who can put in the substance, the broad outlines of the sort of endeavor they are supposed to be engaged in.

Most of these come from, At the present time, most at these professionals come from schools of social work and from the allied helping professions. And at the present time, we in these schools are in an extremely difficult position. Roughly, 80 percent of the students going into this sort of work through schools of social work do so with the aid of scholarship and training grants that in one form or another come from Federal sources. About 80 percent of them are so financed. About a third of the faculty that is engaged in this sort of training is supported by grants that come in one form or another from federal sources.

Senator Bayn. 80 percent?

Dr. Shireman. 80 percent of all the student grants.

Senator BAYH. In other words, the training?

Dr. Shireman. That is right.

Senator Bayn. And then you are going to tell us what is in the

process of happening to those grants?

Dr. Shireman. What is in the process of happening is they are being fiped out. These come from three major sources. They come from from ader Social and Rehabilitation Service; they come from NIM1 and they come from a special 707 paragraph in the Social Security bill. The 707 grant is the only one that applies exclusively and directly to social work, but the other ones apply to social work and other related professions. The 707 grants have already been terminated as of last June. Congressman Wilbur Mills has very helpfully introduced H.R. 1349 which will extend these for 1 year. We hope this goes through.

The Social and Rehabilitation Services grants and the NIMH grants, are being phased out. From some of them we will be able to make grants to students who have already started their educational programs; that is, if they have started a 2-year program and we have made a 1-year grant to them this year, we will be able to con-

tinue the grant next year.

Senator Bayn. Let me ask you, doctor, I had the opportunity, I guess it was early this week to speak before one of the Community Drug Abuse Councils of my State, in Kokomo, Ind. This Council has a number of opinion leaders, social workers and ministers, doing what I thought was a very effective job of relating to the problems of drugs. They were advised by the State official who was present at the meeting that the NIMH programs assisting that drug abuse council were going to be terminated and the Council would have to rely on revenue-sharing funds. Now, are there any revenue-sharing funds available at all for the programs that you are talking about, as far as training to students, professionals in this field?

Dr. Shireman. Well, it seems at the present time, no. Now, it is hard to tell what is going to happen in this field. Social Security Act funding from which funds for such services have come in the past is being drastically reduced and stipulations are being made, very stringent regulations are being developed as to to how those moneys should be spent. At the present time, we have no assurance—as a matter of fact, the prospects seem to us rather dim—that student aid grants will be available from these sources at all. We do not know

where we are going to turn.

I should call your attention also, that this will particularly affect one of the groups from which we have been trying to draw students, a group from which we need increased leadership. I speak of the minority groups. The minority group student very seldom has the money to finance his own education. It is all very well for us to tell him to go out and take a loan. He has usually completed his undergraduate training with the aid of loans and he is in a tough spot. This will somewhat change the complexion of the student bodies of preparatory institutions of this nature in this country in more ways than one.

I would like to draw a couple of other points out of my prepared

statement if I may.

Senator BAYH. Would you forgive me if I go ahead and eat my lunch. If I do not eat now it will have to wait until after dark.

Dr. Shireman. Please do. This is, as a matter of fact, my usual procedure when I am seeing students during the noon hour at home.

The other point that I would like to emphasize for the National Association of Social Workers is our pleasure at the emphasis that this proposed legislation places upon research and inquiry. You can't underestimate how important we consider this to be. Let me cite a couple of interesting facts in this connection. You know, if you go to most correctional agencies today, statewide correctional departments or correctional institutions or probation and parole departments, you find that they have no measures whatsoever as to the effectiveness of their efforts. Most of them do not know what the recidivism rates of their graduates are. If they know what those recidivism rates are, they do not know which kids tend to recidivate and which do not, That is, which kids who have been exposed to what sort of a program tend to recidivate and which do not. This is a tragic situation. What this means is that social policy in the area of corrections in this country tends to develop on the basis of exhortative ability to attack or to defend. It tends to be based on untested assumptions and largely it tends to be based upon pious hopes.

It is for this reason that we consider a strategy of inquiry associated with action to be so important. There are ridiculous things that happen as a result of our proceeding without the essential that any man in any business concern would consider to be imperative in order to frame his policies; that is, feedback. There is at the present time

no provision for feedback.

Now, among the things that happen is that this accounts for irrationality in the system, and for the presence of a great deal of the rhetoric of treatment without its substance. We send kids to correctional institutions, let us say. We ship them out to the country, or out of the city, to situations in the country where they live with several hundred other kids in a situation in which peer group pressure is what determines the value system, and in which the only common denominator among the peer groups in those institutions is the fact that they have been defined as being alienated from conventional society.

Senator BAYH. If I might just interrupt, I think you made an unintentional reference to shipping them out of the country——

Dr. Shireman. I corrected myself and said "out of the city." Senator Bayn. Let me suggest, though, doctor, that as far as helping juveniles to cope with their problems in the community in which

they are going to be returned, you might as well ship them out of

the country.

Dr. Shureman. That is right as far as the availability of real resources. I mean, as far as the availability of real resources for treating them.

Senator BAYH. Or the relevance of some of the treatment.

Dr. Shireman. That is right. You are quite right. This is the thing that I am trying to get at when I say that we must associate our expenditures for action with inquiry and with evaluation and feedback. This is the missing ingredient at the present time that I am emphasizing, it is the absence of feedback that leads to policy

formation on the basis of daydream and futile hope.

As an example of the degree to which the rhetoric of rehabilitation is present without its substance, let me call your attention to something that is a bit amusing, but it is also ironic—a bit tragic. You go through the large juvenile institutions in this country and you will find that all of them have security units. They have to have if you have 200 or 300 kids locked up together; you have to have a security unit to place some of them in once in awhile. These are steel and concrete cell blocks, that is all they are, but they have them in almost all juvenile correctional institutions. They tell you they use them for only a brief period for kids who are exploding. Amazingly, what those cell blocks are very frequently called are intensive treatment units or meditative cottages or some other term such as this. That provides the best example one can find in the utilization of the rhetoric of rehabilitation without its substance. It is almost as tragic as the fact that until not very many years ago, we used to put kids against a brick wall and spray high pressure fire hoses on them. I have pictures in my office of this being done very recently in a State institution. The general term for this is "hydrotherapy."

What I am suggesting is: It is time to claw away these illusions and this underbrush and look at the facts for what they are. And one of the facts that one has to look at is that it is time for us to recognize that we should abandon the idea of committing kids to correctional institutions for therapy. We will continue to need some correctional institutions, but correctional institutions should be used as places of commitment only in the instance in which it is necessary to protect society against the kid for a brief period of time. We should not be sentencing to them under the illusion that we are sentencing to something like a hospital. And, as I say, we should sentence only for the purpose of social protection. Once such sentece is decided upon, obviously, the best possible rehabilitative services should be provided, but kids should not be sent under the illu-

sion that they are being sent to hospitals.

This brings us, then, to our very great pleasure in your emphasis upon community treatment and upon the investment of funds for community treatment. Briefly, I should like to note that we are spending an awful lot of money on these kids as it is. The money is there to spend for decent community treatment services. There is available to you a research report on a small group of individuals, random sample, of releases from the youth correction center operated by the D.C. Department of Corrections. It is a sample of 25 kids with a me-

dium age of 26 years. Now these maybe only 26 years old, but they constitute a random sample and should reflect the kids leaving that institution.

We had spent just for correctional and law enforcement services, not for the cost of their depredations, just for correctional and law enforcement services an average of \$31,000 apiece for each of those kids. The money is being spent. It is a question of how we can reallocate the expenditures. Their careers, thus far, by age 25, had cost an average of \$31,000. It is evident that the goals to be achieved in a sensible reallocation of our expenditures in this area are immense.

I think that I can only assure you of the interest in our membership in the goals that you have selected for your endeavor, and our fervent hope that we may be able to play some role with you; that our support combined with your leadership may enable us to accomplish some of these goals that you have suggested in your proposals and that I have underscored in my statement.

And we thank you very much for the opportunity of appearing.

Senator BAYH. Well, thank you very much. Doctor.

There are a number of questions that I have propounded in my own mind. Since I have not had a chance to read your fine statement, let me do that this evening and then if I have questions may I send you some written interrogatories?

Dr. Shireman. Excellent. Thank you.

Senator Bayh. My thanks to you, personnally, and to your organization and your hard-working members sharing your expertise and your concern for action in this area.

Dr. Shireman. Thank you. We hope so.

[Dr. Shireman's prepared statement is as follows:]

PREPARED STATEMENT OF CHARLES SHIREMAN, PROFESSOB, UNIVERSITY OF CHICAGO, REPRESENTING THE NATIONAL ASSOCIATION OF SOCIAL WORKERS

The National Association of Social Workers, the professional organization of some 59,000 social workers, is pleased to be given an opportunity to appear upon, and, indeed, to endorse legislative proposals so cogently addressed to an issue so vital to our times as are those embodied in the Juvenile Justice and Delinquency Prevention Act of 1973. We urge the passage of this forward-looking legislation.

Since its inception as a profession, social work has included amongst its focal concerns the problems created by—and for—the child in conflict with the social order. For example, in my own home state, Illinois, social workers (among them some who were instrumental in founding the School at which I now teach) were major partners in the movement which led to the founding in Cook County of the world's first statutorily created juvenile court. The profession later shared in bringing about the first guidance clinic—also attached to the court. Social work has given leadership to the spread of the concept of the provision through probation and parole of positive, community-based help to the delinquent child and his family; to the thrust to bring decency and a semblance of rehabilitative endeavor to the juvenile correctional institution; to continuing efforts to mitigate the frequent savagery of the criminal law as it confronts the child; and, generally, to the finding of useable channels for the implementation of the concept of the oneness of the long-term welfare of the child and of the community.

Deeply involved in the problem of juvenile delinquency though we have been, the relatively recent years have provided shocked awareness of the fact that negative, often violent confrontation between the juvenile and society are more characteristic of and more corrosive of the very quality of American

life than had ever before been evident.

It is certainly not necessary that I inform the members of this Committee that juvenile delinquency casts a pall on contemporary American life. This Committee has, itself, vigorously called public attention to this fact. However, I should note that we think tragically impressive the data that are beginning to emerge that delineate the problem with more painful clarity than had previously been evident.

For example, a landmark study, the data from which only very recently became available, has shed light on the extent and nature of urban delinquency by tracing the violative careers of a cohort composed of all boys born in 1945 and having lived in the city of Philadelphia between their tenth and eighteenth birthdays. This cohort included approximately 10,000 boys. Of these, 35 percent were arrested at least once before their 15th birthday. Once arrested, the boys future prospects became bleaker. Fifty-four percent became recidivists.

Unfortunately, there is little indication that contacts with the juvenile justice system had any salutory impact upon those youngsters. Those who received interventive treatment (institutionalization, fine, or probation) not only tended to continue to violate the law, but they committed more serious crimes with greater rapidity than did those exposed to no or to less serious sanctions.

The all-to-prevalent later outcome of this tragic pattern is illustrated by another small but crucial study carried out right here in Washington by the District of Columbia Corrections Department.² The earlier violative and correctional careers of a sample of 25 young men released from the District correctional facility for young adults were studied. These men had already in their still-youthful careers achieved correctional records averaging nine years and twenty-five correctional actions ranging from juvenile arrest to prison terms. The median cost—thus far—of their correctional careers (not including the costs of depradations) had been \$31,000 per person! The correctional system had had an over-sufficiency of "chances at them." Large amounts of money had been spent. But this had resulted in very little "correction."

It is our knowledge that tales like this could be told of almost any American city today that leads us to welcome the seriously constructive approach to the problem being made by this Committee. We are pleased by the manner in which your proposals seem to combine strategies of action and strategies of inquiry.

I should like briefly to note and emphasize our conviction that inquiry must be combined with action.

For some seventy-five years we have in this country been busily occupied in the development of various "rehabilitative" programs for delinquents. We are assumed to be a pragmatic, out-come oriented people. Developmental programs in business and industry, for example, characteristically include major investment, averaging. I am told, in the neighborhood of 15 percent of budget for research and development. Major emphasis is placed upon inquiry into the effectiveness of newly developing procedures.

Incredibly, we abandon this philosophy entirely when moving into the area of attempts to reconstruct the lives of children. Most delinquency treatment programs go merrily along their ways year after year with no systematic evaluation of their effectiveness whatever. For example, relatively few juvenile probation departments, correctional institutions, or state departments of corrections can tell you precisely how much it costs them to serve a child. To many of them, performance budgets are unknown. Even more shockingly, they employ no outcome measures that provide information as to the degree to which their efforts are successes or failures. Many agencies and departments do not know what the recidivism rates of their graduates are. Even if they do have a gross recidivism figure, almost none can break this down so as to tell you which sorts of children, exposed to what kinds of programs, succeed or fail. Such recidivism figures as are available usually simply lump gross data together, without consideration, for example, of whether a violation of probation or parole results from a major or a minor technical offense, whether it is an incident in a generally positive course of adjustment, or a part of a picture of continuing decline.

Of course, officially known recidivism is at best a grossly inaccurate measure of true community functioning. But more sophisticated measures of actual community or personal adjustment achieved are almost never found. In fact, Mr. Joseph Coughlin, head of the Juvenile Division of the Illinois State Department of Corrections, and I are just beginning a major two year project in the development of such measures in cooperation with his Department and the

University of Chicago. We hope to develop them in such a way that they can be fed into the Department's data processing system and related to personality and program variables. Thus, for the first time, the Department will have regularly-generated data telling it what the outcomes are of its various types

of programs, applied to various types of youngsters.

What is obviously missing at present is that essential to efficient management or to any form of cost benefit analysis: feedback. Without feedback information reflective of outcome, correctional policy tends to be made upon the basis of the ever-present thrust toward institutional survival; or upon protagonists' exhortative abilities in advancing claims, counter-claims, and denunciations without a foundation in data; or, at best upon a sort of loosely generalized impression, intuition, guesswork, and pious hope.

This situation has led to much of contemporary corrections' operating upon the basis of what often seems an elaborate illusory system based upon the rhetoric of helpful treatment without its substance. We take children who are having a hard time learning to live in the community out of the community. We send them to some rural area, and place them in a large institution with several hundred other youngsters the major-bond among whom is the fact that they are violators of the codes of conventional society. We term these institutions "correctional schools." This makes us feel better, whether or not the term

reflects reality.

As a further, almost tragically ironic example of the substitution of the rhetoric of rehabilitation for its substance, consider the following. Within almost all large juvenile institutions there will be a security unit. If you are going to shut up together some hundreds of resentful adolescents, you will need such a unit as a means of protective (we hope) care of those who from time to time will undergo emotional explosions. All these units are is steel and concrete cell blocks. But in institution after institution what do we find them to be officially labeled? "Intensive treatment units," or "treatment cottages," or even "meditation cottages." How much sense does this make?

Consider our expectations of probation and parole as treatment services. Since at least the 1920s, we have been striving in this country for the achievement of "reasonable" case loads. For at least that long, we have spoken of the "fifty-unit case load" as the minimum standard toward which we should strive. We rather rarely achieve this standard, but we still speak of it as our reasonable goal. Seldom do we step back and view objectively what such a goal would mean. For example, one thing it would obviously mean is the availability on the part of the supervising probation or parole officer of an average of about three hours a month for all work in connection with each case. Not very impressive? Well, then, consider that by the time allowance is made for travel time, dictation time, time spent in waiting for court, collateral call time, supervisory interview time, and a number of other demands, it is unlikely that the officer will have more than an average of forty-five minutes per month available for in-person contact with a probationer or parolee. How much rehabilitative treatment does this allow?

The fact is that the presence of the illusion of treatment probably operates as a mapor negative factor. The youthful offender, for example, recidivates "in spite of all the help he was given." The only possible conclusion must be that he is so intractable as to be "untreatable" or that treatment must be impossible—when the substance of treatment was never present behind the

facade.

The answer to a situation of unreality such as this is the generation of empirical data to be used in evaluation. Only then can we begin to assess the reality of program outcome. NASW is in basic agreement with the proposals previously advanced by the National Council on Crime and Deliaquency to the effect that some 14 percent of grant expenditures be employed for realistic evaluation of all projects. Further, we believe that in the present rudimentary state of our knowledge all large-scale delinquency control agencies should develop research and evaluation arms. The testing of underlying assumptions and the examination of the extent to which programs truly rehabilitate or further criminalize is a necessary charge upon all of us who seek to intervene in the lives of human beings. This goal should be immensely furthered both by the grant program outlined under Title IV of the proposed legislation and by the National Institute for Juvenile Justice called for under Title V.

The emphasis placed in Title IV upon grants for a wide variety of community-based treatment programs is also applauded by social workers. It is

interesting to us to observe that in recent years a still-small but increasing number of projects have been carried on in various parts of the country in which randomly selected groups of juvenile ordered committed by courts to institutions have, instead, been provided various sorts of treatment within the community. Their later adjustments have then been compared with those of control groups of youngsters who actually did go to the institutions and were later paroled. Over and over, the same finding emerges. The youth kept in the community inevitably do better. They do so at far less cost in terms of dollars. And, even more importantly, they do so at far less cost in terms of human suffering.

We in social work have come to believe that the concept of commitment of juveniles to large-scale correctional institutions as a therapeutic or rehabilitative device must be abandoned. Youth should be committed to correctional institutions only upon a finding of the existence of a clear and present danger to the security of other citizens.

Efforts should be redoubled to provide the very best of rehabilitative care to youngsters so committed. But the commitment should be made only when

necessary to social protection.

We note with approval that it is contemplated that the Title IV Special Emphasis Prevention and Treatment Programs may be carried out by both public and private organizations. By and large, delinquents need the same sorts of services as do non-delinquents. Indeed, services set up on a "for delinquents only basis" too often tend to become shabby programs. It seems possible to us that many services to them may eventually be provided on a contract or purchase of service basis.

A further point of major concern to NASW is staff utilization and training. In this connection, it is interesting to note the history of the early projects on the reduction of caseloads in probation and parole. Caseload reduction in itself was a failure. It was not until officers were given further training in what it was they were actually to do by way of the provision of the expected more intensive service that any success was achieved. Many sorts of personnel may be productively employed in the treatment of delinquents: youth themselves, neighborhood citizens, dedicated young BA graduates, and professionally trained social workers and representatives of allied professions. But all of us in this work constantly operate at the very growing edge of current knowledge about deviant behavior, its origins, and the method of producing behavioral change.

The necessary volunteer training, in-service training, and continuing staff development rest upon the presence of a core of professionally-trained persons who can provide the necessary basic program content. Such persons are also needed to provide the teaching and consultative aspects of casework supervision, which helps the staff member test out and apply newly learned material to day-to-day on-the-job performance. At this critical juncture, when qualified personnel are so needed to help us gird to meet the challenges presented by delinquency, crime, and other pathologies, NASW is shocked by the imminent withdrawal of Federal support for training in the professions that must be drawn upon if such personnel is to be forth-coming now or produced for the future. This is an incredibly short-sighted action—one which will inevitably handicap us as we endeavor to meet the fearful challenges confronting Americans at this point in history. Many of the major training programs upon which the staffing of the sorts of efforts we are discussing today depend may well face extinction. Senate Bill 821 will contribute to some degree to in-service and similar training programs. We welcome this help. We also urge your support in countering the move to eliminate the other training programs supported for years past by the Department of Health, Education and Welfare and now scheduled to be wiped away.

I need not comment in detail upon the other provisions of S. 821. NASW will most actively welcome the bringing of a semblance of order into the confused picture of Federal delinquency-control financing and programs. The prospect of a major standard-setting program that will assist at least in establishing agreed goals in the jumble of the present juvenile justice non-system will also be most welcome.

In sum, The Subcommittee to Investigate Juvenile Delinquency has wrought well. We of NASW stand with you at this critical juncture of history, when the fate of the concepts of true justice for all, including the hurt and therefore hurtful child, hangs in the balance.

FOOTNOTES

1. Marvin E. Wolfgang, Robert M. Figlio, and Thursten Sellin, Delinquency in a Birth Cohort, (Chicago and London: The University of Chicago Press, 1972) pp. 245-253.

2. Barbara Cantor and Stuart Adams, The Cost of Correcting Youthful Offenders. Research Report No. 6 (Washington, D.C.: District of Columbia Department of Correction, Research Department, (1968), p. 17. Quoted in Selected Highlights of Crime and Delinquency Literature, National Council on Crime and Delinquency, Vol. 1, No. 7 (October, 1969), pp. 49-50.

8. See for example California Department of the Youth Authority, "Community

Treatment Project-Phase III: An Evaluation of Differential Treatment for Delinquents," in the Status of Current Research in the California

Youth Authority (Sacramento: The Authority, 1972), pp. 8-18.

Senator Bayh. Our final witness today is Mrs. Flora Rothman of the National Board of the National Council of Jewish Women. You have been very patient and we appreciate, Mrs. Rothman, your presence, as well as the deep concern and interest of your very prestigious organization.

STATEMENT OF FLORA ROTHMAN, NATIONAL BOARD OF THE NATIONAL COUNCIL OF JEWISH WOMEN

Mrs. Rothman. Thank you. Senator Bayn. Would you permit me to continue to provide a little nourishment for our efforts?

Mrs. ROTHMAN. If you will permit me to be jealous of you? Senator BAYH. You will be more jealous sitting there than if you were sitting here looking at what I am eating.

Mrs. Rothman. Right now I doubt that very much.

Our formal statement indicates our long history of concern for children in need. Our most particular concern in this area is based on our study of justice for children. I am chairman of that task force of the National Council of Jewish Women and during the past year over 120 of our sections around the country have been engaged in a rather thorough study of the Juvenile Justice System in their particular communities. And this includes the law, the police procedures, the court system, the probation services and the general community services and methods of handling children with problems. Right now we are compiling the results of those studies and much of what I have to say is based on my early reading of the studies although the final summary is not complete.

But what we have seen really has made it seem urgent that legislation such as that proposed here be passed. Certainly a coordinated, comprehensive approach to the problems of children in trouble is essential. It is foolish to think that we can deal with it in a law enforcement manner and neglect the relation to family counseling services, to education, to vocational training. These are all essentials. What is happening in various parts of the country is that we are finding a fragmented system, a disorganized system and we are also finding that States and local governments are making their plans not on the basis of where the real needs are but where they believe funds will be available. We do not think that this

is the way these problems can be approached or dealt with.

We appreciate very much the attention given in the bill to the area of training. I was interested to hear you mentioning before that there seemed to be some question as to whether this was necessary and I must say that the studies of our women have shown a remarkable lack of training in almost every aspect of the Juvenile Justice System, particularly in the area of police work and the judiciary. And we would endorse the leadership that such a bill would provide in the area of training of all people dealing with children.

We were also pleased to see the limitations of the term juvenile delinquency confined to these violations of law which would be crimes if committed by adults. The recommendation we would think might be even stronger which would remove such acts as truancy, incorrigibility from the jurisdiction of the courts and this is the recommendation that we note has been made by many national groups, most recently by the National Advisory Commission on Criminal Justice, and we would hope that this stronger attitude should be considered because what we are doing right now stigmatizes the child and really does not deal with his problems. It gives him new ones.

We feel this particularly since many of the administrators of juvenile institutions with whom we have met around the country have been really quite frank with us in telling us that the institutions that they are running are not appropriate for the children in them. And we feel that if the person running the place feels that

way then most likely it is true.

We recognize that these children have legitimate needs but we do not think that they can be dealt with in the correctional system and we endorse those provisions calling for community based facilities, group homes and adequate drug treatment programs, and family counseling services. We are also much in accord with the emphasis on children's rights. This is an area where we have been really very dismayed by some of the things our study has indicated. We find that too many children are kept in detention improperly and over too long a period. The right to counsel is one that one would think had been established after the Gault decision, but in many areas of the country it is being circumvented. We think this is a particular problem now because this requires public funds in many cases for counsel to be provided the children, and we have found that there have been cutbacks in many communities that are making the provision of this service almost impossible.

The right to appropriate treatment, we feel, is being ignored. At a time when we are so concerned with drug addiction, it is amazing that in most detention facilities, training schools and all sorts of places where we place these children, they have absolutely no drug

program whatsoever.

Senator BAYH. Despite the fact that many of the children in the institutions are there for drug related crimes. Now, how you make sense out of that, I do not know.

Mrs. Rothman. We do not know, either, and we were surprised.

This whole study is a series of surprises.

We find the time lapse between arrest and adjudication, between adjudication and disposition is much too long, and treated very casually I must say in many areas, particularly the time lapse

between adjudication and disposition where it is almost a matter sometimes of when we get around to it we will get to that hearing. And then in another area which is mentioned in the bill, that of the confidentiality of the records, is of great concern to us. In almost every area of the country where our women have been studying, they have been told these records are confidential by law and, in practice, they are not. In this area we would like to recommend the provisions regarding sealing of records and expungement to be strengthened to provide for destruction of juvenile records after discharge or within a specified time, and we suggest, too, that such a provision be extended to include not only records originating in the district court system but also any Federal records arising out of local or State court or police proceedings.

We further endorse the provision barring the imposition of sentences longer than those which would be given an adult for commiting the same crime, and I must say that there are states where they almost seem to be going backwards, in that they are now trying to make offenses those things which would be offenses if committed by adults, grounds for a juvenile delinquency proceeding for children. In this area, we would suggest that the age limit for probation or commitment, which in the bill is 21, be lowered to 18, and we note further that when you allocate resources to the states that you do it on the basis of their population under the age of 18, and would, therefore, think it would be more realistic an age to use

throughout the bill.

Of course, we are delighted with the entire matter of establishing guidelines and standards and not only establishing them, but intending to implement them. We feel that no change on the local level can be accomplished without this kind of leadership from above. We also approve of the idea of measuring the effectiveness of innovative programs as they come up because they are proliferating and there is really no method being used universally to decide whether what is being done in one state has some value in another state.

And we also approve of the inclusion of the provision for longterm funding because we feel that this would encourage an improved

system and not merely innovation for innovation's sake.

On the National Advisory Council we have a question as to whether it has been given powers in line with its functions. We note that on the State level you recommend that the board be given the power to review the State plan before it is sent into the national office, and we wonder whether perhaps the National Advisory Council might be given a parallel power. We have every reason to believe that the states will welcome the opportunity to deal with a single Federal agency in regard to youth needs. We think this will encourage them to develop plans that are truly plans rather than try to guess where they can get money and tailor their plans accordingly.

In conclusion, we appreciate the recognition you have given the voluntary sector. Our local sections have sponsored group homes, have provided educational and recreational services in detention centers and training schools. We have established walkin centers for teenagers with problems and we look forward to much greater involvement as a result of our national studies. But, we feel that such

activity can be most productive only when it is part of a coordinated approach to children's needs.

And that, I think, summarizes our presentation.

Senator Bayn. Thank you very much. I think that this testimony and those of these other interested organizations will be helpful in letting the country know the extent of the juvenile delinquency problem and how woefully inadequate and self-defeating many of our best intentioned efforts to solve this problem are. I hope we can

call on you for continued advice and counsel.

Mrs. ROTHMAN. Our feeling has been that the matter of community education in this entire area is of paramount importance, particularly, if the direction is towards community-based facilities. We are going to get to the old "yes, but not in my block" routine; unless people really understand what the problems and needs are, and this has been of great concern to us and is one of the areas in which we intend to work. As far as the study itself is concerned, as I mentioned, we are in the process of compiling that now, and I would be delighted to send a summary to this Subcommittee when it is available.

Senator Bayh. I was hoping that you would and we will look forward to getting it. We hope we can continue to communicate back and forth and that you will be very frank as we go ahead with additional suggestions to make this particular legislative more effective. We need the support of the opinion leaders and concerned citizens who are members of your organization and who are willing to stand up and, be counted to see that the lessons learned from your study are utilized to help solve the problem of delinquency.

Mrs. ROTHMAN. Well, I would hope so. We have been standing up for a great many things over the years. We stood up for the children's bureau and regretted its dissolution. We stood up for child care legislation, and now that has been vetoed. I hope we have

a better record here.

)

Senator BAYH. Let us read from the Prophet Job. I think now more than ever we need to take a few lessons there and persist.

Mrs. ROTHMAN. We intend to.

Senator Bayii. Thank you. So do I. We will persist together. Thank you very much for coming here this morning.

Mrs. ROTHMAN. Thank you.

[Mrs. Rothman's prepared statement and followup letter submitted for the record are as follows:]

PREPARED TESTIMONY PRESENTED BY MRS. FLORA ROTHMAN

My name is Flora Rothman. I am a member of the National Executive Committee, the National Board, Chairman of the National Affairs Committee and Chairman of the Task Force on Juvenile Justice of the National Council of Jewish Women, an organization established in 1893, and with a membership of over 100,000 in local Sections throughout the United States.

Since its inception, our organization has provided help for children in trouble. In our very first decade Sections provided remedial work in connection with juvenile and other courts. A Council probation officer for Jewish delinquent children was accepted in a Municipal Court in 1906, and by 1911 several other Sections were providing this service. At present an estimated 35 Sections are active in the juvenile justice system. Some are active in social action programs—sponsoring public meetings, testifying on proposed state legislation. Many are providing services—education, tutoring, vocation, recreation—in detention

centers and training schools. One Section sponsors three residences for teenage girls who have been in trouble with the law. Since last year over 120 Sections of the NCJW around the country have been taking a look at what is happening to children in trouble in their communities.

I, therefore, appreciate the opportunity to present the views of the National Council of Jewish Women on the Juvenile Justice and Delinquency Prevention Act of 1973. The reports from our Sections of their study currently being

gathered and tabulated point to the need for the legislation before us.

Reports from all parts of the country characterize their systems as confused, fragmented and disorganized. A coordinated, comprehensive approach to meeting children's needs is of top priority. The problems of law enforcement cannot be dealt with in isolation from the associated fields of education, family counseling, health services and vocational training. In the absence of such an approach, local and state governments are prone to shift their efforts not in relation to need but in relation to the availability of financial resources. Therefore, we are too often dealing with children's educational and family problems inappropriately in the judicial system.

We appreciate the attention given in the bill to the need for training programs for professionals and volunteers alike. Our studies have shown too few communities where adequate training is provided to those who work with children. This seems to be particularly true in our police departments and in

our judicial system.

)

We are pleased to note that the term "juvenile delinquency" is restricted to those violations of law which would have been crimes if committed by an adult. We would have welcomed an even stronger position which would remove such acts as truancy and incorrigibility from the jurisdiction of the courts. This recommendation, which has been made by many national councils and conferences, and most recently by the National Advisory Commission on Criminal Justice, requires strong national leadership if it is to be realized. This area is of great concern to us because current practice stigmatizes the child, does not solve his problems, and in fact too often exacerbates them. Many administrators of juvenile institutions have told us that the facilities they run are not appropriate to the needs of many of the children they supposedly serve. This is not to excuse us from meeting those needs. We, therefore, heartily endorse those provisions calling for community-based facilities, group homes, adequate drug treatment programs and family counseling services.

We are also in accord with the emphasis on insuring children's rights. We have found detention overused and misused. We have found that the right to counsel is frequently circumvented, and the right to appropriate treatment is seldom observed. The time between arrest and adjudication; and between adjudication and disposition, is frequently much too long, and the matter of confidentiality of records is of universal concern. In this respect, may we suggest that the provisions regarding sealing of records and expungement be strengthened to provide for destruction of juvenile records after discharge or within a specified time. We suggest too that such provision be extended to include not only records originating in the District Court system but also any federal record arising out of local or state courts or police proceedings.

We endorse the provision barring imposition of sentences longer than those which would be given adults for the same crime. We suggest, however, that the age limit for probation or commitment be 18 rather than 21. We note that allocation of funds to the states would be based on population under the age

of 18 and we think this is the appropriate age of majority.

At a time when new approaches to the problems of juveniles are being proposed we are pleased that this bill stresses the establishment of guidelines and standards and expresses the intention to press for their implementation. We feel that change on the local level requires this kind of leadership. The role of research and evaluation is also most important, particularly if we move toward various community-based diversionary systems. We can judge the effectiveness of each innovation only if we have provided for periodic objective review. Along these lines we commend the inclusion of the provision for long term funding, further evidence that the goal is an improved system not innovation for innovation's sake.

As for the establishment of a National Advisory Council, we are pleased that it would insure representation not only of young people but particularly of some who have had direct experience within the system. We would urge that the

Council be given powers in line with its advisory function. We note that similar boards outlined for the state level are given the power to review the state plan and would progress the power to review the state plan.

and would suggest a parallel role for the National Advisory Council.

We believe that states will welcome the opportunity to deal with a single federal agency in regard to youth needs. This will enable them to design well-rounded plans tailored to real needs. Of course, this is based on the ability of the central agency to deliver the resources necessary to any plan's implementation. We think the funding levels proposed in this bill are realistic and essential.

In conclusion we appreciate the recognition accorded the voluntary sector. Local NCJW Sections have sponsored group homes, have provided educational services in institutions and have established walk-in centers for teenagers. We look forward to greater involvement as a result of our national study and feel that such activity can be most productive as part of a coordinated approach to children's needs.

Washington, D.C., April 13, 1973.

HON. BIRCH BAYH.

Chairman, Juvenile Delinquency Subcommittee, Committee on the Judiolary, U.S. Scnate, Washington, D.C.

Dear Senator Bayh: When I appeared before your Subcommittee on February 22, 1973, in support of S. 821, A Bill to Improve the Quality of Juvenile Justice in the United States, I agreed to submit supplementary information based on a preliminary report of the studies being conducted by our members. Enclosed you will find the supplementary statement. May I request that this

Enclosed you will find the supplementary statement. May I request that this be inserted in the record of the hearings immediately following my testimony.

In appreciation of your courtesy, I am

Sincerely yours,

FLORA ROTHMAN, Chairman, Task Force on Juvenile Justice.

FR/om/ah

SUPPLEMENTARY STATEMENT TO THE TESTIMONY GIVEN BY MRS. FLORA ROTHMAN, NATIONAL COUNCIL OF JEWISH WOMEN

In the Spring of 1972, in over 125 communities across the country, members of the National Council of Jewish Women began their year long study of Justice for Children. They have reviewed their local laws, interviewed judges, lawyers, policemen, administrators, social workers, educators, friends and critics of the juvenile justice system. They have visited courts, detention c nters, training schools and other institutions and have sponsored forums, debates and public discussions,

On the basis of their research they have recommended the following program of action for the National Council of Jewish Women. The program, endorsed at the NCJW's National Convention, includes children's rights, group homes and justice for children coalitions for action.

While detailed tabulation of the study continues, the basic findings which prompted these choices can be summarized as follows:

CHILDREN'S RIGHTS

One of the major problems both in terms of the number of children affected and the harm outweighing the benefits is the area of status offense. The statutes involved are discriminatory and vague. They make it a crime for a child—and only for a child—to be "incorrigible," or "unruly," or "stubborn," or to "habitually idle away his or her time." The crime of truancy is frequently committed by youngsters when their reading ability is four or five years below grade level. We are more likely to jail a runaway child than deal with his intolerable home situation.

In some jurisdictions, we may call these children PINS, CHINS, MINS or JINS, instead of delinquents, but we are deceiving no one. We still jail them, give them records, and send them to training schools. Many training school administrators have been quite candid about the children in their care "who really don't belong here." We agree. As one report noted, "It can be said that the biggest help an institution gives a PINS is help in moving upward in the penal system."

Commission after commission has urged that these laws be changed. The President's Commission on Law Enforcement in 1967: "Serious consideration should be given complete elimination from the court's jurisdiction of conduct illegal only for a child... We must bluntly ask what our present power achieves and much acknowledge in answer that at the most we do not really know, and in at least some cases we suspect it may do as much harm as good." The White House Conference on Children in 1970: "Children's offenses that would not be crimes if committed by an adult—such as runaway, truancy, curfew violation and incorrigibility—should not be processed through the court system, but diverted to community resources," And most recently the National Advisory Committee on Criminal Justice Standards and Goals in 1973 summarized: The standards prescribe (consistent with other recent national studies) that only those youths who have committed acts that would be criminal if committed by adults should be subject to the delinquency jurisdiction of the courts.

It is time our laws reflected these recommendations.

Preventive detention of children is common with few detainees meeting the criteria of being either potential dangers to the community or possible runaways. They are frequently held for periods considerably longer than those recommended in any guideline. Three month stays in detention are not unusual. Some children have been held up to two years awaiting placment. Since detention is supposed to be short term the programs provided are minimal, particularly in education. Long stays are truly lost time.

There are still many areas of this country where children are detained in adult jails. Since the jails are usually required by law to separate children from adults, and since jail facilities are limited, this means that a detained child is practically in solitary confinement. We don't believe the solution lies in further construction of large maximum security juvenile detention centers. Most of these communities could do the job with small residential-type facil-

ities and more discriminating detention policies.

The Supreme Court Gault decision is commonly understood to have established the child's right to be represented in court by counsel. However, we find that in a number of communities children appear in court without a lawyer. One judge told us that while 75 percent of the children who appeared in his court weren't represented, the figure in surrounding counties was about 10 percent. We find judges suggesting the child waive his right to counsel; some say they provide counsel "if the child asks for it." We doubt that a child is competent to make this decision. Of course, the problem of providing adequate counsel to indigent children is further complicated by the termination of neighborhood OEO legal services programs.

A further matter of concern is the transfer of children from juvenile to adult criminal courts. As we oppose juvenile courts eagerly assuming the responsibilities of schools and parents, so do we oppose those courts which with equal

willingness give up what we believe are their appropriate duties.

If a child is removed from his home and community it is theoretically to provide him with a level of care and treatment which he did not otherwise receive, but if he is having problems with the family—the most common crime children commit—the chances are quite good that his training school will be inaccessible to his parents and at least as good that no counseling will be provided the family to pave the way for his return. For older children who are not likely to return to school upon release, vocational training is inadequate. The child with emotional problems will find therapeutic services limited. Despite acknowledged widespread addiction, narcotics programs are rare, although in some instance 20 or 30 percent of the children may be officially on prescribed drugs to make management easier.

Children requiring intensive mental health services have additional difficulties. Hospitals, unaccustomed or unwilling to accept disruptive children turn them back to the correction facility as quickly as possible. Indeed, we feel all procedures which shuttle children back and forth in this manner

deserve scrutiny.

١

Other procedures we have found within the institutional system which concern us include the use of solitary confinement (even if it is called "meditation room" or "intensive treatment unit,") the transfer to more secure facilities without hearings, censorship of mail, etc.

Ombudsmen programs may provide one solution but these are still experimental and their progress should be followed.

As for children's arrest and court records, it seems general practice that they are officially confidential but unofficially accessible. We have been told of their availability to colleges, prospective employers and the armed forces. They are not only subject to local misuses, but to the extent they become part of a national records system, the problem increases. The need for adequate assurance of confidentiality and expungement procedures is clear. Furthermore, police records on juveniles may group serious criminal offenses leading to arrest with minor street encounters leading to no further action. Thus the fact that a child "has a police record" tells us less than it implies. We think safeguards are needed in relation to; what matters merit inscription, what kind of notice parents receive of such inscription, and what opportunity is provided to answer allegations which otherwise may repose for years unchallenged in police files.

GROUP HOMES

The inappropriate use of detention and training school facilities is due not only to the laws but to the alternatives. We have seen children in detention for weeks and months because they had "inadequate homes or no place to go." Police have told us of the need for temporary housing for youngsters having problems at home, "sometimes we have no one else to call except a family they are already in trouble with." An administrator spoke about the girls in one institution, "Some are erroneously placed here because no other facility exists. This includes some whose primary problem is a bad family situation or pregnancy."

The need for group homes, particularly for teenagers, is almost universal. Children whose personal or family problems are at the crisis point are not criminals and should not be deported from their communities. They do not need institutions; they are frequently harmed by institutions. They just need a different place to live for a few days or perhaps a couple of months.

Communities must be helped to understand these children's needs so that they can accept them as "neighbors." The provision of such non-punitive facilities for runaways has been threatened in some areas by opponents who characterized these facilities as "contributing to the delinquency of a minor." Obviously an intensive effort is necessary to provide a receptive climate.

Group home programs should also make appropriate services available to

both the children and the families during the period of separation.

JUSTICE FOR CHILDREN COALITIONS FOR ACTION

Obviously both children's rights and group homes require community support and cooperation if they are to be established. There is much that interested and concerned groups working together can accomplish to provide justice for children. Such coalitions could:

Monitor the implementation of existing legislation in their communities and encourage passage of better laws where necessary.

Insure that children have available to them the health, guidance, family counseling, education and employment services they need.

Coordinate and expand the delivery of these services to provide a prompt and effective alternative to chanelling problems into the judicial system. Few communities provide adequate service systems now. Such services as

exist are frequently scattered uncoordinated and understaffed. The problem is being compounded as some federally-financed programs are cut and the battle

for revenue sharing funds must be waged if they are to survive.

We have been told in one state "the sad fact is that many of our children in need of social services must actually be arrested before any attempt is

made to deal with their needs."

If we care about our children, and if we care about justice, it is time to prove it.

Senator Bayn. We will recess this hearing pending the call of the Chair.

Whereupon, at 1:55 p.m., the hearing was recessed, subject to the call of the Chairl.

THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1973—S. 821

MONDAY, MARCH 26, 1973

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

The subcommittee (composed of Senators Bayh, Hart, Kennedy, Burdick, Cook, Hruska, Fong, and Mathias) met, pursuant to notice, at 10:15 a.m., in room 2228, Dirksen Senate Office Building, Senator Birch Bayh (chairman of the subcommittee) presiding.

Present: Senators Bayh (presiding) and Cook.

Also present: Mathea Falco, staff director and chief counsel; John M. Rector, deputy chief counsel; Alice B. Popkin, special counsel; Mary K. Jolly, editorial director and chief clerk; Nancy L. Smith, research director; B. Elizabeth Marten, personal secretary to the staff director and chief counsel; Lance Ringel, assistant clerk; F. Woodman Jones, research assistant; Catherine van de Velde, secretary; Steven Fox, intern; Ronald Meredith, Esq., for Senator Cook; Betty A. Webb

for Senator Cook; Chuck Bruce, Esq., for Senator Hruska. Senator Bayn. This morning we resume our hearings on S.821, the Juvenile Justice and Delinquency Prevention Act. During the 2 years that I have been Chairman of the Juvenile Delinquency Subcommittee, I have been deeply concerned by the tragic failure of the Federal response to the needs of our children, particularly those children who are the victims of parental and societal neglect. We have conducted numerous hearings on the juvenile justice system in this country, and we have learned all too well that children in trouble rarely receive the kind of help they need. Instead, they are locked up in large, antiquated institutions where they are frequently beaten, neglected and homosexually assaulted. All too often, these children are irrevocably damaged by these experiences. Merely to survive within the institutions, they may be forced to become sophisticated young criminals. The failure of our juvenile justice system is even more tragic when we realize that more than half of our incarcerated juveniles are initially locked up for such non-criminal offenses as running away from home or being truant from school.

The Juvenile Justice and Delinquency Prevention Act is my response to this tragic failure. It provides the national leadership and the resources necessary to weld a powerful partnership between Federal, State, and local government and the private sector to help young people in trouble. The bill strongly emphasizes the critical need for prevention: it provides for the development of services and programs that will reach out to children and help them resolve their difficulties at home, at school, and in the community. The bill also seeks to develop alternatives to traditional juvenile institutions, such as foster homes, group homes, and temporary shelter care facilities. It provides strong incentives to keep children out of the juvenile justice system through diversion programs and probation subsidy plans. In short, my bill recognizes that the primary responsibility—and the only hope—for meaningful delinquency prevention and treatment lies with

the local community where the child's problems first begin.

The need for this kind of comprehensive legislation becomes more critical with each passing day. To date, the Federal juvenile delinquency effort has been characterized by lack of coordination, fragmentation, and severe under-funding. As we have been made all too well aware by testimony from representatives of the Law Enforcement Assistance Administration and the Department of Health, Education, and Welfare, juvenile delinquency has been at the very bottom of the administration's list of crime control priorities. Yet, in spite of the already grossly inadequate Federal performance in this area, the administration is drastically cutting back existing programs and services for young people and support services for their families. This is false economy indeed, since it seriously threatens the welfare

of our greatest national resource—our children.

During our work in developing the Juvenile Justice and Delinquency Prevention Act, we have learned of 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 provides a wide range of services for young people with the primary goal of preventing delinquency. The legal services component is working to protect the rights of youth; most recently it 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 dropouts. The Youth Service Bureau in Peru, Ind. operates a hotline and a drop-in center for young people who need immediate help with their problems, and it finds more long-term help for them in other community programs. The volunteer programs run by Indiana University at the Boys' Training School has been remarkably successful in helping juveniles return to productive, healthy lives in the community. Success stories like these can be found in many parts of the country; however, they are too few and far between to help the hundreds of thousands of children in desperate trouble every year.

The efforts of the private sector are critical if we are to develop an effective national attack on the problems of delinquency. My bill strongly emphasizes the importance of the participation of private agencies in providing youth services. We have heard from representatives of the YMCA and the YWCA about their programs to develop alternatives to traditional detention and confinement facilities. We have also heard about their active counseling services for children who have been identified as having trouble in school or in the community. But we have also learned that these and other dedicated organizations need the support of the Federal Government if they are

going to improve and expand their efforts.

Make no mistake about it. The issue we are facing today is whether we are going to make the kind of national commitment required to turn the tide of delinquency. 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.

I am pleased to welcome as our first witness the distinguished psychiatrist. Dr. Karl Menninger. In addition to an outstanding career in his own profession. Dr. Menninger has written extensively about crime and mental health and is the founder of The Villages, group foster homes for neglected and homeless children. We are honored to share Dr. Menninger's thoughts on how society should deal with children in trouble.

I have here three of Dr. Menninger's publications that are particularly significant, I think, "Man against Himself," "Love and Hate," and "The Crime of Punishment." These books, of course are just the tip of the iceberg of Dr. Menninger's profound contributions concerning crime and delinquency throughout a lifetime of productive work.

I had an opportunity over the weekend to talk to Dr. Menninger relative to an ongoing program called the Villages that he and others in the Topeka, Kans. area are conducting, to provide foster homes for neglected and abandonned children. I must admit that I was extremely impressed. I had heard about it from afar, but to hear about this program personally from the man who created it was indeed, inspiring. This program offers a possible successful model for homes for troubled children.

So, without taking more of the time of those who are here, Dr. Menninger, let us just proceed with your testimony. I am anxious to get into the record some of your perceptive thoughts which you have expressed during our personal conversation over the weekend.

STATEMENT OF DR. KARL MENNINGER, CHAIRMAN OF THE BOARD AND FOUNDER, THE MENNINGER FOUNDATION, AND CHAIRMAN OF THE BOARD OF THE VILLAGES, INC., TOPEKA, KANS.

Dr. Menninger. Senator Bayh-

Senator BAYH. If I might just interrupt? I note that Mrs. Menninger is in the hearing room this morning. In discussing the concept of the villages and how you deal with the problem of children in trouble, I realized that we are both fortunate to have wives that share our concerns and probably make as much or even greater contribution than we do.

Dr. Menninger. What you say is indeed true and I join you in thinking we should express our indebtedness for help in our projects to our wives. That is certainly true in my case. It is a large responsibility for anyone to comment upon the initiation of so important a document as this bill.

Every bill is important, but this one deals with a subject which has been systematically neglected by us all for so long. It is a subject which relates to every citizen. It is a subject which nearly everyone cares about, but about which few properly concerted, coordinated and

corrective legislative efforts have been made.

I am sympathetic with the efforts of the women of the country to obtain better opportunities in the employment market and social affairs. Even more neglected and discriminated against and forgotten than the women are children. We talk about women and children first, but actually we put them last, and sometimes we do not seem to put them at all.

I read in the morning paper of this city that you put children in small short-term psychiatric centers for periods of up to a year, because the city does not have any place else to put them. There are not enough beds available to take care of children who do not have proper homes. Not just here; that is true all over the United States.

If a child is kidnapped somewhere, there are, immediately, big headlines. There are helicopters and police cars. A great search is started. Newspaper reporters get front page assignments. A single child has been taken from its home to some place else, and is being held; how he is being treated is unknown and what is going to happen to him is uncertain, we are all alarmed. At that very moment, there are hundreds and thousands of children over the United States who are kidnapped from their homes—or so-called homes—but who are taken over by people who did not sire them and did not mother them and forcibly removed and detained. They are treated in ways which we do not know about and which we often would not approve of. They are imprisoned and their lives reordered by strangers. One hundred thousand a day go to jails! Not necessarily for any crime or suspected crime but—many of them—for being adrift.

In some cases considerate and compassionate judges try to make sure that the best possible thing is done for them. The great majority are taken in hand by judges who do not know what to do, or if they do know do not do it. Then come the sheriffs and the police officers, and social workers and all sorts of people who are cogs in the great dependent-childcare machine. They do not want to do the job that

you and I want done.

But that is only one aspect of the needs of children. This bill approaches in a broad, intelligent, comprehensive way, pointing out the problems that juveniles account for almost half of the arrests for serious crime. It says that the juvenile court probation services and correctional facilities are understaffed and overworked, and not able

to provide the individualized care that they should.

The bill goes on to point out that existing Federal programs have not provided the direction, the coordination or the research facilities, and, above all, the leadership that is required to meet the crisis. The word "leadership" occurs again and again in the bill. The need for the insurance of basic rights for juveniles is mentioned in the bill. Training programs for persons who are going to try to help these children behave in a way that will make them more compatible with the rest of society is mentioned.

I think it goes farther than any bill that I know of. I think it sees—and I do not like to keep saying the "problem," but it sees the

evil that we are doing and the good that needs to be done.

Imagine a great line of people, millions and millions of them, walking from the cradle to the grave down some Canterbury lane. Most of these people are going in the same direction, and getting along with each other, allowing the other fellow to have a walking space and doing a minimum of pushing and pulling and stealing. Imagine that here and there in that long army of people, trudging along from the cradle to the grave, there are some individuals who cannot stay in line and cause stumbling and falls.

We don't need to know why they do not stay in line. Maybe somebody pinches them, maybe somebody sticks them with a pin, maybe somebody curses them, maybe somebody shoves them. But, for some reason or other, some of the individuals in this great long army begin going not from behind-to-before but from left-to-right, crosswise, obstructing other marchers, even getting out of line entirely and wandering out to the edge of the road. They may accidentally or

purposefully hurt others.

It is then we say: "Look, we are losing people; we are being annoyed by people. Somebody should do something." What must be done? And, then, we appoint somebody to do something, "somebody" who does not know exactly what to do usually. He shouts, "Get back in line." Then the man, or the boy, or the girl says: "No, I, will never get back into that line and be crushed again, or pushed again, or struck again." And they say: "You will get back into that line or we will get tough with you; we will hurt you worse." "You cannot hurt me much worse." He says, "Well, we will show you" our agents say—"we will show you, we will tie you up, and, well, you will discover that being tied up and constrained and confined to one area is the most painful torture you ever received."

Once all error was looked upon as a proper reason for giving punishment. All illnesses were subject to punishment. I sometimes go and catch cold. For many centuries I would have been told don't

dare get a cold.

This was—I am sorry to say—implicit—in medical practice. People were given the worst-tasting medicines that the doctors could create. They would put unspeakable substances into the medicine—I cannot even mention them here—in order to make the man who was perverse enough to go and get sick, sorry that he had done it. This was all based on the primitive theory that if you could scare people enough they would behave themselves.

Senator Bayn. Is that—if I might interrupt, Doctor—the same—general condition that exists today when we incarcerate a 13-year-old girl who runs away from an intolerable home situation in which she is being sexually molested by her stepfather, or a child who stays in the street rather than be in a home where the father beats the

mother?

Is that the same kind of psychology and practice that is being resorted to too often today as an answer to the problems of young

people?

Dr. Menninger. Exactly, I think. For a long time we, primitive people, assumed that the way to make someone stop what they were doing was to hurt them and the next step in the way to make them stop was to threaten them. Hurting and threatening are still the

weapons conceived of in uneducated minds. People who think that hitting people will stop their behaving wrongly are still thinking of the child whose hand is being slapped for reaching for the candy and that sort of thing. This is primitive thinking, and you cannot handle the behavior of large masses of people with primitive means. You cannot slap everybody's hands, and you cannot frighten most of the people into doing what you want them to do.

Some of our fellow men are crowded and pushed, incited, neglected, and in various ways handicapped in the course of that long procession. Huge sums of money are being taken from us for the purpose of doing

something about the ones that cannot stay in line.

- The ramshackle, inadequate barricades against the unruly, the whole

stumbling, clumsy, "penological" system, is highly expensive.

We have made enormous improvement in the care of sick people. Many diseases have ceased to exist. Hospitals are still crowded. So many things that were once borne silently and grimly by the sufferers can now be relieved, and knowing about that relief, the public is willing to pay to get it. Furthermore, we have Government assistance in the expense.

Many of the diseases, for which I treated patients as a young doctor, do not exist any more. Medical science has made great progress from

the time when we did not know what to do with most illnesses.

We could stop 90 percent of the crime in Washington, D.C., you know, but it would cost money. You know what we do. Why should people be allowed to run around with killing machines in their pockets when everybody knows they are going to use them sooner or later if they get a chance? We'd stop that. But it would cost money. It would cost great effort. If it costs us so much for medical care right now, it would cost another "too much" for delinquent care. Everybody shivers at the thought. More billions to stop people from hurting us.

Do we want to be as free from crime? People say, "We cannot walk down our street at night." Well, you could if you want to spend enough money to prevent the danger. You could, if you would spend as much money trying to eliminate the hazards there as you have spent in eliminating the hazards of polluted water (typhoid fever) and some

of the other public health measures that we have taken.

What, then, can we do?

We can say either, "Well, we will shut our eyes and spend the

money unwisely or we will do what this bill proposes,"-

Senator Bayh. Doctor, since you mentioned the specifics and you also mentioned the cost, may I ask you to deal with your personal experience with the village concept?

Dr. Menninger. Senator, do you mean that you want me to stop

this and to tell you about the villages?

I was leading up to that.

Senator Bayh. Fine. Please proceed.

Dr. Menninger. No. If it is the terrible expense of controlling crime that is deterring us, why do we not spend some money to prevent it?

Now, Public Health Service has cured most cases of the disease, you know, and all of the doctors put together, in the prevention of typhoid fever and the prevention of malaria, and the prevention of so many diseases by the Public Health Service in public measures,

that all of the credit of it goes to the curers, and the real credit

belongs to the preventers.

Now, I think it is logical to think the same thing would happen or should happen with respect to crime. If crime disappears in your neighborhood, it would not be because of somebody or some people being arrested, it would not be because of some people being thrown in jail, it would not be because of the people were sent to prison or were not sent, it would not be because of the people being kept there for 124 years. It would not be because of all of those primitive, uncivilized notions of how to stop people from doing something you do not want them to do.

It will be because you have found ways to prevent that type of

thing occurring.

If you had told your grandfathers that we were not going to treat any more malaria, that we would prevent it, or that we would not treat any more typhoid fever—When I was a young doctor, for a while I treated nothing but typhoid fever, whole wards of them. The medical students today do not see cases of typhoid fever, and they do not know what it looks like. Well, it does not look very nice. If you told people at that time that you were going to prevent typhoid fever, they would have laughed and would have said, "Fine; fine job. Go to it." Prevention is one way, and an awfully difficult concept for people to get. Why is it? Why is it when they know perfectly well that many of these things could be prevented that they would rather wait until it happens and then treat it?

It is that way about some diseases but less and less so. Now, how are you going to prevent crime, you ask me?

How are you going to prevent delinquency?
By things like this bill of the Senators, that is how, if you make

it possible.

In the first place, I would say, "quit mistreating, quit mistreating victims of delinquency," and these victims of delinquency are these children who do delinquent acts as much as the people to whom they do them. You must remember that juvenile delinquency is never a simple matter of the previously good boy throwing rocks at the previously defensive cow who stands out there; delinquency is not simply the business of somebody getting bad. Delinquency is somebody who cannot stand it any more where he is; he is just as much forced into the new position as his victim is forced into the role of being a victim. All of that could be prevented. How?

Mr. Bayh, Senator, you have suggested a number of ways in this

bill.

This bill proposes some research. This bill proposes some—well, it proposes so many things that I do not want to-We want to get on a little, and I would not go through all of these things. But the bill proposes a number of ways. It just does not say: "Well, we want a bill now, and there are still some delinquent children around the country, and we would want to propose a few things to be done for them. We want to get them out of some of these snake pits; we want to get them out of some of these holes. I saw a child in prison not long ago. The prison only had five or six people in it. It was not a prison; it was a jail. You know the difference. It was a jail; it was

underground. I asked the judge if I could see the prison or the jail, and he said "Yes," but he would not go down there; he cannot bear

it. "You can go with the sheriff."

Well, the sheriff took me, and it was dark and dingy, airless, smelly, a buggy place. All of them were really children, although adolescent children. Three of them were sick. Well, we will not go on with that.

I said: "How long since one of the local people has known about

And they said: "They have not been here; they will not come."

And I said: "Well, why don't you get some air in here?

This is pretty stifling."

They said, "Well, we have a blower but it will not work."

Well who cares? These are delinquents, and if they pipe up and say anything, we will give them life with no chance for reprieve or some other serious thing. The new proposal is that we castrate them. We will do something serious, and then they will not do this again.

What had these kids done?

I said, "What have these kids done?"

"Well, they were loitering."
And I said, "Well, is that a felony in this State?"

"Well, no, but they haven't any home."

I said, "Well, is that a felony in this State?"

"Well, no, but they do not know where to go. Who will be responsible for them?"

Now, this is not the way to treat fellow human beings, is it?

Our jail is just as much an anachronism, just as much of an evil, wicked thing as slavery was, and everybody ought to have the same horror of a jail in his community that they used to have horrors of when they had a few people in town that still had slaves. It is an evil thing; it is an abominable thing. It causes more and more crime.

Criminals are manufactured in our jails and prisons.

Now, some of the prisons neutralize some of the harm done by some of the jails, but they have a hard time doing it. We have absolutely no use for a jail, no function. "Where are you going to lock up these desperate people?" "The vast majority of these wistful, sometimes noisy but unusually depressed, confused creatures are not in need of having their legs and arms manacled or being locked up in a cage. There are civilized ways to detain people. We are detaining other people in a civilized manner, why not the youth whom we want to detain? Why should every imprisoned person not have their own room? Why should they not have their own bath? It is bad enough to be confined, but let it be done in decency instead of horrible places that exist in almost every town in this country; 4,014 of them to be exact, except that several are being closed in several States. I hope it is under 4,000 by new.

Prison is a different matter. Some people have to go to prison. They cannot control themselves, and we cannot control them. One way to prevent an enormous amount of crime is to abolish the jail. Most of

the ones in the jails are youths.

What else could we do? There is a vast amount of ignorance among judges, among policemen, among sheriffs, and among the general public about the individual in whom juvenile delinquency appears.

Why do some children get off the tracks and do things that bother the rest of us and persist in it?

Is it just because evil has filled their hearts?

We should, in some way, as this bill suggested, put on seminars and educational programs to teach some of the people who are in charge of some of these children the nature of the work they are trying to do, or should be trying to do, instead of hiring at the lowest rate of wages we can propose and getting people with a minimum of education—I am sorry I am so inarticulate. Instead of getting trained staff, what we do is to get low-price labor to take care of people who we think are not much good anyway and how well they do it is no concern of ours, just take them out of our way and keep them out of our sight. If we treated sick people that way, you know how the death rate would rise rapidly. Well, the death rate does rise all of the time in delinquency. We make more criminals out of youth at the present time than we cure by far.

It is had to believe the conditions under which I and anybody else who has been there—it is hard to believe the things you see and you see done to these children, children who are absolutely helpless, no relatives, no friends at all, taken over by the officials and put in jail for long sentences, because nobody is concerned enough to get them

out.-

Children have no rights in court to speak of, you know—or a very few. They do not have any—they do not have the resources that an adult does.

Some years ago, one of the local judges asked me to meet with him and his probation worker to see some of his cases. He said, "These are some more juveniles, and I know you are discouraged with the way we are handling them, but come and see for yourself

what the problem is."

One was a boy whose father had been away from home for years. The mother was trying to keep this boy and his three younger sisters on the wages she made scrubbing at one of the local stores. The store decided to get men, and she was out of a job. She tried one thing after another with failing results, and the welfare department helped her then for a little while, but she got very depressed. So, they put her in the State hospital. And this boy and his sisters were left. They took the younger ones, the welfare department, and whisked them off to some foster homes. The older boy ran away and said, "I do not want to go to no foster home." Well, you know, sooner or later it gets in to the judge, and the judge said, "Well, now, we are going to get you a nice home," and he says, "Oh, they have gotten me nice homes before." And they asked: "Well, did you act nice?" And he said that he acted as nice as he could and he liked them, but the people who he was staying with had to move to Omaha, or his people, his foster dad decided he did not want to have an extra kid around the house. Usually, these placements in such homes last a few months, and they average about five placements a child. This is what I learned. I said: "Can you get him adopted?" And he said: "Until they are about 5, you can, but who wants to adopt a half-grown, gawky, ill-brought-up kid of 13?" Well, I said: "Cannot the county or State pay for it if you get him a boarding;" and he said, "Oh, they will, if you can get

people to take him, but who wants to take him at the rate we pay, and then if they do take him how long can we depend on it? And then we have to send welfare workers out there to see if they are treating

him right, and so forth."

I had heard of Farley's and I had heard of Father Flannigan's, and I had heard of these places. Why don't they take them? And he said, "Doctor, you know there is a waiting list as long as your arm for those places. They could get in in about 2 or 3 years." And I said, "Could not the State create some places like that?" "The State has some very good places, but they are just as full as the others." I said, "You mean there is no place to send a child like this who has no home and his chief offense is that he is an orphan?" "That is right, there is no such place." I said, "How many children are there in this county?" And he said, "Hundreds." I said, "Judge, you do not mean hundreds?" "Well, their average is about 1 to a 1,000 population. You have got a 400,000 population, so you have got about 400 children like that with no home. That is right." "With no brothers and sisters?" "That is right." "With no mother?" "That is right." "With no kind of model father?" And he said, "That is right, they may have had one, but he is in jail, or his mother is in the state hospital, or something of that kind."

Suddenly, I became aware of the fact that I was dealing with all the pre-criminals that would be in the prisons 5 years later. I saw a lot of these children, and I had been pretty familiar with the prisons and the jails, and, suddenly, I saw very clearly a line of march right from these neglected, unguided, unhelped—really, wasted children. I could see exactly what we were going to pay for a little later, after they had stolen an automobile, or broken an auto-laundry cash box. In fact, I saw one of the children, one of the boys who had broken the cash box of the laundry, and I asked him why this was, and I said did he not know that he might get sent to the Boy's Industrial School? And he said, "Lord, I hope so." I said, "What do you mean?" He said: "Well, that is why I did it." He said, "My brother is out there, and he has it grand. People care about him, and he is doing interesting things, and he has got some kids out there to play with, and everything else. And I am all alone, and I get kicked

around between the cops and the neighbors."

I said: "You mean you were trying to get in?"

"Yes," he replied scornfully.

Said the judge: "He wanted to get in that school a long time ago with his brother, maybe 6 months ago, but we had told him 'You cannot be admitted if you have not committed a crime."

Well, you say that that is a little too obvious and that does not

often happen. I do not know how often it happens.

Senator Bayn. Doctor, might I suggest that we could put that study, if you have it in writing, in the record. I am very anxious, if I might suggest, that we get to the specific experiences you have had not only with the problem but with the solution. The Villages which you have established in Topeka, can serve as a model to be used elsewhere.

May I just suggest that we put that study of the Illinois situation in the record so that our colleagues can have a chance to read it?

And I do not want to be impolite here, but I was just so impressed with what you are doing out there that I did not want time to get by and us not have the chance of getting your expertise in this Villages thing.

Is that all right if we do that with you, sir?

Dr. Menninger. Yes, except for two or three significant statistics

that just came out last week.

In 1972, we had 405,000 criminal offenses reported in Chicago. Cutting down the number that are pending and that are put in jail, to hold in jail for trial and a whole lot of other things, 1,760 were convicted and sent to the penitentiary—1,760 out of 405,000. Where are the rest of them? Where do they go? They go back into the same old cycle. Many of these have been children.

Senator Bayn. Let me just deal specifically with some of the conversation we had over the weekend about the Villages concept. At the Villages you have five cottages with approximately 10 young people in each one where it is a home-type situation. I understand that there is an absence of many of the problems of institutionalization. Could you tell us how the young people are chosen to get for the Villages?

Dr. Menninger. They were not chosen that way. They are already

there. There is a big pool of them everywhere.

Senator Bayh. But there are 50 at Topeka in your Villages. I would like to have 1,000 villages like it all over the country. In

your judgment, what is the best way to start?

Dr. Menninger. They are being selected all of the time by the forces of circumstance. They have got to put them somewhere. In Illinois, we have just called back 24 children that we had sent to Texas because we have insufficient places in Illinois to put them, of any kind. In all of the places we have, we do not have enough room, so we farm some of them out to Texas for \$1,000 a month, \$30 a day per child, and they were so abused, so mistreated, we found out—apparently, the newspapers say they were—that they had to be pulled back. You see, all of the time, children are being put somewhere. It is not just that some children will turn up tomorrow. There are hundreds of them here in Washington, I am sure, children whose crime is simply that they have not had any guidance. Some of them have never seen an upright decent white man close up. No mother to care for them, no father to protect them or support them, often no older siblings to lead them.

Their playmates are little fellow waifs whom they meet and play with in the streets and alleys. The law of survival requires the cultivation of deception, stealing, fighting, running, hiding, hating.

"Why," said Mr. E. Kent Hayes, a charismatic young probation worker who was assisting the juvenile judge at the time. "we have the names and addresses of 200 such children right in this county." I couldn't believe that but he assured me it was true. "There is no place to send them; they'd love to go to the Boys Industrial School or Cal Farley's Ranch, but we can't get them in, and furthermore, they'd probably soon be out."

We went on talking together, Mr. Haves and I, "Why don't we build a little private boys school of our own?" we asked ourselves. "We'll

get a kind pair of foster parents, maybe some college student volunteers, and we'll take some of these children into an environment they never dreamed existed, an environment where they're loved. It won't be removed from the community; they can go to the public schools and

churches and clubs. We'll try to give them a new vision of what life is."

Mr. Hayes and I went to W. Clement Stone and he gave us 20 acres of land. We outlined plans for a cottage. Our plans did not meet with the approval of the State Welfare Department until we had made the cottage rather large and expensive. The children weren't allowed to build it themselves, as we had hoped. But the National Order of Eagles came to our help and built a beautiful "cottage" that would hold 10 bays and a pair of house parents. So we built it and found the house parents. Mr. Haves took over as executive director and inspired the cooperation of all the boys, of volunteers, of colleagues, and so the Eagle Ridge Cottage came into use. It was full to the brim almost from the first day and we began to make plans for a second cottage and a third and a fourth.

Senator BAYH. What ages are the children in the cottages?

Dr. Menninger. They are from 6 to 18.

Senator Bayn. In Kansas, you have a State law, as I recall in our conversation, that they cannot be committed to you before age 6; is

that it, because they might be adopted prior to that time?

Dr. Menninger. No, we have no laws like that. The welfare department wants to try to place as many of the children as they can. We cannot take 400 or 500 children a year; so, they want to get some people to adopt some of them, and they get a few adopted each year, or in some instances relatives take the child, and all sorts of things can happen. The child is up for grabs. You said: "How does he get into our Village?"

Well, they get there, because the welfare workers are searching all of the time for places to put children, and they know about us, and they know the spirit of the place, and they know the love that permentes each of these houses because of the permanent parents—because, you see, even if the parents go away, the other siblings are there to maintain continuity. These children continue not for six months or a year, they come for life. That is their home. They can be married there if they want to. Several of them have already gone away to college and come back.

Senator Bayn. I apologize for interrupting you. You paint a very comprehensive picture of the problem but I want to call on your expertise to see what we can do to proliferate solutions to the problem.

Would you suggest that we have a minimum age limit for

commitment?

Dr. Menninger. The Villages, Inc. is now a nonprofit organization founded for the purpose of providing permanent homes for homeless, neglected, deserted children between the ages of 6 and 16. There is a board of directors who love children. Dr. Lewis Wheelock of Chicago is president and Mr. Robert Anderson of Ottawa, Kansas is vice-chairman. Both have devoted much time and work to the development of this idea.

At present, there is only one Village, the Eagle Ridge Village. It is situated on 20 acres of land near Topeka, surrounded by 300 acres of grass, woods, ponds and rivers. The children attend public school and participate in community activities such as church, YMCA, 4-H Clubs, Scouts. They live in cottage families of 10 with two house parents and a college man or woman. Our goal is to have five cottages in a Village, making up five separate families and as optimum social and economic community.

The children are referred by State, (county) and private welfare agencies and these provide funds for their care. The children are not problems and do not receive psychiatric treatment. They are all predelinquent. They are children whom we wish to save from delinquency

and from despair.

The unique features in this group foster home plan are:

(1) the atmosphere of a loving home to which the child now belongs. (2) an emphasis on conseravtion, nature study, care and love for animals and wild life, in which we have the cooperation and direction of outstanding scientist and teachers in the community. In this way each family learns how a destructive environment can be replaced with a constructive, loving one.

Three. The permanence and security of a true home with fixed father and mother models. The homes in the Village are big families, not transient stop-gap places. They are planned to carry a child through his high school years. The child who has been shuttled through a number of detention or boarding places comes to the Village with distrust and fear but leaves to relax in security and then begins to grow.

and fear, but learns to relax in security and then begins to grow. Four. The plan to spread the concept of such small villages of no more than 50 or 60 children each to every State, county, and city in the Nation, as a feasible and happy way of salvaging the hundreds of thousands of children who need this care but are at present almost unknown and unheard because they are not offenders, delinquents or criminals. Our ambition is to establish a national association of such homes and villages and a training center for the personnel to staff them. Guidlines and professional standards have been constructed but each village will be a part of its own community and public school system with its own supporters and volunteers and families.

By the end of summer we will have completed two more cottages and put them in operation. One of these new ones will be for girls. We are turning away dozens of heartbreaking cases of homeless children

because we have no room.

Second, we need help in spreading the concept of The Villages to the many communities that have asked for advice and help in beginning. The pilot plant of The Villages, Inc. is the Eagle Ridge Village

in Topeka.

Senator BAYH. You have established a home situation where a child can go to college and come back or go out and work in the summer, in the same way as a child with a normal family. Could you tell us the relative cost of keeping a child in your village-home environment versus the cost of keeping a juvenile institution in a more traditional institution in the State of Kansas?

Dr. Menninger. It costs about a half or third as much as to send

them to an institution.

Senator Bayn. Could you tell us the experience you have had?

I notice, in reading your book, "The Crime of Punishment," you mentioned Boys' Industrial School of Kansas which is staffed by the Menninger School of Psychiatry, which has had an extraordinary success in reducing juvenile delinquency. I think the recidivism rate there is 4 or 9 percent compared with a much higher than that elsewhere. Can you give us some information relative to that—in more detail?

Dr. Menninger. Well, it is a good boys' school, the best boys'

school I know of.

Senator Bayh. Do you have similar figures relative to young people who are in your home environment of the Village, and the type of criminal activity they may get involved in?

Dr. Menninger. Similar figures, did you say?

Senator BAYII. Yes. In other words, to get into the industrial school, I suppose one has to commit a crime?

Dr. Menninger. Yes.

Senator BAYH. They do not have to commit——

Dr. Menninger. Technically.

Senator BAYH. Yes. I am glad you pointed that out, because the

delinquent acts may not be a crime by adult standards.

Dr. Menninger. Well, you know a child can commit a crime by running out of the house when his father is beating his mother, and that is the crime of the boy. He should stay there and see the scene.

Senator BAYH. What has been the experience of the young people who are in your home environment, as far as the percentages of youngsters that get involved in acts of juvenile delinquency?

Have you been able to keep that down to a very low percentage

there?

Dr. Menninger. Do our children commit crimes in the schools?

Senator Bayn. Yes.

Dr. Menninger. Oh, no indeed. I imagine they commit some minor delinquencies, but they do not commit anything big. There is a miraculous change. You have to see it to understand what I mean.

Senator BAYH. Doctor, you do not need to make a believer out of

me. I believe it, but I want to hear you say it.

Dr. Menninger. Well, you take a bunch of little vagabonds, little waifs, not necessarily so little—frightened young people who have been thrown around from social worker to sheriff to policemen to judge, to parents again. Sometimes, the courts unwisely make them go back to the parents that are mistreating them. Well, you take these children out of the kind of environment where they have been and you put them in an environment where everybody likes them and where they can play with the other kids, where they are not called nigger, and they are not called other names that they have learned are names that do not properly apply to them, they begin to go to school like children should, and the whole atmosphere is different, and they change. They are as different as night and day. They begin to get along with each other, they get started on projects, they begin riding the horses, or they begin wanting to be on the garden force. It is just an utterly different population.

I think the worst delinquency we have had is that one kid ran off one afternoon because he did not get the assignment he liked. He wanted to be in one group, and he got in another one. He ran away, and, technically, that is an offense. But we asked him: "Why? Did he really want to run away," and he cried and said, "No, you could not drive me away." I would not say that they are all angels, but they are anything but delinquents. I should mention another delinquency, and I would not be honest to omit this.

One girl was found pregnant, and when we were briefed of this, that one of our pretty little girls was pregnant, we had to make a

decision about her.

We let the other girls vote on the matter, and they voted unanimously that, in the first place, she had come in the school pregnant and had not told us—not the school but the home—and had not told us. It did not occur there, and, in the second place, they said "We do not want our school, our cottage, to get the reputation as being a place for girls that come and get pregnant and we will take them no matter what happens. So, they would not let her stay. It was not us that sent her away.

Senator Bayh. You are familiar with the provisions of the bill that Senator Cook and I have introduced. Are there ways in which the financial assistance provided under the bill could help to establish

lish this type of home or village environment?

Dr. Menninger. Oh yes, I think so. You must remember, this costs the State far less than any of the other programs it has going already. The State loves this. They say we are fine. We do good by the children, and so forth, but most of all we save their money. It is a much less expensive route. Some farseeing citizens, five of them in fact, have given the money for the five cottages. Now, that is the end of the State's—I mean, the State did not provide that.

Senator Bayh. And how long have you been operating it?

Dr. Menninger. Five years.

Senator BAYH. Well, let me ask you this: I believe in what you are doing. I like to see programs like this in every community in America, and as I said earlier, you do not have to make a believer out of me as far as what you are doing to the children, the relative costs, the total positive impact on society. But, given all of those things—

Dr. Menninger. Yes?

Senator Bayii. These are recognized truths, in my judgment, and to hear you reiterate them redoubles my earlier conviction. Why is it, given those truths, that there is only one of these environments in the State of Kansas? What can we do as concerned citizens as well as fathers, to get this kind of a program moving more expeditiously throughout the country?

Dr. Menninger. Well, they are exciting words, and I will try to

answer the first-

Senator Bayh. Well, they are the result of great frustrations, let

me say to you.

Dr. MENNINGER. There have been some very good experiments over the country in the housing of neglected children, in group homes of various kinds. I mean, I do not want this to sound as if we began the idea. We began a particular form of the group foster home idea. But, there are other good group foster homes all over the country.

Why have they not been copied? The main thing always is the

question of the initial expense.

We have had help from a great many people and we have needed it. Several personal friends of mine, knowing what we were doing, volunteered the contribution of a cottage (about \$80,000). In addition, the citizens of Topeka—ask the Women of the Women's Chamber of Commerce—rallied around Mr. Hayes, Mr. Linquist, and Mr. Brock. Pledges were easily obtained for two more cottages, which are now under construction. Helen DeWitt Jones of Lubbock, Tex., and Dr. Robert Hulsen of the MoorMan Co. in Quincy, Ill., were large contributors. Mr. Frederick Gash of New York who is here today has been a great help. But you do have to have these sizable contributions as capital investment. After that, the cottages are on their own and can be self-supporting.

Senator BAYH. May I ask, inasmuch as we did have the conversation with Mr. Brock over the weekend, about efforts that apparently

the Holiday Inns are making to franchise cottage operations?

Dr. Menninger. No, they would not do any franchising. If anybody did, we would. The point is that other cottages with our name are established, and we would like to be sure that they were inspected and had standards that we regard as minimal. But, I want to repeat what I just now said, you know, there are some other people that have got very good group foster homes going. Now, what is different about this is that we have tried to begin to standardize them a little bit, limit the number of children per cottage, and introduce this idea of conservation, introduce this idea. Here these are children who understand—in the first place, they are children, most of them, who have never been anywhere near nature. They do not know a butterfly from a hippopotamus. They have never seen anything like that. So, we want our cottages all out near enough to nature, and yet close enough to the city, close enough to the city to be a part of the community, and far enough out of it for them to remember that they are part of the world too, they have got a world to try to save. Just saving them is not enough, you know.

Senator BAYH. Your experience has proven that a program can be successful by getting individual citizens such as Mr. Gash or Mr. Brock or others, or groups like Eagle Lodge to participate in the

initial capital investment.

Dr. Menninger. That is part of it. I would say that I think we have had offers of land and money from about 30 States as a result of a few television talks Mr. Hayes gave, and so on. The big obstacle is not land. Lots of people want to give you land now as a tax measure or other reasons. The big problem is not even the expense of building buildings, because they are generally equal, and they will give—the big problem now is to get people who are inspired with the necessity of being parents and who are helping those who will be parents, and in putting the love and the hard work and the dedication into it that proper foster parentage requires. And the great trouble with many of our sister institutions that have started is that the original foster parents, who may be very kind people and dedi-

cated, they get old and die, or get replaced, and then it becomes mechanicalized. And that is what we want to provide, a standardiza-

tion, and we think we know how.

This is very upsetting to the children. Our idea is to provide as much guarantee of continuity as possible. By rearing the children to be brothers and sisters and in a way they support the parents while the parents are helping them. But, they help support one another. The parents may go but the brothers and sisters remain. The home remains, the familiar contacts remain. Remember, these children have, for the most part, had a disappointing time with parents and want to guard against a repetition of that. This is the way stability and a sense of security is developed in children. All children, including us! Furthermore, we have the hovering care and inspiration of E. Kent Hayes who has been the executive director from the beginning until recently when he took over the national program. He was replaced by Dr. Sam Howie, an ex-clergyman of much experience, possessed of much of Kent's concern for orphaned children.

Senator Bayh. Senator Cook, do you have any questions?

Senator Cook. Doctor, I apologize for being late. I would like to discuss with you these distinctions between institutions. I want to make a distinction between institutions because in our community we operated the Louisville and Jefferson County Children's Home for a long time, and it had about 10 cottages, and we used the houseparents, really, and a number of them came from the Southern Baptist Theological Seminary, and we found that in the operation of the institution, and the operations of a farm on that institution that we in essence were trying to make young people from the inner city aware of cows, and hogs, and how to do these things, and how to do those things, as far as the farm was concerned, and yet this was absolutely of no interest to them, that when it was agreed that they were ready to go back into the community, they went back into the inner city, and the only thing that they really took with them was the fact that they had learned a little bit about cows, and hogs, and a little bit about crops, and this really meant nothing to them. And we realized that we had to get into the business of the mechanical concept, working on automobiles, tearing them apart, putting them back together, and we found that we were giving them an atmosphere that we thought was great for them, but it was an atmosphere that they were never going to grow up in really if they went out in the community, or the biggest percentage of them came from the center city, and when they left, they were going back.

Have you made this a part of your program, out there, to look at the mechanical side, to look at the problems of teaching a fellow how to lay bricks, teaching a fellow to build, teaching a fellow to be

a carpenter, this sort of thing?

Dr. Menninger. Thank you for giving me the opportunity to speak to that point. We have no school. Our children go to the public schools in the community. In the second place, we do not try to teach. We have no cows. We have no agricultural animals. Kansas too is changing from an agricultural to industrial State to some extent. We are not trying to run an institution. Now, you said they go back into the inner city. None of our children go back into the inner city.

Senator Cook. They stay ?

Dr. Menninger. None of our children go back. They are not coming there for a little stay where we just show them a few nice tricks, and then they go home and do better at home. They cannot do that. I think one of the great errors in the widespread American philosophy about this is that we give the children the experience of a nice life for a little while, and they will go on and keep living it. They cannot live it in that old environment, no.

Senator Cook. Then you are making the distinction of a tempo-

rary stay and a permanent stay?

Dr. Menninger. Partly a temporary stay in the school, and a permanent stay in the home. We are providing new homes. These children at Christmas, some of them have relatives and cousins, and occasionally a mother that they want to go and spend a day with at Christmas. They do not—we do not talk about going home for Christmas. They are already home. We go and visit their relatives for a day or two if they want to. Most of them do not want to.

Senator Cook. Well, then, your institution really is at its capacity

now, unless you build more cottages?

Dr. Menninger. Well, we are building now, right now, another cottage. But, our hope is that there will be something like this in every middle-sized city in the country. There is no reason why there should

not be thousands of these villages.

Senator Cook. You know, the very interesting thing about what you have said is that I think we have finally gotten off this attitude that you remember when we had the State institutions where we sent young people, and you did not send them there because of delinquency. They did not have a home, and unfortunately we placed—the State legislature placed the institution in the position that their budget depended upon how many children they had.

Dr. Menninger. True.

Senator Cook. So, consequently, the more children they had the more money they could get out of the State legislature; therefore,

they did not ever release any children.

Let us talk about this business of adoptions. I recall one time as a brand new member way back in the fifties of the Kentucky Children's Home, it was staggering to me that we took at random 30 children in the institution over the whole range of ages, and that they had been institutionalized a little over 100 years out of those 30 children. And nobody made any effort to put them up for adoption. It was because they were a plus side, a plus side on the dollar amount they could get from the State legislature. So, what we have really got to do then, if we have State institutions, is to convince legislatures to appropriate on the basis of institutions and not appropriate on the basis of population.

We cannot, of course we cannot—I do not know the right word. We cannot get more from the State, take more children, because we are full to capacity all of the time. The pressure always is to get more children sent to us by the State, and we are pushing back all of the time. And Senator Bayh asked me how do we choose them, and I do

not think I gave a very adequate answer, because I do not think I know. It depends on the judge pressure being frantic some days, and

he says look, you have got to take this child.

Senator BAYH. If the Senator would yield, the tragedy is that you have to choose. You ought to have enough places out there that you wouldn't have to pick this one or that one, and let the others go to inferior institutions.

Dr. Menninger. That is right. We eliminate a few on account of those things I mentioned, and then it is just about whoever is ready to be sent.

Senator Cook. Let me ask you whether you are familiar with the experiments at places like High Fields in New Jersey, and South Fields, in Kentucky?

Dr. Menninger. Yes.

Senator Cook. Where it is kind of a peer group situation and recidivism is almost down to zero. And I must confess that I do not like the idea that this is on a selected basis, but the institution itself picks the young people. Well, this is an older age group, as you well know, and these are young boys who are brought to juvenile court, and the institution picks them, and they have their own peer group concept. They keep their own institution, they punish their own, and the institution, the employees, are kind of there on a caretaker-basis, and every evening they sit down. And by the way, I have listened to some of the taped discussions, and they really tear themselves apart, they truly do. And we have had a very serious problem in that they were punishing their own far more severely than the staff would ever punish them, and we found out that when this young man decides that he has been there long enough, and this is a decision that he makes, that very seldom does he ever come back.

Dr. Menninger. May I just make a couple of points there? Our

"Village" is not an institution.

Senator Cook. I agree. I agree.

Dr. Menninger. We take nobody who has been convicted of de-

linguency.

Senator Cook. I know, but, Doctor, in effect is not this rather in a little way kind of subterfuge, because if the juvenile judge asks you to take a young man or woman that he thinks has great potential, and therefore, under the authority that he has under the law, he does not really send him to an institution, or in any way put any onus on them by reason of a final court order. He is asking you to help him so that he does not have to do it. So, in essence, it is conceivable that he could be.

Dr. Menninger. For the most part we are interested in the lost, and

wistful, and the lonely and frightened.

Senator BAYH. Would the Senator yield just a moment?

Dr. Menninger. We are not provided with either psychiatrists or policemen. We do not treat them and we do not think of them as guilty.

Senator Cook. Suppose someone were to bring an infant to your institution, do you aid and assist or do anything relative to putting

the child out for adoption?

Dr. Menninger. Oh, no. This is not our function. They would not do that in the first place. They would not bring them to us. They know what we are for. We are interested in the conservation of human resources and natural resources. We want to start some children with a normal home environment, with a father and a mother and brothers and sisters to interact with, and we think this is the machinery for the formation of character. However, we are not interested in these many things. We do not provide psychiatric treatment. We let the clinic do that if they want to, or the State hospital. We are not interested in treating. We are interested in loving them and living with them. While I think it is a good thing to have a grandmother and grandfather image in the place, I do not even act as that. I do not go out and meddle around with the activities out there. These are homes, and I would not do it any more than I would go next door and try to straighten out my neighbors. I am interested in them. I hope and wish the best for them, but I am not, I am not their model.

Senator Cook. Well, I must say that you ought to be commended for it, and there ought to be many, many more throughout the country, but, we have a large segment of juvenile problems to cover, other than those that can be covered under an institution or a village

such as yours.

Dr. Menninger. Oh, certainly. But it is a step in the prevention of children getting into these later stages where they have to get into correction and treatment. I have been working corrections myself. My colleague are all in the business of treating. But, I want to think about prevention.

Senator Cook. Thank you.

Senator Bayh. Just one last question, Doctor, and I apologize for interrupting, but I want to make certain that I was rightly understanding what you are doing. Is it correct that the words delinquent and criminal are applied to some juveniles by relying on legal definitions of these words?

Dr. Menninger. Yes, that is right.

Senator BAYH. So, when you said you did not take anyone who has committed a criminal act, then let us use a specific example you mentioned a moment ago. Let us take that child who runs out of the house and takes off across the country because his father is beating his mother, which according to most State statutes violates the incorrigible child statute. Would you take that kind of a child?

Dr. Menninger. Oh, yes. Oh, yes; because we do not consider it a

delinquency, even if the law does.

Senator BAYH. I just wanted to make certain.

Dr. Menninger. I am glad you did.

Senator BAYH. Thank you, Doctor. You have been very kind.

May we call on you again in the future?

Dr. Menninger. Indeed.

Senator Bayh. Well, I also wanted to be able to call on you in absentia, when some of these problems arise, particularly so far as specific criteria in the bill, because your expertise is invaluable to us. I know it has been a significant contribution and sacrifice that you

and your wife, and Mr. Gash, have made to spend this weekend here in Washington so that you could testify this morning. I just want to say as an individual, and as the Chairman of the subcommittee on behalf of the whole committee, how grateful we are to you for your

efforts here this morning.

Dr. Menninger. You are very kind. The bill, as I have said, has my wholehearted endorsement. My only suggestion is that you bear in mind that if you wait until they are proven, delinquents, you have missed a golden opportunity to do some prevention which would save somebody a lot of money. Whether the people who have to spend the money get the benefit of the savings is always the big hassle in politics, is it not? It would make it a lot easier on the delinquent institutions, whatever you get, if you would spend some money on prevention. But, it is hard to convince people. Welfare departments are swamped with these cases that have already been labeled delinquents. Consequently, there are specified routes for them to go in the State machinery. Our belief is that places—group homes—like the Village, can prevent the development of criminal character, exactly the opposite effect of the county jail. We'd like to see 500 of them in America.

Senator Bayii. Well, thank you very much, Doctor. Your testimony has been a very valuable contribution to our work. Senator Cook and I are strong advocates of the ounce of prevention theory, and that is why we are pushing this bill, and why we are deeply indebted to you for the contribution you have made to our study as

well as the contribution you are making out in the community.

Dr. Menninger. I am moved to say one more thing. Please forgive me, but remember you do not have to label them delinquent to get yourself in a lot of trouble. I see in the District of Columbia they have labeled them emotionally disturbed, and apparently then they can be put in some place, a small, short-term psychiatric center. Now, no institution wants to take and advance a child as emotionally disturbed. Quote, unquote. I mean, are they found to be emotionally disturbed by a judge here? Who decides that they are emotionally disturbed?

Senator Cook. Unfortunately, Doctor, they are classified so they can have a place to put them. That is a prejudgment. I am afraid

what you gave is very, very true.

Dr. Menninger. You see, many States will pay me or you or anybody clse a sizable amount, \$20 or \$30 a day to take care of disturbed children, and give them something they call treatment. Now, I think it is immoral to call decent. loving care treatment, and act like only doctors knew how to give it. Who can give it to people who are able to love and handle children.

Senator Bayn. Thank you very much, Doctor.

Before we proceed with our next witness, let me just say having a man like Dr. Menninger, or our next witness Congressman Lowenstein, or the distinguished Judge Polier who will follow, is very fortunate for this committee. It is very frustrating to have to limit the testimony of witnesses such as those appearing today who have had

a lifetime of experience to impart to us. However, I am hopeful that our staff can supplement the spoken record and take full advantage

of the expertise involved.

Our next witness is the Honorable Allard K. Lowenstein, who is presently the national chairman of the Americans for Democratic Action, and formerly a colleague of ours in the Congress, a man who per pound, per ounce, or per inch, whatever it may be, has as much human compassion and concern for his fellow man as anybody I have ever met. And I appreciate the fact that you have taken time, sir, as busy as you are, to share your experience and your expertise and your concern with the committee in this area.

STATEMENT OF ALLARD K. LOWENSTEIN, AMERICANS FOR DEMOCRATIC ACTION

Mr. Lowenstein. Well, Senator, I am grateful for the opportunity to be here, and grateful to you and Senator Cook for proposing legislation that strikes so important a blow at one of the most ur-

gent and neglected areas of public need.

I am pleased to speak on behalf of the Juvenile Justice and Delinquency Prevention Act of 1973, S. 821. The problems to which this legislation addresses itself—the prevention of juvenile delinquency, rehabilitation of juvenile offenders, and improvement of juvenile justice in this country—are problems whose ultimate significance goes far beyond mere structural change in law. We are dealing with the future of America's neglected young people, and of course, of America itself.

Those of us who recall youth as a time of enthusiasm, discovery, and growth and widening friendships have difficulty understanding what happens to children whose reality is often violent confrontations with family, acquaintances, and legal systems. Frequently, from broken homes and dilapidated neighborhoods, these children have not enjoyed the options of normal society. Often warped by neglect or even brutality, many of them end up in predictable patterns of antisocial behavior at an early age. If this behavior lands them eventually in detention homes, they are unlikely to be redeemed, the making of a new set of criminals is well underway.

This committee in the past has called attention to the fact that juvenile delinquency has reached crisis proportions in much of urban America. Yet we continue to deal with this situation as if it ranked somewhere below the subsidizing of the South African Government.

The problem of juvenile delinquency and the problems caused by juvenile delinquency must be dealt with in a comprehensive and coordinated way. A massive commitment of resources, guided federally and directed locally by community-based facilities, must be made available.

To this end, S. 821 is one of the best pieces of legislation to be

presented.

The central agency it would create could ease the shambles that so often results from a sort of bond of bureaucracy, in which a plethora of agencies overlap, compete, and waste resources through lack of direction.

The importance of achieving this kind of coordination without adding to the swollen Federal bureaucracy is self-evident, so I am especially glad to note that S. 821 would provide for Federal leadership, standards, technical assistance, and funds, but would require that implimentation be at the State and local levels, in community-based facilities.

The bill also recognizes the need to involve the private sector in solving the delinquency problems in this country. By providing funds to private, as well as governmental agencies, it is expected that a wide spectrum of the community will be involved in developing and maintaining programs. The legislation seeks to utilize volunteer staffs, resources, and facilities of private agencies, making them part of a coordinated national effort and supports the key principle of maintaining a partnership between Government and the private sector.

Another important aspect of the bill is its establishment of juvenile court as a protective agency, one which guarantees the protection of basic procedural rights for juveniles who come under Federal jurisdiction. In addition, by creating national standards for State and local governments, the juvenile would be more assured of

procedural protections on the local level.

Juvenile court is not the only institution which cries out for change. The detention homes—like jails—to which the youthful offender is sent too often do more to criminalize than to rehabilitate. A child in a detention home learns quickly that he or she must get

tough to survive.

The urgency of improving correctional facilities for juvenile offenders and to find other ways to deal with young offenders simply can not be met by the present system. FBI figures from 1969 show that of all offenders under 20 released from Federal institutions since 1963, 73.3 percent were rearrested within 5-years and that young offenders have the highest recidivism rate of any age group. And since more than three-fifths of all arrests for violent crime are among people under 25. The much heralded fight against crime can be waged far more effectively here, at the roots of crime than by dramatic rhetorical flourishes about the end of permissiveness or the need to get various sections of the constitution.

Furthermore, the Federal Government must lend its leadership and resources to alleviate the damage inflicted by the current system of incarceration. Since State and local communities have been unable or unwilling to provide a satisfactory legal system for juveniles, the

Federal Government must take the lead.

In addition, moneys spent in the area of juvenile delinquency are a sad illustration of the need for a revamped program. Specifically, although juveniles commit over 50 percent of the Nation's crimes, the law enforcement assistance agency allocated only 19 percent of its total appropriations for programs dealing with juveniles during fiscal year 1972.

A number of other agencies are authorized to deal with juvenile delinquency. None demonstrate an effectiveness commensurate to the problem. What is needed is consolidation of existing agencies and a renewed statement of priorities dealing solely with youth and youth

problems. Legislation to reallocate the existing funds and resources is sorely needed; S. 821 provides such a program. The central agency set up in S. 821 would aid State and local communities in establishing community-based facilities as an alternative to detention. ADA welcomes the major thrust of this legislation—that solutions must be found in local communities, not in large institutions.

Everyone knows that a child's lifestyle can be altered drastically through guidance, supervision and interest, and love. Community treatment facilities which conform to Federal guidelines can provide opportunities to afford America's neglected young people a means to break out of a life pattern that all too often leads to self-destruction in the process of inflicting enormous damage on piers, families and

communities.

In short, I think what Senator Bayh and Senator Cook offer us with this legislation is the way to begin to understand and deal with an area which affects so many other areas, and I think in that sense, no legislation that has been proposed in the area of social need ought to have a higher priority in the energies of the concerned citizens of this country. Young people represent more than one half of the crime problem, and the problem of delinquency involves not only the children, but the people who are affected by children who become criminals through lack of love, opportunity, and justice.

I could go on and give detailed examples of how I see this kind of neglect contaminate whole neighborhoods, but I think in view of the pressure of time, and in view of the testimony you already have, that it might be more useful, Senator, if I stopped my opening remarks now and respond to whatever questions or whatever direction

you feel would be most useful in filling out your own record.

So, I am grateful for the chance to be here, and grateful for the leadership that Senator Cook and Senator Bayh and others have taken in this area that I have felt for so long needs the kind of leadership that you are now giving it.

Senator Bayn. Thank you, Congressman Lowenstein.

Let me ask you a few questions. Senator Cook, Senator Mathias and I went through a great deal of soul searching when the Juvenile Delinquency Prevention and Control Act of 1968 was extended last year. We did so, I think it is fair to say, with a determination that the Federal Government must do a better job and that we must try to put together the kind of program that is before you as S. 821. Now, there have been a lot of discussion about cutting various social programs. Some of them have worked and some of them have not worked. Moreover, it is clear that we need to reorder our priorities. Where do you rate what we are trying to do in S. 821 in the area of priorities? What should be the role of the Federal Government? Where do you draw the line between Federal and State contributions? Could you just give us your thoughts on this subject inasmuch as the price tag that is on this bill is significantly more than any effort that has ever been made. We recognize that, and that is why I ask the question, because I think this question is going to be asked by a lot of other people.

Mr. Lowenstein. Well, I think your question is, of course, at the

heart of the problem. It raises two separate thoughts in my mind

which I will take in sequence. The first is the price involved, and how that relates to other costs in the Federal budget. Now, if this bill were fully funded over the next 4 years, it would cost a billion and a half dollars. It would cost in 4 years half of what we spend subsidizing Franco's government in Spain, to which we have given \$3 billion. Now it seems to me that if we can find \$3 billion to maintain this liaison with General Franco, we might have equal concern with the Spanish speaking people here at home.

We spent more money in an overrun for one airplane which we then put it in a museum in Dayton, Ohio. It will not fly, and they did not know what else to do with it, and we spent more in 1 year than we are asking for 4 years of the whole program involved in

this bill.

If there is any basis at all to the notion that we care about the future of America, we must start with the future that is involved in

the young people of this country who, are, after all, its future.

I am not oblivious to the problem of money, and I suppose any citizen who pays taxes is aware of the degree to which the cost of any program has to be assessed against the place from which the funds come. If we are talking about money, I think we have to get into the questions of what else we spend money for, how we collect our taxes, and that leads me to the second part of your question, which brings to my mind the kind of price tag we put on things.

When I was in the House of Representatives, we had a program that cost \$150,000 to train young people that had fallen out of high schools so that they could have some kind of a future. That money—\$150,000 for 1 year—was then taken away. We could not afford the program. Now, I lived through the experience of trying to tell those young people what to do with their lives with no program to be offered, and no neighborhood facilities that could finance any alternative to their being on the streets, ending up on drugs, in prison, and as subcharges.

I know that the cost to the community, to the country, of wasted lives brought about because we could not spend a relatively small sum at key points is so much greater than the cost of spending the allocated appropriations that would make possible the salvaging of these people. And so it is not just relevant to other costs and relevant to the way we collect our taxes, and that seems to be a very

reasonable and almost understated request.

It also seems to me that it is very clear you save money even within the specifics of this program, because if you have to support somebody in a prison for 20 years, or if you have to support somebody on welfare for the rest of their life because they become so damaged that they are unable or unwilling to participate in the community, you are engaged in a vastly greater expense than otherwise.

Now, having said that, let me go to the relationship of all of this to the Federal Government. It is almost like A, B, C, to say that we do not want to have an enormous central government doing things that could best be done locally. I think the hopefulness of this legislation is that it reocgnizes that. Nobody thinks you can do things better locally by having the bureaucrats hundreds of miles away

issuing edicts. But we need a set of values that can be generalized in the country, where people, after all, are citizens of the United States. Children are raised in such fashion that they become criminals in an urban area of one city, and they are not confined there, and they do not have to get visas to go to the next State. So the national concern and the national significance is implicit in the fact that we are one country.

Senator Cook. Congressman, let me interrupt if I may, and let me be the devil's advocate for a moment, if you do not mind, because I probably have an almost perfect record of voting against foreign aid, and I went with Charlie Goodell 2 or 3 years ago and held a press conference in front of the monstrosity at Dayton. But, the same people who vote against-well, not the same, but many of our colleagues who vote against the same thing, we are going to have a tough time convincing them of this bill, and rather than the negative approach of making a comparison with Spain, or making a comparison with that bomber out there, you know, we might sell this to an audience who agrees with us on some of these things, but do we not really have to approach it from a positive point of view as these are the latter part of your remarks? Do we not really have to show rather than what we are spending in Spain, and which I do not like any more than you, or the things we do within the framework of bombers and so on, is it not really incumbent upon us to accomplish two things within the framework of the presentation of this legislation; first, to make it very clear statistically how much it is going to cost us to make up for our failure to treat a problem where we ought to treat it, and to also be late at whatever we do? And secondly, to convince the Congress that we do not want a program that is going to be totally bureaucratized because this is what really bothers me, and you can see all of my colleagues saying that well, we are just creating another bureaucracy, and you are starting with the Federal Government, and then you are going to the State government, and then you are going to the local government, and you are going to have guidelines at the Federal level, and guidelines at the State level, and we are going out with the same fellow at the local level, and the same fellow in the welfare department, the same juvenile judge, and the situation where he has got to fill out forms and he has got to meet a certain standard before he can take advantage of a situation, and these are the things that I want to overcome. In other words, I would like to have a record of saying this is one piece of legislation that we do not want bureaucraticized, that we do not want to send this thing downtown if it is signed by the President, and have that thing in it that says the agency shall establish such and such rules and regulations, and promulgate such rules and regulations as shall be necessary to put this thing into operation. Bingo. There is our dead end, and from there on in we fight to establish the significance of a program because we are always fighting somebody that we ought to run it, and we find out they are really, really is no incentive to run'it except to see to it that if we appropriate a billion and a half dollars, they can get the job done for \$450,000. So, you know, my frustration is that I always hear these comparisons with Spain, and I always hear these comparisons with

airplanes, but yet we have got to get over that, and we have got to get on to the comparison of the fact that later on, as a result of our failure here, it is costing us just a hell of a lot more money than the \$3 billion given to Spain, or what we spent on that airplane in the real human resources of the people of this country. And that is what I would really like to get into this record, because gee, this is, you know, you know the problem, and I know the problem, and this is really the solution where you know the great American myth is that we can find a 100-percent solution to any problem, really, but really we cannot, but the idea is that we can lay the foundation and groundwork by which we can solve one tremendous percentage of it,

if we can, to the best of our ability.

Mr. Lowenstein. We are not in disagreement, Senator. In fact, I was, I think, on the same point that you are on when I used the example of the closed down program in the community I represented. I think it is important to stress what the cost and the resources are of maintaining people for the rest of their lives as criminals who could otherwise have been diverted. My frustration, though, is that most Americans do not understand these relative costs. They have not been told these things. They are told that we are already handing the country over to the poor, and the black, and they are running off with it blind, and that is the cause of their tax problems. What the record has to include is enough statistical information so that the ordinary citizen does not feel that what we are asking here is another major boundoggle to those who are already receiving such an enormous handout. If the ordinary citizen understands that the ghetto in Washington, D.C. pays more in Federal income taxes than it receives back in Federal programs, there would be less resistance to programs which are perceived as aimed at the people who live in poverty areas. So we are not in disagreement. I think we share those concerns, and your presence adds enormous weight as a guantor that this bill would not do those things.

Senator Cook. You overexpressed that, but I have the horrible vision of one day flying over Washington and seeing a psychdelic city of green copies, and blue copies, and orange copies, you know, and maybe the Washington Monument will still peek out slightly. But, I am really not sure, and I just have this horrible feeling that if we are going to succeed that we have to establish a record of the ultimate cost ratio-benefit as, you know, as stark as they may be to this

Nation as a whole.

Mr. Lowenstein. It is important also to get to the last of the thoughts that I was expressing a moment ago, which is that we have a tremendous amount of rhetoric from political people about fighting crime in the streets. That rhetoric is connected to proposals for harsher behavior by courts. We do not understand that dealing with the problem of crime in the streets starts in the streets, and that a bill of this kind would do more to reduce crime in the streets and make the streets a lot safer for people who want to walk in the streets then all of the rhetoric that one hears from high political officials.

Senator Cook. Correct.

Mr. Lowenstein. What people do know now is they are legiti-

mately afraid. I walked down a street in the district I live in not long ago, and in one block, two women stopped me in tears, one black woman and one Puerto Rican woman. Both of them had had their sons killed in the street within the last 3 months. Their perception of what law and order is is very different from what the speeches that are directed at middle class white people might suggest. My sense is that the community of interests that exists between streets like that in middle class communities is very great, because the crime that grows out of the deprivations that exist in so many communities spills over and attacks people everywhere. And yet, the effort to politicize crimes as a technique to divide is one of the very

difficult problems with which we had better deal.

Senator Cook. Let me give you a good example of what you are saying. The people of the inner city that I live in, in that particular type of atmosphere are aware of the significance of the term juvenile delinquency. The people outside of that area are not. To give you animpulsive action, when I was a judge, I would come up to a stop sign, leaving my home in the morning to go to the office, and I would look down the street and there are these two cars side by side, and all of a sudden at some signal between them, man, I am telling you they lay down rubber, and they head down the street, heading for the school, and they are having a whale of a time. So, instead of notifying the police, I took off after them. I do not think that I have ever driven that fast. I wound up in the high school parking lot with them, and I stopped both of them. Well, you know, it is an amazing thing. Their parents were irate that I had done this, and I had a meeting wih the two boys in my chambers, and I took them through the jail, and I took them through all of the facilities, and I showed them conceivably what could have happened to them, and even with the continued irateness of their parents about 3 years later, oddly enough, when those guys would come back from school, they would drop by the office, they would have a chat with me, they would see you on the street and say hello to you, and great rapport. But, I never got over their parents, you know, because they thought I had done something that I should not have, that it was my job to get them up before me, if there was a case, maybe, and they would have a lawyer there to represent them and so on, and so forth, and I never could convince those parents that that rather ridiculous action of mine, I guess, was right significant in regard to those two fellows.

And so, what we have got to do is instead of, not only convince the Congress on a billion and a half dollar package, but convince a whale of a lot of people in the United States that do not quite understand what juvenile delinquency is yet, and try to somehow or other overlook the actions of their children, not really knowing what

the significance is if they overlook them too long.

Mr. Lowenstein. Amen.

Senator Cook. I did not mean to do all of that, Mr. Chairman. Mr. Lowenstein. Well, that brings up a reminiscent example.

Senator BAYH. You are not doing it to us, you are doing it for us. Mr. Lowenstein. In the neighborhood where I live there is, as far as I know now, 19 street gangs. They have probably 2,000 young people in them.

We have had a series of meetings over a period of months with those street gangs, which do not want to be called street gangs. There is a tremendous need for a program in this community, which would take the potential of those young people and turn it from fighting with each other over turf, and getting on bad terms with the police, and having a series of arrests that produce resentment because the arrests occur under circumstances which lead the street gangs to feel that they are persecuted and hounded in violation of their rights. If we could only get a program into that community, the will among those young people to do something other than what they are now left to do—for lack of facilities, for lack of opportunity, for lack of guidance—is enormous. I wish there were time today to detail individuals whom I have come to know from those street gangs in that area, and how their lives are affected by whether there is any effort to give opportunity beyond what they have been dumped into by birth.

Senator Cook. But, do not forget though one of the things I see in this really and truly, and I am speaking now from a former judge's point of view, and I hope the judge talks about this when he is here, is that this will in effect set a standard, instead of frustrating that individual who sits there, who has got so many different tiers and so many different agencies, and so many different things that it is almost frustrating him in relation to what to do with an individual, because you will admit that in his desire to get into this field we fragment ourselves, and when we fragment ourselves on this level to establish this agency, and that agency, and another agency, and another agency, all we do is frustrate the individual at the local level that has got to make that decision. So, what you are really saying is that for those 19 street gangs right now we could give them a whole book, you know, like we send every county judge in the State of Kentucky, and, hell, it is that thick, and these are all of the Federal programs we have got, and we even frustrate him unless we can

come down to a basic standard.

Mr. Lowenstein. I think she will agree with you.

Senator Cook. This is one of the things that you face, that we compound the felony, and it is compounded at every level, it is compounded by the State, and it is compounded by the board of aldermen, and by the time you get through, you know, we have to have a book so you can decide how many places and how many things, unless you finally get so frustrated that you use your own ability, and your own logic, and then you make those decisions regardless of the consequences. And then at that stage of the game you find that fortunately you are paying attention to the individual before you and not paying attention to all of the rules and regulations that have been propounded from every level.

Mr. Lowenstein. Right.

Senator Cook. Because if we send this thing downtown, unless we make a record that this thing is not going to be bureaucratized, that poor judge, and those judges all over the country are going to have so many regulations, and you know they will have another bible on the desk to flip through, and they will have more numbers, and more periods, and more letters and everything else.

Mr. Lowenstein. I think that is what I called the genius of this legislation, which it seems to me this achieves.

Senator Cook. That is what we are after.

Mr. Lowenstein. Right.

Senator BAYH. Well, just in a capsule tell us, in answer to the question that is very similar to that of Senator Cook, but I want to make sure we are talking about the same thing—the significance of institutionalization as far as society's efforts to deal with the prob-

lem of young people.

Mr. Lowenstein. Well, you start with the quality of the institutions we send people to now. You have study after study, and I do not suppose anyone who has been to visit those institutions needs a study to know what happens when people go into them and come out, that they are less well equipped to deal with society than before they went in. So, I do not know anyone that justifies the notion that institutionalization is the way to cope with these problems. But if anyone does, certainly they could not justify institutionalizing people in the institutions we now have.

If we can find ways, as this legislation seeks to do, where local agencies and community efforts can avert institutionalizing, we will, among other things, make it possible to salvage individuals in large numbers who otherwise would find themselves progressively pulled

further down to destruction and self-destruction.

I think also we might make it possible to cope with the problem of those who have to be institutionalized in a way that would be more effective, instead of overcrowding, contaminating whole programs and what they seek to do.

I think Senator Cook has discussed two or three of the difficulties, if I can say this in conclusion, of getting this kind of an approach accepted by people who have not traditionally been willing to accept

it. I share his concern about that.

I also think-it important to remember and reiterate the concept that is inherent in this legislation: If you want to prevent crime, and if you want to assist communities, you have to do it by an alliance between the Government and the private sector, and you have to do it in the community. You also have to do it with standards set for the whole country, but not by an enormous bureaucracy. And we must not forget what the whole notion of the Federal structure is to let guidance and assistance come from the Federal level and let the neighborhoods deal with the problems they can deal with best.

Senator BAYH. Well, then, you would be one who would agree with the provisions of the bill which encourage the participation of adults and youth of a given community in the planning and opera-

tion of community-based services.

Mr. Lowenstein. Of course.

Senator Bayn. What is the role of the private sector?

Mr. Lowenstein. Well, it is essential. We must involve the private sector in neighborhoods and human situations. You cannot just have Government moving in as if it knows everything, and disregard the wisdom and the experience and expertise of groups that grow up in a community and work in a community. I think that is the alliance that this bill envisages, and that is such a hopeful breakthrough.

Senator BAYH. We see this really as an untapped reservoir out here, and why we have not taken advantage of it greater before, I do not know, a great untapped reservoir of volunteer citizens, whether they are part of the official private agencies or private groups, or charity or whatever it may be, well-intentioned citizens that want to help. And we have not really been able to give them the running room they need. I am glad to have your thoughts on that.

Mr. Lowenstein. Well, you are right. And, in fact, if it is useful to your record to have illustrations of how many people there are who would want to help, and could be enormously helpful, and who cannot help under the present lack of programs and lack of guidance and lack of funding and lack of resources, I would be glad to submit those kinds of illustrations. Because every place that I go I am constantly bewildered by why we cannot use the skill and expertise, and the commitment and the love of these people in dealing with community problems.

Senator BAYH. Senator Cook, do you have further questions? Senator Cook. Thank you, Congressman, very, very much.

Mr. Lowenstein. Well, thank you both very much. Senator Bayn. We really appreciate the effort you have made. Mr. Lowenstein's prepared statement is as follows:

PREPARED STATEMENT OF ALLARD K. LOWENSTEIN ON BEHALF OF AMERICANS FOR DEMOCRATIC ACTION

Mr. Chairman, I am Allard K. Lowenstein, national chairman of Americans

for Democratic Action, for whom I am testifying today.

I am pleased to speak on behalf of the Juvenile Justice and Delinquency Prevention Act of 1973, S.S21. The problems to which this legislation addresses itself—the prevention of Juvenile delinquency, rehabilitation of juvenile offenders, and improvement of juvenile justice in this country—are problems whose ultimate significance goes far beyond mere structural change in law. We are dealing with the future of America's neglected children.

How many of us can recall youth as a time of enthusiasm, discovery and imagination? Of relatively carefree days of growth and friendship? These words in no way describe the lives of thousands of less fortunate children in this country today. These young people know a reality of violent, often unreasonable confrontation with family, acquaintances and legal systems. Frequently from broken homes and dilapidated neighborhoods, these children have not enjoyed the options of "normal" society. Warped victims of neglect and brutality, many of them turn-not surprisingly-to anti-social behavior at an early age. Eventually they land in detention homes, and the making of a new set of criminals has begun.

This committee in the past has called attention to the fact that juvenile delinquency has reached crisis proportions in contemporary America. We must begin now to alleviate the problem by reconstructing our juvenile justice

system. Its reconstruction can save the lives and spirits of our children. ADA believes the problems of juvenile delinquency must be dealt with in the

following way to be effective:

1. By a comprehensive and coordinated approach, centered in the federal

2. By recognition that the problems must be solved on the local level by community-based facilities.

3. By a massive federal commitment of resources.

To this end, S.821 is one of the best pieces of legislation to be presented. It is a comprehensive bill which would guarantee the rights of children, a guarantee long overdue.

The bill will create one central agency to handle the many aspects of juvenile delinquency. At present the only thing that the plethora of agencies in this area have in common is the Washington phenomenon known as the Bond of Bureaucracy. On paper there's a connection, but in practice the departments are not cognizant of each other's actions. Resources allocated in this area are being wasted through lack of direction. One vigorous overseeing agency could eliminate this problem while providing leadership and expertise.

However, this bill would not create another huge federal bureaucracy. While the federal government would provide leadership, standards, technical assistance and funds, the legislation recognizes that the problems must be solved at

the state and local levels, in community-based facilities.

The bill also recognizes the need to involve the private sector in solving the delinquency problems in this country. By providing funds to private, as well as government agencies, it is expected that a wide spectrum of the community will be involved in developing and maintaining programs. The legislation seeks to utilize volunteer staffs, resources and facilities of private agencies, making them part of a coordinated national effort. ADA firmly supports the principle of maintaining a partnership between government and the private sector.

of maintaining a partnership between government and the private sector.

Another important aspect of the bill is its establishment of Juvenile Court as a protective agency, one which guarantees the protection of basic procedural rights for juveniles who come under federal jurisdiction. In addition, by creating national standards for state and local governments, the juvenile

would be more assured of procedural protections on the local level.

Juvenile court is not the only institution which cries out for change. The detention homes to which the youthful offender is sent too often do more to criminalize than to rehabilitate. Like America's adult jails, juvenile detention homes typically serve a catch-all function. In a New York state detention home, for example, a loiterer from Syracuse might share a room with a drug addict from New York City.

A child in a detention home learns quickly that he or she must get tough to survive. Survival may include the following (from a youth in a detention home): "Just about everybody knew how to pick pockets and roll reefers, and

a lot of cats knew how to cut drugs. . . . There was so much to learn!"

Other shortcomings of detention centers have been well documented in previous testimony. Again I invoke memories of our own youth, contrasting these images to the situation of today's children who spend time in detention homes which provide them no sense of competence, belonging, usefulness or identity. The contrast is vital because we—in more fortunate circumstances—are in a position to help these children.

The dramatic need for improvement in correctional facilities for juvenile offenders simply will not be met by the present system. Its rehabilitation function is practically nil; to wit, FBI figures from 1969 show that of all offenders under 20 released from federal institutions since 1963, 78.8 percent were rearrested within five years. Young offenders have the highest recidivism rate of

any age group.

Reversing the trend crime through institutional change will assist not only youth. It will serve the American community. Almost two-thirds of all arrests for serious crime are among people under 21. The fight against crime properly

begins here, at the roots of crime.

To achieve the lawful order to which the nation aspires, we should introduce citizens, while still young, to meaningful roles in society. Instead, in far too many cases, our present institutions introduce children to the techniques and means of crime. The current system of incarceration is, in short, counterproductive.

National government must lend its leadership and resources to help alleviate the problem. Since state and local communities have been unable or unwilling to provide a satisfactory legal system for juveniles, the federal government

must take the lead.

In addition, monies spent in the area of juvenile delinquency are a sad illustration of the need for a revamped program. Specifically, although juveniles commit over 50 percent of the nation's crimes, the Law Enforcement Assistance Agency allocated only 10 percent of its total appropriations for programs dealing with juveniles during fiscal year 1972.

A number of other agencies are authorized to deal with juvenile delinquency. None demonstrate an effectiveness commensurate to the problem. What is needed is consolidation of existing agencies and a renewed statement of priorities dealing solely with youth and youth problems. Legislation to reallocate the existing funds and resources is sorely needed; 8.821 provides such a

program. The central agency set up in 8.821 would aid state and local communities in establishing community-based facilities as an alternative to detention. ADA welcomes the major thrust of this legislation—that solutions must be

found in local communities, not in large institutions.

Studies have shown that a child's life style can-be altered drastically through guidance, supervision and interest. Community treatment facilities which conform to federal guidelines would provide such a setting. With your help, juvenile delinquents can break out of the all too familiar life pattern of crimes and institutions. Passage of S.821 will afford America's neglected children the opportunity to be all they can be.

Senator BAYII. The last witness this morning is the Honorable Justice Wise Polier, a former judge of the New York State Family Court, recently retired from the bench. There must be an early retirement program up there. We appreciate very much your taking the time to be with us, and we are looking forward to your contribution.

Senator Cook. Before you begin, Judge, I must say as a cosponsor of Senator Bayh in the equal rights amendment, I want you to know that I used "he" in the all-inclusive sense, and I apologize.

STATEMENT OF HON. JUSTINE WISE POLIER, FORMER JUDGE, NEW YORK STATE FAMILY COURT, NEW YORK, N.Y.

Judge Polier. I understood. I will accept your gallantry and say it was slightly early because I felt I could be more useful elsewhere. I really feel very privileged to be here today, and especially grateful to both of you and your subcommittee for the efforts in regard to this bill, because I feel it is tremendously important in terms of bringing new insight, hopefully a different atmosphere or feeling in regard to the problems that we are facing in this field. I am not going to read the statement which I have submitted because you have it for the record. I would just like to touch on a few points that I think might be helpful. The bill pulls together a great many fragmented efforts from all over the country. To begin with, it recognizes that there is no single cause and no single answer to the problem of either juvenile delinquency or youthful crime as we know it. I think it clearly puts its finger on the necessity of improving the quality of justice as we have experienced it, and seeking at the same time to stimulate deeper and wider efforts in both preventive and corrective work.

Certainly I would hope that the research and evaluation as it moves forward under such a bill will do honest fact digging and report on what we are doing, and also on what we are not doing in this country. There is one fundamental aspect of this bill that is especially significant at this time. It faces a national problem and recognizes that neither States nor localities are more than lines on a map so far as the needs and rights of children are concerned. At the same time it encourages localities and States to develop resources within communities to meet the problems of children.

Before touching on the points that I had planned to mention, I would like to answer in my own way one question that Senator Bayh posed to Dr. Menninger conceived the cottage program. He asked quite understandably, why if such villages or cottages worked so well, they did not proliferate. I think that touches on something

that is very important. In the first place, I thing it has to be recognized that our State laws have been developed in such a way that we support, through State and county contributions, or payments, the care of children who are removed from their homes, but we do not pay monies for services to the children in his own family. I can think of nothing more ridiculous than refusing to compensate for counseling, casework, training, helping parents to make a better home, but being quite willing to pay a great deal more money for the same child, if we put him in a foster home, a little more if we put him in an institution because the foster home does not work, and finally more money if we put him in the State training school, and then ultimately, as Dr. Menninger pointed out, the most if we finally find him emotionally disturbed. We really turn things upside down.

One of the difficulties is helping people to understand that if we started at another point we would not only make it possible to have the stronger family about which we hear so much rhetoric, but we would save endless millions of dollars as well as the removal of a child from the only place where he can be rooted. While Dr. Menninger's experience may be very valuable to some children, I have the same question that Senator Cook raised about the permanency of being in any foster care situation in which you are not completely

rooted.

The failure of institutions to really examine the possibility of strengthening the family from which a child comes against his return, or preventing the necessity of the child being removed in the first instance, the keeping a child in care as long as he does not cause trouble in the cottage, in the village, in an institution, are not an adequate answer. I have seen too many children who have been in foster care for a long time whose foster parents become disabled, die, or move to another State, where suddenly that child finds he belongs to no one. That same child, if adopted by the foster parent who comes to care about him, becomes part of a family permanently and entitled to social security if tragedy strikes. He knows he has roots in a home, and yet we do not think or plan in those terms. And nothing is more disastrous than to see a child who has endlessly been kept either in one foster home or one institution after another. never being able to really give himself to anybody because the people he loves are a constantly changing cast. Therefore, he cannot dare to love anybody or to care about anyone when he becomes older.

Senator BAYH. May I interrupt here?

Judge Polier. Yes. There is some very valuable material on this

score which I would like to refer to later.

Senator Bayn. I think this is a key point. In talking to Dr. Menninger and a couple of other people involved in that particular village situation, they placed great emphasis on the couple serving as parents in a real sense. Now, is that possible to do in your judgment? Can you with eight, nine, 10 youngsters in a situation which is totally free from the normal elements of juvenile institutions give such love and understanding that the child feels he belongs? Dr. Menninger talked about youngsters who came back to the home from the State university for Christmas vacation because they thought this was their home. Is that pie in the sky?

Judge Polier. I would say that I think this is probably a model experiment under ideal auspices for comparatively few children.

Senator Cook. That is what bothers me.

Judge Polier. We are not going to transplant hundreds of thousands of children, or tens of thousands away from their families or communities and create this kind of permanent structure. Nor do we have the skills to do it. And I am not sure we should. What troubles me is that we do not really make the effort we should for the child in his family, to strengthen not only that child but the other siblings in the group. We give up too easily. We do not work with the family. Just as long as he is not troubling anybody, the child who is placed in foster care remains endlessly on a public subsidy, but not really belonging to the family where he lives. At the same time we have a hangup about terminating parental rights. We should do what we can to strengthen the natural family, but where we find we cannot do that, the child is entitled to have the parental rights terminated and be placed in a permanent home.

Senator Bayn. Let us take the average very typical family situation that fits the concern you just expressed. What kinds of services are needed to do the job which you think needs to be done?

Judge Polier. I give as an example, because it is very fresh in my mind what I have learned since leaving the court, I traveled to three States trying to get a picture so as to be less provincial in my outlook in the work I hope to do. One of the things that was most troubling to me in two of the communities I visited was that nonwhite children known to be neglected, on public welfare, were not referred to family courts for neglect petitions. When I met with a panel from the department of welfare who were decent, noticably rather white and middle-class, and asked about this they said they had few or no foster homes for black children. When I asked whether there were any black homefinders the answer was "no," but that to have them might be a good idea. When I talked to the judge, a very able judge, he felt that he had to ask that neglected children who were nonwhite should not be referred to the court because he had no place to send them. At another panel with school people there was a discussion of a mother who was psychotic and whose children were neglected. They expressed the belief that they could do nothing because if they referred the children they would be put in a shelter for a short period and then returned to the mother because there are no appropriate foster care facilities for nonwhite children.

I feel one of the positive elements of the proposed bill needs to be firmed up by revising and adding to the findings. You are very strong and correctly so about in your findings about the failure of the juvenile court or juvenile justice, in regard to the delinquent child. However, the bill overlooks the fact that almost for the last 50 or 60 years State after State has added to the jurisdiction of the juvenile court, adding dependents, neglected children, termination of parental rights, termination of custody, visitation and support, separation and divorce, in many States. There should, therefore, be equally strong findings as to the failure of juvenile justice when it deals with the neglected child and fails to provide the preventive

services which actually are covered by your purposes, though not set forth in your findings.

Senator BAYH. That is our intention, and I appreciate your bring-

ing that out.

Judge Polier. Let me turn for a moment to another——

Senator Cook. Before you get off that subject Judge, because I want to get back to Dr. Menninger's concept, because this has got to be as far as the authorities are concerned rather a frustrating thing, that once an institution starts then it automatically becomes full, and that is the end of the role unless they continue to build cottage after cottage after cottage after cottage, and somehow or other the concept of growth, you know, when the young man finishes college, or the young lady finishes college they can come home for a while, but they do not come home very long, he or she, and this concept of permanency seems to me that we, maybe within that concept are not building up the potential of the individual, but it becomes kind of a dependency which I am not sure really helps.

Judge Polier. I agree and also feel that although or perhaps because we are so often frustrated by not being able to do what we should do for many children, that we are prone to emphasize and recall the few happy successes. I mean, one has children who come back to the juvenile court judge, to you or to me, but those are the rare exceptions. We must realize that the extent to which children are excluded from services so that they cannot become part of the mainstream of life is as urgent a challenge today as the children whom we place in custodial warehouses that we call children's institutions. So, we have the two problems, and to me the prevention has

to start at an earlier period.

Senator Cook. Thank you. Judge Polier. I would like to speak for a moment of what has been termed, I think it was in Senator Bayh's statement, the bankruptcy of the juvenile court. I do not feel defensive about it. However, one has to recognize certain things that are terribly important if this bill is to become an effective instrument for constructive change. We have bankruptcy in institutions as in our personal lives, which are the result of what I can only speak of as get-rich schemes, unsupported by either wise planning or hard, continuing efforts or sufficient investment. I was on the court for 38 years, and knew the founders of the court, including Julian Mack, whom I loved dearly. They showed concern for each individual child and their focus was on the whole child and what they could do to help him. They also had faith, and we call it naive, that if the community were informed of the unmet needs of children it would rally and provide services. labor, et cetera. They became the original advocates for children, a As we look back we may think it was simpler then. But, when you actually read the history of that time, with the vast immigration into this country of non-English speaking, unskilled labor, the same problems of political corruption certainly that we have today, the problems were very great and there was only a small band if people to confront them.

One of the things that stands out, about the early judges such as Mack or Ben Lindsey, was their readiness to confront social condi-

tions in their community. They were willing to take on controversial questions such as the results of factory accidents, the lack of the mother's pensions, that fathers could not join trade unions, child

role that I think has been rather lost in these days.

As the years passed the temporary enthusiasm for the juvenile court was followed by niggardly support. The illusion became prevelent that the job was done when the institution was established. I have just visited a State where the law authorize juvenile courts in every county but where of over 40 counties in the State there are only juvenile courts in 17. We talk about there being juvenile courts in all 50 States in the country, although they have been established only in parts of these States. In another State recently visited, I learned of a 10-year-old, who had run away from home and was picked up and sent by the local magistrate to the jail. That small

child was found to have hung himself the next morning.

We have too long treated the juvenile court, and as well called such courts as inferior courts we have not established standards for judges in large parts of the country. We have assumed that anybody could do what was right to a child, and our standards for probation work have decreased as we refused the funds needed to work with a child on probation. Probation is the least expensive service, and, if it is well done, probably could become the most effective service the juvenile court has had to offer. So, I welcome the new interest and concern, as I welcome the Gault decision for requiring due process at the adjudicatory hearing. But, I must say that the due process which we hail and welcome, too often becomes little more than a ritual. The real problem of the juvenile court is the absence of substantive services, or the people who can provide and wisely select appropriate substantive services.

I was interested in the reference to jails this morning, and would like to add a footnote. The last report we had from the Children's Service Bureau, which has been so denigrated, that it does not even get out figures these days, stated that there were from 50,000 to 100,000 children in the jails of this country on any single day. Certainly in the counties where I have visited recently the jails are still being used despite State laws prohibiting such use. We can deplore the condition of a detention home, with good reason, but we have not even gotten to creative detention homes in vast parts of this

country.

Such conditions contribute to what is understandably the disillusionment that we have experienced in regard to the high hopes for the juvenile courts. Such conditions also force us to face the difficult problems that will confront this county as it seeks to secure adequate sources in the same communities that have been niggardly towards the juvenile courts. Such communities will not suddenly provide the kind of services, preventive and corrective, that the bill proposes unless there is leadership on a national level, and substantial help in the creation of standards. I was interested in being asked to consult recently with the American Pediatric Association, which is now undertaking its first study of the physical conditions of medical services for children in detention homes. This is 1973. When medical services were first instituted in New York some few years ago we

found the children being sent to detention had all sorts of physical ailments that had not been caught in the poverty areas from which they came. We were advised of disabilities of hearing, of sight, and in one case hideous cancer, heart conditions and so forth. Such tragic lack of preventive medical or health services is prevalent.

Senator BAYH. Judge, may I ask you to give us your thoughts on an issue that was raised by Senator Cook, that I concur in his concern, about the psychedelic bureaucratic approach to this problem.

Judge Politr. The what?

Senator BAYH. The psychedelic bureaucratic approach to this problem. We do not want that to happen. Where do we draw the line? Once a bureaucracy is created, it really prohibits us from having the kind of flexibility necessary in each location. On the other hand don't we need to have some standards for judges, for facilities, and for services? How do we structure our bill to provide quality treatment for children without establishing the very bureaucracy that so far has prevented us from making that quality treatment available?

Senator Cook. Before you answer that question though, judge, with all of the significance of Federal legislation, I think we are all faced with the situation that in my State, for example, with 120 counties the county judge is a constitutional office. He does not have to be a lawyer. He can be any individual in the community who has the significance or political clout, and yet under that same system he is the juvenile court judge. Now, I think we have got to understand that I doubt very seriously that any State legislature would immediately change its constitution because we set standards. Now, unfortunately for us, if we do, we set standards that deny the community the right to participate, unless they fulfill certain requirements, i.e. that an individual be a lawyer, or that he have a significant amount of ability or practice as the case may be; therefore, we deny communities the right to participate because we set the standard here, and yet we are faced in many situations throughout the country where the constitutions and the laws of the respective States do not fulfill the requirements that we establish.

Senator Bayii. That is exactly the problem I was discussing, I do not know what the answer is but I concur with Senator Cook's assessment of the lack of probability that a State legislature is going to change its constitution. But, by the same token, I do not think we want to be part of a program which permits that kind of insensitive judge to get Federal funds which are designed to provide a little enlightenment and a little compassion in solving the problems of young people. We do not want to permit those funds to be utilized

to maintain juveniles in jail cells.

Senator Cook. But, let me say something. Many of those are not insensitive. Really, I am not trying to say they are all insensitive. Some of these people, as a matter of fact, use the community approach in many of the community boards and commissions, and they are established frequently and are more sensitive to the problems than some of the judges we have on our Bench. So, I am not really saying they are insensitive.

Senator Bayir. I did not mean to infer that at all.

Judge Polier. That is true, but I do think certain goals can be set forth, and I think as people become more involved in what they are doing, they are going to more self-critical. An incident such as I described of a 10-year-old hanging herself can arouse a community, and force change. Emphasis can be put on programs of quality, by supporting projects that are creative or innovative without laying the heavy hand from Washington regard to details. But, if there is an on-going program, and that is the important part of this bill, and fact-finding, and digging for facts, evaluation, approving things that are worthwhile, I think you can gradually raise standards of service. I have seen a lot of criticism, for example, of the LEAA and the way it has spent its funds in the Law Enforcement Administration for better police equipment, and more of this and more of that. I have had a different experience. We went to them and we said we are very concerned that the judges have so little to say about what is at the end of the tunnel when the child is put in placement. We asked for and we wanted assistance to create an office within the judicial system that would study what a judge can do for a child on the basis of what he knows, and what he cannot do, and report to the Governor, and the legislature concerning the unmet needs of children who go through the juvenile court. They were challenged and they agreed to put up 75 percent of the funds, and the Judicial Conference put up the balance. Now, we have our first office of children services, an advocate within the judiciary, to do constant fact-finding and report to the Governor and the legislature.

Senator Cook. A jurisdiction of continued oversight?

Judge Pomer. It is an office within the Judicial Conference to which the judges can come with their frustrations concering what they cannot do, and people can make complaints which will look into the things, study the institutions that are discriminating, or not taking the children they should, and thus provide an on-going flow of information from two ways, from the community people who complain and from the judges who cannot do their job. Such an office provides a new process for self-education, education for the courts, and for the community. Thus facts are brought into the open. I know of no better way of raising standard without having

an autocratic society.

I am going to shorten what I had in mind to say because we have already touched on the neglected child. However, I would like to underline that from my experience over all of these years, as one reads the record of the delinquent child, the delinquent child is almost always the child who has either been neglected by the family, or the community, and who has lost any sense of confidence in himself, who he is or where he can go. I think of all of the studies I have read, and particularly of one that I have never forgotten, though I read it many years ago. It was the study of a group of young delinquents, a group of young drug users, and a group of mentally ill young people done by a distinguished psychologist, who studied these young people, their histories, their backgrounds and their attitudes. He found most of them came from broken, unhappy homes where there was a great deal of conflict, that they were more often harshly treated than too-well treated at home. There was a high incident of

poverty, physical illness and mental illness in these homes. He found among these three groups, the ones who had acted out through delinquency or crime, the ones who were withdrawn in a way from the world through drug use, and the ones who were withdrawn further through mental illness. There was one thing in common to them all. Each of these young people was saying in his own way: "I am no good; there is nothing for me to do, what is the use?" The extent to which we have failed to break through these walls of hopelessness provides the challenge to create the preventive and protective serv-

ices, as well as corrective services that you have proposed. I would urge that the bill's findings be in keeping with its purposes, but that it should also emphasize the importance of each State, each community doing its own fact-digging in regard to what it is doing, and what it is not doing for children who are neglected. The need for early identification of such children, the need for the provision of appropriate services, including providing services to the child in his own family, and the encouragement of such services through public funding. I have always been horrified with the idea that one can pay a stranger for foster care, but if there is a perfectly good grandmother who is willing to give up her job and stay home and take care of five children, that the State will not allow her to receive foster care aid. She must go on public assistance, which she may be quite unwilling to do. Yet she could, with the same foster care rate, care for her own grandchildren at one-quarter of the cost of what we spend for them in the care of strangers. It is against such lack of thoughtful planning that I would emphasize the need for alternative ways of care within the family. No agency should be allowed continue custody of a child which refers to work with the child or the community to which the child is going to return. I would urge that while we talk about diversion from the court, for heaven's sake, let us continue judicial review of children placed in care away from their homes and communities.

A few years ago, a bill was enacted in New York requiring that any agency with whom a child was placed should report back within 18 months as to how the child is doing, what efforts have been made to get the child back to his family, why they have not been able to do that, and why further custodial care is needed. Last year a further bill was enacted so that even where a parent voluntarily places a child, that same material has to be reviewed at the end of 24 months if the child is still in placement. These laws have brought children out of the woodwork of custodial care. They have made the agencies ask themselves why they have not brought a petition to terminate parental rights, why they have not referred a child for adoption. The increase in the number of adoptions, including those by foster families, has shot upwards. And I feel that this is one of the important areas where without the fear of bureaucracy we can do a

great deal.

)

Senator Cook. What you are really saying is that there are a lot of children in these circumstances throughout the country that we have not even found?

Judge Polier. That is right.

Senator Cook. And I again, Senator, go back to my days on the

board of the Kentucky Children's Home where we found that it was the institution, that children continue to be institutionalized because they were paid on population.

Judge Polier. That is right.

Senator Cook. And it was after a rather heated debate with the superintendent that we made an inspection of the institution and found in the basement of one of the buildings three cells, and that was their extreme.

Judge Polier. I think that is typical throughout the country.

Senator Cook. Absolutely.

Judge Polier. And, of course, one of the things we do know now from the study is that the longer a child is away from his own home, the less likely he is ever to go back, and the family closes in without him quite comfortably too often. Also there is less likelihood of the child being considered for adoption, and there is a steady increase in the amount of emotional disturbance found among children who remain for long periods in foster care.

Senator Cook. What you are really saying is that if you do not have this oversight and continuous review that we find ourselves in a situation where it is the dollar bills that are available as a result of

this?

Judge Polier. And the attitude, the child is not causing trouble.

I would like to move from that quickly to the whole question of the right to treatment of children in care, because I think we all recognize procedural due process is not enough. And what I really mean by that is that when a child's freedom is taken away in the name of treatment, or health he has the right to be given help to the best of our ability. There is a correlative duty that we have only begun to recognize and formalize as a duty to provide the kind of help or treatment that is appropriate to the individual child. Here in this city Chief Judge Bazelon has been the spokesman for the right to treatment, and Judge Johnson in the Fifth Circuit has written important decisions in this field. Class actions are now raising serious questions, questions in regard to the constitutional rights of children that have not been thought through. They include the right to be protected against cruel and unusual punishment, including the solitary confinement or physical mistreatment. They also include the right of a child to receive more than custodial care when a child needs treatment. The whole problem of unequal protection which arises in State after State where you find a disproportionate number of nonwhite children, whether they be Chicano children in one place, or black in another or Puerto Rican in a third State, sent to the State training school while the better agencies under voluntary auspices are kept for the white or the more promising children.

In some States one also finds that voluntary agencies, established under sectarian auspices with plenty of good will 100 years ago have ignored the requirements of the Federal civil rights law, and have either signed compliance statements which they ignore, or have even refused to sign them. They say that they are charitable organizations and they do not have to obey the civil rights law. I would question such a position, quite apart from the question of morality, since they have to be licensed by the State to receive their children

from public agencies, but that question presents a test that lies ahead.

The tragedy is that organizations which are selective in different ways, sometimes on a race basis, sometimes because they want the more hopeful cases and better records, while giving care to some children, exclude those that need help most. Questions of the right to treatment and the role of the judiciary in protecting of advancing that right and the constitutional rights of children will require far

more exploration.

I cannot speak to you without telling you that one of my concerns over all of these years has been the discrimination that I find in every area, whether it is institutionalized or overt. It is evident in ways that we do not usually think about. It comes out in our arrest figures. There was once a book written on "Can Delinquency Be Measured," by Sophia Robenson, showing that arrest rates dependend on the part of town a child comes from, whether responsible parents appear quickly, how a child looks, how be acts, and whether any voluntary agencies that are willing to help the child without court action. If you look at the figures within the juvenile court system, those children who come from poverty areas are most likely to be put in detention, while children from better groups economically are paroled for the same offenses. One finds it in the selection of services and in the availability of treatment facilities. Of course, one finds it in the outright discrimination against the nonwhite child in many States where there are no integrated services of any kind. So, I think one of the things that most troubles me is that while we do not want a bureaucratized system, and we do not want heavy, centralize control from Washington, basic constitutional safeguards must be established in all congressional acts that subsidize local services. This is a minimum that we have a right to expect.

Finally I was tremendously impressed by the emphasis that you placed on diverting children from the system, as it is called, and welcome such diversion where there are real community services that are appropriate. I do not want to see us fall into the same mistake that has haunted the juvenile courts where we pretened to provide services, which the courts were not able to secure. This is something

that must be watched.

I was shocked last month when I got the March 1973 report of the Youth Development and Delinquency Prevention Act, which described the use of the youth services system: "as an effective system for delivery of services." If one reads on one found that that effective system had been doubled within a year. Then if further on one discovers that it only had been started in 49 communities in the entire United States, and even where it was started they were described as at some stage of development. I realize that Congress authorized substantial sums for this purpose, and perhaps somewhat lesser sums were appropriated, but certainly far lesser sums were actually used.

I am concerned lest we use the popular concept of diversion these days to avoid responsibility, to fragment it and put it in local communities unable to cope with the problems, and that we pretend to do what we are not really ready to do. If this happens, it can only be followed by a temporary decrease in statistics, followed by a seri-

ous worsening of the situation.

As one reads today, one also finds conflicting trends that cannot be reconciled. On the one hand we hear about diverting from the system and providing preventive and community based services, and corrective services which you envison, and I welcome; and on the other hand, at the same time we have the get-tough law and order approach, the no pity approach. State after State is beginning to introduce new provisions in their juvenile court acts so that judges may transfer children to the criminal courts. The language of one code I recently reviewed provides for tranfer of a child to the criminal courts when appropriate facilities are not available, or the judge is satisfied that they are not avaidable. If we are going to go this route, the "more hopeful children" will be moved into communitybased services for which I am grateful. But the children who commit shocking acts against whom the community is angry, and probably far too high a group of minority children will be in this group, will be given up. We used to talk about displaced persons in the Nazi period. These will be children damned to perdition, and denied every service, and thrust back in the criminal courts, jails and prisons of America. The only exception of that kind of use of it that I have found so far, interestingly enough, is in California, and the autyority to transfer back and forth has led to the transfer of middleclass children who use drugs so they will not suffer the severe penalties of the criminal law.

Thus, the really substantive direction of your bill, with the assumption of national responsibility, will require at least minimum standards as an essential part of what you are trying to achieve.

In closing, I would like to add that I have been very troubled these last 2 months by what I see as a further deterioration, or lessening of the good things just begun. In one State I visited, the first outpatient mental health service for adolescents had been set up on the promise of Federal funding. It had been set up, and the staff had been selected and the work had just begun, when would come that no further funding would be available from Washington. In that state almost all minority children, Chicano and Black, were put in the training schools, and the head of psychiatric adolescent services expressed concern that practically only white middle-class children were referred for treatment.

Another place that I visited I found that they had just begun to think about removing retarded children from a vastly overcrowded State institution that had 700 retarded children on a waiting list. They had developed plans for group homes, foster homes where educatable retarded children could be trained to become self-supporting, and they were full of enthusiasm. Now they faced the threat that the funds for this work, which had come from the Federal Government, would be withdrawn within the next months.

I found reports in the local papers in certain areas, especially in the South, which had banked on surpluses this year, and which had planned interesting programs with regard to education, physical health, mental health being held up. These questions was raised as to what special revenue sharing would mean, what funds would be received, and what plans would be made for dividing such funds and when they would be made. They feared a period of chaos. In one State the suggestion was made that they had better adjourn the

legislature until November when they would know what was going to happen under special revenue sharing, because I was most concerned about the general sense of fear I found among the poor, fear about what is going to happen to school lunches, fear of the termination of the substitution of some artifical food for milk which they were frightened about, fear of what mass physical examinations would mean instead of individual examinations with the likelihood of no treatment for their children, and fear of the ending of daycare under the new rules and regulations. They feared a choice between going on welfare or leaving their children with latch keys as the children were left in the war. Fear and uncertainty was expressed in many ways.

Thus, as I thought about your proposed bill I thought of the role of Congress today and its responsibility for facing the concerns of the country, the problems that are real. To bring understanding of the stupidities and shortcomings in our society, to seek to lessen the waste and destruction of young lives is the task you have undertaken. I wish you the greatest success, and hope that this Bill will

become the law of the land.

Thank you.

Senator BAYH. Thank you, Judge, for your very pertinent contribution in sharing your personal experiences. I must say I think it has been very helpful. I hope we can call on your expertise as we go forward with the legislative process.

I have no further questions.

Senator?

Senator Cook. I just want to thank you a great deal, Judge, and I can give you the parallel, that the frustrations of many people throughout the United States sometimes are comparable to the frustrations of us here.

Judge Polier. I know.

Senator Cook. I quite frequently get notes from home about frustrating problems, problems, and I have to, in all honesty, write back and say it is more frustrating to be here and not be able to do anything about it.

Thank vou.

Judge Polier. I would like to end on one encouraging note, if I may. I think some very important community services are beginning to develop locally. I have been associated with one called the Wiltwyck School, which some of you may know about, and it began by taking children who were black, and either neglected or delinquent when no voluntary agencies would accept them, when a local law was enacted against discrimination, the school opened its doors to white children. After creating an extremely good residential treatment program we found that was not a sufficient answer. Children who had been away from home needed a period of transition to readjust to the community and we developed a group home or halfway house. From there we moved on to further developments, a series of apartments with foster parents, while the staff continued to work with the family, or to seek permanent foster care. Finally, in the last year or two, this time with the help of Federal funds, an out-reach program in two of the most underprivileged ghetto areas

of the city were established. The parents themselves were involved, were paid to work in the program, and were helped to understand their own problems. At the same time the school undertook to work with the younger siblings in that same family so that they would not have to go the same route as their older brothers, and there are other developments of this kind springing up and we find volunteers

in the community to help in many places.

There is far more response "out there" than we sometimes recognize in either Washington or perhaps New York. I was fascinated by a day spent in Texas where 850 people had gotten together to question the problems of juvenile justice, how they could improve their laws, how they could improve their services, how they could remain watchdogs to see that a better job was done. Sometimes we get a little too discouraged about people in the community instead of invoking their best.

Senator Cook. I think that you are right. I do not think there is any question about that, and I have seen in my own State, Senator, I must confess, the breaking up of what would have to be classed as one of the worst juvenile centers, the Kentucky Village, and it is now empty, and we are now in the cottage concept. And, the fact that the whole thing, and I have gone through it, and all of us have gone through it, what the jail in the future should be, what the detention facility should be, and I think we have moved a long way from the problems that we had, and, my gosh, even 10 years ago, and certainly 20 years ago I think.

Judge Polier. I think these times there is more support, and I think there is more understanding of what you are trying to do than there would have been a few years ago, and that is true despite some

unhappy statements coming from Washington.

Senator Bayn. Thank you very much, Judge.

[Judge Poliers prepared statement and additional letter, submitted for the record are as follow:]

PREPARED STATEMENT OF HON. JUSTINE WISE POLIEB

As a judge of the New York State Family Court and its predecessor court for nearly 38 years, I welcome this opportunity to testify in regard to the proposed Juvenile Justice and Delinquency Prevention Act of 1973.

At a time when the conduct or misconduct of children and youths has once more become a source of nation-wide concern, it is heartening to come before a Senate Committee that seeks constructive action to meet a national problem. It is especially heartening at this time when all too many representatives of the Federal government seem determined to avoid responsibility for meeting many of the most urgent problems that burden human beings in our complex society. Whether the motive for shifting responsibility for problems that know no state lines is to reduce federal assistance, to lessen the need for making difficult political decisions, or of accepting a philosophy that would repress the poor to a permanent under-class, the results of such shifting create a new threat to the dignity, the opportunities and the hopes of children throughout this country.

Recently, I re-read a paper on Juvenile Delinquency written in 1954 by Dr. Leona Baumgartner, then Commissioner of Health for the City of New York, and Bertram Beck, Director of the Special Juvenile Delinquency Project for the United States Children's Bureau. It submitted the facts concerning the sharp rise in Juvenile Delinquency beginning in 1948 and pointed out that this was not merely a big city problem since the sparsely populated areas were experiencing an even sharper increase in delinquency than the cities. Thus twenty years ago, as since, the writers referred to the FBI reports showing

that children were committing not only more offenses but more serious delinquencies. During the first six months of 1952, more major crimes were commit-

ted by boys and girls 16 years old than by persons of any other age.

This same paper stated that a study of 500 delinquent boys showed that 90 percent of the children who came before the courts had had difficulty in adjusting to a normal social life before they were eleven years of age, and that half of them had shown signs of becoming delinquent before they were eight years of age. Such findings have persisted, but we have done far too little to apply such knowledge to what we do. Despite all the words about our society being child-centered, the facts belie this picture of America. We have done least for our children who are most in need. Public assistance has never been sufficient to provide even a minimum standard of living for the children of the poor, and they have been excluded from the mainstream of American life by reason of the niggardly pittance allowed and the additional discrimination that has persisted against the children of the poor, and especially against the 40 percent of children in minority groups, who are also poor.

I cite this background material only to acknowledge that after 20 years and endless rhetoric, we have thus far failed to come to grips with either the need for preventive or rehabilitative services for children who are in deep trouble across this nation. It is within this framework of knowledge and experience that I address myself to the Bill now before this Subcommittee introduced by

Senators Bayh and Cook, whom I hold in high esteem.

I attach to my remarks today a written critique of the proposed Bill with some recommendations for your consideration, which I hope may be made part of the record. I would now like to address my remarks to those areas covered by the Bill which I regard as most relevant to the issue of juvenile justice and to the serious conflicts in viewpoint concerning how it is to be improved.

The Juvenile Court movement, initiated nearly seventy-five years ago, sought to remove children from the orbit of the Criminal Court System and focus on the problems of each child and how he could best be helped. The pioneers in that movement were concerned with the widespread social conditions and deprivations which many of the children brought before the court had experienced. They were activists on behalf of safety regulations in factories and mines, on behalf of legislation to establish maximum hours and minimum wages, the right to join trade unions, the right to disability pensions and mother's pensions. Oftimes, they were regarded as bleeding hearts and enemies of the status ano.

As years passed, juvenile courts were established in all states and their jurisdiction was steadily enlarged to encompass the neglected, the abandoned, the abused, as well as the delinquent child. Today many such courts, under the rubric of family courts, also have additional jurisdiction in such areas as determining paternity, termination of parental rights, adoption, and, in some

areas, issues of separation, divorce and custody.

The concept or understanding that problems within a family should not be fragmented and that one court dealing with all aspects of such problems should be enabled, with the help of special personnel and services, to resolve them has been accepted. Unfortunately, while the jurisdiction has been greatly increased, there has been no comparable increase in the staffing or services made available to these courts in order that they may perform the tasks assigned.

Courts dealing with the necessities and rights of children and their families have been called and treated as "inferior courts." Support of them has been niggardly. Standards for the selection of the judiciary have been low in many areas. Anyone trained or untrained has been assumed to be competent to determine or advise on the disposition of a child's life or freedom. Custodial care for neglected as well as delinquent children, or leaving a child in an unfit home, have become the only alternatives available to many courts all too often.

The situation has been aggravated by the extent to which these courts have been seen as the last resort for the delinquent, the maladjusted, and the acutely neglected children of the poor. It is worth recalling the warning of a distinguished English sociologist, who noted that all services developed only for the poor inevitably become poor. The situation has also been worsened by admission policies of too many voluntary and special service agencies that in practice discriminate against the non-white child.

Happily, recent decisions of the United States Supreme Court have laid down procedural requirements for due process at the adjudicatory hearing of a child charged with delinquency. In Gault, the court, referring to a finding in an earlier case, repeated that too often children receive the worst of two worlds: neither due process nor the treatment that they need. However, beneficial as these requirements for due process are, they do not reach the question of what substantive services a child is entitled to receive once a finding has been made. It is this hard question to which Title V and Title VI of the proposed Act now address themselves.

Until this country addresses itself and applies its resources to using available knowledge and to developing services directed to the prevention and appropriate treatment of problems among children, all expressions of concern

for them have a hollow ring.

Because the proposed Act seeks to include ways of preventing delinquency, I would suggest that there is already a bank of knowledge and experience on which we can now draw. That knowledge has shown that where a child has suffered abuse in his own home and not been rescued, he may, in turn, become an abusing parent. It shows that where the parents of neglected children have not been helped to function more adequately as parents, the children may fail to thrive or develop to their full potential intellectually and emotionally. I do not need to speak before this Committee of the effect of malnutrition of a pregnant mother, or of a newborn infant, on the infant's subsequet development.

Available knowledge has shown that when children are removed from their natural homes as dependent or neglected, all too often they seem to be forgotten as they are moved from foster home to foster home or from institution to institution. This continues until there is little hope that such children can ever sink healthy roots anywhere with a sense of belonging, or feel secure enough to trust anyone. We have also learned that the longer children remain in foster care, the less likely they are to return to their natural family, and the

more likely they are to suffer from emotional disabilities.

It is in the light of such knowledge and the jurisdiction entrusted to courts over neglected and dependent children that I would recommend the inclusion of additional Findings in Title I. I believe such findings should include the facts concerning the conditions of shelters and foster care facilities for these children, the lack of adequate court personnel to work with their families to prevent placement or secure their return, and the need for appropriate services both to protect children and to effectively reduce the likelihood of them becoming delinquent. Such findings would be consonant with the purposes set forth in Title I and the programs set forth in subsequent Titles.

Carefully drawn findings concerning the unmet needs of neglected children might also help to challenge the widespread disregard of the needs and rights of neglected children who are both poor and members of minority groups. Their needs are too often disregarded until they strike out against the community through delinquent acts. The rationalization for non-help, namely that such children are part of the "culture of poverty", is intolerable under the

constitutional guarantee of "equal protection."

In the proposed Act, references are made under various Titles to provisions for preventive and rehabilitative treatment. These proposals come at a time when the Federal Courts have begun to develop significant new concepts about the right of treatment when a person is deprived of his freedom in the name of treatment. This is no less true for childrein than for the mentally ill or the mentally retarded. However, while Federal Courts may enjoin cruel or unusual punishment in institutions or the denial of equal protection where it is proven, and even order a plan for minimum services, such orders through class action will not meet the pervasive lack of adequate treatment services. Legislation, such as proposed by this Act, is needed to reach out across the nation and provide the means to correct the pervasive denials of appropriate care and treatment to children throughout our institutional services.

In discussing the proposed Act, I am all too aware of the crossroads at which we stand in regard to where we shall move as a nation in regard to the treatment of children, whether they be dependent, neglected, delinquent, or involved in various forms of unacceptable behavior. There is the strong drive for law and order, and only a week ago the President said that "Society is

guilty of crime only when we fail to bring the criminal to justice." As a judge for 38 years I must disagree even at the risk of being called soft-headed.

I have seen where Attica began, I have read the history of one of the young prisoners killed in that prison. His father had deserted the home before his birth. The mother, abandoned but unable to secure a divorce, lived with another man by whom she had children until he developed tuberculosis. Then life began on welfare with endless moves to one inadequate home after another in high delinquency areas with a mother who had become depressed and highly disturbed. The boy began to truant, misbehave in school, and engage in petty thefts. Arrested and lectured, he was placed on probation which could allow only occasional office visits. Intelligent and street-wise, the boy continued his delinquencies. After one arrest the psychiatrist recommended a residential treatment center where he could receive intensive help away from home. None was available, and for sheer lack of any appropriate facility he was placed in a hospital for the mentally ill. Discharged, he reverted to further thefts and this time the psychiatrist noted the boy's good potential if only some adult whom he could trust would show concern and work with him as a Big Brother. This, too, was not secured. Absent alternatives, he was finally sent to one Training School after another when he conformed. Parole with efforts to help him finish school and get work led to one contact in five months with an after-care worker before he was again arrested shortly after his birthday, charged with homicide. Thus the record was closed when he was sentenced to Attica.

Can society be held guiltless for failing to help this lad before his court appearance, during his period of probation, or for failing to provide any appropriate services to him either before State school or on his parole back to his troubled and impoverished home? I think not.

It is against such experiences that the answer for diverting from the Juvenile Justice System has understandably received great support. I welcome the proposed support in this Act for alternatives to detention, for family counseling, for group homes and half-way houses that are community based, but I must warn that diverting from the juvenile justice system is meaningful only to the extent that adequate community-based services are made available. I was, therefore, troubled by recent claims by the Youth Development and Delinquency Administration (YDDA) describing its Youth Services System as an "effective system for the delivery of services" with "the capacity to bring about changes in social institutions." This was based on work in 49 communities throughout the entire country which were at "some stage of development" by mid-1972.

If we divert youths from the courts to meaningful, constructive programs in their communities, this will spell progress. But if we only pretend to provide such programs, diverting will only temporarily reduce the number of youths brought before the courts and render their needs less visible for a while. To allow this will be to work an irresponsible fraud against the youths involved, their families, and the community. It will once more repeat the tragedies that have resulted from the failures to fulfill the promise of Juvenile Justice.

Finally, I must express concern about two diametrically opposing trends in the field of juvenile delinquency that must be confronted. There is widespread support for removing jurisdiction over children who have engaged in noncriminal offenses in the hope that they will not be categorized and may receive services in the community. Judges are sending fewer such children to Training Schools, and Appellate Courts have in some states reversed commitments and directed the trial court to find more appropriate placements even when they could not be found. Massachusetts has averred it has practically done away with correctional institutions for youths. This is one trend. demand for punishment and the various statutory amendments under which the Juvenile Court Judge is authorized to transfer children to the Criminal Courts. The minimum age thus far varies from 14 to 16. One of the guidelines suggested for transfer is that the juvenile judge ascertain that there are no appropriate treatment or rehabilitation services available to the Juvenile Court. I would oppose waivers of children or youths to the Criminal Courts. It invites the acceptance of the failure to develop appropriate services and facilities to meet demonstrated needs, and encourages the denial of care or treat-

ment when a youth does not fit into our established pigeon hole. It marks the

youth as destined to perdition.

Authorization for transfer of children and youths to Criminal Courts for trial and to prison, if sentenced, together with programs to divert other children from the Juvenile Court System, may spell improved opportunities for the more hopeful and attractive children. The combination, however, is fraught with peril. The peril is that the child or youth whose actions cause community anger, the delinquent adolescent from a minority group, the retarded or borderline child, the child whose emotional problems are joined with management difficulties, the mentally disturbed but not acutely psychotic, will be transferred to jails and prisons where they will receive no treatment or rehabilitative services. They will be cast aside. These are the children whom I have long seen as "neglected by everyone" and whose rejection we would now finally approve officially. This is no road to Juvenile Justice.

In concluding, I can only urge that you proceed with the difficult task you have begun. Your efforts on behalf of this Federal Act should bring new light, new understanding and new services to the children whose neglect today will lead to delinquency tomorrow, as night follows day. I would also urge that the concept of the right to appropriate care and treatment be enlarged in accord-

ance with our capacity to help children based on present knowledge.

I believe that the proposed Act, the hearings that you are holding and the efforts in which you have engaged, provide a challenge desperately needed today. The current appeal to anger and hostility against even children who violate the law can only be countered and overcome by those who are committed to building a better world for our children, and are ready to work steadily toward that goal.

New York, N.Y., March 28, 1973.

Hon, BIRCH BAYH,

Chairman, Committee on the Judiciary Subcommittee to Investigate Juvenile Delinquency, Senate Office Building, Washington, D.C.

Dear Senator Bayh: It was a privilege to appear before your Senate Subcommittee hearing on March 26, and to have had the opportunity of testifying before you and Senator Cook. I promised your counsel that I would send you a memorandum with regard to certain provisions in the bill which I had hoped to present that day. Through an error in my office, the material did not get to Washington. I am therefore enclosing it with the request that it be made part of the record for the consideration of your Subcommittee.

In closing, may I tell you how deeply I appreciate the thoughtful and significant contribution which you and your colleagues are making through the proposed bill on Juvenile Justice and Delinquency Prevention.

With admiration and appreciation.

Sincerely.

JUSTINE WISE POLIER.

COMMENTS ON JUVENILE DELINQUINCY PREVENTION ACT, 1973 SENATE BILL S. 821

TITLE I FINDINGS AND DECLARATION OF PURPOSES

Sec. 101. The findings are limited to the serious problems presented by juvenile delinquency, the failures of over-crowded understaffed juvenile courts to cope with and meet these problems, and the tragic consequences of such failures in terms of loss of property, insecurity, and the waste of human resources.

SEC. 102. Unlike the purpose of the Act, which lays emphasis on preventive services, the findings of fact do not deal with the vast jurisdiction of juvenile courts or family courts, which encompass neglect, dependency, paternity determinations, termination of parental rights, adoption, support, custody, visita-

tion, and, in some states, separation and divorce.

It is under Sec. 102 that one finds the thrust toward protecting the rights of children, and the acceptance of Federal responsibility to develop and implement the capacity of the States and local governments to innovate and develop effective methods of preventing and treating juvenile delinquency. It is here that emphasis is placed on research, evaluation of programs and of developing ways to divert juveniles from the "traditional" juvenile justice system. Technical assistance, training programs and the goal of coordinating and providing direction to all federally assisted programs are set forth.

Sec. 103. Under definitions for the purpose of the Act, "juvenile delinquency programs" include any program related to prevention, control, diversion, or treatment, including education, research and training and the improvement of the Juvenile Justice System and the development of neglected, abandoned or dependent youth and other youth who are potential delinquents "including programs not directly focused on juvenile delinquency."

Comment.—The findings should be made consistent with the Purposes of the Bill in regard to the growth of dependent and neglected children and the inability of the juvenile courts to provide needed preventive and treatment serv-

ices for such children.

I continue to be troubled about reference to a orime rate based on arrest figures. Years ago, Sophia Robison wrote "Can Delinquency be Measured?" She showed how different are the arrest rates between the poor and the non-poor, due to police attitudes and the presence or absence of community resources. One must also question recidivism rates that do not distinguish between those children as juveniles and those who have been defendants within the Criminal Court System.

TITLE II AMENDMENTS TO THE FEDERAL JUVENILE DELINQUENCY ACT

Sec. 202. Seeks to limit prosecutions in the Federal Courts to those where the state court does not have jurisdiction or does not have available programs and services adequate for the rehabilitation of juveniles according to a certification by the Attorney General.

Comment.—One must question why the Federal government should abandon its responsibility rather than establish needed programs which could provide appropriate rehabilitative and treatment services including alternative community-based programs. One must also question whether the Attorney General would, as a practical matter, find that state programs did not provide adequate rehabilitative services.

Sec. 202. Also provides that a juvenile 16 years and older, alleged to have committed a serious felony, may be waived for criminal prosecution or motion by the Attorney General to the district court, where such court finds, after hearing, that "there are no reasonable prospects for rehabilitation of such

juvenile before his twenty-first birthday."

Comment.—This section while more liberal than many state provisions allowing transfers to the criminal courts at a lower age, reflects the increasing trend to accept the absence of appropriate rehabilitation services based on the nature of the offense, the prior record, the juvenile's mental condition, and the juvenile's response to past treatment efforts.

There is danger that while efforts are made to divert the more promising or hopeful juvenile delinquents, the juvenile delinquent whose acts have shocked the community, the retarded, the borderline, and the emotionally disturbed, and a disproportionate number of juvenile delinquents from minority groups (now sent to Training Schools), will be treated as the discardable refuse.

Secs. 203, 204, 205, 208. Provide constitutional protection of the right to timely hearing, counsel, representation by a guardian *ad litem* if no parent is present, and for appropriate separate detention facilities for juveniles, and for

determination as to the "voluntary" character of a confession.

Comment.—The requirement for discharge should be broadened to allow not only detention to assure appearance before court, but also where the magistrate finds probable cause that his release is dangerous to himself or the community. The prohibition against the continuing detention of juveniles with adults charged with crimes, and for the admissability of confessions, is essential.

Sec. 206. Provides for trial within 30 days except under certain limited circumstances.

Comment.—While the objective is sound, the question of feasibility is present.

Sec. 207. Provides for the presence of the press conditioned on non-disclosure of the alleged delinquent.

Comment.—This provision should be limited to juveniles over a certain age, and other provisions for presence by representatives of the Bar might be considered as an alternative.

Sec. 209. Deals with dispositional hearings and requires that such hearings be held within 7 days after trial, and that probation reports be provided to

attorneys for both the juvenile and the government, with authorization for commitment to the Attorney General for observation and study within 30 days, except where Court agrees to additional time, when the Court finds more information is desirable.

Comment.—While prompt dispositions are desirable, superficial investigations as to personal and social problems that would lessen the value of presentence recommendations endanger the likelihood of individualizing needs of each juvenile and exploring the best possibilities available for his rehabilitation. There is danger of undue emphasis being placed on the delinquent act and of writing mechanically ground out reports.

Sec. 209. Provides that at a dispositional hearing the court may suspend sentence, place a juvenile on probation, or commit him to the custody of the Attorney General. Under Sec. 211, the Act sets forth that every juvenile committed shall be provided with adequate care, education, recreation and medical care including psychiatric care, and that when possible a juvenile shall be committed to a foster home or community-based facility located in or near his home community.

Comment.—Such provisions are excellent. However, they lack comparable mandating of appropriate services where sentence is suspended subject to certain conditions and, even more important, when a juvenile is placed on probation. The inadequacy of probation services has plagued the juvenile justice system to an extent that it has undermined the objectives of the Court in every area.

Sec. 210. Deals with the sealing of records and their destruction when an adjudication is not entered, with information to the juvenile as to his rights relating both to the sealing and destruction.

Comment.—Such a provision is increasingly needed as the computerizing of data becomes more widespread and information concerning juveniles increasingly shadows and limits educational and work opportunities throughout the subsequent years.

Sec. 212. Authorizes contracting with public and private agency services and facilities for diagnostic purposes and residential care.

Comment.—While this is desirable it should be limited to non-profit private agencies. It should also be expanded to include public and non-profit private residential treatment centers in addition to half-way houses and foster homes, so that emotionally disturbed juveniles can receive appropriate care under this section.

Sec. 213. Requires release on parole when the Court is satisfied that the juvenile is likely not to commit a further violation of law, and conditional release under supervision not later than 9 months before expiration of his term.

Comment.—This provision should be strengthened to require parole baords to review reasons for further detention, what rehabilitation and treatment services are being provided, and what efforts have been made to make possible return to juvenile's home or alternative living arrangements and employment if the home is unsatisfactory.

TITLE III NATIONAL OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 301. The National Office is established in the Executive Office of the President with power of appointment of a Director and Deputy Director by the President, with the advice and consent of the Senate.

Comment.—Whether such an Office should be placed in the Executive Office of the President, or in an established Department such as HEW, or as a new department, requires further consideration.

Secs. 302, 303, 304. Invest the Director with broad powers in regard to employment of staff, use of volunteers, and the establishment of over-all policies and priorities in regard to Federal juvenile delinquency programs. They also authorize and direct recommendations for change to implement policies, evaluations of performance, coordination of programs, annual reports to the President and Congress, the provisions of technical assistance to Federal, State and local governments, courts, public and private agencies in the planning, establishment, funding, operation or evaluation of juvenile delinquency programs. Appropriations of \$15 to \$30 million for 1973, 1974 and 1975 are authorized under Sec. 308.

Comment.—This section establishes the operational means under which purposes are to be carried forward. There is reason to be concerned that in regard to the operation of state, and local agencies including the Courts which carry the major burden for dealing with both neglect and delinquency, Federal aid appears to be limited to technical assistance. Subventions for new programs cannot make up for failure to modify and improve basic existing pro-

Sec. 503. Requires submission of State plan under supervision of single State agency with evidence of authorization to implement plan and provides for supervision of program funded under Act by a Board with composition similar to that required at Federal level, for equitable distribution within State. It requires compliance with other related programs and that not less than 75% be used for advanced techniques, preventive programs, programs to divert from juvenile justice system, to establish probation subsidy programs, and to provide community-based alternatives to juvenile detention and correctional facili-

Comment.-Every condition for funding is based on experience and needs within the field, except for fact that it assumes that 75% of grant money must be used for increasing support for probation, work with families, and new preventive programs including alternatives to detention, and that these must be part of a system to divert from the Juvenile Justice System. Is such rigid direction going to lead to new bureaucracies with high administrative costs by reason of requirement of diversion to exclusion of better use of Juvenile Justice System? The prohibition against placing juveniles with non-criminal offenders in detention or correctional facilities requires Shelter placement where placement is necessary. I would question the wisdom of placing status offenders with dependent and neglected children.

PART B SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

SECS. 505, 508. Authorize the Director to make grants and enter contracts with public and private agencies to develop and implement new approaches, improve capability to provide services for delinquents and potential delinquents, and to develop community-base alternatives to traditional institutions, on submission of applications as required, and after consideration of guidelines set forth by Sec. 506. Authorization on escalating scale from \$50 million for 1973 to \$200 million in 1976, authorized for this Title, with provision under Sec. 507 for withholding further payments by the Director on funding programs no longer in satisfactory compliance.

Sec. 508 allows up to 50% for construction costs of innovative communitybased facilities. Also allows up to 25% for matching Federal funds in juvenile

delinquency grants under other programs,

Comment.—Such grants essential if community-based programs with residential facilities are to be provided and I would only warn once more that private agencies must be non-profit.

TITLE VI NATIONAL INSTITUTE FOR JUVENILE JUSTICE

Secs. 602, 603. Authorize development of information bank of data and knowledge in field and serving as clearing house and information center on programs, resources, facilities, etc. The institute is authorized to conduct, encourage and coordinate research, encourage development of demonstration projects, provide for evaluation, and disseminate results.

Comment.-It does not include conducting of demonstration projects or direct evaluation of projects. There is question as to whether these two

authorizations will not be needed.

[Whereupon, at 1:35 p.m., the hearing was recessed, to reconvene on Tuesday, March 27, 1973.]

THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1973—S. 821

TUESDAY, MARCH 27, 1973

U.S. Senate,
Subcommittee To Investigate Juvenile Delinquency
on the Committee on the Judiciary,
Washington, D.C.

The subcommittee (composed of Senators Bayh, Hart, Kennedy, Burdick, Cook, Hruska, Long, and Mathius) met. pursuant to recess, at 9:15 a.m., in room 2228, Dirksen Senate Office Building, Senator Birch Bayh (chairman of the subcommittee) presiding.

Present: Senator BAYH.

Also present: Mathea Falco, staff director and chief counsel; John M. Rector, deputy chief counsel; Alice B. Popkin, special counsel; Mary K. Jolly, editorial director and chief clerk; Nancy L. Smith, research director; B. Elizabeth Marten, personal secretary to the staff director and chief counsel; Lance Ringel, assistant clerk; F. Woodman Jones, research assistant; Catherine van de Velde, secretary; Steven Fox, intern; Ronald Meredith, Esq., for Senator Cook; Betty A. Webb for Senator Cook; and Chuck Bruce, Esq., for Senator Hruska.

Senator Bayh. We will reconvene our hearings this morning with a group of witnesses representing Big Brothers of America, Mr. Tyler Abell, Mr. Lewis Reade, Mr. Leroy Upshur, Donald Lee Mooney.

Mr. Abell, it would be helpful if you would introduce all the rep-

resentatives of Big Brothers.

Mr. Abell. I will be happy to, Senator.

Well, starting from my far left we have Mr. Sidney Shockett, who is vice president of the local Big Brothers, Big Brothers of the National Capital Area. To my imediate left, is Mr. Don Mooney, who is a former Little Brother from Houston, Tex., of whom we are very proud. To my immediate right is Mr. Lewis P. Reade, executive vice president, Big Brothers of America, with headquarters in Philadelphia, and our local agency executive director here in Washington, on the far right, is Mr. Leroy Upshur.

STATEMENT OF TYLER ABELL, NATIONAL BOARD MEMBER, BIG BROTHERS OF AMERICA, PHILADELPHIA, PA.; ACCOMPANIED BY LEWIS P. READE, EXECUTIVE VICE PRESIDENT, BIG BROTHERS OF AMERICA; LEROY UPSHUR, EXECUTIVE DIRECTOR, BIG BROTHERS OF THE NATIONAL CAPITAL AREA: DONALD LEE MOONEY, FORMER LITTLE BROTHER OF HOUSTON, TEX., AND SIDNEY SHOCKETT, VICE PRESIDENT, BIG BROTHERS OF THE NATIONAL CAPITAL AREA

Mr. Abell. I am very proud to be here today and very pleased that you are able to hear from what I consider to be a very distin-

guished and worthwhile agency.

Unfortunately, I am filling some shoes that are little bit too big for me. The president of Big Brothers of America, Mr. Victor Gelb, could not be here. He has an illness in his family, and he had to be away on an emergency. Victor has really been one of the staunchest performers in Big Brothers and a great leader, and I regret that he could not be here to meet you, Senator, because you would enjoy each other. He has a lot of very worthwhile things to say, and I hope at some future time you will have an opportunity to meet him and hear from a more eloquent spokesman for Big Brothers than I

He had prepared testimony, and I would ask that it be inserted in

the record at some convenient point, if there is no objection.

Senator BAYH. Without objection, we will put it in the record as if he had been present to read it, and I hope to have the chance to

visit with him at sometime in the future.

Mr. Abell. My association with Big Brothers goes back for about 10 years, mostly on the local scene here in Washington. For the last several years, I have been associated with the nationwide organization which is approximately 200 member agencies throughout the United States serving approximately 60,000 boys. The thing about this agency which I think is so worthwhile is that it uses volunteers, and it uses them to prevent juvenile delinquency; so we are particularly interested in the preventive features of your proposed bill.

I would like to, as our leadoff witness, introduce a living example of the prevention that Big Brothers offers, Don Mooney from Houston, Tex., of whom we are very proud. He is now in his second year

at our military academy at West Point.

Mr. Mooney. Well, I would like to start off—and I do not know too much about the bill, but I would just like to start off and tell you what Big Brothers has done for me. I came from a family where my mother was mentally ill and I never had a father. So when I was a kid, you know, I was just really wild, and I just ran wild in the streets, and things like this. And I did what I wanted to do.

And, so, you know, I got in trouble a lot of the time, many times, and one time I got in trouble, I got caught, and I was punished for it. Actually, you know, it was breaking into houses, and I was into a boys' home. After this, after going to the boys' home, after leaving it, I was brought into the Big Brothers' program, and here the people showed me, you know, that they cared about me, and when I needed things for school, my Big Brother would give me utensils for school. And when I, you know, needed some recreation, you know, he would take me fishing, and things like this, and things that kids like to do.

I was 14—14 or 15, and, you know, they took an interest in me. And every Thursday, we went to play basketball, things like this,

things that kids like to do.

And, so, when there came the time when Mr. Abraham took an interest in me, and because I was making fairly good grades and I was keeping my nose clean, and I had made up my mind that I was not going to get in any more trouble, because I was constantly in trouble before, and I made up my mind not to get in any more trouble, and he asked me if I would like to have an opportunity to go to military school at St. Marks in Texas, and I told him I would think about it. And, so, I took this opportunity to go, and he paid for my education there, and he showed me he cared about me. I was a kid, and someone cared about me, and, you know, that matters a lot for a kid, and especially where someone tells him, you know, that you are not going to be anything, you are just going to be like your old man; you are going to grow up to be just like another guy on the block. And, so, when I went there, I had an opportunity to do many things that I did not-you know, had not been able to do, and all because of this Big Brother who took an interest in me. And, from there, I went to the military academy, and he helped me, you know, get there. And that is all I have to say.

Senator Bayh. A very touching story.

Let me interrupt, Mr. Abell, if I might, to talk to Mr. Mooney a minute.

Were some of your contemporaries, when you were young on the streets, as you described it, did they have the opportunity to have

Big Brothers also, or were you just one of the fourtunate few?

Mr. Mooney. Well, some of them did and some of them did not take advantage of the program. I mean, like—well, like a friend of mine at home. Well, he never did have the opportunity, and he is, you know—he did not finish. He went to, like—this guy who was my social worker, then, at the time, before I went to the boys' home, you see, I had a choice—he had a choice of sending me to the State home for boys or the county home for boys. Well, he told me that—"Well, I will send you to," you know, "the county," and, well, my friend, he did not have the opportunity. They sent him to the state, and it is a lot harder than the county, because at the county, you know, you had the chance, you know, do things like play football, box, and things like this. But, there at the state school it is hardcore, it is really bad, and, you know, I could just tell you some of the, you know, stories, you know, really bad, that goes on out there, and what he told me about it, and at a lot of these State schools for boys. And, you know, he did not have the opportunity. No one took an interest in him, and, so, he is back on the block and, well, here I am, and I think I am lucky in that respect. That is one example.

Senator BAYH. Perhaps, I should say this: How are the Big

Brothers chosen?

Mr. Mooney. How did he choose me? Senator Bayn. Did he choose you?

Did you choose him, or was it a mutual agreement?

Mr. Mooney. I had had two Big Brothers, you might say, like Mr. Newton who was my first Big Brother, and I think he really chose me, I guess—or he was picked for me. I do not know. I guess we just clicked, really, and after that he left, to another city. And, then, Mr. Abraham, just like informally took care of me then.

Mr. Abell. I think that is an appropriate place, possibly, Sena-

tor, for me to interject.

The picking of the Big Brothers and the matching, as we call it, of the Little Brother with the Big Brother is one of the key functions that the agency serves. We try to match up and make the right mix of the two to try to make one plus one equal more than two. I wish that all of our successes were as dramatic as Don Mooney. We cannot claim that all of them are, but there are many, many that have been this successful.

The technique, really, is in organizing volunteers. And I think you probably know from your political campaigns that if you can organize volunteers successfully, you get an awful lot done. But if you do not organize them successfully, you do not get very much done.

Big Brothers has been very successful, and, I think, is continuing to improve in the field of organizing volunteers and getting a tremendous amount accomplished, for a very relatively, small sum of money.

I would like to have Mr. Lewis Reade, executive vice president of

our National Big Brothers, talk a little bit more about that.

Mr. Reade. Thank you, Tyler.

Senator, I am glad to be here, because as the chief professional of Big Brothers of America, I would like to indicate, first-off, that we have reviewed the bill very carefully and have had it reviewed by all of our agencies. We sent them copies of the bill—oh, a month ago. And I can report to you that there is overwhelming support for the various points in the bill, the juvenile justice portion, the question of juvenile procedures, certainly, and we have a lot of social workers in our organization and a considerable number of attorneys, but, certainly, in the Delinquency Prevention Act, we are very much in favor of programs you are proposing.

Our interest goes back to a number of things, the effect of recent Supreme Court decisions and the long history of Big Brothers, which is some 70 years in length, and the indication we have is that under the commonsense rule it is much easier and cheaper, both in money terms and in social costs, to prevent juvenile delinquency or to effect diversion of people for an adjudicated delinquent than it is to face the problem of incarceration at the juvenile level and the tremendous costs that go with this, if adequate services are to be provided. And, certainly, the question of dealing with the adult offender, which many juvenile offenders become, there is just no question about that.

Our feeling is that the juvenile justice system in general has to be overhauled, and the responsibility for generating and developing this resurrection must lie with communities. But these communities must be adequately funded, and funding agencies must broaden the categories of programs considered for support, including a wide range of treatment and referral programs organized outside of the formal juvenile justice system by private and public sponsoring

groups.

I do not think we can count on the juvenile authorities of every jurisdiction to be able to mount the kind or program that Big Brothers is, for example, although we are tied in with juvenile courts and family courts across the country, with family service organizations, and so forth. We have found that the ability to develop the kind of volunteer support, and we are talking about some 60 to 75 thousand men working with boys, can only be mobilized, we think, in the private sector. We have, perhaps, 600 or 700 full-time professionals. The question of where we get the money to support those professionals is a very key kind of item, because, in fact, this small handful of professionals is dealing with a much larger group of individuals than they possible could deal with if they were doing case work on a 1-to-1 basis.

Large sums have been spent in the recent past by the LEAA and a lot of those funds have gone into things which are hardware oriented and involved the police system, and very little has gone into the question of diversion programs, as we see it. The youth development and delinquency prevention agency in HEW is a fairly good idea, we felt woefully underfunded.

Much of the funds of that, many of the funds of that program went for things which only, in the remotest possibility, could be con-

sidered delinquency prevention programs.

We agree with your previous witnesses, with Mr. Shireman and others, and Big Brothers wants to put its full support behind the bill with the following understanding, and that is that, in fact, the maximum kind of utilization of volunteers on a Federal, State, and local participant basis, can be effected. We have looked into the research, and you have heard probably the whole story from Don Mooney. I think we could have gotten up from this table and walked away, and I think you would have gotten the point we were trying to make. But I would like to tell you that we have been doing research into the effectiveness of our program. It is not merely anecdotal, it is not merely 20 young men like Don, or 200, or 2,000, or 20,000; but we have been doing a research study, and our major study has been done in Canada. We asked for a grant several years ago from NIMH to do research in this area. They said they did not have funds.

We went to Canada, and the Canadians have provided us with funds, so we have done it, doing most of our hard research in the Toronto agency, and I can tell you, based upon a 10-year development program and 3 years of intensively studying those who had Big Brothers' services, that it works. There is a statistically significant drop in police contacts among boys in the experimental population who got Big Brothers services, over the boys in the control group who got all other kinds of service, who got 1-to-1 case work from case workers, who got group work done. And their police, number of police contacts, is down about 25 percent over the control

group. In addition, their grades are better.

Senator Bayn. You talk about the control group and then you include in the control group those that had 1-to-1 casework. That is not typical of the sample in the 1-to-1 casework. There is not nearly enough of that, as far as youth are concerned today, but just a few

samples had 1-to-1 casework?

Mr. Reade. Probably about 10 percent had casework, but even those kids, the Big Brother who was working under the direction of the caseworker and being able to provide more than the classical social work kind of situation, provides not only social work activities but pure friendship was effected, and there was a significant improvement in behavior, school work improved, grades, health improved. They had fewer sick days than the kids in the control group.

About the only thing that we are puzzling over in this is that their rate of truancy did not go down. One of our people said, when

we were searching around for an answer-he said:

Well, it is obvious that Little Brothers did better in school without having to go as often as the kids in the control group.

But, as you find in many research program, it is the one thing

that we have not been able to figure out as yet.

The problem is—and this goes to the question of research in the bill—there has been very little of good social science research in this particular area, we feel. And, as I said, we had to go to Canada to get the proper support for it. We are doing a local study out of our own funds and out of some Foundation funds in Pontiac Mich., Cleveland, Ohio, and Los Angeles, and we have not been able to get Federal support for this kind of research.

Senator BAYII. What kind of work is being done in Canada?

How many dollars, how many Big Brothers?

Mr. Reade. Well, Big Brothers of Canada is a breakaway organization, with our blessings. Big Brothers used to be the United States and Canada, and several years ago there was a demerger, if you will, and, so, there is a Big Brothers of Canada with 50 agencies compared to 200 here, and now, if you will look at the various things, the difference in the size of the two countries, populationwise, they are doing a heck of a lot better job than we are doing. They also indicate to us they have some 75 agencies in development, and they have gotten support from the various provincial governments, and so forth.

Senator Bayll. And the specific part of my question—I should have been more direct: You mentioned that you were able to get research help and study the problem in Canada where you were not in the United States. Could you be specific and state where they are

doing what we should be doing?

Mr. Reade. Yes. To some extent, I think they are, in their juvenile court system, the family court system, and the Canadian National Government, showing and have shown considerable interest in this kind of problem, especially in how it affects their major cities, Toronto and Montreal to be specific, and have provided us with support. They provided us with some \$70,000 2½ or 3 years ago to carry on the program. We had originally gotten a very small planning grant from NIMH back in 1963 or 1964, but when it came to

doing the study, NIMH said in 1969: "We do not have the funds to provide you with this kind of thing." So, we went to Canada and got the funds from Toronto. The study group is about 400 kids.

Senator Baym. And how much money?

Mr. Reade. \$70,000.

Senator BAYII. You could not get \$70,000 from the United States?

Mr. Reade. Correct. But I might point out—

Senator Bayn. Let the record show a long disgusted pause by the Chairman.

Mr. READE. I might put that in a little perspective.

Seventy thousand dollars is the estimated cost of keeping six juveniles in an institution for a year in this country, an average of about \$6,000 a year.

To sort of sum up, we are searching for data that will tell what difference it does make to have a person care about some other person unless he helps him or her form positive goals and objectives

that influence his or her future behavior.

Unfortunately—We all know too well what can and does happen sometimes to people who need such attention and love and who either deny themselves or are denied of it. The case histories of Lee Harvey Oswald, James Earl Ray, and Sirhan Sirhan are all too clear in our memory, and we know that each of these young men, very early in their lives, expressed deviant behavior but somehow were unattended. And each of these men were brought up in environments where no father or adequate male figure was present as a positive model for reinforcement of proper values in behavior.

In fact, we in Big Brothers lament that in Oswald's early child-hood it was strongly suggested to his mother that she consider seeking a Big Brother for her son, and Mrs. Oswald resisted the suggestion, stating that she was capable of raising her own son without.

any help.

We, in Big Brothers, are not saying that the introduction of a volunteer man who had love or concern into the lives of all of these desperate men would have changed the course of history, but, then, we really do not know. It is difficult to imagine, however, that in these instances the results could have been any more disastrous.

And, so, we have come here to tell you that we support the bill and believe that the kind of Federal-private partnership we have seen in other places ought to be effective under the bill so that we

can help the 2½ million fatherless boys in this country.

Mr. Abell. Senator, I wanted to have you see and talk with, just for a few minutes, one volunteer Big Brother, because I am a firm believer that, although in this particular bill you are aiming, yourself, one section of it as preventing juvenile delinquency, Big Brothers is a two-way street. I think the Big Brother benefits a great deal from the work he is doing; as well as helping a Little Brother, the Big Brother helps himself. In our agency here, we have a number of excellent Big Brothers, and I was lucky to be able to persuade one of them to come down and talk with us this morning.

He is the vice president of our Washington, D.C. agency, Mr. Sid-

ney Shockett.

Mr. SHOCKETT. Yes. Thank you.

I know that we are all very proud of the benefits that accrue to our boys. I have been privileged to observe some of the benefits that

accrue to some of the men who are involved in the program.

As a former president of the Montgomery County Council of Big Brothers, I attended many of the roundtables that we have from time to time in which the men discuss the various problems. You should hear the pride with which the man tells about the tomato that he ate that his Little Brother grew for him, or the man that describes the pipe graph that one of the boys presented to him, he having taught the boy how to handle some woodworking tools.

Perhaps, the most dramatic example that I can remember is Fred, a man of about 55 who was matched with a boy of 8 or 9. And this 2 or 3 years ago. And after their orientation period with one another, so to speak, and Fred starting to getting a little warmer, tried to find out what Jamie really wanted, and Jamie said "I want to be

a bat boy for the Washington Senators."

Well, Fred was not quite up to that, but he did arrange, through the American Legion, with one of its high school teams, for an appointment as a bat boy, and Jamie, in due time, was outfitted with a uniform that he would never take off. He wore it to school, he wore it to class, and, according to this mother, he even tried to wear it as pajamas. And the kid was very, very pleased, but to see Fred tell his story to his fellow Big Brothers, I have never seen such a shining eye or such excitement in a man when he described the improvement in his boy, and he said: "I have been active in the American Legion for 25 years, and I was"—and he ticked off about four or five offices that he had held—and he said, "I never got such a bang out of anything as I did out of being a Big Brother for 3 months."

From my own experience, I was matched with Craig for some 5 years, from the seventh grade through senior high school. And, as a senior, Craig finally told me that he did not think he needed the association any longer, that he could make it on his own. And I got a letter from him early in February, and he is now a sophomore at the University of Virginia, doing some work in ecology, or hopes to,

and doing very well, thank you.

And he said, "This semester, my load is a little lighter, and I have applied to the Charlottesville Big Brothers Agency to serve as a Big Brother. And that, sir, is what it is all about.

Thank you.

Mr. Abell. We are fortunate in the Washington office to have a very good executive director, and the executive director is keyed in on just the question that you raised earlier, Senator, of how we manage to put the right Little Brother with the right Big Brother. And the key to the question, the answer is, "We do not have any secrets. We try and learn every day." We think we are improving. We are trying, also, every day to take care of more and more Little Brothers.

We have here in the Washington area about 20,000 fatherless boys, most of whom could use the kind of help that we offer, but we simply do not have the money, nor the manpower, to take care of all of them. We have increased our caseload over the last—oh, I guess 7 or 8 years, from about 150 up to 800, and the man who wrestled with all of the day-to-day problems here is our executive director, Roy Upshur.

Mr. Upsuur. Thank you, Senator.

I am Roy Upshur. I have been the executive director of Big Brothers of the National Capital Area for approximately 2 years. Prior to this, in my experience, I was in the military for 20 years, from which I retired as a lieutenant colonel, but I was also a fatherless boy who received his guidance prior to going into the military, and it was one thing that led me along the way. The Big Brothers of the National Capital Area has set as its goal to provide guidance and friendship to every fatherless boy between the ages of 8 and 17 within the metropolitan area.

It has been stated that a boy without a father or male guidance stands chances four times greater of getting in trouble than a boy who has that male guidance, that is, in trouble in school. It has been stated, also, that a boy without a father stands a seven times greater chance of ending up in trouble with the law than when compared to

a boy who has that male guidance.

In the 1970 Census, it says that there is an estimated 40,500 fatherless boys in the Washington metropolitan area. We believe that Big Brothers of the National Capital Area can assist a great deal of these youths.

We have also observed that there is need for a better public juvenile justice and delinquency prevention program in the metropolitan

area of Washington.

We find that one of the major problems facing the Washington metro community is that of juvenile crime. Reports have pointed out how youth arrests in the community have cried about doing something about preventing these high crime rates. As a matter of fact, one of the community leaders, Warren Moore, the District youth superintendent, has stated that the courts are filled, the detention are filled, that preventive means need to be found someplace.

We have also observed that it is cheaper in dollars, in time, emotional stress on the youth, and the community, if we get the youth before he is incarcerated. Also, we feel that the chances of success are greater if we get him then. But we still treat youths who have

already started down the road of crime.

We believe that Big Brothers has an impact in juvenile delinquency prevention. Our efforts are directed at getting and keeping more boys out of trouble. Our active caseload has jumped from approximately 200 youths 2 years ago to our caseload as stated by Mr. Abell of 800 youths. And, then, for last year, if you will consider the counseling service we provided to the youth in the metropolitan area, plus our matched caseload for last year, we find we served over 1,900 youths during the calendar year of 1972.

We feel that if we were given more funds as provided in your bill, S. 821, we could project even a greater caseload and greater increase

in the total youth served for the year 1973.

During the year 1972, we conducted a recruitment campaign in which we found over 1,000 men in the community who were willing to serve.

Now, we have a backlog of men volunteers. Prior to this, the youth had to wait from 6 months to a year before he could be matched with a Big Brother. But because of our recruitment campaign, we now have a large backlog of men volunteers.

Senator Bayh. This is the occasional television ads I see? Is that

part of your recruitment program?

Mr. Upshur. Yes. I am happy to say that Senator Mathias, who is on your committee, made an ad for us which was publicized and we had quite a response to it, and it was during our summer campaign. As a matter of fact, he was the first one. But we have found that our operations here were curtailed because of the lack of the availability of the fund, with only six full-time people handling a caseload of 800 youths. We feel that your bill, again, S. 821, will provide us with the funds with which we can handle large and larger caseloads.

We know, Senator, that our program works. The impact of our program, as a preventive measure for delinquent and predelinquent boys is well documented. During 1972, our agency conducted a study of our caseload in the Washington metropolitan area, and we found that 73 percent of the boys in our caseload showed improvement. The other 27 percent were boys who had been in the program for such a short period of time that we could not determine whether

there was an improvement.

However, we do make followup on our boys, and we have found in the followup on our most difficult cases that many of them show improvement. Therefore, we feel that we are an agency in the prevention of juvenile delinquency. We attempt to serve all of the needs of the delinquent and predelinquent. Our services expand to general counseling, therapeutic counseling, vocational development, placement and referrals, educational, which can be tutoring scholarship and testing, and recreational activities. Those that we cannot do anyhow, we have agreements with other agencies for referral services. Thus, we are able to give better service to the troubled youth in the metropolitan area.

Here, we feel it is significant to compare the cost of our service. Costs of local governments in the Washington metropolitan area are approximately \$6,000 to incarcerate a youth. It costs Big Brothers of the National Capital area only \$500 to service one youth for 1 year. Thus, not only do we feel our service is much cheaper in dollars, but it also places less stress and demand on the courts, commu-

nity, and the emotions of the youth.

And, in summary, I would like to say, Senator, that programs such as Big Brothers of the metropolitan area have proven to be effective in the prevention and treatment of juvenile delinquency. As such, these agencies should be considered priority agencies in this area. The provision of the bill, S. 82i, provides means by which Big Brothers-type agencies can be expanded and serve the community better.

Senator BAYH. Thank you, gentlemen.

Let me ask you a couple of quick questions, I want to find out more about the details.

You say you have a backlog now, more supply of Big Brothers

than you have youths that need Big Brothers?

Mr. UPSHUR. That is correct, Senator. We are not recruiting youths due to the fact that we have such a large backlog of Big Brothers here in the metropolitan area of Washington.

Senator BAYH. How many Big Brothers do you have?

Mr. Upshur. We have a total, including our backlog, of about 1,000 Big Brothers, which would give us close to 200 men waiting to

be matched.

Mr. Reade. I think, Senator, that one of the things that really means is the fact that we cannot bring-it is not that there are notthere are only 800 boys in the District or the metro area that could use the service. It is the fact that you understand, that it takes a professional social worker to effect the match between the man and the boy and then to supervise the ongoing relationship of anywhere from 75 to 125 cases. So, the thing that is holding up bringing more boys into the program is that simply we do not have enough money to add additional social workers to manage the other 200 cases we already have.

Senator Bayh. How much more money could you use to do the

job that needs to be done in the District in this area?

Mr. Reade. Well, there are 40,000 boys in the metropolitan area, and in the metropolitan area, our rule of thumb-

Senator BAYH. You mean that need Big Brothers? Mr. Reade. That are fatherless boys. We estimate, on our common wisdom, that 20 to 25 percent of the boys could really benefit. So, you figure that out and that is 8,000 to 10,000 boys. We are only serving 800, and we are serving 10 percent of our potential clientele. Really, this agency could grow like tenfold, and it would be taking care of our estimated clientele.

Senator Bayn. Could it grow without becoming bureaucratic and without destroying the personal relationship that is indispensable

between the Brother and the son?

Mr. Upshur. Yes, definitely. We have grown during the past period much more than what it was when I arrived, and we have not become bureaucratic, Senator.

Mr. Abell. This is a very good question.

Senator BAYH. It is one thing to grow to 800, and it is another

thing to grow to 8,000.

Mr. Abell. We have done it just as successfully here. We have grown within the time I have been connecetd with Big Brothers of D.C. from less than 100 to 800, and the way, I believe, that we have been successful in avoiding the bureaucratic problem that you speak of is in dividing ourselves into regional offices so that geographically we divide up but still hold a loose rein from one central office in the Washington area. And we are pretty careful in trying to get the best that we can out of people without making the rules too stringent and providing them with a certain amount of flexibility.

Also, just the very nature of the program, you have got one man and one boy and you give them a little guidance, depending on how much guidance they ask for and require; you give them more or less.

So, that tends to avoid the bureaucracy.

Senator BAYH. You have now, what, Mr. Upshur? Did you say six

social workers for 800 Big Brothers?

Mr. UPSHUR. No, Senator. Those are full-time people at the central office. For the Big Brothers, themselves, I have 14 social workers. I have two volunteers and 12 paid but they only work 9 hours a week.

Most of those people have masters in social work, or they are in charge of similar type agencies in the District.

Senator BAYH. Why do you say that out of the 40,000 youngsters in the District, only 25 percent, between 8,000 and 10,000, could use

the services of Big Brothers?

Mr. Reade. Well, I think, Senator, it comes down to this, and that is a nationwide figure of 20 to 25 percent. It comes from the fact that the kids have all come from all sorts of social economic backgrounds, some are getting other kinds of treatment, some are in families where there is a strong male figure who is not a father but maybe an uncle. You have a colleague in your committee who is an uncle to 12 fatherless children. There are so many kids who are so deeply disturbed because of the situation that even our service cannot get to them, and they need to be institutionalized in many institutions or they need heavy psychiatric work.

So, over the past 70 years, the general—and, again we have no—this is common wisdom; it is not based on heavy research, because we have not had the funds to do heavy research. But 20 to 25 percent of the kids, fatherless boys, are generally considered able to

really benefit from the services.

Senator Bayn. The reason I asked you the question was that one of you gentlemen had said earlier that in that study that had been conducted—and I do not know whether it was Canada or someplace else—it showed all of the boys had benefited, regardless of the services that they were previously receiving.

Mr. Reade. Those were all of the boys who were referred to the

Mr. Reade. Those were all of the boys who were referred to the program. It does not constitute all of the fatherless boys in the city

of Toronto.

Senator BAYH. But if the study in the city of Toronto is going to have any meaning, the choice of the sample should have been a random choice.

Mr. Reade. Well, it was; it was a random choice of those who were referred, not necessarily all of those who were fatherless, all of

the fatherless boys in the city of Toronto.

Senator Bayn. Could you find out for the edification of both of us, because I think that in finding out the whole impact and where the limits are, you had better know if you just picked a certain group, the best group, and referred them where, then, you are going to get far better results than if you picked a random sampling of all fatherless children in Toronto?

Mr. Reade. Well, this was—I will be glad to furnish and refer the data on it, Senator, but, basically, what we did was merely to take 400 children, 400 boys, out of those who were referred. There was an arbitrarial referral process where we said "Yes, we want to get the best kids in this program so that we can get the best results." It was the first 400 kids who came through the door, essentially, referred by either the juvenile court system, by school counsels, self-referred, were referred by their mother to the agency, so it was, in fact, a representative sample of the kids who come into the agency, but not necessarily a representative sample of all fatherless boys in the city of Toronto.

[The material requested was later supplied for the record and is as follows:]

BIG BROTHERS ® OF AMERICA. Philadelphia, Pa., March 30, 1973.

Hon. BIRCH BAYH. U.S. Senate, Washington, D.C.

DEAR SENATOR BAYH: I should like to take this opportunity to thank you for the opportunity to testify on S. 821 before your Subcommittee. I trust that the testimony offered by the group from BBA will be helpful to you in passing this legislation and in framing other legislation.

I should like to take the opportunity to expand on a point which we discussed regarding our research program in Canada. As you will recall, the question arose as to whether or not our samples were representative of the fatherless boy population in Toronto; hopefully, the following will describe the situation more clearly than I was able to at the hearing:

In the Toronto Field Experiment, samples were drawn from three populations. One population was all the boys who were referred to the Toronto Agency for service during a 12-month period. From this population, 371 families were selected and randomly divided into two groups, an experimental group which was served by the Agency and a control group that was not offered service but referred elsewhere for alternative help (child welfare. group work, etc.) The two other population samples were both non-referred populations. One was all boys in Metropolitan Toronto living in homes where both parents were present. The other were all boys living in homes where only the mother was present. A sample of 141 boys were drawn from the two-parent population and a sample of 123 boys was drawn from the non-referred fatheriess boy population. These later two samples were studied so that it could be determined what, if any, differences there are between boys who seek Big Brothers services and other fatherless boys as well as two-parent boys who obviously do not need services. In this context, it is well to note that the evidence of delinquencey among these groups indicates that fatherless boys who are not referred have an inicdence four times as great as boys from two-parent families. In the case of boys who are referred (both the experimental and control groups) this incidence rises to seven times that of boys from two-parent families. This indicates that referrals are obviously those of boys with greater needs. The preliminary evidence is that the experimental group after receiving Big Brother service has significantly less police contacts than the control group which received other services.

I trust that this clears up the issue of the applicability of the sample. As we indicated in our testimony, we would be pleased to offer further information to your Subcommittee and are available for further testimony on this and any other issues within our competence. Further, on subsequent trips to Washington, we should like to meet with you privately and brief you on

our program in your home state of Indiana.

Thank you again for your kindness and courtesy. I remain,

Very truly yours,

L. P. READE. Executive Vice President.

Senator Bayii. What age is usually the best age? And, also, what age span do you have?

Mr. Reade. Our age span is 7 to 18.

The best indication is that in the 10-11-year-old situation, if we can find a kid who is getting into trouble at that age, we can do the most for him.

Senator BAYH. Don, you were 14; right?

Mr. Mooney. Yes, I was 14, then.

Senator Bayn. Now, I trust-

Mr. Upshur. Pardon me. Senator. I might address that further for you. Our experience in Washington has shown—the crime statistics for the last year showed that the mean age for the juvenile delinquent was 14. The mean age for all Little Brothers in the District

was 12 years old. So, we thought if we got the boy at 12, we could turn him around before he reached that age of 14.

Senator Bayh. Well, maybe if you got him at age 10 or age 8, you

might be able to do even more?

Mr. Upshur. Yes.

Mr. ABELL. I think one issue that you got close to, but we did not point out, is that Big Brothers has an advantage in comparing our group with just the everyday fatherless boy. At least our boys had a mother or a social worker or somebody who cared enought to send him in to us. The average 12 year boy does not know about Big Brothers unless there is somebody somewhere that cares about him and refers him in to us.

And unless his mother is willing to work with us, as Lee Harvey Oswald's mother was not, then, of course, there is nothing that we can do. So, the group that we had in Canada was—you are quite right—by definition, a superior group just for that reason, if no

other.

Senator Bayn. What about teachers?

Do teachers in the District have to refer boys?

Mr. Upsitur. Yes. The majority of our referral comes from the mother by suggestion from the teachers in the schools, or, also from the courts. The court will tell the mother "We will release your son," or the policeman would, "if you will seek out Big Brothers," and, normally, she will come to us and say "My son was referred to you both by the recommendation of the Guidance Counsel at the school"—I would say they run about 50 percent.

Mr. Reade. I might also point out—you may not believe this, Senator, but there are jurisdictions in this country where juvenile court judges say that they will not refer kids to Big Brothers because they would prefer to put them in an institution, to institutionalize them, than to give them Big Brothers services. We find that almost impos-

sible to believe, but it exists.

Senator BAYH. It is not impossible for me to believe. It is impossi-

ble for me to understand, but not to believe.

Mr. ABELL. Senator, you asked earlier and I do not think you ever got a direct answer as to how much money we could use in the District of Columbia. If you just took the figure of 10,000 boys, which is the number that would fit, that is, work out statistically, that would consume about \$5 million. If you keep the 10,000 boys and put them in an institution, it would be an awfully lot more money.

Now, one of the things we have been doing fairly successfully here in Washington in the last couple of years is getting various agency funds to tie into programs that we have going in our Big Brothers. In other words, we will sort of tailor Big Brothers or a piece of Big Brothers in order to appeal to a State agency or a Federal agency so we can get some funds out of them. And it is terribly disappointing now that we have worked up to where we should get some of that money that it is all getting cut off. We just lost \$35,000 which, for a budget of our size, just knocks the pins right out from under us.

Senator BAYH. I will tell you what I wish you would do. I wish you gentlemen would develop a program for 2, 3, or 4 years that makes it possible for Big Brothers to grow at a reasonable rate, and

yet continue successful effective work. Then, I would appreciate your figuring out the cost of such a program. As you probably are aware, I am also the chairman of the District of Columbia Appropriations Subcommittee, and it is just conceivable that we might be able to help you to obtain some funds which were cutback this year. I do not want to hold out any false hopes, but I am concerned about this kind of "efficiency," and I want to enable you to continue the job that you have been doing, particularly the use of volunteers. It is not only very efficient, but when you get one person giving love, attention and kindness to another human being, that is a commodity that the Federal Government cannot appropriate enough money to buy.

Mr. Abell. We absolutely will. We appreciate that offer of assist-

ance.

Senator Bayii. Well, I do not make it lightly. I am not sure how much we will be able to assist you, but you ought to be able to continue at your present level of activity, I would like to see where you might be 1, 2 or 3 years from now. A young man like Mr. Mooney here is a pretty good illustration of what can be done in the community.

What is the amount of time that a Big Brother normally spends

with his little Brother?

Mr. Shockett. A Big Brother is required to see his boy at least once a week for several house. If he cannot agree to that, he will not be accepted into the program.

Senator BAYH. How much time did you spend with your Little

Brother?

Mr. Shockerr. I would say 3 hours or so on a visit; as long as he could stand me, pretty much. But I saw him religiously once a week, or if that was impossible, I would certainly call him.

Senator Baxii. Don, what was your experience with your Big

Brother? How much time?

Mr. Mooney. Well, like I said, each Thursday, we played basketball, or something like that, and we would go out to eat on the weekends, we would go fishing, or he would take me fishing, or we would to to the Astrodome, or something like that, and watch the baseball game, and, you know, we would sit and talk over problems and things like this. That was the extent of it. You know, he spent his time, he spent all of the time he could, with me.

Senator Bayn. Did he have a family of his own? Mr. Mooney. Yes, he did. They had three kids.

Senator BAYH. What were their ages?

Mr. Mooney. I think Andy was about 8, and a girl about 6, and they had a baby about 6 months old, I think.

Senator Bayh. When will you graduate from the academy?

Mr. Mooney. 1975.

Senator BAYH. Do you think that you might want to be a Big Brother yourself?

Mr. Mooney. Yes. Yes, I would.

Mr. Reade. Senator, our indication is that the average Big Brother spends about 200 hours a year with his Little Brother, and when you have 60,000 men, that is 12 million free man-hours that is devoted to the program.

Senator Влун. All right.

Well, gentlemen, you have been very kind.

There are a number of other questions, so we may want to give you a call on the phone to fill our our record. But if it is not too much of an imposition, I wish you would come up with a program which costs as little as possible to do the job which needs to be done. Cutting back funds for programs such as Big Brothers is going in the wrong direction, We should be looking for ways to expand such programs.

Mr. Abell. Senator, that is absolutely no imposition at all. We welcome the opportunity, and we will get it to your staff just as

quickly as it can possibly be done. I would say, in the next week. Senator BAYH. Fine. Thank you very much.

Mr. Abell. Thank you.

Mr. Shockert. Thank you, sir. [The Big Brothers of America prepared statement is as follows:]

COMMENTS ON THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT of 1973

(Prepared and presented by Big Brothers of America, Presented by Victor Gelb, President, and, Lewis P. Reade, Executive Vice President)

Mr. Chairman, distinguished senators, it is my privilege to be invited here today to speak in behalf of Big Brothers of America on Senate Bill 821. I am Victor Gelb, President of Big Brothers of America, a unique social services organization concerned with boys from homes where no father is present, and with volunteer men, who with professional social work supervision, relate to these boys on a one-to-one basis.

With more than 75,000 volunteers and 200 member agencies across the nation, we are aware of the desperate need of restructuring the juvenile justice system, and we are pleased that your concern for the quality of life in the United States has manifested itself in this relevant piece of legislation to

be considered by the Congress.

Many of the boys with whom we work are from delinquent and pre-delinquent environments, and we are fully aware of what Senator Bayh has correctly labeled "the tragic failure of our juvenile justice and correctional system and the bankruptcy of the Federal approach to the depth and scope of the delinquency crisis".

There seems little question that people, young and old, across the nation, view the current "made in America" juvenile justice system as inept, antiquated, outlandish, and to borrow a phrase from the youth vernacular, "a rip-

From our perspective of involvement in Big Brothers work for almost a quarter of a century, we tend to agree that there is, indeed, validity to their criticism.

In studying Senate Bill 821, I am personally, and Big Brothers of America is corporately, pleased with the emphasis on prevention and treatment alternatives; and there is no doubt in my mind, and I think in the minds of many, that prevention is not just the preferred way, but virtually the only way to challenge the growing incidence of juvenile criminal activity.

The very history of Big Brothers is testimony to the values of prevention philosophies. As you may know, the organization was initiated 70 years ago by any small group of men who were concerned with the alarming increase in delinquent behavior of boys, especially boys who lived in homes where no father was present. From this initial concern, the Big Brothers' organization has developed into a viable national program embracing the primary philosophy that prevention is infinitely better than institutionalization and its multiple ramifications that could lead to further delinquency and to its even greater extension of despair.

We know first-hand the values of individual relationships on a one-to-one level, and the concommitant values of the dedicated volunteer sharing his time and his ideals with a boy in need as a major deterrent to delinquent behavior. It is with this awareness that we come before you today to express our approval of the energy, the dedication, the efforts your committee and its staff have put forward into the creation of the juvenile justice act. As we have previously stated, we are gratified with the focus on prevention, and we are equally appreciative of the bill's expressed concern for proper implementation of the spirit of the bill through its Titles IV and V. We particularly are encouraged by the proposals of a National Institute for Juvenile Justice and the framework for allocation of monies to private agencies as well as in formula grants directly to state agencies.

We believe that both state and private agencies can and will work together with the Federal government for the best interest of juveniles in specific environments, and we applied the bill for considering the potential merits of such

a division, and yet incorporation, of interest and labor.

Further, we are pleased to report that in reviewing the principal elements of the bill with our volunteer and professional leadership around the nation that

there is strong consensus that this bill deserves our support.

In sharing the bill with our constituents, we have received and evaluated comments which we specificially present to you for consideration in framing guidelines for the implementation of the Titles once the bill has been passed into law.

First and foremost, we ask that you seriously consider the infinite value of volunteer time, expressly as it relates to the capability and efficiency of a

given program designed to fulfill the purposes of the bill.

Needless to say, without volunteers there would be no Big Brothers' organization, and perhaps very few other social service organizations of any significance. The volunteer is perhaps the key to the solution of the social dilemmas of our day. And we all know that the dilemmas must be solved if we are to continue as a powerful and respected nation.

This is not to say that the professional social servant is no longer needed, but, rather, he or she becomes even more necessary to give the direction and cohesiveness to a corps of volunteers in whatever the task they have come

forth to serve.

The value of the volunteer's time, or the time of a group of volunteers, is inestimable, and we urge that your committee consider these human economics in light of the practical realities of the awesome cost of any program that

would have to pay for services which volunteers freely give.

Taking the view that the time of a volunteer equates realistically to dollars and cents, we urge that priority funding from S821's Titles be allocated to agencies that heavily utilize volunteers, not only to maximize the quantity and quality of delivery of service, but conversely to minimize the cost for the delivery of such service.

Big Brothers of America also urges that in its implementation, that no restrictions be set on sources of matching Tunds necessary to fulfill program requirements, and likewise, no restriction be imposed on in-kind contributions that allow real dollars to be stretched to their greatest positive potential.

In a society that needs both the volunteer's dollars and his time, it is ludicrous to presume that either is of greater importance than the other. We believe that voluntarism, and other in-kind giving, is as generous and as meaningful as the gift of dollars and deserves an equal partnership with them.

Being a volunteer in youth-oriented organizations for more than half of my life, gentlemen, I know what it means to invest in something that has meaning and provides a sense of satisfaction; and I believe that it is essential to instill and rekindle that sense of value and purpose into the mainstream of American life, especially in the young men and women who are to become tomorrow's nation, whether we like it or not.

Senate Bill 821 is a major step in the right direction to improve the quality of life for all people in this nation because it addresses itself to real problems of real people in the here and now. We personally and corporately urge you to individually and collectively lend your influence and effort to bring about passage of the bill at the earliest possible date.

To offer further comments on the bill we would now like to introduce to you the executive vice present of Big Brothers of America, Mr. Lewis P. Reade.

Like Mr. Gelb. I, too, am pleased to have the opportunity to come before this distinguished committee today and comment on Senate Bill 821. I believe

that such an omnibus bill is long overdue, and although I am aware that it doesn't pretend to be a panacea, I am equally certain that it does provide comprehensive definition and programming sorely needed by an ever-growing popu-

lation of young people.

In reviewing the Report of the White House Conference on Youth, held in 1971 in Estes Park, Colorado, we note that the, then, secretary of Health, Education and Welfare, Elliott Richardson, pledged on behalf of the President and the Administration that "we would look carefully at every one of the recommendations" coming out of the Conference, and he further pledged that a procedure would be established whereby "we can render to you an accounting not only of what we have done, but what we have not done, and why."

In the subsequent two years since that Conference, gentlemen, it seems to us that all too little has been done to heed the recommendations of the delegates of that Conference, and we have been given little accounting of what has

and has not happened and why.

Specifically those recommendations directed toward the arena of juvenile justice and agreed to by more than 1,000 young Americans, called for recognizing the need for improvement of the juvenile justice system with emphasis on

community treatment and prevention programs.

The major points made in the general recommendation were (1) to provide programs and pilot projects that would allow authorities to evaluate existing programs and to plan alternatives; (2) to expand efforts in disseminating information about the system to the entire society; (3) to improve the effectiveness of the social institutions that deal with youth; and (4) to revise present statutes thereby overcoming the inadequacy of present laws pertaining to problems of youth.

Because we agree with the spirit and content of the Conference recommendations, we are encouraged that a bill has been presented addressing itself to

those cogent concerns.

Also in that Conference, the young people lamented that as a nation we have made limited progress toward delinquency prevention in the past three decades, and if our focus continues to be only upon the existing system, the existing processes and the existing rules, there does not appear much prospect for progress over the next several decades.

The Conference suggested that major efforts are needed to fund programs which are preventive in nature, with special consideration given to assisting the individual youth and his family, improving the education system, and other community and societal improvements which generate and/or increase the problems of youth.

Delegates at the Conference also declared that the juvenile justice system is too heavily weighted in favor of the official or parens patria viewpoint, rein-

forcing existing notions of how to treat juvenile offenders.

We do not believe that these Conference delegates were speaking as a consortium of radical activities, for indeed we know that they demographically represented a board spectrum of American youth. And, regretfully, we believe that their view of the current status of juvenile justice is far too accurate.

Big Brothers of America believes that the juvenile justice system must be overhauled, and that the responsibility for generating and developing this resurrection must lie with communities. Funding agencies must broaden the categories of programs considered for support, including a wide range of treatment and referral programs organized outside of the juvenile justice system, by private and public sponsoring groups, and a greatly increased number of juveniles must be remanded to such programs, especially before being channeled into

There has been much Federal rhetoric supporting the concept of prevention and crime reduction, but very little Federal funding at a level to suggest that rhetoric is a prelude to action.

Recent efforts by LEAA to develop standards for community crime prevention produced theory upon theory of what juvenile delinquency is, yet no paper

was hold enough to suggest what operating programs there could be.

Through the past several years, LEAA has been infusing large sums of money into the nation's law enforcement program at the community level, but precious few of those dollars, we believe, have been, or technically can be, converted into programs that actually prevent juvenile crime on any level. As you know, the money is mainly used to beef up the armaments of police departments and to provide for a variety of rehabilitative programs.

In Another Federal program, the Youth Development and Delinquency Prevention Agency, operating through HEW, the concept of prevention is strong, but the funding to carry out prevention programs to any measurable degree is weak.

So what we have is a wide chasm between promise and performance which we hope will be considerably breeched by enactment of the juvenile justice act

now proposed.

As Mrs. Walter Kimmel, of the national PTA, expressed to your committee in testimony last month, we too, are encouraged by the Act's provision for coordination of Federal efforts in the area of prevention and treatment of juvenile crime, and we are pleased that provision is made for a substantial amount of the funds in the bill to be distributed for the training of volunteers, para-professionals and professionals for service to help prevent and treat juvenile crime.

Coming into the social services profession only recently from a 20-year career in business and industry, I know the value of comprehensive training programs, and I also lend support to Professor Charles Shireman's thesis presented to you last month that there is an incredible abandonment of the philsophy of the important role of research and development in application to the

prevention of juvenile delinquency.

We agree with Mr. Shireman that all large-scale delinquency control agencies should develop research and evaluation arms, and that this goal should be immensely furthered both by the grant program outlines under Title IV of the proposed legislation and by the creation of a National Institute for Juvenile Justice called for under Title V. And we, like Mr. Shireman, are also pleased that Title IV Special Emphasis Prevention and Treatment Programs may be carried out by both public and private organizations.

Big Brothers of America has been in the vanguard of hard research into effectiveness of its service, and later this year will report out data from a three-year study, conducted with a grant from the government of Canada, showing the behavioral differences in a broup of boys who were introduced to alternative service programs over the three-year period. The common denominator in the experiments is that all 300 boys are fatherless, but only half of the boys were assigned to volunteer men who served as Big Brothers. The other half received other types of alternative services.

We have been encouraged by the preliminary data confirming our present position of cautious optimism that our service does have a significant positive

effect.

We also are working on a field experiment in Oakland County, Michigan, collecting information on school behavior and performance of 120 selected boys.

But our research thrust has beenblunted by the lack of adequate hard research information in the specific field of our interest, and by the lack of funding that would provide us manpower and materials to gain this knowledge and further explore. Obviously the juvenile justice bill would help overcome this deficiency.

Under the special empahsis programs defined in Title IV-B, we strongly suggest that in Section 404.4 that the definition of "youths in danger of becoming delinquent" be loosely enough construed so that a boy would not have to

already be in trouble with the law for eligibility for services.

We are constantly searching for data that will tell us just what difference it does make to have a person care about some other person enough that he helps him or her form positive goals and objectives that influence his or her future behavior.

Unfortunately we know all too well what can and does sometimes happen to people who need such attention and love and who either deny themselves, or are denied of it. The case histories of Lee Harvey Oswald, James Earl Ray and Sirhan Sirhan are all too clear in our memory, and we know that each of these young men very early in their lives expressed deviate behavior that somehow was unattended. And each of these men were brought up in environments where no father or adequate male figure was present as a positive model for reinforcement of proper values and behavior. In fact, we in Big Brothers lament that in Oswald's early childhood it was strongly suggested to his mother that she consider seeking a Big Brother for her son, and Mrs. Oswald resisted the suggestion, stating that she was capable of raising her son without any help.

We in Big Brothers are not saying that the introduction of a volunteer man who had love and concern into the lives of any or all of these desperate youths would have changed the course of history, but, then, we really don't know. It's difficult to imagine, however, that in these instances, the results

could have been any more disastrous.

Mr. Gelb earlier has illustrated the value of volunteers and in-kind contributions to the viability of Big Brothers of America and other social service organizations, and we wish to reemphasize those remarks, also urging that in the implementation of the Titles of the Act that the 25 percent limit on funds necessary from a participating service delivery agency be the absolute ceiling. We know that most of our agencies consider this committment a reasonable and fair partnership, but that they would literally be unable to make greater financial investment, irregardless of the subsequent worth of the program.

You are aware only too well of the limited funds most social services work with, and we hope that you agree that an overtaxation of those resources is

tanamount to dissolution of the service in most instances.

In Big Brothers' service, we estimate that it costs a national average of \$250 per Big Brother-Little Brother assignment per year. We know that the cost of institutionalization of a juvenile can and does run as high as \$7,000 to \$10,000 per year. One needn't be a business school graduate to quickly compute that the cost/benefit relationship between a program like ours and the incarcerative alternative is overwhelming. This does not even take into consideration the important value of the time of volunteers. If we added that ingredient to the economic mix, we would present a cost accounting that would show a "book value" of still less than \$1,000 per match.

Gentlemen it seems to me that we are at an important crossroad in our relationship with young people, and in the history of juvenile justice; and I believe that we must, as a nation, commit ourselves to new forces in the

future if, indeed, we are to survive the rigorous challenges of today.

Senator BAYH. Our next witness this morning is Ms. Marian Edelman, director, Harvard Law and Education Center, Cambridge, Mass.

It has been my good fortune to work with Ms. Edelman on several occassions, and I appreciate the fact that she would take the time to be with us this morning.

STATEMENT OF MARIAN EDELMAN, DIRECTOR, HARVARD LAW AND EDUCATION CENTER, CAMBRIDGE, MASS.

Mrs. Edelman. Thank you, Senator, for inviting me, and thank you for your continuing work and interest on behalf of juvenile de-

linquents and juvenile reform and children in general.

I think that the problems you are confronting here with juveniles and with the juvenile justice system, are reflective of the broader problems of children in this country and how we disregard and treat them. And, if I am permitted, I hope I can talk very broadly about how Americans value children and about the broader problems of children and not specifically about your bill.

You were fortunate yesterday—and we were fortunate—in having Justine Wise Polier before you to comment directly on juvenile justice. She is a colleague of ours at the Washington research project, and we adopt her testimony specifically on the bill and on our juvenile

court system.

Senator Bayn. Would you pull the mike a little closer.

Mrs. Edelman. Yes, and I will talk slower.

Elizabeth Wickenden, who is a professor of urban studies at the City University of New York, is a much unheralded expert, I think,

in the child welfare area. She tells the story of being in Iran when an earthquake occurred and how the Shah sent out the equivalent of the American Red Cross to go and collect all of the children who were left orphaned or homeless from this disaster. To their astonishment not a child was found. They had been absorbed into the larger community. I think that is instructive, because the contrast with what happens in America is rather graphic.

Jane Adams, in 1909, at the first White House Conference on Children, asked why Americans, technologically advanced and democratically oriented could not service the needs of its children. Six decades later and six White House Conferences later, this is still a very pressing question as we are not yet servicing the needs of all our children.

The irony is that Americans, with all of our riches, have an earlier history of protecting animals than of protecting children. The Society for the Prevention of Cruelty to Animals came into existence first. Its concerns were only later expanded to include children. I was very amused to read what the founder for the Society for the Prevention of Cruelty to Children said,

The slaves were first freed from bondage. Next came the emancipation of the brute creatures, and next the emancipation of little children was about to take place.

There is a modern counterpart I think in the priorities on animals as opposed to children. NIMH promulgated standards in regard to ethics, and developed specific procedures for experimentation on animals before they promulgated similar procedures and ethics for humans. And I think we are seeing continuing problems with the use of humans, and children, particularly, as guinea pigs. Serious questions are raised about the adequacy of procedures to protect humans and children when one hears about current experimentations that may now be conducted with NIMH funds and others.

The Tuskegee experiment is one instance. I have brought down the latest piece from the front page of the Boston Globe which talks about another experiment in Texas that occurred in the 1950's and 1960's with young children which raises highly questionable ethical issues. I am submitting the article for the record. And I have been concerned personally with what is apparently a drug experiment in Boston funded by NIMH through the Boston State Hospital, allegedly concerned with behavioral disorders in children which seeks to investigate not whether, after careful screening, specifically defined conditions in children require treatment or whether specific children require treatment, but rather which medications under investigation are effective in alleviating the general manifestations outlined in the proposal and carry the least risk of side effects.

The proposal raises serious questions not only about the purposed nature of the experiment and research, but about the adequacy of parental consent and doctor-patient protections. I am deeply disturbed by the fact that we could use human children to test the effects of drugs rather than using drugs to cure specific conditions.

It was not until the turn of the century that we began to think about children in any public policy way. Children until then were viewed largely as possessions or property. This continues in some ways. Theodore Roosevelt coined a new way of referring to children as

"national resources", though we have not, if our actions are the criteria for judging, treated them as important national resources.

Senator BAYH. Sometimes some of us talk of them in terms of

almost valuable resources.

Mrs. Edelman. That is true, but we do not treat them as the most valuable resources.

Senator Bayn. It seems to me we let them go hungry and without

medical care and housing, and all this kind of business.

Mrs. Edelman. That is right. But she was commenting during the founding period of the Children's Bureau, and I thought this was marvelous, because, again, it is something that continues today. I was struck by her statement of the rationale for the national impetus for the Children's Bureau. She said:

The national sense of humor was aroused by the grim fact that whereas the Federal Government concerns itself with the conservation of hogs and lobsters and has long since established bureaus to supply information concerning them, citizens who desire instruction and guidance for the conservation and protection of children have no responsible governmental body to which to appeal.

This is a continuing problem for many of us seeking basic data on basic issues involving children. Anybody who wants to find out how many children are not in school in this country today would have a very hard time finding that out. We have just begun, at the Washington research project, to examine the incidence of exclusion from all public education of children. It is very hard to find that information. School boards who are supposed to conduct school censuses do not do so. From the very preliminary perusals of the 1970 census data, we have determined preliminarily that roughly 11/2 to 2 million are not enrolled in schools between the ages of 7 and 15 and who are also not in institutions. We have also been attempting to find out where and how many children are in institutions, and nobody in the State of Massachusetts can tell us for that State. I have been taking one State, a very enlightened State, and saying: "Can you give us the information on how many children are not in school or how many children are in institutions?" And nobody knows. You have to call the individual institutions and try to find out how many kids are out of school. district by district. There seems to be no centralized responsibility. They have not conducted the school census.

Try also, for example, to find out how many migrant children there are in the State of Massachusetts and who is responsible for their education, health, and welfare. Nobody knows and nobody accepts

responsibility for them.

Try to find out how many children in Massachusetts need special care or need mental health provision. Nobody really knows.

Again, I think you will find similar responses at the Federal level

regarding a range of information on children's programs.

We have simply been trying to find out how much, in fact, we spent on child nutrition programs last year. You get as many conflicting figures as you get bureaus reporting. It is very hard to find out facts about children generally, which reflects, I think, our continuing disregard of children as an important part of public policy and social planning.

There is yet, after all of these decades and all of these White House conferences and all of the help some people have devoted in attempt-

ing to raise the problems of children in this country, no public consensus or public policy that recognizes children as individuals in their own right—as persons who require certain protections and care. Children as a group are not treated equally to other groups in the population.

And that is true in 1973 in America, democratic as we are. Children are the unrecognized, and too often abused, I think, minority in this country. We are not as a Nation child oriented. We certainly are not

child oriented in regard to other people's children.

Many people resent the charge that we are not a child oriented Nation. They have always assumed we are. But fiscally, legally, and in most other ways, children come last. While many of us love our own children and will respond to individual needs of other children, we have never yet come, as a nation, to accept the responsibility, socially and institutionally, for all of the children of this Nation.

I think this collective inaction on behalf of the Nation's children is something we ought to examine very briefly for I have been asking

myself why this is so.

as they should and want to.

I think there are a number of reasons, and I want to try to mention a number of the major ones. They are not the most original reasons but they seem true as I have tried to explore why it is this country

cannot come to grips with the problems of children.

First, I think, we have a deeply ingrained sense in America that children are the family's responsibility. And we continue to hold to the traditional family concept while ignoring the fact that millions of children no longer live in such perfect families. Millions of children live in single-parent families and require different kinds of support and help. Millions of other children exist in families which, because of poverty and other social and physical conditions that are not their own fault, cannot provide care for their children as adequately

As one example, take some of the ex-Mississippi sharecroppers and their children, some of whom I knew well, having grown up in the South and having worked in Mississippi. Just take a Mississippi sharecropper who grew up on Senator Eastland's plantation-who got pushed off of the plantation because of mechanization and minimum wage and/or the cutback on agricultural jobs. What was he to do? This man usually had a number of children, and the likelihood was, that he was almost totally illiterate and could not read and write. He was also making a wage that was not adequate to permit him to support his family in a minimally decent fashion. He was ineligible for welfare in Mississippi if he decided that he wanted to stay with his family, for Mississippi, like almost half of our States, does not help families with unemployed fathers in the home. If he decided to leave his family, they would be entitled to a small amount of welfare which was not enough to live in any decent way. Mississippi pays about a third of what it determines a family really needs to live on.

If he decided he wanted to seek a job, the chance was there was no job, because, again, he had no skill, and there were simply not many jobs available. Maybe, he decided he wanted to come North, and again, if he got North he often was not literate enough to read the sign to get to the unemployment office where there was usually no job for him

anyway.

His children may have tried to enroll in the Boston or other urban schools. In Boston, for example, the likelihood was that they were so far behind that they would be trapped into a lower track or labelled mentally retarded because they tested badly. Or encouraged—if they were old enough—15 or 16—to take a night vocational education course. They'd probably drop out before long because not many teachers wanted to be burdened with them. And they were hopelessly behind.

Now, what are these families to do who have been left behind because of industrialization and mechanization? What are their children to do? Are we to demand that they be self-reliant? I wish that Senator Eastland or other large plantation owners would have been so self-reliant with their large farm subsides to ease the pains of transition.

What is the impact on the children?

Elizabeth Wickenden has commented on how our welfare policies are designed to punish children. Children are deprived of their father as a precondition of getting aid in many States. We debate sending their mothers out to work as another condition of welfare and then we scorn the entire family because of their dependency. I think this is reflective of something basically inhuman, including a basic disregard for children, particularly children who are minority.

Another reason I think we do not really treat children very well in

Another reason I think we do not really treat children very well in this country is our fear and dislike of Government intervention into the child's and family's life, including fear of the ideological inter-

ference in the family relationship.

Mr. Nixon, I think, played on this fear in his veto of the Child

Development Act of 1971.

There is, however, a class bias regarding intervention. We have been careful not to intervene in the middle-class family and we have been intrusive in intervening in a negative way in poor families. The neglect and dependency statutes are important examples of the latter. We have the jet setter who neglects his children, and sends them to a good boarding school, and sees them once or twice a year, and he or she is not considered a neglectful parent.

Senator BAYH. Did you happen to see the CBS documentary "What

Have They Done to Our Children?"

Mrs. EDELMAN. I read the transcript. I did not have a chance to see

that, but I did read the transcript.

Senator Bayh. Very interestingly enough, I thought the strongest indictment of all was leveled not I suppose at what you would describe or just have described as the jet setter who sends their children off to boarding school, but on the, shall we say, "finer family" living in suburban houses so large that both parents had to work in order to sustain the mortgage payment, and the standard of living to which they had become accustomed. And as a result there was developing in that area a whole new generation of "high-class" latch key kids, and as a result the school in question had the highest degree of drug incidence because the parents there really were neglecting their children from the standpoint of giving them love, attention, and concern.

Mrs. EDELMAN. I think that is right. I think that is right, and that poses a complicated question of again how we ignore what the real

needs are of children, despite the problems of their families.

Collective inaction, I think, also stems from a great mistrust of the professional intervenor. This fear has some real basis in fact, particularly in poor communities, I am increasingly concerned about talk of professionalizing child care. Professionals should have a firmer sense of their limitations and become more sensitive to what I think is this great fear. The best professionals are not as good for children as the most minimally adequate parent. Professionalism should be put in some perspective and seen as a backup to parents' role with children—not as a substitute.

Another reason has been our inability to separate out our hostile feelings for parents from the children themselves, and again I think this is reflected in our welfare policies and practices. Somehow children are blamed for the problems of their parents. For hundreds of thousands of black and brown children in this country, it is just plain racism that keeps us from assuming responsibility for their needs. Nowhere is our treatment of black children, and the treatment of children who are different bilingually, reflected most graphically than in the whole busing issue. It shows us that when it comes down to real sacrifice and real sharing of responsibilities for correcting society's imposed conditions, that white parents are not willing to make those sacrifices. How sad it is, that the President of the United States at this time can find it more important to sympathize with white parents who do not want to send their children into ghetto schools, which he admits are unequal, while ignoring the fact that millions of chidren who are black and poor are forced to be in those ghetto schools without adequate choice. There is nothing more cruel than to single out certain children for special ill treatment as we do our children who are different by reason of race, language, physical, mental, or emotional handicap.

Lastly, our neglect for children is in part, a result of our inhumanity. And that is the only way I can begin to explain the reasons behind the conditions imposed on many institutionalized children. Anybody walking through some of our institutions for the retarded or mentally ill or who looks at many of the adult jails where young children are held

can only see a reflection of basic inhumanity.

More important, children are treated badly because they are outside the political process. This country responds to power and they are powerless. The political process is stacked against recognizing and responding to the needs of children, and it is going to be terribly difficult, I think, to mount a sustained movement for major reform on behalf of children. Children do not vote, and when people do not vote, people do not have power. You cannot bargain in this country and you are not in a very strong position.

Senator BAYH. If I might interrupt?

Mrs. Edelman. Yes.

Senator BAYH. I respectfully suggest that this Senator is not necessarily one who easts out children because they do not vote, and I am not willing to accept the final judgment that just because it is difficult that such an effort cannot be mounted. I think the alternative to mounting it is unacceptable, but then I have been impressed, at least at this stage of the game, with the numbers of individuals and groups that appear to be very serious about this whole business. Now, the true test

will come as we move along in the legislative process, but the staff and myself have sort of embarked on a course of developing the kind of support for this necessary for you to start moving down the legislative pathway. Now, we will see, but I think if there are enough people yourself that have constituencies, and who are recognized as concerned individuals who stand up and convey the kind of message that you can convey so well, then we have got a good fighting chance of getting this done.

Mrs. Edelman. Well, I am with you, and I think you are right. But, I think it is going to be tough. I think we are going to have to fight very hard, and I think we have to create what does not exist now--a full-time and sustained constituency on behalf of kids. It is complicated, in my own mind, strategywise to know whether or not one can get the groundswell of interest for reform on behalf of children as children as opposed to piggybacking children's interests on behalf of other interests. This has been a very complicated issue in our child care coalition, for instance, in seeking good child care legislation. Some people are interested in day-care legislation for children, and other people are interested in it for their own reasons. Women want it for children but also because they want to go to work, or they want to be out of the home and have that option made less difficult. I think there is a possible constituency there on behalf of children but it has to be coralled and directed, and somehow we have to unite upon some commonly agreed upon priorities. And we have got to be tough, and understand that we are going to have to stick in there on one, or two, or three, or five issues that are crucial for as long a time as it is necessary to bring about results. I think it can be done, but it is going to be difficult.

Senator Bayh. I have become pragmatic enough that I am not totally concerned about everybody having the same motives as long as they are after the same results, sort of like the ad for the breakfast food. I saw it last night, and I do not have a chance to see them very often, but this advertisement said, "Mother, you do not have to stress to your children that this is a nutritious commodity because it also tastes good." And I think as long as we get the program consumed, we will take the motivation as it is. Well, excuse my interruption.

Mrs. Edelman. Right, but that can become very tricky. But, again, you might well write legislation differently depending on what the chief objective is, but I do not think we are in basic disagreement.

The last reason I want to give as to why children are neglected is their legal status: under the law children remain largely nonpersons or chattels. With the exception of some of the adult due process rights that have been extended to juveniles in the juvenile court process, children are still basically legal nonpersons, and this has to be changed. It is just shocking that Justice Rehnquist in the Texas case could justify a different standard of welfare for children as against the elderly and disabled. I would like to read a paragraph from the Texas decision into the record because it is a 1972 reaffirmation by our highest court that children are indeed second-class citizens. Mr. Justice Rehnquist, in the Texas welfare case, says:

Applying the traditional standard of review under the 14th amendment, we cannot say that Texas' decision to provide somewhat lower benefits for AFDC

recipients is invidious or irrational. Since budgetary constraints do not allow the payment of full standard of need for all welfare recipients, the State may have concluded that the aged and infirm are the least able of the categorical grant recipients to bear the hardships of an inadequate standard of living. While different policy judgments are, of course, possible, it is not irrational for the State to believe that the young are more adaptable than the sick and elderly, especially because the latter have less hope of improving their situation in the years remaining to them. Whether or not one agrees with this State determination, there is nothing in the Constitution which forbids it.

Senator Bayn. Neither you nor I, Mrs. Edelman, would really be too surprised if Mr. Justice Rehnquist comes down on that side in interpreting the 14th amendment. He did not feel in the sixties that black people in Phoenix were entitled constitutionally to have access to the drug store. There was a remarkable consistency there, I think, unfortunately.

Mrs. Edelman. Unfortunately.

What do we do? First, I think we have got to deal with that myth about ourselves that we are a child-oriented Nation and that we are doing all right as regards to our children. We look at how other countries are doing, and make the judgement that we have nothing to complain about. I find that totally unacceptable as an attitude. This self-righteousness of Americans vis-a-vis our treatment of children is unjustified, particularly in light of our capability. Though a highly developed Nation technologically, we are still an undeveloped Nation in our infant mortality rates, for example, particularly as regards to minority children. It is the more inexcusable because it is a problem that can be virtually eliminated. We should simply wipe it out. That we do not is a national disgrace. We spend less money, effortwise, in taking care of our children than many other poorer nations, and have never come to grips with a family policy in this country. Fiscally, legally, socially, I don't think we are a child-caring Nation. The millions of American children in need are testimony to this fact.

Second, we have got to mount a systematic campaign to identify and corral a constituency for children and to implement a program of advocacy on their behalf. An increasing number of groups and people have always expressed concern about children but they have tended to be underfunded, fragmented, and not very well organized for the long haul of change. We must put together some more systematic and broader advocacy on behalf of children that can be sustained around selected issues. I will be attempting one such effort in the next several months. The Washington Research Project will be announcing its new children's defense fund (CDF) which will be a part of the Washington Research Project. Justine Wise Polier will join us as director of juvenile justice. We will be confronting this area as well as issues such as the denial of the right to education, classificatory practices, and selected child health issues. Millions of children are excluded from all public education; millions of others are mislabeled and misclassified by often arbitrary and inadequate procedures. The procedures by which it is decided that certain children are emotionally disturbed or retarded are so unrefined that many children who simply do not speak English, or many children who are simply poor and have not had breakfast, can be labeled mentally retarded or emotionally disturbed and put in a lower track, and left there for the rest of their lives. The incidence of mislabeling and misclassification is so broad it has to be

recognized as a major problem and quite carefully scrutinized. The decision to classify in the first place must be done in the most careful way with adequate due process safeguards. In fact, any substantial change in the educational status of a child should involve due process

procedures.

Another area we want to look at is the prblem of institutionalized children and what kind of care and treatment and education they are given. In the area of child health, we will monitor the early screening and diagnosis program which was the first Federal program attempting to insure preventive care of children. It has not been very well implemented at either the Federal or the State level. We are also beginning to see if we can document the extent to which there is experimentation going on with children without adequate safeguards. What we call our "guinea pig" project.

What we call our "guinea pig" project.

We hope we can begin to bridge the communication gap between all of those local groups who care about and are working on behalf of children with what is going on at the Federal level. And we would hope again that we could work closely with people like you Senator in trying to come to what are key problems of children so that we can merge our interests and resources in order to bring about reforms on behalf of children. I think we have a vast educational job to do with

the American public and with policymakers.

My own present legislative priorities are several: federally funded comprehensive child development legislation and reform of the juvenile court system, and trying to divert, before we reach the juveline court system, as many children as we can, as you are attempting to do in your bill. I think it can be done, but I think it is going to be hard work. We appreciate the direction and leadership in this area you have given, and we are going to be coming back to you with a lot of requests for a lot of help as we learn more, and get more involved in the problems of children.

And I thank you for letting us come this morning.

Senator Bayn. Well, I certainly thank you for coming. I find that the bell puts me in a rather tough position where we are going to have a series of five straight votes. I understand, at 10-minute intervals, which for all intents and purposes will take me out of here for about 50 minutes.

Let me just ask one question and then ask if I could submit a series of other questions dealing with some of the specifics of the legislation and ask you to respond to them in writing, so that we can put them in the record as if you had given them because of the bad timing here.

You have examined the juvenile justice bill which is the basic subject of our discussion here. Do you feel that this is generally headed

in the right direction?

Mrs. EDELMAN. I think it is generally headed in the right direction, and I think it should deal more I think with the problem—it limits itself to delinquents, and I would like to see it at least more overtly recognize and deal with the problems of neglected, and dependent and truant children, because I would like to—I see Mathen is shaking her head very firmly, but that is not so. I think it is headed in the right direction. The need for research, coordination, and technical assistance is great. I certainly support the basic thrust of it.

I would add more language more clearly to make it clear of the

broader thrust that I hope the bill will take.

Senator BAYH. The whole thrust of the bill is for the first time to try to deal with prevention and services prior to becoming a delinquent officially anyhow. I think since you are the second person in 2 days to make this suggestion that perhaps the findings are not as clear as they should be. If you look at the running gears of the services that are provided, the whole thrust of it is to provide a wide variety of services, and if there is ever an area where the pound or ounce of prevention instead of the pound of cure is approached, it is in this area. But perhaps you could help us develop some language that will stress in the findings the necessary background to articulate the support for the legislative alternatives in the bill.

Mrs. Edelman. But the general thrust of the bill, I think it is a very major move in the right direction, and I would be delighted to send in my nit-picking suggestions, both in language and other things that

I would like to see added to this committee.

Senator BAYH. Well, knowing you as I do, you would not pick any nits that do not need to be picked. And I apologize for having to leave

here, but I am going to miss that vote.

And for those of you who may want to be here when we have our next two very distinguished witnesses, Mr. Frank Jones, executive director of the National Legal Aid and Defender Association of Chicago, and Mr. Patrick Murphy of the Legal Aid Society of Chicago, we are going to suspend until we get at least four or five votes out of the way, and then I will be back here.

[Short recess.]

Senator BAYH. Our final witnesses this morning are Mr. Frank Jones, the executive director of the National Legal Aid and Defender Association, in Chicago; and Mr. Patrick Murphy, of the Legal Aid Society of Chicago.

Gentlemen, we are grateful to you for taking the time to let us have your thoughts and ideas. As I did before, I apologize for the unfortu-

nate interruption in our procedures.

STATEMENT OF FRANK N. JONES, EXECUTIVE DIRECTOR, NATIONAL LEGAL AID AND DEFENDER ASSOCIATION; AND PATRICK MURPHY, DIRECTOR, JUVENILE COURT LEGAL SERVICES, CHICAGO LEGAL AND SOCIETY

Mr. Jones. Thank you very much, Mr. Chairman. As you know, I am the executive director of the National Legal Aid and Defender Association. And appearing with me today is Mr. Patrick Murphy, who is the director of the Juvenile Court Legal Services Office of the Chicago Legal Aid Society. Mr. Murphy is also appearing as a consultant to the National Legal Aid and Defender Association, and in our opinion he is one of the leading activist attorneys in the care and treatment of neglected, dependent, and delinquent juveniles. Mr. Murphy has in the last several years litigated in State and Federal courts many of the rights for juveniles that this outstanding, and quite extraordinary, bill seeks to codify.

Until we have brought about the good things which S. 821 seeks to accomplish, it will be necessary to continue vigorous litigation of juvenile rights. While we recognize that S. 821 advocates prevention and treatment, it is our view that the bill could be more explicit in the area of litigation on behalf of juveniles that is youth advocacy. Mr. Murphy

will address himself to this issue in his statement.

The purpose of my statement, copies of which have been already submitted to the committee, is to place before this subcommittee the official views of the National Legal Aid and Defender Association of Senate bill S. 821, to be entitled the Juvenile Justice and Delinquency Prevention Act of 1973.

NLADA was formed in 1911 and presently counts as members about 900 law offices engaged in civil practice and 350 offices involved in the defense of the criminal accused. It is a national nonprofit corporation whose purpose is to secure equal justice and quality legal representation for the poor in civil and criminal cases. It does this in part by providing technical assistance to this country's more than 6,000 legal

assistance lawvers.

We have offices in the American Bar Center in Chicago and, indeed, are an affiliate of the American Bar Association, having a seat in the house of delegates of that organization. We also have an office in Washington, D.C., with a National Law Office. NLADA's National Law Office is working for needed reform in the treatment of juveniles in the nation's prisons. Its board of directors, that is, the National Legal Aid and Defender Association's board of directors, is composed of leaders of the bar from every section of the country.

In preparing our comments on the Juvenile Justice and Delinquency Prevention Act of 1973, we consulted with the National Juvenile Law Center of the St. Louis University School of Law, and the Youth Law Center in San Francisco. Both of these organizations are backup centers, funded by the legal services program of the Office of

Economic Opportunity.

I might add, parenthetically, that it is not clear whether or not backup centers which provide extraordinary assistance to legal services attorneys, and thus to their clients, will remain in existence for long. The expertise of these centers is well recognized in the poverty law field and their analyses are incorporated in this testimony.

The proposed legislation attempts to combat increasing juvenile delinquency and juvenile recidivism with a comprehensive program. We strongly adhere to its findings and endorse its purposes, as set out in title I.

Our nation has long been lacking the resources and leadership needed to improve the quality of justice for juveniles and to develop effective ways of preventing juvenile delinquency and of rehabilitating those already delinquent. State and local agencies, both public and private, have, in the past, been largely unable to implement programs which effectively deal with juvenile delinquency. Federal programs also have been unable to meet this crisis. Clearly a new course of action by the Federal Government is vitally necessary in order to guarantee justice to juveniles and to bring about an effective attack on juvenile

delinquency.

NLADA's enthusiastic support of this bill centers around the bills emphasis on noninstitutional, community-based alternatives for youths who are threatened with, or are already part of, the juvenile justice system, and around the fact that this bill, taken as a whole, seeks to draw upon, to thereby avoid, the mistakes of some other Federal agencies, notably among LEAA and OEO. In addition the structure of the proposed bill by creating an advisory council, tends to eliminate the possibility of executive-legislative conflict over board structure and powers. I might say that other legislation which has attempted to create entities to deal with similar problems, for example, legal problems of the poor, have not done this, and as a result, have met with some difficulties. My reservations about this bill are minimal, and perhaps unfounded, in that the trust of this bill is one of prevention and treatment, so it may very well be that the advocacy aspect is out of place here. However, we will address ourselves to advocacy for we think if the bill is weak it is in this area. There is no specific provision within the bill which provides for legal services to juveniles, neither to those already caught within the system, nor to those brought before it.

As for specific provisions of the bill, I will consider them ad

seriatim.

Under title I, section 102, or section 5031 of title 18 of the U.S. Code, the deletion of "and not punishable by death or life imprisonment" is, in our view, a great improvement, because it now guarantees treatment as juveniles to all persons under 18, regardless of the sentences carried by their crime.

Section 202 of the bill, Delinquency Proceedings in District Courts, Transfer For Criminal Prosecution, we feel is commendable because it permits handling of juvenile cases in the Federal system when the State system is inadequate; its deferring in general to State courts is good since Federal courts and the Federal correctional system have never been properly equipped to handle large numbers of juveniles. Because of this situation in the past, Federal juvenile delinquents have often been transferred away from their communities for treatment

Present law vests absolute discretion with the Attorney General to prosecute juveniles in Federal adult courts. Although hearings to determine an individual's prospects for rehabilitation would assure that no juvenile faced adult criminal prosecution unless absolutely beyond the scope of juvenile treatment, we recommend that a statement of the reasons for such a determination be required or that standards, in our view. The proposed transfer hearing and the right to counsel at critical stages of proceedings implement Supreme Court

decisions and model juvenile code provisions.

There are two observations I would make with regard to this section, however. The first, dealing with transfer, is a minor point. It may be that the term "transfer" is inappropriate, inasmuch as we are not really contemplating a transfer here. The term "transfer" appears to be derived from State juvenile codes, wherein there may be an actual transfer of the cause from the juvenile court to the criminal court. Perhaps a better title would be "motion to prosecute the juvenile under the criminal law."

The second observation that I would make with regard to this section deals with the lack of provisions for appeal. I have not observed anywhere in the bill any provisions to permit an appeal from a district court finding allowing a juvenile to be prosecuted as an adult. There should be, in our view, an immediate right to appellant review of

such a determination.

Moving to Sections 203, and 204, or Sections 5033 and 5034 of title_18. Custody prior to appearance before a magistrate and duties of magistrates, its provisions, which guarantee juveniles many procedural safeguards, are also an improvement over present law. We are opposed, however, to the discretionary preventive detention provision, and recommend, at a minimum, that counsel be present at such a detention hearing and that the juvenile, if he is detained at all, be placed in the least restrictive detention available.

Section 205, or Section 5035 of title 18, Detention prior to disposition, we feel is one of the bill's most significant and commendable provisions, as it takes into account that our correctional facilities are too often "schools of crime," and harm juvenile offenders. This provision is also outstanding in its guaranteee of treatment of juveniles detained before court action, and is in effect a codification of Martarella v.

Kelley, 349 F. Supp. 575, 598, 602 (S.D.N.Y. 1972).

Section 206, or Section 5036 of title 18, speedy trial, we feel is also well-advised, as it recognizes the harmful effects of detention, which

should at least be minimized before trial.

Section 207, or Section 5037 of title 18, Rights in general, like the other sections codifying recent court decisions, would assure uniform observance of adult constitutional right in juvenile criminal prosecutions. The advantage of every accused person's having the full panoply of constitutional rights far outweighs any harm which may result from juvenile proceedings being more like adult prosecutions.

Under Section 208, or Section 5038 of title 18. Dipositional hearing, the court is given wide discretion over treatment of an adjudicated delinquent: suspension of sentence, probation or commitment, or commitment for 30 days to the custody of the Attorney General for study

and observation.

Section 209, or Section 5039 of title 18, *Use of juvenile records*, contains provisions for sealing and destroying records of juvenile proceedings. Such provisions are fundamental to the treatment of juveniles, and enable them to overcome their encounters with the criminal justice system and to lead lives unfettered by the memories of child-

hood mistakes. As Mr. Murphy will no doubt point out, his practical, empirical experience demonstrates such provisions are absolutely cru-

cial if we are to rehabilitate or treat juveniles.

Under Section 210 or Sections 5040 and 5041 of title 18, Commitment and support, both the prohibitions against commingling juveniles with adults and the standards of care for committed juveniles are excellent. It should be noted that many working in the area of juvenile problems feel strongly that community-based facilities are vastly superior to any other type of correctional institution.

There is one caveat that I would make here, and that is that there does not appear to be any requirement that the Attorney General ascertain the quality of life in community-based facilities, for example, half-way houses. We believe that the Attorney General should be required to set standards and guidelines for half-way houses and other community-based institutions to insure that juveniles are not simply being shuttled away into private "institutions."

As for Section 211, or Section 5014, what I have just said is the observation that I would make with regard to the half-way houses under

this section.

Under Section 212, or Section 5042, *Parole*, the release of a juvenile is allowed as soon as possible, considering the safety of the community. I would make one observation here, however, and it is simply one with regard to words. Instead of the term "parole," I would say "release from custody," as "parole" smacks of having been found guilty in a

criminal proceeding.

In Section 213, or Section 5043 of title 18, the Revocation of parole or probation, the term "parole" is proper, assuming that there will be cases in which parole is proper, but, generally speaking, I would suggest the use of "custody," or "release from custody," instead of "parole." This section, which guarantees juveniles the right to a revocation hearing with counsel, as recent court decisions have guaranteed adult

parolees, we think is a good one.

Moving now to Title III, the National Office of Juvenile Justice and Delinquency Prevention, the establishment of an office to administer all Federal juvenile delinquency programs and the provision for joint funding, voluntary service, and personnel, effectively deals with one of the major problems plaguing programs of this type: Lack of centralized responsibility. Because of the lack of any overall planning and policy body, efforts to combat juvenile delinquency-have suffered from severe fragmentation. Title III would solve this problem by providing the direction and centralized coordination necessary for a successful national attack on juvenile crime.

In Section 305, the reference to "non-Federal share" brings to mind a serious problem experienced by nonpublic entities which have tried to operate delinquency prevention, and other programs under LEAA funding. It is extraordinarily difficult for them to meet local matching requirements if they are much over 10 percent, especially under LEAA regulations. Youth service bureaus in San Francisco have been forced to obtain foundation funding of their non-Federal share, and they have met with great difficulty. Such funding restrictions have made it difficult to implement the goal of S. 821 to develop non-coercive alternatives, since innovative private agencies can best function in a community paich backet at their research.

function in a community, neighborhood setting.

Senator BAYH. Let me suggest that we are providing alternatives there, not mandating one or the other, and that there are some instances that private agencies can do the job. Are you suggesting that

they be denied this opportunity?

Mr. Jones. No, I am suggesting that the amount of the non-Federal share, in a State plan, for example, may allow for up to a 25 percent matching, and I am suggesting that in order for many private, nongovernmental agencies to meet this match, it is necessary for them either to have sufficient staff to meet it in terms of personnel and services or to meet it with cash. I recommend that in order to facilitate participation and the funding of proposals by non-Federal or private agencies, the matching provision be reduced from 25 percent to something that has more possibility in terms of their being able to raise the matching funds.

Senator BAYH. Would you point out please where it mandates that

non-Federal share?

Mr. Jones. Let me just say that it does not mandate. It says that

Senator Bayh. I would not proceed further with this, except to suggest that we are not trying to mandate anything. We are trying to provide as wide a variety of services and funding as possible. If there are those areas where State, local, and Federal combination, or private agencies or public agencies can work together, we ought to take ad-

vantage of this opportunity.

Mr. Jones. Yes. I appreciate that, and quite agree with that. All I am suggesting under 305, Joint funding, is that the non-Federal share requirements apply to both the governmental entities as well as to individuals and private institutions or organizations. There is another section which gives the director the authority to—although it is not mandated, set a guideline wherein he can require a non-Federal share up to 25 percent, I believe. I will get to that point later.

Senator Bayh. But, if you look at section 305 it says "In such cases, a single non-Federal requirements may be established...."

uses, a single non-rederal requirements may be established. . . ." Mr. Jones. I realize this; I have indicated it is not mandated.

Mr. Jones. I realize this; I have indicated it is not manda Senator Bayii. Well, that is exactly what you did say.

Mr. Jones. No. I am not suggesting it requires them to; but when you read that section together with section 407, that would be in title IV——

Senator Bayn. If I may read that-

Mr. Jones [continuing]. The director may require. I am looking at (d) now, 407(2)(d) which is—

Senator BAYH. But, let us read that in conjunction with the imme-

diately preceding section (c).

Mr. Jones. I appreciate that; all I am suggesting is that the language

might be clarified in such a way as to-

Senator BAYH. I think this is really an insignificant matter compared to a lot of other things that are in the bill and that you have testified to. Let us work out some of this procedural language at the staff level and not take a lot of time here.

Mr. Jones. Yes. But let me just say, Mr. Chairman, that the history of the use of non-Federal share requirements has been such that private entities are increasingly finding it more difficult to meet the re-

quirements, and although the act's language does not mandate a non-Federal share of 25 percent, it is written in such a way as to conceivably encourage—especially considering past and present practice. A director to establish 25 percent, or 20 percent, as a non-Federal share. I would suggest that perhaps the statement, with a reduced guideline of 10 to 15 percent, if you will, might be appropriate.

Senator Bayn. We would be glad to have any suggestions as to language that might improve the legislation. We are trying to make an entirely new history here, to cross over new horizons and thus ex-

pand opportunities, not to limit.

Mr. Jones. I appreciate that full well, Mr. Chairman.

Moving then to title IV, Federal Assistance for State and Local Programs, Part A, Formula Grants. We heartily endorse this part of the bill, which is perhaps the most important, as far as the long-range implementation of the program is concerned. While keeping juvenile delinquents in their own local communities for treatment is widely considered helpful to rehabilitation, it has been difficult to encourage application of funds on innovative, noncoercive programs, rather than on expansion of prison facilities. The provisions of formula grants would insure that local communities receive a substantial amount of the funds and, more importantly, that they apply at least 75 percent of the funds to advanced techniques, such as community-based efforts, foster care and shelter care facilities, probation subsidy, or drug abuse programs. There would be no danger of the funds being wasted by the localities on projects not within the purpose of this bill, which has occurred with some other programs.

We would like to point out the pitfalls as well as the great benefits of Section 403(a)(9), which provides for maximum utilization of existing State delinquency programs, such as education, health and welfare. For example, most public schools, unfortunately, do not undertake to resolve readily identifiable problems of children in the early grades of primary school. Instead, they dump the child into the juvenile system for rehabilitation. Once the child gets within this system he is often caught between and is not helped by the various State agencies who are to care for neglected, disturbed, and delinquent youngsters. A major switch, away from the juvenile court and postadjudicative system to preschool and early primary grade therapy to provide individual, group, and family therapy for those youngsters whose early acting-out seems to indicate a career within the juvenile

justice system is long overdue.

At present, the educational conglomerates in major metropolitan areas are filled with programs which too often actually accomplish nothing for the participating youngsters. And, instead of being worked with, many children are thrown out of school. Perhaps subsection 9 should be amended to provide that not more than 10 percent of any funds earmarked for programs within the education, health, or welfare bureaucracies can go to salaries of other than line-personnel, or that some contribution be given to a provision that would insure that funds are used for the purpose for which they are authorized and appropriated.

This section, authorizing funding for grants to public and private agencies and individuals, should help develop new approaches to prevention and treatment of juvenile delinquency. We approve particularly of the provision for long-term funding under Section

307(b), which would give greater stability and effectiveness to these programs, but would still be subject to annual evaluation. One of the difficulties that the Legal Services Program has always had, and that the Corporation for Public Broadcasting is now wrestling with, is the lack of multiple-year funding so that plans can be made for stable,

long-range programs.

Turning to title V, the National Institute for Juvenile Justice: The idea for a National Institute for Juvenile Justice is an excellent one, we believe. In its function as an information clearinghouse, it would remedy problems in our present juvenile delinquency effort which are caused by the lack of a central source of information. In its research and evaluation functions, it would be an invaluable aid to program development. Its responsibility for training programs for juvenile justice system personnel is also vital because of the need to

upgrade the present treatment of juveniles.

In conclusion, may I say the necessity for uniformity in the legal procedures governing the treatment of juveniles in all stages of the adjudicatory process cannot be overemphasized, we believe. We strongly support this bill's effort to create national standards of juvenile justice which will replace many States archaic and often unjust juvenile laws. The staggering increase in juvenile crimes is a grave problem, requiring immediate action. The National Legal Aid and Defender Association feels that there is an urgent need for adoption of this Juvenile Justice and Delinquency Prevention Act.

Thank you, Mr. Chairman and staff. I congratulate you on what we

believe to be an excellent proposal. Thank you.

Senator Bayh. Thank you very much, Mr. Jones. I appreciate your examining the legislation with the degree of particularlity that you have. As I suggested earlier, I hope we can work out some specific language to deal with the possible shortcomings which you specified.

Mr. Murphy.

Mr. Murphy. Thank you, Mr. Chairman.

Senator Bayn. I want to say first that as I recall you recently won the Reginald Heber Smith Award for outstanding work in the entire area of juvenile reform. I want once again to compliment you on that honor. I also want to say for the record that we had the benefit of your testimony in 1971 concerning the juvenile correctional system. Your testimony was outstanding then and we are glad to welcome you back again.

Mr. Mureuy. Thank you, Mr. Chairman.

Our office is a local office in the Cook County area, and we have litigated cases successfully in every court from the U.S. Supreme Court where we won one case and now have three pending on certiorari, down to the lowest court in Cook County. As such, we are merely lawyers, and we consider ourselves lawyers, and we do not like to talk too deeply about social problems. I like to follow the dictum Thomas Merton gave in one of his books, and that is a poet can be a saint only by being a great poet first; likewise, although we will never be saints in our office, we will only be good people by being good lawyers, and we try not to play around with social problems.

I would like to discuss two aspects of the bill as a lawver, from a

practicing point of view as one who has practiced in this area.

First, it seems that the bill concentrates on predelinquents, neglected and dependent children, as well as delinquent children. I congratulate you on that. From what we have seen of the public and private institutions in our lawsuits. I think that the concentration on the community based programs for children and families is a very good idea.

Senator BAYH. Could you give us any suggestions which might anticipate problems where we would need to provide an adjustment of our proposal as far as the running gears to give it legal authority to deal with predelinquents? You are absolutely right, that we are trying to deal in this bill not only with the delinquent in the traditional sense, but also with troubled children before they become delinquent. Does that give us any drafting problems with the

legislation?

Mr. Murphy. Well, one problem I have with the bill is the concept of fault which exists in all juvenile proceedings. For instance, in Cook County, 28,000 petitions were filed last year; of these, 6,000 had to deal with neglect, and an additional 8,000 had to do with the incorrigible type child. Of all of these delinquency matters, many, if not the great majority of them, dealt with children having problems such as breaking windows, and getting into fights. If I was arrested when I was a kid, on that kind of thing, I would have a sheet eight pages long. We apply the law to those people that are poor people, and to those people that we do not think are disciplined. If society says we are going to use the court as a disciplinary measure, I will go along with it, since I am a minority member of that society. However, when the result-

Senator Bayn. How would you provide the discipline?

Mr. Murphy. Well, that is the point. Criminal matters are worked out between the parties, and worked out in the street, if not in the major municipal courts with supervision or a fine. Criminal courts are a last resort. We have developed a juvenile court, and it was developed by people with good intentions so that we can take poor people, people who were not in the middle-class terms disciplining their children, and then somehow send them through the court, and magically they are going to be regurgitated as middle-class citizens. It seems to me that we should concentrate our resources in the

Let me give you an example. We represented a welfare mother recently who was raising five children. She was very, very poor, and she did not have enough food in the house. However, she claimed she did, and I am sure that she did not, but all of these children were doing well. They were all attending school; none were being physically abused. Well, the welfare department came to her apartment, and the Children and Family Services services neglected children in Illinois, and the police came and they said you do not have enough food in the house. Now, the simplest way to resolve the problem is to give the woman more food. However, because we have this concept of fault, we take the children away. We file neglect charges against the mother and we put the children in foster homes which

costs the State of Illinois \$140 a month, and costs the Federal Government about 90 percent of that \$140 a month, so 5 times \$140 is what it costs.

Now, in this particular case it was a tragedy. One of the children was placed in a foster home where the foster mother, like too many, are not too good, and she scalded the child to death by placing a 1-year-old child in a bathtub of scalding water. She did not do it on purpose. It was negligence. But, again, the way to have that problem resolved, it seems to me, is if the woman does not have enough food, give her food. Give her something that will allow her to buy more food.

I am off the subject here, but let me stay off it. If we are talking about ways to resolve problems, it seems to me that you get rid of all the bureaucracies. Right now we have got tons of vertical bureaucracies. We have the Department of Mental Health that takes care of little kids' mental health problems as well as big kids' mental health problems; we have the Department of Corrections, and we have the Department of Children and Family Services to deal with the neglected, and the Department of Youth Services, and we have the Welfare Department, the Juvenile Court, the Probation Department, and the Board of Education. Initially we see those kids come through the Board of Education, in the early grades, and they have behavioral problems and what have you, and the board degurgitates them out to the mental health institution or to the Juvenile Court itself where then the Juvenile Court acts as the heart. It just pumps kids to the various organs. It might pump the kid to the correctional facility, it might pump him to the Department of Children and Family Services, or to the neglect department, or mental health, or the Probation Department. If, in fact, there is no real act, if, in fact, the kid is not a delinquent, and if, in fact, he is not the victim of serious physical abuse, there is no reason, it seems to me, why the problem should not be resolved in the community and only as a last resort in a court. And it seems to me we have to work on a horizontal basis for all children under a certain age, the age of 9. School should perhaps be ungraded or graded, if you will. but separate from the Board of Education. Everyone in that horizontal level that deals with the family and problems, the children, and the teacher trained family therapist, and the social workers, and if she sees a child who has a problem, a problem child, immediately she can work with the child and the family. There is no reason why we cannot take the child out of the home temporarily. Right now to take a child out of a home we need a finding of neglect. There is Federal litigation and regulations that we have in litigation in the Federal courts in Chicago. If you are not on welfare, a parent can go to the State and say would you take guardianship of my child temporarily and the State will do that. If you are on welfare in Illinois, and in all States, you must go to a court and admit you neglected your child, whether you did or not, and then receive State assistance. And this is ridiculous, but it sets into effect a whole series of events which I could sit here and take up 3 days of testimony giving you example after example after example. I could give you examples of children who went into the system because the mother was forced to

admit to neglect, and then the system turns around and accuses the mother of neglect after having forced her into admitting it in the first place to receive assistance, and degrading the child by sending him to a mental institution. We have a suit against the department of mental health in Illinois. According to their own testimony, 80 percent of the youths in their institution were not in need of mental health treatment, and neither were disturbed nor retarded, yet they

were there because of the lack of viable alternatives.

>

Senator BAYH. We recently had a description of the way in which children in this city are being referred to mental wards as emotionally disturbed. I hope you will let us have some specifics on how our bill can minimize the problems you discussed. Let me ask you how to get around another problem. I was up at Lehigh University last Saturday for a symposium on youth alienation at which I discussed juvenile justice. In the discussion session afterwards some of the teachers in the community explained that in their experience the way in which juvenile files are kept confidential prohibits the teacher from knowing which children really need extra guidance and comfort in the classroom. If the child is a school problem, then obviously the teacher is aware of the need to pay some extra attention to that child. But if the child is picked up for shoplifting or for joyriding there is no way that the teacher has any notice at all that some special attention needs to be given to that child. How do you make it possible for that teacher to have the opportunity to give extra care without violating the rights of the child?

Mr. Murphy. Well, I do not know. I do know in the present system, where again I can only talk about one large metropolitan area, Chicago and Cook County, I do not know if it is really a good idea for the teacher to have that anyway. Number one, if the child is convicted and placed on probation, even if he or she is not and there is what is called a social investigation ordered, the probation officer will go out and talk to the teacher anyhow, or at least call so that the teacher will have knowledge. The shroud of secrecy surrounding the juvenile proceedings is more literary than actual in my experience.

Just about everybody knows anyway.

Senator BAYH. Does the child have to be convicted first?

Mr. Murphy. No, I agree if the child is not convicted and there is no social order, the teacher would not know about it. I believe children should be kept out of the system as much as possible. From my own experience, the more various parts of the system that know about the child, the deeper into it he gets. In my own clients I frankly try to keep everything about them as secret as possible from the various

components within the system.

The one real criticism I was telling Frank Jones about before the hearing today, which I have of the bill, and it is not a criticism because I think the bill is good, but I really think the juvenile court was originally a mistake. I think that it has been a noble experiment, but it is a mistake. I just do not think we can ever make it work no matter how much money we pour into the system. And insofar as this bill seems on the one level to support that present system. I think it is a mistake. But, insofar as it does not, that your emphasis is on community resources, particularly resources within the community before the fact, no concept of fault with no reliance upon the juvenile court, then I think it is a very radical departure from what we now have, and a very innovative type of bill which would bring about great change in the future.

Senator BAYH. You would prefer to have no juvenile court at all? If the child took a car for a joyride, that child would be subject to

criminal prosecution in an adult court?

Mr. Murphy. I would love to represent a 12-year-old boy in a jury trial. We go back to the real reasons for the juvenile court. It may have been twofold. Number one, those kids represented by lawyers were probably winning a lot, and, number two, there are not many judges that are going to send a little boy away to jail. It just does not happen that often. That made a lot of the settlement workers, and social workers in the Chicago area upset, because these children were in need of discipline which only good parents can provide. What happens to an adult who goes joyriding? What happens to the adult if he is given supervision by probation? What happens to a child? We do not look at the nature of the crime. I have represented a child who spent 4 years in a maximum security institution and 9 consecutive months in solitary confinement for breaking a window, and he was 7 years old. He got probation at 10 and he went away, and so that by the time I got him he was a vicious criminal. No. I think I would much rather see my clients prosecuted, and given the rights that adults have, and I will do a good job, because as I say, no one is going to send away a 15-year-old boy.

I am taking it to the extreme. I think that the boy who joyrides should be brought to court, and maybe punished, maybe given 2 weeks in the local detention center. It is better than trying to rehabilitate him because we do not rehabilitate. There is not any such thing. If in fact you have these community resources, and the boy does commit a crime, refer him to the community centers, along with those children who need assistance but have not committed a crime. There are some people who are thugs. I represented a boy who had a thing for shooting other little boys that come out to his turf. We represented him several times successfully, and one time the witness lived to testify against him. He went to the department of corrections, and he was out after 3 months because we work on the carrot and stick and behavioral modification, and he would grease his way through very easily. In contradiction, the one boy who went away for a mimimum offense and spent 4 years, the carrot and stick approach worked against him. He was not shrewd enough to grease his way through the de-

partment.

Senator BAYH. Grease his way?

Mr. Murphy. Grease. You know, behavioral modification is, as you probably know, that if you do what you are supposed to, you are rewarded, and if you do bad you are punished. If someone is placed in an institution, private or public, and does good he goes up the line, and if he does bad he goes down the line. So, if you go in for aggravated battery, as my client did, shooting someone in the back and tell the guards the right thing, and shine your shoes, and do not wear naturals, and keep your hair short, you are out of the system quickly. This lad was out in about 3 months.

Senator Bayn. That is what you call greasing your way?

Mr. Murphy. You grease your way through the system. That is what the kids call it.

Senator BAYH. All right. I am sure that is what Webster calls it, too, but I just had not gotten that far along.

What percentage of the children with whom you deal need some

type of detention?

Mr. Murphy. I would say very, very few that we have represented, in my judgment, need detention. And without trying to sound dramatic, I would say that those that did were those who were in the system the longest period of time, like the lad who went away for breaking the window at seven. By the time he had spent 4 years in maximum security institutions he did, in fact, need detention because he was a real danger to society. In fact, we got him out and within a year he was charged with rape and aggravated battery, and he was caught. I do not know what happened to him ultimately, but he went to the criminal court. He was caught right on the scene. One wonders whether he would have gotten like that had he not spent so many years being Pavlovianized by the system.

Mr. Jones. Mr. Chairman, I have been chafing at the bit to address myself to questions you have raised. As a teacher for some 6 or 7 years, and as a lawyer who has represented an awful lot of children in juvenile court, and the same juvenile court to which Mr. Murphy refers, I hold a different view. I think first off that the proposed legislation here does, in fact, try to get at the problem of the systems not working. There is no question but that the juvenile court system has not worked. I am of the view, however, that that is probably largely because never have we really tried to make it work, that our so-called

attempts have been illusory.

With regard to the question of teacher's inability to get to the records, it seems to me, and I would agree with Mr. Murphy here, that teachers probably should not get directly into the records. It is, the inability of the teacher to get to the record is sort of, I believe, a function of, at least to some extent, of an effort or lack of effort to assist the children. It seems to me the teacher's place, and the place to begin to get on the record whatever information she or he needs is with that child, with the parents and those teachers who do care about the students in their classrooms, and do have a rapport and a relationship with the parents of the child, and present the approach to the question of assisting the child as the teacher-parent team, which makes available to them all the information that they would require in order to help the child if, in fact, and if, indeed, that is what they want to do. It is not necessary for teachers to have access to the records of children in juvenile court in order to be able to assist them, because there are other avenues by which necessary information can be obtained, for example, from the child, the parents, or other teachers.

You asked in your first question. I believe, about the legal problems involved in trying to help the predelinquent child. I would think that the school system is a fertile place, and perhaps probably the best place, at which to link authority to the predelinquent child, through the procedure of "blue-slipping" children. "Blue-slipping" is a pro-

cedure used to identify a child who has disciplinary problems consistently. He or she is then given psychological tests. Such a procedure in and of itself does not necessarily work because the system itself. the quality of the tester, and the quality of the entire school system almost mitigates against its working. However, the procedures structure can be useful, and in terms of getting legal authority to work with the predelinquent child, it seems to me that this existing procedure might be a viable means by which to get to the predelinquent child. In other words the present practice of "blue-slipping." could be used in recognizing the problem child and beginning to assist him immediately. It seems to me that this legislation could effectively

utilize the school system's existing procedures.

Mr. Murrhy. If I may just make one more comment, Mr. Chairman. Right now there is a certain amount of racism among the system itself, and I do not like to use that word because I think it is an overused word. But, let me give you an example in Illinois, and I can only talk from personal experience. We have so many children who are wards of the State pursuant to neglect petitions, whether there was actual neglect or not, and in most cases there probably was not. It is a matter of assistance. The State of Illinois, as most other States, does not have their own resources and they depend upon private institutions. They purchase care at costs enywhere from \$20 to \$70 a day, sometimes lower for the child, and most of these private institutions are former church groups, most are in suburbs or in the country. We are presently preparing a civil rights suit in this area. They will not accept more than 50, or 15 or 20 percent of the student population that is black or brown. Now, the rationalization for this is perhaps not invalid from the logical point of view, if not the constitutional point of view, and that is that we could not exist out here if the school were 50 or 60 percent black, although we know the need is there. However, these same private institutions tend to be made up of the professional social work fraternity who, indeed, in fact run the State social agencies who are influenced through their countparts so that the racism is a de facto type thing, and everyone says, well, we have to go along with it because we cannot shut down the system. Now, since I really do not like these institutions anyway, we have no great objection. The problem is who are the kids who end up in the mental hospitals? Though the percentage of kids in private institutions might be 70 to 30 or 80 to 20 or 90 to 10 whites and blacks, when we go to the mental hospitals we find the percentage topsy-turvy around. Of the clients that we represented who did not belong in mental institutions close to 90 percent were black. Recently we had litigation against some Texas institution which the State of Illinois had employed and sent children to. We found out that they were paddling them, and they were using solitary confinement, and they were using drugs to control the youngsters, 500 of whom Illinois had sent to this home. The State was paying \$3.5 million for the private institutions down there and again approaching 70 percent of these youngsters we sent out of State were black because we were out of institutions in the State of Illinois to take care of them.

So, again, there is another great pitfall here. We can rely too much upon private resources and, in fact, there is a continued very

quiet and perhaps de facto discrimination going on.

Senator Bayii. Let me pass further questions right now and have a chance to reflect on what we have said here. If I may, I would like to be able to call on you gentlemen as we go ahead through the legislative process. I hope you will be very candid with us, and feel free to make suggestions as to how we can perfect what we are trying to do. I appreciate very much your taking the time to be with us. It helps to have some of you who are in the trenches, like those out in the front lines directing artillery at the target. Some of us back here in Washington feel like we are pretty detached from what we are actually shooting at, try as we do to get out and visit, and see things and talk to people who have been in them. It is nothing quite like being involved as one of you gentlemen in the day-to-day witnessing of the problem. And for that reason you have made a significant contribution to our efforts, and I hope you will continue to do so.

Mr. MURPHY. It is always a great pleasure for one of the privates to come back and talk to the generals about what is wrong, so thank

you very much, Senator.

Senator BAYH. I must say I have to throw a quick disclaimer, not from Senator Bayh but from Pfc. Bayh in a situation like that.

Thank you very much.

Mr. Jones. Thank you very much, Mr. Chairman.

Senator BAYH. Thank you.

[Mr. Jones and Mr. Murphy's prepared statement is as follows:]

STATEMENT OF FRANK N. JONES, EXECUTIVE DIRECTOR OF THE NATIONAL LEGAL AID AND DEFENDER ASSOCIATION AND PATRICK MURPHY, DIRECTOR, JUVENILE COURT LEGAL SERVICES CHICAGO LEGAL AID SOCIETY ON BEHALF OF NATIONAL LEGAL AID AND DEFENDER ASSOCIATION

Mr. Chairman and members of the Subcommittee, my name is Frank N. Jones. I am the Executive Director of the National Legal Aid and Defender Association. Appearing with me today is Mr. Patrick Murphy, Director of the

Juvenile Court Legal Services, Chicago Legal Aid Society.

The purpose of this statement is to place before this Subcommittee the official views of the National Legal Aid and Defender Association with respect to Senate Bill S. 821, to be entitled the "Juvenile Justice and Delinquency Prevention Act of 1973." NLADA was formed in 1911 and presently counts as members about 900 law offices engaged in civil practice and 350 offices involved in the defense of the criminal accused. It is a national non-profit corporation whose purpose is to ensure equal justice and quality legal representation for the poor in civil and criminal cases. It does this in part by providing technical assistance to the over 6,000 legal assistance lawyers working throughout the United States representing indigents in court. NLADA's National Law Office in Washington D.C. is working for needed reform in the treatment of juveniles and in our nation's prisons. Its Board of Directors and Executive Committee are composed of leaders of the Bar from every section of the country.

In preparing our comments on the "Juvenile Justice and Delinquency Prevention Act of 1973", we consulted with the National Juvenile Law Center of the Saint Louis University School of Law, St. Louis, Missouri and the Youth Law Center, San Francisco, California. Both of these organizations are funded by the Legal Services Program of the Office of Economic Opportunity as back-up centers for the 265 operating programs throughout the country. Their expertise is well recognized in the poverty law field and their analysis is

incorporated in this testimony.

The proposed legislation has attempted to deal with the ever growing problem of juvenile delinquency and recidivism by a comprehensive program which should be highly commended. We strongly adhere to its findings and endorse its purposes as set out in Title I.

Our nation has long been lacking the resources and leadership needed to improve the quality of justice for juveniles and to develop effective ways of preventing juvenile delinquency and rehabilitating those already delinquent. The state and local agencies both public and private have, in the past, been largely unable to implement programs which effectively dealt with juvenile delinquency. Nor have the existing Federal programs been able to meet this crisis. For this reason, action by the Federal Government is vitally necessary in order to guarantee justice to juveniles everywhere in our country and to effect a coordinated and organized attack on the problem of juvenile delinquency.

NLADA's enthusiastic support of this bill centers around its emphasis on noninstitutional, community-based alternatives for youths who are threatened with, or are already part of, the juvenile justice system. Our reservations are minimal and perhaps unfounded. There is no specific provision within the bill for legal services for juveniles particularly for those juveniles who are already caught up within the system. We would also like to point out that section 403(a)(9) could well be a two-edged sword full of pitfalls but also a crucial provision in the bill which could greatly reform the juvenile justice system.

LEGAL ADVOCACY FOR YOUTH

Although several sections with S-821 given inferential support to legal services for youths, we feel that this area is so important that a specific provision under section 403(a)(10) should spell out this priority. The case of In Re Gault specifically mandates that counsel must be provided for accused juveniles, but there are no constitutional and, to a great degree, statutory provisions for counsel for youth not charged with a delinquency but brought within the juvenile system (i.e., on charges of neglect, truancy, incorrigibility, etc.). Moreover, and more importantly, there is a guarantee of legal services for youths once they are brought within the system itself.

Throughout the past several years, Legal Aid Society of Chicago has represented many children who have been thrown into the system as neglected, runaways, incorrigibles, and delinquents convicted of petty offences. Many of these children were brought into the juvenile justice system at such early ages as eight, nine, and ten years of age. Many have been treated in cavaller fashion once they have been ingested into the system.

The institutional heart of the system is the Juvenile Court, the agency that has been created by the state to act as a kindly parent for these children. The heart, however, has continued to pump at an increasingly faster rate, without particular regard to the functioning of other organs within the system. The Court, because it is in the child's apparent best interests, make the necessary adjudication and pumps the child into the system where it is presumed he will receive the best of all worlds.

Other organs of vital significance to the system are the state agencies designated to care for neglected children, children in need of mental health care, or private charitable organizations. It has been our experience, however, that these agencies are so bureaucratized as to limit, if not foreclose, their vitality. They fail to communicate difficulties or failures back to the Court so that the elusive "case custody and discipline similar to that which a parent should provide" is never quite achieved. Even if the Court is made aware of a post-adjudication problem, it is hard pressed to do anything about it. It functions rather as a rubber-stamp for the decisions of child-welfare agencies, or a traffic cop, directing a child's transfer from one placement center to another.

Chicago Legal Aid currently represents an 18-year-old who has been through the Court and subsequently been channeled into three state agencies. He was made a ward of Cook County Juvenile Court at age six, and during the next twelve years, he was placed in a foster home for six months; a pre-trial detention center for delinquents for four months at age seven; another foster home for four years, where he was rejected after he alleegdly killed the family cat; back into the pre-trial dentention center for two months; into another foster home for six months; back into the pre-trial dentention center for four months; another foster home for two months; into a state mental institution for approximately eight months; a pre-trial dentention center for juveniles; an institution maintained by a private charitable organization in southern Illinois for ninety days; at age eleven into a mental health center in southern Illinois for three years, the first one and a half years of which was spent on an adult male ward where he was frequently subject to homosexusal attacks; back to the pretrial detention center for juveniles; a foster home for two weeks; a mental health facility in Chicago for a year and a half; and, at age 18, into a halfway house for geriatric mental patients, at which time the State child welfare agency responsible for his care sought to petition the Court to relieve itself of his guardianship, having discharged its "parental"

obligations for twelve years.

•

The juvenile "justice" system differs from the criminal justice system in many respects, but particularly in the respect that it, unlike the criminal system, seeks to "save" people. The juvenile system does not screen cases according to whether they are contested matters which belong in a court of law. In the criminal justice system, if a petty offense is committed, it is settled sometimes in the streets by the parties and/or the police or at the lowest municipal court level by a small fine or supervision. Unfortunately, within the juvenile justice system, children are brought into court frequently not because of the seriousness of the offense but because their teachers or family are unable to discipline them. Hence, they may be tossed into the system not because they have committed offenses of a serious nature, but because their parents cannot raise them properly. An adult within the penal system is released when his time is up, whereas the child might remain in because even though he has been convicted of a non-criminal offense, he continues to exhibit some type of "anti-social behavior" (anything from adolescent homosexuality to continued fighting), and the parents are not in a position to take him home.

James Butler was a youthful leader of a street gang on Chicago's west side

James Butler was a youthful leader of a street gang on Chicago's west side who was charged on several occasions with aggravated battery. On one of these occasions, he was convicted and committed to the Department of Corrections for shooting another youth in the stomach because that youth had encroached on Butler's "turf". Three months later, Butler was back on the street, He was released because of the behavioral-modification methods which practically every institution employs to "rehabilitate" children. This is a more sophisticated version of the carrot-stick approach of child rearing. If one is good, he is rewarded, if bad, he is punished. The problem lies with who decides what is good and what is bad. Butler, being sly and street-wise, knew exactly what to do and say in order to grease his way through the Department of Corrections quickly. Moreover, his parents were in the community and did, in fact, want him back home. His rehabilitation did not last two weeks, however—he was shot and killed in another gunfight a few days after his release.

Carmen Tate was sent to the Department of Corrections at age 12 for being a runaway. His stepfather and the judge told the mother it would be better if Carmen were sent to the Department of Corrections, where the State would provide custody and care and rehabilitation for Carmen. It was almost irrelevant that it was not Carmen who needed rehabilitation, but his father. Once Carmen was placed in the correctional system, he was treated like the rest of the boys. However, he became increasingly bitter over his incarceration when, in fact, he felt he had done nothing wrong. He would not go along with the authorities and shortly, became involved in black power rhetoric. Again, the fact that this was merely rhetoric was lost on the DOC officials, who kept sending him to increasingly more secure institutions, until at age 13 Carmen ended up in the Illinois Industrial School for Boys.

This is a maximum-security institution surrounded by two twenty-foot chain fences topped by about eight-foot rolls of barbed wire. Inside the compound stand four stark cell-blocks built seventy years ago. These do not differ from cell-blocks in the Illinois State Penitentiary. The cells are approximately, 5' x 9', with either barred or solid steel doors. Solitary confinement, which has been euphemistically called "segregation", "confined-to-room", or "reintegration unit", is used much more extensively than in the adult division because, of course, it is to rehabilitate and not to break a person. Carmen spent almost three years in this institution, the last nine months in solitary confinement. During this three years, he was in solitary on innumerable occasions for periods of one day to three weeks (exclusive of the nine consecutive months). Like the rest of the boys, he was injected with powerful tranquilizing drugs on several occasions. Carmen did not suffer this fate as much as others, who received as much as 800 mg. of thorazine for 30 or 40 consecutive days intramuscularly. (One boy, a severe asthmatic, died after being injected with doses of the drug on eight consecutive days.)

The reason Cermen spent nine consecutive months in solitary was that he had attacked and seriously injured a guard. After the nine months in solitary,

he was pled guilty in a downstate criminal court to one to two years in the Illinois State Penitentiary, with the nine months considered served. Four months later, he was paroled. Thus, after spending four years in penal institutions because his father did not want him back home once he got involved in the "juvenile justice" system, Carmen was finally released from the system by committing a crime for the first time in his life. Indeed, if he had not committed that offense, he might have stayed within the juvenile correctional system until he reached 21.

Chicago Legal Aid represented another girl, Pamela, who was adjudicated a neglected child at age 10 because she was having difficulties in school and her mother, with whom Pamela lived alone, could not adequately care for her in the view of social workers. After spending two years in the temporary detention home for juveniles, Pam was placed in a state mental hospital where on two occasions she was tied to her bed for 28 and 31 consecutive days. Later, she was placed in the Department of Corrections for slapping a matron in the state mental hospital, and three and a half years later, she still remains in that same correctional facility because her mother will not take her back and because of her background in corrections and mental health, it is not possible to place her in a foster home. She will undoubtedly stay within the correctional facility until her 18th birthday, another year and a half. Recently the Chicago Legal Aid Society won an appeal in the U.S. Court of Appeals for the Seventh Circuit which held that Pamela could employ the federal courts to sue for money damages against state employees for negligence in caring for her.

Cook County is probably better than most metropolitan areas providing counsel for juveniles within the Cook County Juvenile Court. However, counsel remains only until the adjudication. Once that occurs, the child is left without anyone to guide him or her through the justice system. We rely upon the good intentions of bureaucratized do-gooders. Probably the most important state for counsel for a juvenile is after there is a finding of neglect, delinquency or incorrigibility to ensure an appeal or, more importantly, that the cheild does receive at least minimally adequate treatment. In Illinois, the statute provides that care, custody and discipline must be given to a child similar to that which a good parent should provide. Of course, this statutory mandate is unreasonable and cannot be adhered to. However, once the state pierces the veil of familial privacy to take a child from a home, the child should constitutionally be entitled to a least a minimum standard of care. He should be afforded the right to counsel so that he is assured of receiving the minimum standard of treatment.

Although administrators of public and private agencies do not like to have lawyers looking over their shoulders, when we are talking about juveniles whose parents have either disowned them or have no parents, and who must rely upon the largesse of state and private bureaucracies to provide even minimum care for them, we believe it is absolutly essential that these children be protected against the vagaries which too often beset large bureaucracies. The fact that what happens to the children is a matter of non-feasance rather than malfeasance makes no difference, the effect upon the children is the same.

COMMUNITY SERVICES FOR YOUTHS

S-821 rightfully places a great deal of emphasis on community alternatives for children. These include halfway houses, settlement houses and family therapy. If the juvenile system has demonstrated anything over the past 73 years, it is that institutionalization, whether for delinquent, neglected, emotionally disturbed or so-called incorrigible or runaway youths, is fantastically expensive, and in a surprisingly number of cases, counterproductive. For instance, the pretrial dentention center for youths in Chicago which is a maximum secutity facility, originally built purportedly for those charged with serious delinquent acts but, until just recently, housed more runaways and neglected children than serious delinquents, costs the county \$28.50 per child per day to operate. The annual average cost per inmate in the Department of Corrections in Illinois for juveniles was \$20,000 per year, per inmate. A state mental health program set up for juveniles costs over \$100.00 a day, per juvenile. Recently, a private charitable organization near Chicago which had charged the state \$35.00 a day, per child, for an alleged "structured therapeutic atmosphere." raised the cost to \$70.00 per day, per child for those children who have "emotional problems."

There are various types of children who get caught within the web of the juvenile justice system and end up in the various institutions, unfortunately, too often, with little regard to the original charges. As pointed out above, it is not uncommon to see a runaway spend years within a correctional facility while a serious offender is back on the streets within a number of days. We are not arguing that it is wrong to parole the serious offender quickly, but we are stating that it makes little sense to institutionalize the runaway for years simply because his parents do not want him. Nor does it make any sense to institutionalize the youngster, whether in a correctional facility, mental health facility or orphanage when that child does not require institutionalization but merely a place to stay and live. Too often, children who are difficult to place are the real experts on institutions; correctional, mental health and orphanages. The Chicago Legal Aid Society has recently been involved in several cases involving just this type of youngster. One boy, John, was made a ward of the State of Illinois at age five via a neglect petition. His parents were dead, and he had no relatives. Between his fifth and fifteenth birthdays, John spent three months in the pre-trial detention center for juveniles in Chicago, a year in a foster home, another month in the pre-trial dentention center, another two months in a foster home, approximately one year in an orphanage, several more months in a foster home, eight months in an institution in Texas for neglected children (he was expelled from this institution after he allegedly killed a dog, for which he was punished by having the dog's tail tied around his neck for two weeks and being chained to his bed for several days), two years in a state mental hospital, although the staff at that hospital contin-ually insisted that he was not in need of mental health care, one year in another private charitable institution, three months in the pre-trial dentention center for juveniles, and finally, commitment to the Department of Corrections at age 15 for allegedly slapping a 220-pound guard in the pre-trial detention center.

Again, in Chicago recently, a suit filed by Legal Services uncovered the fact that, according to the Department of Mental Health, over 80% of the youngsters committed to their facilities were not in need of any mental health care. They were there simply because their state-appointed guardian or parents

dropped them there and then refused to remove them.

One of the most favorable aspects of the bill is its recognition of the failure of traditional dentention and correctional facilities to alleviate the problem of juvenile delinquency. The bill's authorization of substantial appropriations so that resources will be available at state and local levels would allow these local agencies to impement successful community-based alternatives to the currently counterproductive juvenile correctional system.

COMMENTS OF SPECIFIC SECTIONS-TITLE II-AMENDMENTS TO THE FEDERAL JUVENILE DELINQUENCY ACT

Sec. 5031-Definitions

The change in this provision—the deletion of "and not punishable by death or life imprisonment" is a great improvement, because it now guarantees treatment as juveniles to all persons under 18, regardless of the sentences carried by the crime, which vary widely from state to state.

Sec. 5032-Delinquency Proceedings in District Courts; transfer for criminal prosecution

This section is commended because it permits dealing with the juvenile in the Federal system when the state system is inadquate, but defers in general to state courts because federal courts and the federal correctional system have never been properly equipped to handle large numbers of juveniles. For this reason, in the past, Federal juvenile delinquents were often transferred away from their communities for treatment.

Present law vests absolute discretion with the Attorney General to prosecute juveniles in the Federal courts in adult court. The proposed hearing to determine the reasonable prospects for rehabilitating each juvenile would assure that no juvenile faced adult criminal prosecution unless absolutely beyond the scope of juvenile treatment. It would be advisable to require a statement of the reasons for such a determination, or set up standards. The proposed transfer hearing and the right to counsel at critical stages of the proceedings implement Supreme Court decisions and model juvenile code provisions.

Sec. 5033 and 5034—Custody Prior to Appearance Before Magistrate and Duties of Magistrate

These provisions, which guarantee many procedural safeguards for the juvenile, are also an improvement over present law. We are opposed, however, to the discretionary preventive dentention provision, and would recommend, at a minimum, that counsel be present at such a detention hearing, and that the juvenile be placed in the least restrictive dentention available if he is detained at all.

Sec. 5035-Detention Prior to Disposition

We feel that this is one of this bill's most significant and commendable provisions, as it recognizes that our correctional facilities have long been "schools of crime" which could only harm juvenile offenders. This provision is also outstanding with respect to its codification of the right to treatment of a juvenile detained before court action. (Martarella v. Kelley 349 F. Supp. 575, 598-602) (S.D.N.Y. 1972)

Sec. 5036-Speedy Trial

This section is also well advised, as it recognizes the harmful effects on juveniles of detention, which should at least be minimized before trial.

Sec. 5037-Rights in General

This section, like the others codifying recent court decisions, would assure uniform observance of the constitutional rights of an adult in a criminal prosecution for all juveniles. This is a critical provision, since the advantage of each accused person having the full panoply of his constitutional rights far outweighs the harm which may be done by making this juvenile proceeding more like an adult prosecution.

Sec. 5038—Dispostional Hearing

This provision gives the court wide discretion over treatment of an adjudicated delinquent; suspension of sentence, probation or commitment, or commitment to the custody of the Attorney General for study and observation for 30 days are all possible options.

Scc. 5039-Use of juvenile records

These provisions for sealing and destroying records of juvenile proceedings are fundamental to the treatment of these offenders as juveniles, rather than adults, and enables them to overcome their past encounters with the criminal justice system and go on to lead lives unfettered by the memories of childhood mistakes.

Sec. 5040-Committment 5041-Support

These prohibitions against commingling juveniles with adults and the commitment of juveniles without certain standards of care are excellent. It is strongly felt by many working in the area of juvenile problems that commitment to community based facilities is vastly superior to any other type of correctional institution.

Sec. 5042—Parole

This allows for the release of a juvenile as soon as possible (considering the safety of the community) clear of all *rehabilitation*.

Sec. 5042—Revocation of parole or probation

This guarantees to juveniles the right to a revocation hearing with counsel as recent court decisions have guaranteed to adult parolees,

TITLE III—NATIONAL OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PRÉVENTION

This Title, which establishes an office to administer all Federal juvenile delinquency programs and provides for joint funding, voluntary service, and personnel, has effectively dealt with one of the major problems plaguing programs of this type: lack of centralized responsibility. Because of this lack of any overall planning and policy body, efforts to combat juvenile delinquency have suffered from severe fragmentation in the operation of these programs. This title would solve this problem by providing the direction and centralized coordination necessary for a successful national attack on the juvenile crime crisis.

In Section 305, the reference to "non-Federal share" brings to mind a serious problem experienced by non-public entities who have tried to operate delinquency prevention, etc. programs under LEAA funding. It is extraordinarily difficult for them to meet local matching requirements if they are much over 10%, especially under LEAA regulations. Youth service bureaus in San Francisco have been forced to obtain foundation funding of their non-Federal share, which is very difficult. Public agencies, on the other hand, have no problem as they just assign regular staff time in sufficient quantity to make up the local share. This feature makes it difficult to implement the goal of S. 821 to develop non-coercive alternatives, since it is the innovative private agencies, which can best function in a community, neighborhood setting.

TITLE IV—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS PART A—FORMULA GRANTS

We heartily endorse this part of the bill, which is perhaps the most important as far as the long range implementation of the program is concerned. While keeping juvenile delinquents in their own local communities during the period of treatment is widely considered an aid in their rehabilitation, it has been difficult to force local communities to apply funds to innovative, non-coercive programs, rather than expanding present prison facilities. These grant provisions would insure that local communities receive a substantial amount of the funds and, more importantly, that they apply at least 75% of the funds to "advanced techniques" such as community-based efforts, foster care and shelter care facilities, probation subsidy, and drug abuse programs. There would be no danger of the funds being wasted by the localities on projects not within the purpose of this bill.

We would like to point out the pitfalls as well as the great benefits of Section 403(a) (9), which provides for maximum utilization of existing delinquency programs such as education, health and welfare within the state. For example, the public schools unfortunately do not try to resolve problems of youngsters that are readily identifiable in the early grades of primary school. Instead, they dump the child into the juvenile system for some type of rehabilitation. It is once the child gets within this system that he is too often caught between the various state agencies who are to care for neglected, disturbed, and delinquent youngsters. A major switch in impetus from the juvenile court and post-adjudicative system to preschool and early primary grade areas in which trained family therapists and teachers work together in smaller classroom settings to provide individual, group and family therapy for those youngsters whose early acting-out seems to indicate a career within the juvenile justice system, is long overdue.

The pitfalls of this provision are that presently the educational conglomerates in major metropolitan areas are chock full of programs which too often actually accomplish nothing for the youngster for whom the programs were originally set up. Children—are thrown out of school instead of being actually worked with. Perhaps subsection 9 should be amended to provide that not more than 10% of any funds earmarked for programs within the education, health or welfare bureaucracies may go to salaries of other than line-personnel.

This section, authorizing funding for grants to public and private agencies and individuals, should help develop new approaches to prevention and treatment of juvenile delinquency. We approve particularly of the provision for long term funding (sec. 407b) which would give greater stability and effectiveness to these programs, which would still be subject to annual evaluation.

TITLE V-NATIONAL INSTITUTE FOR JUVENILE JUSTICE

This idea for a National Institute for Juvenile Justice is an excellent one. In its function as an information clearinghouse, it would remedy many problems in our present juvenile delinquency effort caused by the lack of any centralized source of information. In its research and evaluation functions it will be an invaluable aid to the development of programs using new approaches successfully used by others. Its responsibility for training programs for those working in the juvenile justice system is also vital because of the need to upgrade the treatment of juveniles by those involved in the present system.

Conclusion

The necessity for uniformity in the legal procedures governing the treatment of juveniles in all stages of the adjudicatory process cannot be overemphasized. We strongly support this bill's effort to create national standards of juvenile justice which will replace many states archaic and often unjust juvenile laws. The staggering increase in juvenile crimes is a grave problem, requiring immediate action. The National Legal Aid and Defender Association feels that there is an urgent need for adoption of this Juvenile Justice and Delinquency Prevention Act.

Senator BAYH. We will recess these hearings pending the call of the chair.

[Whereupon, at 12:35 p.m., the subcommittee was adjourned, to reconvene on Tuesday, June 26, 1973.]

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

TUESDAY, JUNE 26, 1973

U.S. SENATE.

SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY, COMMITTEE ON THE JUDICIARY,

Washington, D.C.

The subcommittee (composed of Senators Bayh, Hart, Burdick, Kennedy, Cook, Hruska, Fong, and Mathias) met, pursuant to recess, at 9:40 a.m., in room 1318, Dirksen Senate Office Building, Senator Birch Bayh (chairman of the subcommittee) presiding.

Present: Senators Bayh and Cook.

Also present: Mathea Falco, staff director and chief counsel; John M. Rector, deputy chief counsel; Mary K. Jolly, editorial director and chief clerk; Nancy L. Smith, research director; B. Elizabeth Marten, secretary to staff director and chief counsel; Alice B. Popkin, special counsel; Catherine van de Velde, secretary; Lance Ringel, assistant clerk; and Michael Ward, Stanford Law School extern.

Senator BAYH. We will reconvene our hearings on S. 821, the Juve-

nile Justice and Delinquency Prevention Act of 1973.

The first witness this morning is the distinguished Jerry Wurf, the international president of the American Federation of State, County, and Municipal Employees.

Mr. Wurf, we are, indeed, grateful for your presence.

For the record, I have an opening statement which emphasizes the timeliness and the critical nature of our mission. I will ask that it be put in the record for the sake of time.

[The opening statement of the Chairman follows:]

STATEMENT OF SENATOR BIRCH BAYH

Today we hold our concluding set of hearings on the Juvenile Justice and Delinquency Prevention Act of 1973. I developed this bill in the 92nd Congress, when it was introduced as S. 3148, to create the desperately needed national leadership and commitment to provide effective responses to the difficult problem of juvenile delinquency in this country. At the beginning of this session of Congress, I was pleased to join with the distinguished ranking minority member of the Juvenile Delinquency Subcommittee, Senator Marlow W. Cook, in reintroducing a revised, improved version of this bill as S. 821. 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. The continually growing support for the Juvenile Justice and Delinquency Prevention Act since its introduction has been truly gratifying.

The supporters of S. 821 include many important voluntary agencies with long experience in dealing with the problems of children in trouble. It is particularly significant that this bill has received the unqualified endorsement of such major youth serving organizations as Boys' Clubs of America, Future Farmers of America, Girls' Clubs of America, the Young Men's Christian Association (YMCA), and the Young Women's Christian Association (YWCA). These agencies already have volunteers, facilities, and resources devoted to youth and the delinquency problem. These groups can and should be part of the coordinated

national approach made possible by this bill.

Our bill has also received the support of the leading organizations working in the field of juvenile justice, delinquency prevention, and rehabilitation. The National Council on Crime and Delinquency, which has expert knowledge of the nationwide scope of the delinquency crisis, is a strong backer of S. 821. The National Council of Juvenile Court Judges, which represents all American juvenile court judges, endorses this bill. The National Association of State Juvenile Delinquency Administrators, representing state officials in charge of delinquency services, advocates S. 821 as essential to advancing necessary state juvenile rehabilitation efforts. The National Legal Aid and Defender Association supports this bill as vital to improving the quality of juvenile justice in this nation.

This bill has already received enthusiastic approval of many other outstanding organizations concerned with needs of our nation's children, such as the American Parents Committee, the Association for Homemaker Services, American Humane Society, Citizen's Committee for Children, National Association of Social Workers, National Council for Homemaker-Home Health Aide Services, National Council of Jewish Women, National Congress of Parents and Teachers (PTA), and the Traveler's Aid Society. These groups recognize that the Juvenile Justice and Delinquency Prevention Act represents a consensus of juvenile delinquency

experts on the best ways to help children in trouble.

I am pleased to see that the witnesses here today will bring further distinction and expertise to our consideration of the Juvenile Justice and Delinquency Prevention Act. Mr. Jerry Wurf, International President of the American Federation of State, County and Municipal Employees, is well-known for the depth and breadth of this concern not only for the rights of employees but also for all human beings. We will also hear testimony from Mr. Auli, President of the YMCA of Honolulu, and Dr. Selby. National Executive Director of the Girl Scouts of America—two organizations with unparalleled records of service to the youth of our nation. Finally I take great personal pleasure in welcoming here two good friends and distinguished public servants, Mayor Miller of South Bend, Indiana, and Mayor Pastrick of East Chicago, Indiana. I look forward to hearing our first witness, Mr. Jerry Wurf.

Senator Bayn. I want to add a personal note beyond the data contained in Mr. Wurf's biographical sketch. It has been my good fortune for 18 years, now almost 19 years, to serve in various legislative capacities at the State and national level, and I have gotten to know a number of dedicated citizens in various capacities on both sides of the bargaining table, looking at it from a labor-management standpoint. It has been my good fortune to get to know Mr. Wurf personally and professionally. I know of no person who has done more to make it possible for a greater number of people to move up the ladder of opportunity than he has.

By the same token, I do not know anybody who has carried a bigger cross with more determination. The fact that you take the time to join us here this morning is a matter of honor and pride to this committee and to the chairman. Your recognition of the importance of the mission that this bill is designed to fulfill is a valuable contribution to our

efforts.

STATEMENT OF JERRY WURF, INTERNATIONAL PRESIDENT OF THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNIC-IPAL EMPLOYEES, AFL-CIO, ACCOMPANIED BY MARGIE SIEGEL, POLITICAL EDUCATOR AND ASSISTANT TO THE PRESIDENT FOR LEGISLATION DEPARTMENT, AND WILLIAM WELSH, POLITICAL EDUCATION AND LEGISLATION

Mr. Wurf. Mr. Chairman, you embarrass me, on the contrary, I am

so very pleased to be sitting here.

Senator BAYH. If I might just interrupt, I did not intend to embarrass you. We know each other well enough that you know I did not say what I said just for the record.

Mr. Wurf. What makes it even more embarrassing, sir, is your great

record for truth and veracity and decency.

Senator Bayh. Now there are two of us that are embarrassed.

Mr. Wurf. I am pleased that you have devoted yourself, both in the study and in the legislation now proposed, to a matter of such great concern which is not a matter, I am afraid, that will attract the kind of attention and headlines that are going on in another room in this building. But, you are dealing with a matter of tremendous importance to the well-being of our society.

Let me say that I think this is a matter that is worthy of great attention and concern, and a matter that has been pushed under the rug in a very irresponsible manner throughout my professional life. I have had a relationship with juvenile care and juvenile delinquency prevention since my earliest days in representing membership in our

union.

What I am going to try to do this morning, is very briefly remark on the legislation. And if I may, sir, remark not only about our institutional concerns with the legislation, dealing honestly and candidly with the pragmatic concerns of the well-being of the tens of thousands of people who will be affected by this legislation who are employees but also with the well-being of those who this legislation is designed to help and wish the well-being of the community in which they live.

Our unions' first concern is the manner in which juvenile justice is now administered. I am very pleased to see the distinguished Sena-

tor from Kentucky is here; good morning, Senator Cook.

Many members of our union are people who are low-paid workers involved with the system as it now works. Therefore, we are pleased that the goal of the bill introduced by yourself and Senator Cook is not an attempt to rationalize the present system. Rather that you are

presenting some positive alternatives.

My wife and I were reminiscing as we drove down this morning that in the late 1950's my car disappeared from its parking lot. Two or three days later I appeared in a courtroom where two 14-year-olds were accused of taking the car. And I remember without any real knowledge of what needed to be done, and what the problems really were, flatly refusing to sign the complaint so that the juvenile justice system of the city of New York could go to work on these two 14-year-olds.

The prosecutor was so angry at me that he told me that I would not get my car for a year if I did not sign the complaint. The police officer uttered words that I could not distinguish, and the judge called me to the bench and told me I was wrong and frustrating justice and so on. And I remember saying instinctively to him: "Judge, if you ever walked into a juvenile institution where I have organized workers, you would never sign a complaint, you would never turn children loose into this system." As a result of this incident I was editorially castigated by a New York City newspaper for being opposed to the administration of justice in New York City while I represented employees in the justice system.

In the many years that have passed since that comparatively trivial incident, to those of us who have been able to watch the system work as employees, as representatives of employees, our distress increases all of the time. The system is frequently more concerned with isolation of those who run afoul of the system and perhaps even punishment for those who run afoul of the system while pious words are uttered about rehabilitation which is more in the form of hope than is realized

practically.

Let me say that our union unequivocally supports institutional reform. Our union does not take the traditional view that the status quo is to be defended at all costs. Our union supports real reform. We support reform not only in the area you are dealing with this morning, but support reform in the health care delivery system, in the mental care system and so on. And we run into great difficulties because we think these reforms must meet three critical tests.

First, will it improve care for the patients and the residents of an institution? Second, will the community interest be better served. And third and most important, will the workers who are involved in the

present day system be protected in the move to a new system?

Title IV of this act encourages the States to decentralize juvenile care. It includes an innovative and thoughtful funding formula. However, as will become clear, we are deeply concerned about the use of the money made available by this bill.

I think I have been very rude. Have I introduced my colleagues?

Senator BAYH. I was going to ask.

Mr. WURF. I am very sorry. This is Ms. Margie Siegel on my left, from our legislative department, who is very expert, and it would be far better for her to be testifying today on the dynamics of the bill. And on my right is Mr. Bill Welsh, who is in charge of our political and legislative activities in our organization.

Forgive me for not introducing them earlier.

Senator BAYH. We appreciate your giving the committee the benefit of your two assistants. Mr. Walsh, of course, has served our former Vice President, the distinguished Senator from Minnesota, as well as the national committee of our party with distinction. We are glad to see both of you.

Mr. Wurf. He is also serving the well-being of American public

employees very well.

Senator BAYH. I would like to think that that is not necessarily inconsistent.

Mr. Wurf. If I may proceed, we like the idea of having the plans administered on a local level. We can build accountability and we can

build surveillance into the situation.

However, the Federal Government must play a major role with regard to standards, programs, safety, licensing, and constant inspection of public and private facilities. I would like to add that the involvement of the residents or those who are the recipients of treatment, and there the employees must be considered as well as those of the administrators of such plans.

In terms of the employees, I will concentrate on the need for em-

ployee protections.

Our union is not threatened by change. That is not a problem. The employee, in these institutional settings, the people in the probation settings, have a relationship to their jobs that is much more important than the money that they receive. In situations where employees were given an opportunity to have a real input and impact on the kind of treatment that residents of institutions or outpatients receive, then we have found that employees have satisfactions that are important.

You cannot pull those people out of those places for more money

into less sensitive, less responsive situations.

But, I also want to make the point, and make it very clearly, that we have been running into all kinds of problems. If the Government exercises its right of eminent domain and takes over a piece of property, it fully reimburses those who own the property, and there are a whole set of laws protecting property rights.

When the Government, either local or national, takes over an institution, takes over a function, the callousness and irresponsibility of Government for those who are part of an existing system is most tragic. Dr. Moynihan in his recent book in which he dealt with welfare reform legislation blames our union and me for the defeat of that bill.

First of all, the Nixon welfare "reform" proposals were bad legislation and did not merit enactment. For example, it took years of discussion with the Federal authorities before we could get a minimum kind of concern for tens of thousands of workers who would be thrown into the street, their pension rights abolished, their jobs eliminated, their training wasted.

There was no concern at all by the executive branch of Government, and we had a great deal of difficulty having an impact on the legislative branch of Government. Let me point out that our concern was not centered on the professionals who would not have had too much trouble reestablishing themselves, although they might have paid a terri-

ble price.

Our concern was centered for the most part on the low-paid clerical employees, thousands of people, many of whom had previously been on the welfare rolls themselves. They would have been thrown back on the welfare rolls, although their input into the system was very praise-

worthy and useful.

So we have recommended that there be legislation to protect the rights of the employees at least to the extent that you would protect the property rights of a man who owned a piece of real estate, and wanted to take that piece of land to build an institution.

I also want to comment on training.

The lack of training is tragic. For example, a prison guard in New York State, a correction officer in the juvenile institution or in an adult institution, is given either a club or a blackjack and told to watch out for his body. That is, in essence, the training that he gets for carrying out his responsibilities. And,

The voices that speak out in terms of reform and the need for train-

ing for the most part talk in vague, useless terms.

We also believe that training is all too frequently confined to a lim-

ited number of people for cosmetic political purposes.

For example, 250 patients in the New York State are well taken care of. Tens of thousands of others live in an environment that is worse than a warehouse environment.

In recent years, we have seen a thrust toward decentralization of institutions, but we have learned from experiments in various States ranging from Wisconsin to New York to California that the fact that you close down a large warehouse and develop many small warehouses in no way improves the situation.

We believe that the mere closing of institutions, the decentralization of institutions, or any change in the status quo, does not in itself guar-

antee that there will be a better system in the future.

We strongly urge that juvenile care not be treated as a politically useful issue. But that we attempt to gain an understanding that the present system is not only inadequate but counterproductive. That innovation in and of itself does not guarantee productivity.

It was Mrs. Popkin who pointed out to me years ago before she was on the staff of this committee that for the most part if a child is ever caught up with the system the child either ends up in a prison or a

mental institution, that there is no way out of the system.

The kids on the block in the big city that I came from, used to go joyriding in automobiles. One had parents with enough clout to keep him from being jailed and he is now a professor at a distinguished university. Another kid is in jail because his father did not have the

clout to keep him of the system.

We believe there must be a careful reorientation, retraining if necessary, and that people who have pensions, who have job rights, who have an involvement in the system must be protected. The faults in the system are not the faults of the employees. They are the faults of those who made the basic judgments, whether it was the legislature or a Governor or the harshness of the courts that did not understand that confinement was not the answer to the problems of a child.

Let me conclude by saying that we are very pleased that this effort is being made by your subcommittee. The recommendations that I have made for amending your bill are in no way meant to detract from what I think is one of the best pieces of legislation in this whole area.

Thank you so much for this opportunity to appear before this com-

mittee this morning.

Senator BAYH. Mr. Wurf, the committee thanks you for taking your time and for the study that has gone into your well prepared statement. I will ask that its entire content be put into the record in the appropriate manner.

Senator BAYH. Traditionally, in the Wurf fashion, you did not go into this bill lightly and I appreciate it. Senator Cook and I and some of our colleagues have been working on this legislation for a long time.

As you say, we have given our children little real compassion from the standpoint of straightening out some of the problems that relate to

delinquency. This neglect is inconceivable.

When someone like yourself, representing three-quarters of a million members, with representation of about twice that amount, takes the time to put your stamp of approval on our legislation, this not only brings expertise to our record, but it also increases public awareness of the problem.

I suppose it is fair to say you represent workers who need representation as much or more than any other group of workers in

America.

Mr. Wurr. That is until the Congress of the United States gets around to give us the same job rights, collective-bargaining rights that workers in the private sector of the economy enjoy. Millions of public employees outside of the usual protections afforded workers in this area.

Senator Bayh. Yes. There are a number of areas that as you know, I feel very strongly a sense of common purpose, such as the pension problem that is before us, S. 4, is it not? There are also the Fair Labor Standards, S. 1861, and other measures that are designed to protect and provide full opportunity for all of those who work in your union.

Let me ask you to deal specifically with those workers who would be most immediately affected by the legislation we have before us. I would like to think it is possible for us not only to strengthen our juvenile institutions but also to improve the kind of training, the kind of lifestyle, the kind of constribution that these employees make.

What percentage of your union consists of employees who work in

the institutions that we are directing this legislation to?

Mr. Wurf. Approximately 60,000 of our paid members. Something

like half of our membership work in various institutions.

I would judge that one-third of that group work in institutions or treatment situations, halfway houses, social agencies, et cetera. As a matter of fact, my daughter works in a child placement institution in the city of New York. That shows you how deeply involved we are in the situation.

Senator Bayn. Let us just provide that for the record.

Mr. Wurr. About 60,000. That is an estimate and we will send over the exact statistics.

Senator Bayh. Really your presence here could be interpreted by some of your membership as rather a spurious position to take in

revising this whole system.

Mr. Wurf. I want you to know, sir, that I am very proud of the fact, that our members do not feel that way. I assure you that when I speak in a forum of this kind, I speak on behalf of our members. Our people are concerned about change, fearful of it in terms of their economic and social well-being but, nevertheless, they understand the importance of the need for drastic reform in this area.

They only ask that they be treated with concern and decency. For example, we have found that in changing mental institutions that our

people were not only very receptive to training, but two things happened.

One, the people who were the recipients of the program had much higher quality care when the employees felt that they had genuine

input into the situation rather than being jailers.

We had some remarkable things happen in places like New York, Maryland, and Michigan, where they allowed us to go in, sometimes with Federal grants, sometimes with local grants, sometimes with funds that came out of the institutions themselves, to upgrade the quality of care, change the system of care, move from the business of a warehouse to a therapeutic setting.

And the remarkable happiness of our people participating in this, and their receptivity to retraining and to new concepts, is one crucial

point.

The second point that troubles me is if somebody has 10 or 20 years in a retirement system, and he is a member of the Legislature of the State of New York, and moves to the Federal Legislature and becomes a Member of this distinguished body or the House of Representatives, his retirement rights are protected. He becomes a judge, and his retirement rights are protected. He has portability, as we call it, of his retire-

ment rights.

But, if he happens to be a child care worker, a professional or paraprofessional, or just a maintenance worker, and if he is moved, as Governor Lucev of Wisconsin now proposes, from a State institution to a Federal institution in Green Bay. Wis., his 10 or 20 years of accumulated retirement rights go out the window. His reemployment rights, even if he is qualified, become nonexistent in terms of what is now the practice of the executive branch of Government. And although the Federal Government in a few instances has protected the rights of workers when their employer has changed from private enterprise to public employer, particularly in the transit field where the Mass Transit Act is perhaps the best example of this, when it comes to social-oriented programs, we have not been terribly successful in persuading the Federal Government.

It is absolutely impossible to do this administratively. The Civil Service Commission is simply at war with local civil service commissions, at war with local people who administer the system, and what we are saying is that people who are qualified, people who are willing to be trained or retrained should have continuity of employment, should have their job rights protected, should have their collective-bargaining agreements protected in exactly the same way as was

worked out so effortlessly in the Mass Transit Act.

We feel very strongly about this. Experience shows there is no great difficulty in doing this. There are several thousand jobs being taken over by the Social Security Administration because at some changes in the Social Security Act last year. It seems to me, with great deliberateness, that the Civil Service Commission is depriving the Government of workers with experience simply because they find it more convenient bureaucratically to go out and get other people, without even bothering to find out if the people working in the various States and cities are qualified.

Senator BAYH. Hopefully, we will be able to deal with pension equity across the board. In my judgment, those who work for public

institutions should receive the same kind of attention and get the same kind of protection as those who work in private corporations.

Let me ask you to comment on the training situation. As you know, we have one section of our bill specifically designed to require States

to provide training.

Senator Cook. Mr. Chairman, I was wondering if, along with that if you do not mind my interrupting, and I apologize—if you would comment on 403, section 3 on page 31, and also section 16 which is on page 36. I think that is where you were getting at, it seems to me.

Mr. Wurf. Is this in your bill, sir?

Senator Cook. Yes.

Senator Bayn. I would also like to ask you to expand the comments in your prepared statement relative to requiring-

Mr. Wurf. With regard to section 3-

Senator Bayn. May I ask you, Mr. Wurf, while you are considering this, also to expand on the remarks in your statement relative to requiring the State plan to mandate comprehensive preservice and inservice training? I get the impression that you feel we should go a bit further and be a bit more specific in our bill.

Mr. Wurf. OK. Let me deal with section 3 on page 31. I think the judgments and the input of residents or recipients of treatment is crucial. And second, we think that the labor organizations should be

involved.

I cannot begin to tell you how much people who work want to feel that what they are doing is constructive, and how anxious they are to express their opinions. I cannot overstate how strongly I feel that there must be meaningful involvement by the employees.

I do not know, Senator Cook, if I am addressing myself to your

Senator Cook. Well, in reading the section and in reading the comments, one of the first things I did notice in section 3 is that the Governor shall appoint a board, but there is no specific number that the Governor should appoint. And I think that could be corrected by setting forth a specific number of individuals that the Government should have to appoint.

Otherwise it merely says that no more than a majority of the members including the chairman must not be full-time employees of Federal, State, or local government, which means that less than a majority can be. Now, it would seem to me as a former juvenile judge for quite some time that this could be corrected by setting forth the number, and it certainly seems to me, at least, I do not know, Mr. Wurf, but it seems to me that if I were put in the position of appointing that board, obviously my first resource would be the respective local agencies that I had to deal with every day, which would constitute employees.

Now, of course, I cannot impart that degree of knowledge to a Governor, but, you know, it would seem to me that that would almost logically follow.

Mr. Wurf. Well, it will not logically follow. Let me say that in one attachment included in our testimony-

Senator Cook. Yes, I noticed it.

Mr. Wurr. Provides formula for involvement in local boards. We do not believe local government officials speak to the needs of the entire community.

I would like to recommend that this input be guaranteed in the

legislation.

Senator Bayn. We could specifically state that in one such member-

ship shall be-

Mr. Wurf. Shall include representatives of employees. I know that you cannot tell the Governors too strongly how to run things. You have some contact with Governors, as I have.

But I think-

Senator Cook. That is difficult with Senators also.

Mr. Wurf. Pardon?

Senator Cook. That is difficult with Senators also.

Mr. Wurf. I mean, you always seem more amenable, sir. But, the executive branch of government is always less accessible than the

legislative branch.

Senator Cook. But, you would agree, would you agree, that the most logical phrase would be employee representation rather than a specific representation, because taking my State, you know, when you are talking about tremendously small rural communities and counties that try to work with the juvenile program, they do not really have an organization. They obviously have a State organization.

Mr. Wurr. We are correcting that situation at the present moment,

sir

Senator Cook. Well, that is fine.

Mr. Wurr. And I might say that the legislature in your State is showing commendable concern for an area that it has not addressed in the past. As a matter of fact, I might say that I wish the Indiana legislature was as responsive.

We cannot get a bill through that House, while we are very hopeful

about Kentucky.

Senator Cook. It is very amazing when the Senator and I were holding hearings on the right of 18 year olds to vote, and we had all these remarkable people from these sophisticated States come in before us, and it was a great delight for me to say why have you not already done this here in all of these sophiscated States, why have you not taken care of this when we allowed it in 1954, and as a matter of fact the first State was the State of Georgia in 1942.

So, it was a lot of fun to hear Senators from Massachusetts and New York tell us about this crying need when we had had it for a

long, long time. So, I am pleased that you are happy.

Mr. Wurf. We just were mistreated in Indiana, but we are much more optimistic about Kentucky. But, that is not because of Senator Bayh.

Senator Cook. But the specifics would be employee representation,

employee representation?

Mr. Wurf. I think you are right, sir. I think that the employees in

some way should have input in the situation.

Senator Cook. Under section 16, what sections would you have in there, because I must say in all fairness if you want it tightened I really have no objection, but you know, having been on the local level for quite a long time I think it renders a degree of protection and a degree of consideration to the employees that many local officials have

never really thought about before.

Senator BAYH. If I may just interject, to make sure that we have continuity in the record, you have prepared a separate section yourself as an alternative to that course which stresses it and will take it from the Secretary of Labor, as I understand it, to the State regulation to provide that protecion.

Now, let me just put up one storm warning flag. There was a time in my State shortly after the right to work bill was passed when I am not too certain that I would have wanted to be labor in my State protected by a board that helped to pass this particular kind of legis-

lation

Now, having said that, let me sit back and let you answer those

questions.

Senator Cook. I think you ought to answer it in that context, very frankly, because I think that is something, you know, that you have to take into consideration.

Mr. Wurf. Well, first of all, I am sure Ms. Siegel has something

to sav.

Senator Cook. Yes, Mr. Wurf, if any of you have any remarks to

make about this, please feel free to do so.

Mr. Wurr. Let me say quickly that we think the bill touches on the problem and shows sensitivity to the problem, but we think the existing bill does not go far enough, and we ask for the establishment of a joint labor-management committee which would be dealing with employee protection. What we were fearful of, sir, is that people not be thrown out of the system simply because a change in a system occurs. The temptations to local officials are so enormous in a situation like this. Our union came into being because the Democrats swept through Wisconsin in 1936 and all of the protections the employees enjoyed under the Republican rule were threatened.

Every time we see sweeping change take place it is not always change whose goal is better care, but change that vitally affects the nitty-gritty of surviving in our society economically and socially.

Senator Cook. Let me give you the threat this Senator sees. I wish that we could tighten it up as tight as we could within the framework of that section, but somehow or other avoid trying to get ourselves in a position where once we report this bill out that it is going to have to go to another committee as a result of major changes that we may have made in it.

Now, I know it would be a sympathetic committee, but I am also concerned about how long we will be holding this up, and I am wondering if within the framework of this we could substantially tighten it?

Mr. Wurf. Perhaps I will let Mr. Welsh speak to this. He is much

more familiar with the committee system than I am.

Bill, the Senator is making a good point, is there any way of avoiding this going to another committee if we put in stronger employee protections?

Mr. Welsh. I think, Senator, that the most accurate example that you have of that problem was when the Mass Transit Act was passed, and the question of employee protections the preservation of the collec-

tive bargaining rights under that act, to my recollection was not handled by the Senate Labor Committee.

Senator Cook. In other words, what you are saying-

Mr. Welsh. I think you are safe.

Senator Cook. Is it a mere section in here that would repeat those rights under present collective bargaining, et cetera, would prevail

and be preserved and would be sufficient?

Mr. Welsh. That certainly would be a good start. Now, the additional problem is that you have the problem of pension rights, you have the problem of the protection in those situations where there are not collective-bargaining agreements, that somehow must be built into the State plan. The stage that you are evolving the State plan to provide to change the nature of these institutions, and the requirement that you have a labor-management committee designed to handle that problem and come up with such a plan I do not think needs to invoke another committee's jurisdiction.

Senator Cook. You see, Mr. Welsh, I have to kind of—unfortunately everybody relates this to his own State. Maybe we are unsophisticated when we try to give somebody the impression we are, but unfortunately maybe that is as far as we move in this direction, and our problem is, for instance, county employees on the State level in the State of Kentucky are all under the county's employee retirement fund which is operated by the State, so that any movement of employees within that

framework, their pension rights would be protected.

Mr. Wurr. That is a very unusual thing, sir. You would find in many places that in one county, one city, or one State, there are 5 to 50 different retirement systems, and you find in establishing a new mechanism, the most bizarre kinds of changes that take place. And most importantly, sir, we have been beseiged in recent months, quite candidly, by an all-out attack on the problem of retirement which we think is being generated by the National Right To Work Committee, by the National Association of Manufacturers, because we in the United States in the public sector of economy, unlike any other industrial society, pay very, very low pensions.

In other words, retirement in Germany, in Sweden, England, hovers around 70 percent, whereas in the United States it hovers

around 30 or 40 percent of your best years of earnings.

Senator Cook. This is something that this Senator has kind of

got to get in his own mind.

Mr. Wurf. Yes. What I am saying is, we are getting involved in an area of hostility to the well-being of an employee. I am very concerned that if there is change in the status of these employees that retirement systems that have been developed for many years, and retirement rights will be inundated, knocked out, and make people start afresh, the State recapturing, not the employees, or the county not recapturing the employee's contribution but recapturing its own contributions.

There is a terrible temptation,

Senator Cook. I understand that very well. Yes.

Mr. Wurr. This terrible temptation to meet some of the budgetary crisis that exists in the various cities to deal with this so-called taxpayers' revolt in a rather irresponsible fashion.

Senator Bayh. Excuse me for just a moment. May I suggest to my friend from Kentucky and our distinguished witness that you proceed to ask any other questions that you might ask in the next couple of

I hate to ask Mr. Wurf to come back. We have an executive session of the Judiciary meeting very shortly—

Senator Cook. That is all I have.

Senator BAYH. And our reporter has to be there officially, and we should be there officially. I do not want to interrupt.

Mr. Wurr. Let me say thank you, Mr. Chairman, and you, Senator

I am very grateful for all of the time and concern you have displayed, and we have submitted documents that cover these areas, very

If you have any further questions, we will be happy to respond in

Senator Cook. That is good.

Mr. Wurf. This is very important legislation, and we are very grateful that you are directing your attention to it, and we are very grateful for all of the time and attention that we received this morning. Thank you.

Senator Bayn. I appreciate your giving us an hour of your time, and I wish we could have talked longer. Perhaps we ought to recess now until after the executive session, after which we will reconvene

here and continue with this morning's witnesses.

Mr. Wurr. I understand your problem and I am grateful for all of the time.

[Mr. Wurf's prepared statement and attachment is as follows:]

TESTIMONY BY JERRY WURF, INTERNATIONAL PRESIDENT OF THE AMERICAN FEDERA-TION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFI-CIO ON S. 821, THE JUVENILE JUSTICE AND DELIQUENCY PREVENTION ACT OF 1973 BEFORE THE SUB-COMMITTEE ON JUVENILE DELINQUENCY OF THE JUDICIARY COMMITTEE OF THE UNITED STATES SENATE

Mr. Chairman, I'm pleased to have this opportunity to appear before the subcommittee. My name is Jerry Wurf. I am president of the American Federation of State, County and Municipal Employees, the nation's largest union of public

employees.

We now have more than 615,000 members in virtually every state in this country and we represent some 11/4 million workers. Many are in the-juvenile field-not only in correctional institutions, but voluntary organizations, juvenile programming, juvenile therapy, halfway houses and other centers concerned with the care and rehabilitation of young people.

We also represent employees in other public institutions, from hospitals to prisons to mental facilities. I mention that because, while this legislation is concerned exclusively with juvenile care, many of the problems besetting our

invenile homes are found in other institutions, as well,

The question of institutional reform is, at last, commanding a great deal of attention in this country. It's long overdue. Our health care facilities, our prisons, our juvenile homes and many other public care facilities are often institutionally incapable of carrying out their missions. In state after state we hear horror stories reflecting the inadequacy of public health care. As for prisons, Attica and Walpole make the headlines, but less dramatic conflicts in dozens of other facilities are testimony to the crisis in those institutions.

Our juvenile correctional facilities are no better. This is especially tragic, because the quality of juvenile care has long-range significance. The attention afforded a juvenile offender may be the determining factor in whether that young-

ster becomes a lawful, productive citizen or turns up again and again in adult

criminal roles.

We approach these problems from a dual perspective. As a union of public employees, we naturally are concerned that our members who work in juvenile and other correctional institutions be safe and satisfied in their work. There is little satisfaction for an employee who knows that his institution does more harm than good for the society it purports to serve. Most workers do not want to be a part of a system that is oppressive and unjust. Where that is the case, a climate sets in that pits inmate against guard and patient against hospital worker. Workers feel threatened and clients feel victimized.

As a union of taxpayers, we are distressed by the growing costs attendant to operating these facilities. Patient care, inmate care, juvenile care—the costs of each are skyrocketing. It costs a great deal more to house a child in a reform school, penned up away from society, then it would cost to put him or her through high school and provide him or her a college scholarship. And the results are

considerably less satisfying.

Finally, as a union of relatively low paid workers we have a third stake in efficient public programs. If a wealthy family has a child who runs afoul of the law or has behavioral problems, the chances are good that the family will find private care for the boy or girl. If he or she is to be confined, probably it will be in a private school for "exceptional" children, or something of that sort. But for the sons and daughters of our members and most working Americans, there usually is no alternative to confinement in public juvenile institutions.

We are here then, not merely to speak of narrow, employee concerns. We are here to impress this committee with the importance of building into S. 821—and into any other institutional reform legislation—an understanding of our parallel concerns for institutional residents, for institutional workers, and for the general public. A reform proposal that fails to meet any one of these criteria, however well intended, will be at best a temporary, incomplete approach.

With these thoughts in mind, let me turn to the proposal before us, S. 821, the Juvenile Justice and Delinquency Prevention Act of 1973. The enactment of this legislation would represent a substantial advance in the federal government's commitment to improving Juvenile delinquency prevention nad treatment programs offered by the states. We fully support the goals of the legislation, and we commend Senator Bayh for the leadership he is showing in this complex area of government.

I shall address myself primarily to Title IV of the legislation—federal assistance for state and local programs. Specifically, I want to focus on the issue of

decentralization and the problems that accompany it.

In addition to the law enforcement and correctional personnel whom I mentioned earlier, our union has among its membership some 125,000 health care and health institutions employees. As you probably are aware, it has become fashionable to move away from large public facilities and toward smaller, decentralized units in the health care field.

As we approach the question of de-institutionalization in juvenile care facilities, I would hope we might learn from some of our early experiences in the de-

centralization of public health care.

In state after state at this moment in history, mental hospitals and other state facilities are being closed or phased out. Patients are being moved out to other facilities. And health service employees are being summarily dismissed—their source of income removed, their benefits and rights erased.

Our union is not hostile to the idea of smaller and more effective public institutions, providing that it means a more personal, qualitatively higher level of care—for a mental patient, for a juvenile who has broken the law or for an adult offender. But in the name of better client care—in the name of "reform"—we've seen some shocking things happen.

We've seen patients and workers pushed out of institutions and into the streets, under the guise of "decentralization".

We've seen large old facilities shut down in the name of modernization, only to leave a community with no facility at all.

We've seen viable, centralized institutions subjected to planned neglect to set

the stage for ordering their closing.

We've seen employees who've given 10 or 20 years of their lives to working in these facilities abruptly terminated without pension rights or contractual protections, or even a cordial goodby.

We've also seen instances where state legislators and public officials have allowed political considerations and short-term budget considerations to outweigh the needs of the public and the job rights of the workers in the affected institutions. The concept of decentralization raises serious public policy questions which must not be overlooked.

We do not argue for the status quo—for old, unfit facilities.

But we do argue that the burden of proof should be on those who advocate change, to show that it will result in a meaningful improvement of client services, without causing harm to the community or the workers who have jobs, careers

and commitments tied to the existing facilities.

We believe that even as "bigness" is of no value in itself. "smallness" does not guarantee a thing. What is the value of taking juveniles out of large, impersonal warehouses and placing them in small, scattered warehouses?

Fortunately, this legislation takes an innovative and constructive approach to the problem of juvenile delinquency. You have concerned yourself with the most critical question—the question of quality care.

We believe that decentralization of juvenile facilities—like other public in-

stitutions-should be measured on these scales:

1. Will it appreciably improve care or rehabilitation for the juveniles cur-

rently in these institutions?

2. Will it afford the community a higher degree of service and security? That is, can we begin to expect juveniles to come out of their institutional experience

as whole, socially useful individuals?

- 3. Can it be accomplished without disrupting or-penalizing the incumbent work force? Historically, institutional care has been characterized by few training or upgrading opportunities, except at top levels. More recently, many programs offered in the name of training have been badly flawed and of little value. Yet time after time we've seen institutional closures which result in hundreds of experienced workers being laid off. Can't we build in a means to take advantage of their experience and work discoveries?
- S. 821 would encourage the states to decentralize their juvenile delinquency corrections systems. If it is to become law, then the Federal government must assume a direct obligation to assure that the impact of these changes is positive. There must be a foolproof method for setting standards and monitoring them—and I wonder if the bill allows for that.

PROTECTION OF JUVENILE DELINQUENTS

The funding formula outlined in Title IV is outstanding in its attempt to assure that resources are available where they are most needed. We applaud the effort of the Chairman in developing a distribution formula which is tied to the critical indices-relative population of juveniles; per capita income; and the rate of delinquency.

But there is a serious deficiency that revolves around that provision for the involvement of private agencies in the planning and implementation of the

As the bill now stands, work that previously had been carried out in state institutions would be done by both public and private agencies. Private agencies would acquire a measure of control over these public programs and would have access to the federal funds provided. This cal's for great caution.

We believe that responsibilities of government generally should be met directly by government enterprises-not by quasi-governmental or contractual

arrangements which defuse authority and accountability.

Let me make it clear that this union represents large numbers of non-profit agency employees. As a matter of fact, we generally operate with more success on behalf of our members in these organizations—negotiating better job protections and benefits for them-than for our state and local government workers. That is because public employees are denied reasonable legal protections for organizing and bargaining collectively.

But we learned long ago that "non-profit" is not automatically synonymous with conscientious, public interest management. There is plenty of room for abuse within the confines of a non-profit structure—abuse against patients or inmates, abuse against employees and abuse against the public trust.

We do not believe it is possible for government to achieve a relationship that guarantees accountability from a private, for-profit company in delivering most public services. Even where there is to be private, non-profit agency involvement,

-

there must be firm standards set at the federal level with a workable enforcement procedure built into the law. A failure to measure up should be met swiftly and effectively with a termination of funds.

Any state plan receiving funds should be subject to federal scrutiny at three levels.

First, community facilities for juvenile delinquents should meet nationally determined standards for safety, for staffing and for programming.

Second, other facilities should be licensed and both private and public facilities should be subject to continuous monitoring. The judgments of the inmates and the employees should be considered along with the claims of management in these evaluations.

Third, probation subsidies should be limited to state plans that are oriented toward rehabilitation with proper after-care or probation surveillance by properly

trained professionals and paraprofessionals.

We have found that in the mental health field, a reliance upon privately managed organizations in the absence of rigid standards has led to scandalous situations. The lure of profits to be made in providing government services under contract has attracted some strange elements into the mental health field. Without firm standards, fairly applied, decentralization and the use of private agencies in juvenile programs can create the same problems. Thus, we are asking that all state plans be required to meet the three goals I outlined.

EMPLOYEE PROTECTION

I want to turn to employee protections. I am not of the school that says what was good for the nation forty years ago is good for the nation today. Our union is not threatened by institutional change. The question we face is one of resource allocation.

But we have a problem. In our society, a man or woman is judged by his job and his experience on the job. His economic well-being and personal security are

tied closely to the job he performs.

When an institution closes, the men and women who work in that institution pay a high price—unless their job rights are suitably protected. It is unfair to force institutional employees—most of whom are low paid and with few other opportunities at hand—to pay the price for institutional reform.

Unfortunately, the inhibitions placed upon worker rights in the public sector -- make these employees particularly vulnerable. Many have no unions to protect them. The right to organize and bargain for contractual protections has been

denied or severely inhibited for these workers.

Legislatures and local governmental bodies are sometimes willing to overlook or disregard an administrative commitment to a group of workers when such heady concepts as "economy" or "reform" are in the wind. Absent strong negotiated contracts which anticipate the perils of closures or decentralization, the workers have little hope for equity.

THE NEED FOR WORKER REPRESENTATION

Section 403 (a) (3) of S. 821 provides that the supervision of programs funded under the Act be accomplished through a board which "shall consist of persons who have training, experience or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice. A majority of the members, including the chairman, must not be full-time employees of the federal, state or local government..." employees of the federal, state or local government. . .

This defined composition of the board seems to imply that employees or their representatives could be included on the board. We believe, however, that the language should be tightened to specifically call for participation by those organi-

zations representing employees of the institutions.

This section further provides that "this Board shall approve the State plan prior to its submission to the Federal Government."

As the Chairman knows, we have urged the inclusion of this type of provision in other legislation.

The inclusion of labor representatives on the boards and their subsequent role in the approval of state plans would—in our judgment—increase the effectiveness of the programs and protect the workers affected by them. Attached to our testimony are further suggestions for labor and community representation in the planning and implementation process of the State plan (Attachment 1).

THE NEED FOR ADEQUATE EMPLOYEE PROTECTION

While S. 821 does contain a section providing limited protection for employees affected by the development of programs under the Act, we believe Section 403 (a) (16) to be insufficient.

The inclusion of employee organizations in the development, planning, and approval process for State plans is a preliminary step toward the protection of employees affected under the Act. But we strongly believe that the Act also must contain enforceable guidelines to protect employees who may be affected by a State plan developed and submitted in accordance with the Act.

The section commits the question of employee protections to the discretion of the Secretary of Labor. Frankly, we have had our share of disappointments in dealing with the Labor Department over the years, both under Democratic and Republican leadership. We certainly are not sanguine about the policies emanat-

ing from the Department these days.

We believe the legislation should include specific mechanisms for employee protections, including a provision for hearings on job abolishments or changes, and for impartial third-party involvement where the Secretary of Labor reaches a judgment which the worker deems unjust.

We believe the legislation should require a state-level procedure for protect-

ing employees and resolving their job problems.

We propose that the bill be amended to require that joint labor-management committees in each state be charged with arranging comprehensive and fair employee protection mechanisms; with providing for relocations where closures or reorganizations reduce jobs; and for establishing and conducting career ladder and retraining programs.

The language of this proposed amendment is included in the attachments to the statement I have submitted. Also attached is a brief history of employee

protection legislation.

TRAINING PROGRAMS

We can't overstate the need for comprehensive training programs geared to providing suitably trained employees for juvenile detention facilities, and for upgrading lower level workers in these institutions.

The bill before us touches on the training question. We would like to see it strengthened to mandate comprehensive pre-service and in-service training for state plans. Periodic reviews and updating sessions should be built into the programs for all employees—including professionals and paraprofessionals.

These training programs won't guarantee adequate care, but they will help curb the problems that result from misunderstanding and a lack of training.

Let me cite two examples that point up the need for training in adult correctional institutions. In testimony before the House Select Committee on Crime last year, two representatives of our union discussed their particular experiences.

In New York State, for example, one of our members reported that training and education in corrections has been totally lacking. "I have been in the business for fifteen years," he said, "and I have not had one ounce of training other than from an older officer when I came on the job. I was with him for a very

short period of time and then I was on my own."

In Florida, an attorney for one of our local unions found that the training program they keep talking about in Florida is non-existent. "There is absolutely, unbelievably, none required," he said. He added, "I have talked to men who have never had any training program of any kind whatsoever within this system. Most of those I talked to were extremely anxious to participate in training programs. All the men think new employees should be oriented to an extensive program prior to turning them into the units to act as correctional officers with custody of inmates. It is unlikely any untrained man has such innate qualities to be perfectly capable of supervising the custodial responsibilities for immates."

These situations are not isolated. The level of training as a requirement for hiring, and the level of training available for employees on the job, is distress-

ingly low in most states.

The Federal government has a responsibility to provide for training and upgrading standards as a facet of its overall commitment to better institutional care for juveniles.

CONCLUSION

In closing, I want to repeat my gratitude to this Subcommittee for facing such a very difficult question. There is less glamour and political profit in exploring

the state of our correctional institutions than in any other area of government. You are unlikely to replace the Watergate Scandal as the story of the year in the newspapers with these hearings.

But a society that cannot deal in a responsible fashion with its troubled young

people cannot expect much of them as adults.

A government that doesn't balance its duty to protect society from lawbreakers with its obligation to reshape those offenders back into responsible citizens is until the control of the c

unlikely to cope with its other challenges.

It was Oscar Wilde who said: "Experience is the name that you give to your mistakes." We urge this Subcommittee to draw from the experience of decentralization and de-institutionalization in other areas, and to avoid the pitfalls that have been revealed.

Thank you for your attention.

ATTACHMENT I-LABOR AND COMMUNITY REPRESENTATION

Section 403(a) (4) provides for "the active consultation with and participation of local governments in the development of a state plan which adequately takes into account the needs and requests of local governments."

We believe that consultation with local governments alone is not sufficient to deal with the needs of local communities and the impact of the program on local

communities.

Therefore, we urge that this section of the Act be amended to include other groups in the community whose needs should be considered in the development

of local programs.

Further, Section 403(3)(6) provides that "the chief executive officer of the local government shall assign responsibility for the preparation and administration of the local government's part of the state plan, or for the supervision of the preparation and administration of the state plan to that agency within the local government's structure... which can most effectively carry out the purposes of this Act..."

These two sections demonstrate what seems to us to be a serious inconsistency in the Act which should be rectified by amendments to the Act. Section 403(a)(3), in setting up the Board which must supervise the programs developed under the Act and approve State plans before submission to the Federal government, provides for a modicum of participation by those directly affected by the Act and in a position to make knowledgeable comments on the efficacy of

State plan proposals.

However, neither section 403(a) (4) nor 403(a) (6) includes any community participation in the development of the local portion of the plan or local administration of the plan. If the purpose of the Act is to establish community-based programs and facilities to deal with the problems of juvenile delinquency, then it seems only logical and necessary to us to include representatives from the affected communities in the planning process. Local government officials alone cannot adequately speak for the needs of local communities or local governments and we urge that representatives of labor organizations which represent employees affected by the Act; and other community orgaizations involved in this field be included in the local planning process. Further, the State Board includes representatives of young people who have had direct experience with the current system of juvenile justice. We urge that local young people in similar positions of expertise be included in the local planning and administration process.

ATTACHMENT II-EMPLOYEE PROTECTION AMENDMENT

New Section 403 (a) (16)

"(16) provide (A) that fair and equitable arrangements shall be made, as determined by the joint labor management committee established in accordance with subsection (16) (c), to protect the interests of all employees of any State or political subdivision thereof who will be affected by any program or activity funded in whole or in part under the provisions of this Act.

(B) Such arrangements shall include provisions necessary to protect individual employees against a worsening of their position with respect to their employment and to assure compensation and benefits at levels not less than those applicable to such employees immediately prior to the effective date of the agreement

including, but not limited to, provisions necessary to-

I. preserve rights, privileges, and benefits (including continuation of pension rights, credits and benefits) under collective bargaining agreements, or otherwise, in effect on the effective date of such agreement;

II. continue collective bargaining rights;

III. guarantee continued employment by the State or political subdivisions thereof, provided, however, that in the event of a transfer of functions from the political jurisdiction to another or to a nonprofit agency, employees affected by such actions shall have the option of transferring to the new jurisdiction or agency;

IV. provide relocation assistance and expenses for all employees affected

by transfers; and

V. provide paid training or retraining programs including career develop-

ment programs, to assist in carrying out the purpose of this Act.

(C) Each State shall establish a joint labor-management committee, comprised of an equal number of employee and administrative representatives from any agency and institution of a State or political subdivision thereof affected by a State plan developed and submitted in accordance with this Act. This committee shall have responsibility for determining that the requirements of this subsection have been met and to recommend to the "State Agency" any necessary administrative or legislative actions required to insure implementation.

ATTACHMENT III—HISTORY OF EMPLOYEE PROTECTION PROVISIONS

There is a long history of Congressional concern for the protection of employees, both those in the private sector and the public sector, whether Federal, State

or local government employees,

A starting point in the evolution of the development of employees protective conditions through federal legislation is the Emergency Railroad Transportation Act enacted in 1933 which provided for a form of job freeze for railroad employees. In 1940, Congress enacted Section 5(2)(f) of the Interstate Commerce Act requiring that as a condition of approval of railroad mergers and consolidations by the Interstate Commerce Commission there must be a fair and equitable arrangement to protect the interests of employees affected and that for a fouryear period the transaction will not result in the employees being in a "worse position with respect to their employment.'

A clear judicial mandate for such protection is found in U.S. v. Lowden, 308 U.S. 225; and ICC v. Railroad Labor Executives Association, 315 U.S. 373. Similar grants of employee protective conditions by the Civil Aeronautics Board are customary and the Board's power to impose such conditions has been upheld.

(Kent v. CAB 204 F. 2d 236 (CA2), cert, dcn. 346 U.S. (826).)

Congress in 1943 provided employee protection for employees of telegraph companies involved in consolidation of mergers, 47 U.S.C. 222 (f), patterned generally after the employee protective provisions developed by the ICC, but containing specific provision developed by the ICC for preservation of employee

rights under collective bargaining agreements.

Most recently the Congress asserted these principles in the Rail Passenger Service Act of 1970 (Public Law 91-518). In establishing the National Railroad Passenger Corporation (Amtrack) the Congress required-that "a railroad shall provide fair and equitable arrangements to protect the interests of employees affected by discontinuance of inter-city rail passenger service whether occurring before, on, or after January 1, 1975." (Section 405.)

Congress has not merely required employee protection, including but not limited to the preservation of jobs and benefits, but also of collective bargaining contracts as to both private and public employees. Thus in California v. Taylor, 353 U.S. 553, the Supreme Court held that the State of California which operated a State-owned railroad must bargain collectively under the Railway Labor Act with the union which represented its employees and the Court held further that

the California civil service system and antistrike law were superseded by the Federal Act.

As long ago as 1950, the Social Security Act was amended with regard to local government employees to provide that municipalities which were operating mass transportation systems which became publicly operated after 1937 (with one exception) must mandatorily bring their employees under the coverage of the Social Security Act, 42 U.S.C. 410 (k).

The Urban Mass Transit Act of 1964, Public Law 88-365 (now 49 U.S.C. 1609 (c)), provides broad and expansive employee protective conditions as a prerequisite to the granting of any Federal financial assistance under the Act. Transsit employees, public or private, are protected in their jobs, in the preservation of their collective bargaining rights, pensions and other benefits, and against the worsening of their positions with respect to their employment, Similar labor standard provisions are contained in the High Speed Ground Transportation law, 49 U.S.C. 1636, and in the law establishing the Washington Metropolitan Area Transit System, 40 U.S.C. 682 (3).

Congress through amendments to the Fair Labor Standards Act has in fact determined the minimum wages to be paid by states and their political subdivisions with respect to employees of hospitals, institutions and schools operated by them (29 U.S.C. 203 (s) (4) and 203 (d)). The Supreme Court in Maryland v. Wirtz, 392 U.S 183, upheld the constitutional power of Congress to apply the

FLSA to state or Municipal employees.

Technicians employed by the National Guard were made employees of the United States by the National Guard Technicians Act of 1968, PL 90-486, and service credits prior to the effective date of the Act were afforded for various purposes including the determination of length of service for purposes of leave, employee death and disability compensation, group life and health insurance, severance pay, tenure, and status and, with some modifications, for retirement benefits. Annual leave and sick leave to which a technician was entitled prior to the conversion of his position from State to Federal employment were credited to him in his new position. (PL 90-486 Sec. 3.) Compensation in excess of the maximum of the appropriate grade provided under the General Schdeule was protected when the technicians were brought under the General Schedule. (PL 90-

In addition, during Congressional consideration of various proposals to "Federalize" the existing Federal-State welfare system, the Congress had before it similar provision to protect State and local government employees who would be affected by such action. Although no "Federalization" proposal has been adopted, a number of Senate bills over the past two years, including one endorsed by the Nixon Administration, have contained an employee protection provision.

There can be no serious question as to the right of Congress to enact legislation governing the employment of Federal employees including provisions as to their compensation, hours, benefits (including retirement benefits), tenure and other conditions of employment. Congress has traditionally and repeatedly done so. (See, for example, Title 5 U.S.C. 5101 ff.)

Further, the Congress may, of course, subject to constitutional limitation, impose the conditions upon which it will grant monies to the States or other public agencies. In King v. Smith, 392 U.S. 309, 333, the Supreme Court said, "There is of course no question that the Federal Government, unless barred by some controlling constitutional prohibition, may impose the terms and conditions upon which its money allotments to the States shall be disbursed, and that any stated law or regulation inconsistent with such federal terms and conditions is to that extent invalid." (See Ivanhoe Irrigation District v. McCraken, 357 U.S. 275 (1958); Oklahoma v. Civil Service Commission, 330 U.S. 127, 143,

AFSCME believes that it is consistent with the purposes of S. 821 to provide programs and develop a framework within which to ease the transition of personnel and facilities needed to implement the purposes of the proposed Act. The inclusion of an employee protection provision is therefore essential. Our proposed amendment simply incorporates the concepts noted above which have consistently been applied to private and public employers in dealing with the government's responsibility to protect the rights of employees.

[Whereupon, at 10:35 a.m. the committee recessed, to reconvene after the executive session of the full committee, and reconvened at 12:35

Senator BAYH. We will reconvene our hearings.

The next witness is Hon. Jerry Miller, the mayor of South Bend. Mayor Miller, we understand you are accompanied by Mr. Patrick Gallagher, who is the director of your department of public safety; is that accurate?

Mayor Miller. Yes, sir.

STATEMENT OF HON. JERRY J. MILLER, MAYOR OF SOUTH BEND, IND., ACCOMPANIED BY PATRICK GALLAGHER, DIRECTOR OF PUBLIC SAFETY

Senator BAYII. We appreciate the extra effort that both of you gentlemen have made to be with us this morning to let us have the benefit

of your experience in South Bend.

I should say for the record that Mayor Miller is providing the kind of dynamic, farsighted leadership in his community that I think is the whole thrust of this legislation in the juvenile justice area. I say that, I suppose, not totally objectively, as the author of this bill, as well as one who considers the mayor a close personal friend.

But I think any objective appraisal would reach the same conclusion about the kinds of services Mayor Miller is providing for the citizens of the city of South Bend. We appreciate your taking the time

to be with us.

Mayor Miller. Thank you very much, Senator. I feel I am on a merry-go-round every day of the week, so I appreciate your problems.

I would first personally like to thank you and the members of the subcommittee for the opportunity to lend our voice to the concerned people that have recognized the problems of the young people of our country today.

We have a written statement of our remarks concerning the situation in our community which I have presented to you for the record,

but will not attempt to read it at this time.

Senator Bayh. We will put the entire statement in the record as if

it had been read, and you can handle it in any way you desire.

Mayor Miller. Mr. Gallagher, our director of safety and I will make a few comments regarding our written statement and then any questions you might have, Senator, will be appropriate at that time.

I would like to begin by giving you some background on the city of South Bend. The population is presently 125,580 people, and we have seven areas of annexation in litigation and two others are pending, which will increase the population by about 30,000 once completed.

As of December 31, 1972, South Bend was ranked as the 114th largest city in the United States. The above facts are important for

some of the comments I am going to make later.

I have also included in the report sent to you a copy of the reorganization of our city government and organizational charts of the old and new organization. There has been some interesting developments

from this change.

We had a special piece of legislation passed in January 1972, at the Indiana General Assembly which was not organized as far as the South Bend Common Council was concerned until January 1, 1973. But, through this reorganization of the city government, we were able to create a department of human resources and economic development and also a department of public safety, and Mr. Gallagher is the director of the public safety.

The reason I mention this at the hearings today is because for the first time in a city of 160,000 population based on the annexations that will take place in the future, we have been able to have someone in the administration that is directly responsible for human resource

and public safety problems for our community. We have found that all of the juvenile delinquency problems are interrelated with crime in our area and with all of the other problems that we have as far as the human resources of our community. And so, it is without any lack of knowledge that we endorse the Juvenile Justice and Delinquency Prevention Act of 1973, knowing that prevention is the only answer to solving the problems of juveniles and crime in our community.

Since 1965, the city of South Bend has had a tremendous increase in crime. In 1972, alone we had a 12-percent increase when the Nation's cities between 100,000 and 250,000 classification had only about

1 percent.

In the first 6 months of 1973, we had approximately a 10-percent

increase in crime.

I see in the legislation that 50 percent of the allocation of funds goes directly back to the local government, but how it will be allocated and

who is going to be responsible is of great concern to me.

Considering that the city of South Bend is approximately 60 percent of the population of the county and the city of Mishawaka, which is a twin city, is 35,000 population or 16 percent, the balance will go to the remaining cities in the county. Recently when we recognized we had a serious crime problem in the community-note in our statement we said that 74 percent of the crimes of burglary, robbery, and auto theft had been caused by juveniles * * * this was taken from actual arrest reports—we know that drugs have entered into the provocation of these crimes.

Therefore, we made a proposal to the county government and to the city government of Mishawaka about establishing a drug rehabilitation and medical rehabilitation center, but, as of yet, we have not received any cooperation whatsoever. So I used my revenue-sharing funds in the city of South Bend for these service agencies and now we find we have to service all of St. Joseph County.

This is our concern regarding this legislation—how the money is going to be implemented into communities such as ours where we have problems of intergovernmental jurisdiction and crossing boundary

We have success of any consequence in the community, the credit is hardly ever given to the local government officials, especially the mayors. But when it comes to the problem of crime in the community, and you consider that we have the prosecuting attorney's office entering into the case, the judges. possibly the sheriff's office, both police departments, State police and yet, as far as the public is concerned, it is the sole responsibility of the mayor of the city of South Bend to solve the crime situation.

In order to dramatize a point of the endorsement of this legislation, I asked the members of our police department and juvenile departments to try to more or less emphasize this point—to give us an idea of the serious juvenile offenders in the community. They have listed about 40 young men that have been arrested over 15 times each, and no one has any knowledge how many times they committed a crime

for which they have not been arrested.

School officials tell us that each of these offenders has a record that began in kindergarten, first, or second grade. We recognize that prevention is the only answer to stop the tremendous problem of crime.

It is not only crime-related but the non-crime-related problems of the juvenile from kindergarten all the way through college, which is

This is another reason we feel this piece of legislation is very

important.

I noticed the comment Mr. Wurf made in his statement about the environment of juveniles. I think we can actually prove that environment has a great deal to do with the problems of a juvenile and how and why he becomes involved in crime. Any improvement we can make in these neighborhoods, such as adding street lights or cleaning up the trash and garbage, will have a great deal to do with his attitude toward their fellow man.

Mr. Gallagher will also have some comments on this subject.

I believe the most important concept that has happened by implementing our cabinet form of government is the accountability we must provide to the public about the present and the future of our city. I would also like to state that I feel the new concept of block grants and the new concept of revenue sharing has been a tremendous asset to the city. It has also been an asset to the administration as far as cutting out the duplication of existing departments, and I hope with this act here can be some concern as far as communities on the block grant concept.

Senator BAYH. May I interrupt here Mayor MILLER. Yes, indeed, Senator.

Senator BAYH. I want to make certain I understand the thrust of your last statement. Is it reasonable to interpret your last statement to the effect that you feel it would be wise to expend a larger portion of the block grant funds for the kind of prevention and early treat-

ment of juveniles that you are testifying in support of?

Mayor Miller. What I am saying is there has to be some kind of control over the problems of the juvenile, and that money must be controlled as far as the governmental agencies in our community are concerned. I believe that if you decide our county government, the two city governments, and the State government are all going to be_ involved in this one problem, you will have a tremendous amount of duplication in trying to solve this situation.

We do not have any proper juvenile rehabilitation centers in our county, or in our region, in fact, in the whole Third Congressional District. If we have to stay with the block grant system then we

must allow a certain amount of this money for rehabilitation.

I would then agree with that statement, because it would mean the other forms of government would have to spend a certain amount of money on juvenile prevention. At the present, as I have mentioned before on the drug rehabilitation, I can get no cooperation from the other forms of government as far as rehabilitation for juveniles.

Senator BAYH. What safeguard could we put in the bill, or what administrative language could we add to help deal with that problem

of how the money should be controlled locally?

Why did Mishawaka not want to join in a communitywide drug

treatment program?

Mayor MILLER. I cannot answer for the mayor or Mishawaka. I can only assume that they have not had the high increase in crime that we have had. There is a recognizable drug problem in that community as well as our community, but it is not identified as clearly and is not considered such an impressive concern as in a larger city. They are spending their money on the programs they consider more important as far as the community is concerned.

Senator Bayh. If we succeed in the efforts we are making now to amend the LEAA program, to require 20 and then 30 percent of the block grant moneys to be used for juvenile delinquency programs, then this would require a community such as Mishawaka to spend at least that amount of money for the treatment of juveniles, and use the block grant money which otherwise might not be expended at all?

Mayor Miller. Yes. As Mr. Gallagher mentioned prior to our testimony, we spend 31 percent of our juvenile or criminal justice money on juvenile problems in our community. I do not know how much it is

in other communities.

I believe Mr. Gallagher can tell you more because he was associated with the criminal justice agency prior to his being appointed director of safety. I do say, and I do take into consideration as director of the second-class cities for the State of Indiana, that every county has different problems, and I would not want to state that a bill should be designed based on metropolitan counties such as St. Joseph County and the city of South Bend. But I think we have to take into consideration that the controls from the Governor's office may be regionalized for the juvenile programs. The problem of drug rehabilitation, juvenile rehabilitation, and our court systems today just refuse to send juveniles to the State institutions or the boys' school because, as we mentioned in our statement, once a young man goes to a State institution that breeds crime, he comes out with quite an education, and we do not want that man coming back into our community more knowledgeable about crime than when he was first committed. What we are trying to say is that if St. Joseph County and the city of South Bend is to be involved through this act, and has money to be involved, then I believe we could share with our adjoining governments.

I would be happy to entertain any questions you have. I think that

Mr. Gallagher at this time would like to make a few comments.

Mr. Gallagher. Thank you very much, Senator.

In my experience in working with criminal justice programs on the State and regional levels and also in my local level, with a special emphasis in the area of juvenile delinquency, I think I could say most objectively that within St. Joseph County and the city of South Bend we have what I would see as a microcosm of the wave of change and innovation which is needed to show more concern and to give the attention to young people in the community who need it very drastically.

In studying the city census tract by census tract, we can point to the four areas of our city which house, or where the greatest number of juvenile delinquents live. As there is a direct correlation between socio-economic indicators and the crime problem, particularly among juve-

niles, whereas Mayor Miller mentions 74 percent of our robberies, auto thefts, and burglaries are committed by juveniles, I could also say that 38 percent of those crimes are committed by those 14 and under, which

I think is an even more serious consideration.

In the city at the present time, and what I feel goes to make up rudimentary forms of a criminal justice system for counties, we have the youth service bureau, and most of these problems are funded through criminal justice money. And as Mayor Miller mentioned, 30 cents on the dollar has gone to the probate court for juvenile programs, and an additional 40 cents on the dollar has gone for social programs and training programs, many of which indirectly affect the lives, at least touch the lives of the young people in the community.

We have less than I percent which has gone for hardware in the sense of riot equipment, and we are quite proud of that type of percentage.

We have felt that the Youth Service Bureau, properly supervised and properly staffed, can effect an impact on juvenile delinquency. As empirical data, we know that the recidivism rate of referrals to the juvenile aid bureau of the police department has dropped 2 percent per month for about the last 12 months, and we feel this is a direct result of the cooperative effort between the Juvenile Aid Bureau and the Youth Service Bureau in referring a number of youngsters to the Youth Service Bureau after they have been picked up by the police.

We feel that that second referral, the second time they were picked

up by the police, is not coming about.

We could also say that the big brother program in matching adult male volunteers with juvenile delinquents has the empirical strength and data that no juvenile who has been matched in the course of the 8 years of study has had his status get worse. No juvenile on unofficial probation has in the course of that year through his conduct been placed on official probation. Nobody who is not on probation has been put on probation.

We also feel through the establishment of the four group homes, the volunteers in probation, the parent delinquent education program, which is an informal but structured school for 25 junior high school students which involves the parents in the education of their children, and which is adapted for those just short of institutionalization, has brought about in their lives anyway, a direct impact in lowering their

possibility of staying within the juvenile justice system.

I would also say that through the criminal justice money we have been able to initiate phase 1 of a regional treatment center for juveniles, but we hesitate at this time to say as to whether the cooperative effort of the other three counties, or at least two of the three counties will be forthcoming. We do feel that Elkhart would certainly go in with us, but some of the other counties are doubtful.

Senator BAYH. Mr. Gallagher, let me ask you a tough question which

I think has to be asked.

From everything you say and from everything I know, you and Mayor Miller and his administration have really brought a great deal of enlightenment into the South Bend area as far as the treatment of young people. Where are these new criminals coming from? You say you have been able to at least stabilize those young people who have been brought before the bar of justice.

I realize that the programs that you have implemented have only had a short period of time to take effect. Where do you think those

new offenders are coming from?

Mr. Gallaguer. Well, they are coming certainly from an earlier or a younger and younger age group. In studying juvenile delinquency in the last 3 years in the city and county for referrals through the probation office, we are finding that the younger and younger age group is committing more serious crime.

So, in 1 year the average referral to the youth service bureau has dropped from about 16 years old to about 14, and right now it is below 14. The population of the county between 10 and 17, runs about 16

percent of the county's population, about 40,000.

Senator BAYH. What percentage of the 14-year-olds are drug-

related offenders?

Mr. Gallagher. I do not know statistically, because you can only prove that. I think, from referral records, and it seems that most young people are hesitant enough when they are picked up to admit anything. And they are not going to admit to drug use. I do feel-

Senator Bayn. Is that the only test that is made, their admission? Mr. Gallaguer. Well, those who are arrested for possession are very few. I do not think statistically you can project from the numbers who are arrested. If you go by the reports and comments from people in the schools, and the counselors. I think that the use of drugs among

14-year-olds is certainly epidemic if not pandemic.

Another point is that I think that the programs that I have mentioned. I would not claim that each one has reached the epitome of success. I do feel that the fundamental organization and alinement of programs is there right now. I think it is up to us to attempt in every way possible to perfect them so that they reach more and more extensively the group of young people that have to be dealt with.

Senator BAYH. If we are talking about 44 percent of the auto thefts or 41 percent of the burglaries, committeed by juveniles aged 14 or

under-

Mr. Gallagher, Right.

Senator Bayn. Well, you know, they were not just born burglars. were they? There has to be something rather basic that has happened

or has failed to happen in the lives of those kids.

Mr. Gallagher. In 1971 we could prove for juvenile referrals in one particular census tract that for burglary, auto theft, and robberies, they were committing most of their offenses in that particular cen us tract. Within a year they kind of, I would say, not so facetiously, kind of cleaned out that particular census tract so that the next one was now infected with a lot higher crime rate.

Senator Bayh. Have you told the history of that track record to

Mishawaka?

Mr. Gallaguer. Maybe if it keeps moving they will have problems there too, and if we keep moving at one census tract a year it will be

But, it does seem to be that younger group that is becoming involved in more serious problems, and I think that we have now focused our Youth Service Bureau and a number of other programs on the younger group because we feel of necessity we have to be dealing with them. And hopefully these things will kind of jell somewhere down the

road where we can really get a handle on it.

I would say most emphatically, and since my background has been education, that the schools, which is the one institution which has contact with 99 percent of our young people, seem to have failed abysmally when it comes to attempting to either notice or care for the young persons who are in trouble. I would think that if the schools would allow some type of, would allow their staff or through additional personnel would allow their staff, that additional staff to deal with the young person while he is in the context of the school, and provide a more receptive atmosphere, then I think there would not be the problem once he has left the aegis of the school.

As I mentioned in the comments, everything that we try and do is to reach the young person in the postdropout period in most cases, once he is out on the street with nothing to do but probably get into trouble. And I would hope that the schools would awaken more to their re-

sponsibilities in dealing with minor problems.

The probation office does not find out about a truancy case until it has reached, let us say, drastic proportions where he has been absent 40 or 50 or 60 days during the semester. And my question is, what are counselors doing at that point? If a counselor has 250 counselees, and he were to work 8 hours a day and spend one-half hour a semester or one-half hour with each counselee, I think it would be every 3 or 4 months that he would be able to sit down and talk with the people on his case load.

And certainly I think young people need a lot more attention at that time in their lives than the school systems are able to give to them. I think 250 to 1 is probably the lowest ratio that exists in the school

system.

Mayor Miller. Senator, I think what we have proven with some of these programs that have been successful is two things. First, if we can get to every one of the juveniles that have problems from kindergarten on up, we can solve the problem but we must have the money to do so. Your act provides these additional resources and that is why we are so favorable toward it. I believe we have shown in this testimony that you can do something with these juveniles once you have made contact through one of the agencies that we have established; that is, the Youth Service Bureau, the Youth Advocacy Program or the programs that we have at the university. All of the juvenile programs can be successful if you can get to the youth, and if you actually have the money to sponsor these programs.

Our situation today is that we have too little, too late. And we just

have to have the resources in order to solve the problem.

One of the reasons drug-related crime has increased so much is because there has been nothing done prior to my administration. I am not trying to put myself on the back, but nothing had been done as far as organizing all of the drug agencies in the community. We formed a Metropolitan Drug Commission that not only takes into consideration the city of South Bend, but also all of the school systems in the county and all of the law enforcement agencies. And now this agency is in a position to make useful recommendations such as the rehabilitation and drug treatment center which has been funded through

revenue sharing. It will begin operation July 15, 1973, and it is our hope that they will be able to dig into the problem and cut down on some of these crimes.

Senator BAYH. How are Federal dollars coordinated at the local level? I remember participating in the dedication ceremony where one of the national juvenile delinquency grants was utilized there by

the local Y.

How is that program working? How does the overall federal co-

ordination look?

Mayor Miller. You are talking about the youth advocacy program which was funded through the Local Urban Coalition, and it was not through county or city government. It was through the Urban Coalition.

It has been a good working program, and there are problems as there have been with all programs. But, overall, it has been very successful, and it is now in its last year of funding. Instead of going through the Urban Coalition in 1974, we will go through the YMCA, effective, I think, the 1st of July. Now that it is on its last year of funding it more or less has to wind down and it is not as accurate as

it has been in the past.

One of the accomplishments was the injunction that was filed by the youth advocacy program against the Indiana Boys School because of mistreatment of five juveniles, and for the actual lack of some type of rehabilitation program. It was upheld in the courts and has caused the State of Indiana and the Indiana Boys School to reform. This has to be a repayment for all of the Federal money that was spent from Washington to Indiana for reform of the Indiana Boys School.

Senator BAYH. And there has been no message coming from Washington that funds will be available to continue the program? What

is its status?

Mayor MILLER. The status, as I see it at this time, is that it is in its last funded year.

Senator BAYH. Does that make sense to you?

Mayor MILLER. I think that with the new juvenile prevention program we hope to have, it should be combined with the Youth Advocacy and Youth Service Bureau and some of the other agencies so they can be funded on a broader basis. I will be happy to do some research and send you detailed information.

Senator Bayh. I was very impressed at its inception, and you seem to think that it has worked well. Yet, for reasons not known to me or to you, the funds are being terminated, which does not make much

sense.

You mentioned that practically no referrals are being made to the

boys' school. What is being done with these young people?

Mr. Gallagher. What we have found out in the study of referrals to the boys' school—there have been some last year—but it has been almost like a 60- to 80-percent reduction each year in the last 3 or 4 years.

Referrals to private institutions have gone up, and then in the last 2 years we have established three group homes for community based corrections in the county. And we are in the process of establishing

a fourth one so the courts now have additional alternatives that they did not have, let us say, even 1 year or 11/2 years ago.

Senator Bayn. How many youngsters are in each of those group

homes?

Mr. Gallagher. Six to eight.

Senator Bayn. What is the track record relative to recidivism in those areas where you have what would be considered an adult crime committed by juveniles?

Mr. Gallagher. In most cases, it is listed technically as joy riding. It isn't so much to steal a car for profit but to steal the car for their

own use for a couple of days and they abandon it.

In most cases the referrals are made to the Probation Office and from there back to the Youth Service Bureau or to the big brother program or the volunteers in Probation.

We feel that when they have been brought to the attention of the court, once they have picked up, that the referrals are going down.

Where we are really worried, I think, is more in the area of burglaries and robberies. What concerns us a lot, let's say there will be something like purse snatchers where we are very sure a juvenile committed it, but statistically you can't list all of the purse snatchings. If you just think it was a juvenile, you can't list it as a juvenile

on your records because there is no proof. We feel that there is more

and more of this and we are very concerned about it.

We haven't been able to detain or arrest, to bring them to the attention of the court. We haven't been able to come into contact with as

many as we would like to.

Senator BAYH. Thank you, gentlemen. We really appreciate your contribution. I would like to insert in the record three very thoughtful and impressive studies that have been made and submitted to the committee: one entitled "Summary: Juvenile Delinquency Referrals Study"; the second, "Criminal Justice Funding for St. Joseph County Social and Training Programs"; and third, "Runaway Problem in St. Joseph County."

The substance of these three reports seems to me to be right on the target relative to the juvenile delinquency problem nationwide. I ap-

preciate the opportunity to include these studies in the record.

The documents referred to follow:

SUMMARY: JUVENILE DELINQUENCY REFERRALS STUDY

(Prepared by Roberta Garratt, Department of Public Safety, City of South Bend, Criminal Justice Planning Bureau, Patrick Gallagher, Director)

Introduction

In South Bend juveniles who come to the attention of the police because of their behavior are referred to the jurisdiction of the Juvenile Court through the auspices of the Probation Department. There were 2,882 youths referred to the Juvenile Court for various offenses in 1970. In 1971 there were 2,241 youths referred to the St. Joseph County Juvenile Court.

A random sample research study recently compiled by the Criminal Justice Planning Bureau and a supportive study done by the Youth Advocacy Bureau suggests that youthful crime in South Bend presents a serious problem affecting

the safety and security of all the residents of our community.

Sex, Race of Offenders

For the years mentioned, seventy-four percent (74%) of all referrals were male; twenty-six percent (26%) of those referred were female. Of those referred during 1970 and 1971, sixty-seven percent (87%) were white; thirty-three percent (33%) were black. If these percentages were stated in ratio form, then, 3 out of 4 juveniles referred would be male and 2 out of 3 would be white. Combining the characteristics of race and sex, the following data becomes apparent: for this period, fifty-one percent (51%) of all referrals were white males, twenty-three and six tenths percent (23.6%) were black males; sixteen percent (16%) were white females; nine percent (9%) were black females.

Age of Offenders

Seventy-nine percent (79%) of the youths referred to the Court in 1970 and 1971 were from fourteen to seventeen years of age. Twenty-one percent (21%) were from eight through thirteen years of age. In every age group males outnumbered females. The age group with the highest number of boys referred was the sixteen year old age group and the group with the highest number of girls referred was the fifteen year old age group. The lowest number of referrals for both males and females came from those eight years old. The sixteen year old was the most likely age of the referred youth, followed closely by the fifteen year old youth, then the seventeen year old.

Family Status

During 1970 and 1971, only forty-three percent (43%) of the youths referred were living with both natural parents at the time of their referral. Twenty-four percent (24%) of the youths referred were living with their mother only and almost ten percent (10%) were living with one natural and one step-parent.

Kind of Offense

Referrals of juveniles to the Juvenile Court were most likely to involve the commission of one of the following offenses: running away [sixteen percent (10%)], larceny and burglary [ten percent (10%) each], shiplifting [nine percent (9%)], malicious trespuss and ungovernable behavior [seven per cent (7%) each], assault and curfew violation [six percent (6%) each]. Interestingly enough, liquor violations were responsible for four and seven tenths percent (4.7%) of the referrals and drug violations only two and seven tenths percent (2.7%) of the referrals.

Number of Previous Referrals

Of those juveniles referred to the Court in 1970 and 1971, seventy-seven percent (77%) had been previously referred to the Court, Twenty-six of the youths referred in 1970 and 1971 had been referred to the Court (for either "file for information only" or for "case investigation") from fifteen to twenty times previously.

Source of Referrals

As is to be expected, most of the juveniles are funneled into the criminal justice system through the police department. Eighty-five percent (85%) of all referrals come from the police department. The school, the juvenile's family, probation office, and social service agencies account for the other referrals—the schools are only slightly more likely to refer individuals; the others refer an almost equal number of youths. Schools in the inner-city (Central Jr. High, Riley High School) and the school adjacent to the Model Cities area (Washington High School) account for the greatest number of school-initiated referrals to the Court.

Current Legal Status

At the time of referral over three-fourths of all the juveniles were under no formal treatment by the Probation Department. More specifically, approximately seventy-six percent (76%) were under no supervision, six percent (6%) under supervision, six percent (6%) on probation and three percent (3%) on parole. (Data on the current legal status of the remaining percent were not available.)

Disposition of Referrals

During 1970 and 1971, a relatively large percentage of referrals [thirty-nine percent (89%)] were filed for information only. Consistent with their philosophy to divert youth from the criminal justice system if possible, the Juvenile Court

attempts to handle matter informally. To this end, most referrals to the Juvenile Court were handled informally with only one fifth of the youth referred during 1970 and 1971 necessitating formal action (probation, supervision, etc.) by the Court. Nineteen percent (19%) of the youths had brief contact with the Probation Office as they received admonishment or adjustment of their cases. Thirteen percent (13%) of all referrals were transferred to other agencies for specialized assistance and additional treatment. Only two percent (2%) of the juveniles referred to the Court during this period were committed to public and private institutions for delinquent youths as it is the philosophy of the Court and supportive agencies to keep the juvenile in the community for treatment wherever feasible.

Juvenile Crime in South Bend

Statistics from the South Bend Police Department for 1970, 1971, and 1972 indicate that arrests for juvenile offenders from 10 to 14 years of age for serious offenses are increasing. That youthful juveniles are such a large portion of juvenile offenders in South Bend and that they are accounting for a greater percentage of juvenile arrests each year is a grim reality toward which all facets of the criminal justice system must address themselves. In 1970 juveniles ten to fourteen years old were arrested and accounted for forty-five percent (45%) of juvenile arrests in the city. In 1971 juveniles ten to fourteen years old accounted for thirty-nine percent (39%) of juvenile arrests. In 1972 forty-seven percent (47% of the juveniles arrested in South Bend were from ten to fourteen years old. A chart showing the breakdown of specific crimes into percentages for the three year period follows.

Juveniles (10 to 14) arrested in 1970 accounted for:

42% of juveniles arrested for robbery 33% of juveniles arrested for aggravated assault 40% of juveniles arrested for burglary, breaking and entering 48% of juveniles arrested for larceny, theft

24% of juveniles arrested for auto theft Juveniles (10 to 14) arrested in 1971 accounted for:

8% of juveniles arrested for robbery

11% of juveniles arrested for aggravated assault
48% of juveniles arrested for burglary, breaking and entering
41% of juveniles arrested for larceny, theft
25% of juveniles arrested for auto theft

Juveniles (10 to 14) arrested in 1972 accounted for:

40% of juveniles arrested for robbery

20% of juveniles arrested for aggravated assault

52% of juveniles arrested for burglary, breaking and entering 43% of juveniles arrested for larceny, theft 58% of juveniles arrested for auto theft

SUMMARY: CRIMINAL JUSTICE FUNDING FOR ST. JOSEPH CO. SOCIAL AND TRAINING PROGRAMS

(Prepared by Roberta Garratt)

Setting: Problems and Priorities

St. Joseph County in Northern Indiana is almost in the exact center of the Midwest, Historically, the development of St. Joseph County has been conditioned by its central location within one of the most productive parts of the United States—the five East North Central States [Ohio, Indiana, Illinois, Michigan, Wisconsin].

Manufacturing began early in area and was encouraged by the location of South Bend on the St. Joseph River and proximity of the area to rail transportation and the great manufacturing center, Chicago, All these factors contributed to making the city of South Bend the fifth largest city in the state—as early as 1800. Major growth in South Bend and in the St. Joseph County area came in the period between 1900 and 1930 with the tremendous expansion of the Studebaker complex.

As early as 1916, South Bend and St. Joseph County had a housing problem exaggerated by the thousands of workmen drawn to the city by rapid manufacturing expansion. Limited wages of workers coupled with a severe housing shortage encouraged unscrupulous property owners to erect and maintain quarters unfit for human habitation. This period of time ushered in the beginning

of what was to be an endemic condition in the area.

In recent years the South Bend area has been plagued with the associated problems of high unemployment and largescale underemployment. The primary cause of this crisis condition was the shutdown of the Studebaker Automobile Plant in 1963. As noted in the late President Lyndon Baines Johnson's Administration's The Challenge of Crime in a Free Society and re-emphasized in The South Bend Impact Plan: Meeting the Challenge of Crime, criminal offenses, the victims of crimes, and the offenders are found most frequently in the poorest, most deteriorated, socially disorganized areas of the city. Serious crime occur in areas characterized by low income, physical deterioration of housing, dependency, racial and ethnic concentration, high unemployment, overcrowded and substandard housing, low rates of owner occupied dwellings and high population density. The economic and social development of the area and its attendant problems have contributed to a rising crime rate. The Department of Public Safety and the Criminal Justice Planning Bureau are attempting to ameliorate the factors that breed crime in the area, thus confronting head-on the problem of crime by concentrating substantial criminal justice system resources on social programs and training programs.

Furthermore, as noted in the South Bend Impact Plan: Meeting the Challenge of Crime, a large proportion of arrests in South Bend for burglary, robbery and auto theft for 1972 were of juveniles. Specifically, seventy-four-percent (74%) of the arrests for these crimes were of juveniles [eighty-three percent (83%) of the auto thefts, thirty-seven (87%) of the robberies, and seventy-nine (70%) of the burglaries]. What is more tragic, more striking, and more revealing is the fact that juveniles fourteen years of age and under were arrested in increasing numbers. Juveniles fourteen years of age and under (projecting from over-all arrest rates) were responsible for fourty-four percent (44%) of the auto thefts, fourteen percent (14% of the robberies, and forty-one percent (41%) of the burglaries. According to the Summary: Juvenile Delinquency Referrals Study also prepared by the Department of Public Safety and the Criminal Justice Planning Bureau, of the juveniles arrested in 1972, those from ten to fourteen years of age accounted for forty percent (40%) of the juveniles arrested for robbery, fifty-two percent (52%) of the juveniles arrested for burglary, and fifty-three percent

Program Fund Allocation

Consistent with the Department of Public Safety and the Criminal Justice Planning Bureau's determination to confront the crime problem in our community, funds are allocated according to our developing priorities. Twenty-eight percent (28%) of criminal justice funding through this Planning Bureau goes towards specific programs to prevent juvenile crime where possible and to rehabilitate juvenile offenders wherever necessary. Social programs (including those relating to juveniles) and training programs are allocated over sixty-seven (67%) of criminal justice funding through the auspices of the Crimnal Justice Planning Bureau. A breakdown of fund allocation is given briefly below and in greater detail in the Appendix.

Social Program Fund Allocation in St. Joseph County

(58%) of the juveniles arrested for auto theft.

Allocated: \$923,639. Percent of funding: 50.2.

Social Programs Specifically Directed Toward Juveniles

Allocated: \$512,275.
Percent of funding: 27.8.

Training Programs for Oriminal Justice System Personnel

Allocated: \$334,175. Percent of funding: 17.

APPENDIX

CRIMINAL JUSTICE FUNDING FOR ST. JOSEPH COUNTY BY CATEGORIES

| Category and title – | Federal | Percent of total |
|--|--|---|
| raining: A1—Advanced training for police | \$45, 003 118, 109 171, 033 | 2 6 9 |
| Total | 334, 175 | 17 |
| ocial programs: B1 — Crime prevention and public education. B2 — Crime prevention and dangerous drug control. B3 — Crime prevention and dangerous drug control. C1 — Juvenile delinquency prevention and group homes. C2 — YSB juvenile delinquency control and prevention. D4 — (Old C2) Youth Services Bureau. C4 — Parent delinquent education program. E4 — Legal interns. E5 — Legal interns and judges seminar F1 — Student intern probation officers. F2 — Expanded rehabilitation services. F5 — Alcohol rehabilitation. 1 — Community police relations. | 22, 150 143, 513 2, 600 124, 999 196, 938 153, 000 11, 592 21, 567 42, 589 64, 749 209, 400 542 | 1 8 7 10 3 2 1 1 2 4 11 |
| Total | 923, 639 | 50 |
| quipment: D1—Communications equipment. D2—Mobile crime lab. D3—Computer center D5—Communication systems. G1—Intelligence equipment. G3—Intelligence equipment. H1—Riot control and prevention. | 12, 285 10, 824 395, 597 188, 677 1, 700 1, 900 18, 956 | 1 1 20 10 |
| Total | 593, 939 | 33 |
| Grand total | 1, 851, 753 | 100 |

RUNAWAY PROBLEM IN ST. JOSEPH COUNTY

Prepared by Jim Statzell

I. INTRODUCTION: RUNAWAY YOUTH ACT

In response to Senator Birch Bayh's Runaway Youth Act, a bill to strengthen interstate reporting and interstate services for parents of runaway children; to conduct research on the size of the runaway youth population; for the establishment, maintenance, and operation of temporary housing and counseling for transient youth, this report has been compiled to analyze and draw conclusions regarding the runaway problem in St. Joseph County.

The runaway problem has been present in society for numerous years, but has gone unnoticed, because it is basically a silent problem. Most runaways are not criminals, but instead are confused boys and girls who are burdened with personal, family, or school problems. A runaway home is an attempt to deal with these problems by helping young people come off the streets without police intervention, by returning them home, and by providing the child and family with counseling services.

A. Definition of runaway

In St. Joseph County a runaway is defined as a subject under eighteen years of age, who leaves home without parental consent, and who is reported to the police as a missing person or a runaway. A further distinction is made by the South Bend Bureau of Police in that those children who have wandered away from home, and are therefore, not actually runaways as such. Children between the ages of eight and seventeen, reported as missing, are considered runaways?

B. Runaway status in St. Joseph County

)

In 1972 a total of 718 juveniles were picked up as being runaways in St. Joseph County. This total however, does not take into consideration the number of repeated referrals or recidivism rate, it merely indicates the number of known runaways in the area. In an interview with Captain Kruszewski, of the Juvenile Section in the South Bend Bureau of Police, he estimated that approximately 400 juveniles were detained as runaways in 1972. He further estimated that 95% of these juvenile were local runaways. Of the 400 juveniles picked up by the Bureau of Police 186 were not only detained, but also referred to St. Joseph Juvenile Department at Parkview. The remaining 214 juveniles encountered by the South Bend Police were returned to their parents without Parkview Juvenile Authorities being notified. For a complete breakdown of the 718 juveniles accounted for by the different police agencies in St. Joseph County, and the number of referrals made to Parkview Juvenile Authorities see chart #1.

Since 1968 the total number of referrals made to Parkview Juvenile Authorities has decreased from 3,298 to 2,205 in 1972 or 33%. The number of runaways since 1968 has also decreased from 569 to 438 in 1972. However, this is only a 23% decrease compared to the 33% decrease for total referrals. As a result, the number of runaways compared to the total number of referrals since 1968 has increased from 17.3% to 19.9% in 1972. For a pictorial display of the total number of referrals and the total number of runaways referred to Parkview Juvenile Authorities see charts 2A and 2B. See chart #3 for the percentage of runaways referred to Parkview Juvenile Authorities compared to the total number of referrals.

C. Relationship between running away and other more serious orimes

A typical runaway in St. Joseph County usually represents a youth who has a problem, but in most instances has not generally developed a definite anti-social attitude. This course of action taken by a juvenile should be recognized as a predelinquent indicator and efforts should be made to help this youth before he or she become involved in more serious crimes. The relationship between running away and other illegal behavior is quite noticeable especially for girls who become involved in sexual relations with older boys in order to obtain food and shelter. Usually it is the chronic runaway who becomes involved in more serious crimes such as drinking, involvement with dope and pot, and quite often eventual participation in such crimes as larceny, burglary, shoplifting, and auto theft, etc. Since it is generally the chronic runaway who becomes involved in more serious crimes, it is extremely important that first and second time offenders receive proper guidance and counseling in order to deter them from a future filled with crime.

D. Factors which contribute to children running away

The major factors which contributed to a child's running away from home include: poor home environment (broken home, neglected home, immoral conditions), family discipline (juvenile keeping late hours, disobedience, stubbornness, selection of friends and hangouts, or simply adventuresome spirit), school problems, mental illness, and sex (marriage, pregnancy, etc.).

1. Age and Corresponding Factors

(A) In the eight-to-twelve year old age bracket poor home environment was considered to be the most influential factor in runaways.

(B) From age thirteen through fifteen, family discipline was probably the most important factor. However, there is no definite black or white area in so far as causation is concerned. Usually, there is a gray area where there is an overlapping of disciplinary, home environment, and school factors which combined, created a situation which caused the youth to run away.

(C) By age sixteen the mentally defective student has usually been placed in a hospital, and the disinterested student has generally quit school. This would seem to indicate a decreasing importance of the school factor in regards to runaways, and this would also partially account for the decline in the number of boys and girls reported missing in the sixteen and seventeen year old groups. See chart #4 for an age, sex, and racial breakdown for the 186 juveniles referred to Parkview Detention Home.

2. Sex Breakdown

(A) As can be seen, 61% of the runaways are girls and 65% of these girls fall in the thirteen-to-fifteen year old category. Mr. Carrington, Chief Probation Officer at Parkview, estimated that from 70-80% of the referrals made to Parkview (classified as runaways) are girls, and that they are approximately 15 years old. This indicates that referrals from agencies other than the South Bend Bureau of Police, had extremely high percentages of runaway girls.

E. Blacks and their percentage of runaways

Another interesting characteristic displayed by chart #4 is the low proportion of blacks being picked up as runaways (17.3%). At first glance this statistic might seem misleading since 72% of the impact crimes committed by juveniles in the St. Joseph County area are associated with lower-class, low-income blacks. One explanation for this fact is that black families do not report their children as missing nearly as often as do whites, especially those children in the sixteen and seventeen year old category. Many blacks leave home at age sixteen or seventeen to find jobs and get away from poor family conditions. This is quite often accepted by their parents and therefore not reported to the police.

1. Typical Runaway

(A) Therefore, from the information compiled concerning runaways, the typical runaway is a white girl, approximately fifteen years old, and coming from an upper-lower class or middle class family.

II, PROCEDURES TAKEN WHEN A RUNAWAY IS PICKED UP

When a juvenile is picked up by the Bureau of Police an immediate determination is made as to whether or not juvenile authorities at Parkview need to be contacted. Usually, in the case of first or second time offenders, attempts are made to reunite the juvenile and his parents without formally going through the Juevnile court system. This is illustrated by the fact that of the 400 runaways picked up by the South Bend Police only 186 were referred to Parkview. After the second or third time a child is picked up as a runaway he is immediately referred to the juvenile authorities at Parkview. The parents are immediately notified, and there is continued effort on the part of the juvenile authorities to reunite the child and the parents, to provide counseling, and avoid a formal court hearing. In many cases the parents and juvenile are willing to seek counseling and guidance services recommended by Parkview Juvenile Authorities; if this is impossible Parkview supplies an informal supervision service. Under this super-Visional system there is an agreement between the juvenile, his or her parents, and the Parkview Juvenile Department that the child shall check in with the juvenile authorities at regular intervals to receive guidance and counseling until it is deemed appropriate by the authorities to discontinue the sessions. It was estimated by Mr. Carrington that during 1972 there were approximately 150 juveniles supervised under this informal system.

A. Types of juveniles taken before the juvenile court

Generally, there are two types of juveniles who go before the juvenile court. The first type is the hard core delinquent. This juvenile is one for whom every possible effort has been made to rehabilitate and deter his or her criminal activity, with the only remaining alternative being placement in a private institution or commitment to the State Boys or Girls Correctional Institution. Since 1968 there has been a substantial decrease in the number of juveniles committed to the States Correctional Institution. (See Chart #5.) There have been increased efforts to reduce state commitments and place juveniles privately when at all possible. Chart #5 also contains private placement figures for 1968 through 1972.

The other type of juvenile that will appear before the juvenile court is the youth that needs money for his support and absolutely refuses to be returned to his parents or it is determined that in the juvenile's best interests that he or she not be returned to his or her parents. In order for the Parkview Juvenile Department to obtain money for a juvenile, the youth must be made a ward of the court by filing a "Delinquency Petition." Whenever possible a juvenile is turned over to the Welfare Department, rather than label the youth as a juvenile delinquent. However, the Welfare Department generally handles only dependent or neglected children, and is reluctant to take any child over twelve years of age.

B. Parkview's past trends and facts concerning their efforts

Over the past few years juvenile authorities in Parkview have been making every effort possible to keep the juvenile from being separated from his or her parents, to provide counseling especially for the juvenile, and hopefully reduce the recidivism rate of runaways, and other juvenile offenders. Of the 2,205 juveniles referred to Parkview in 1972 only 522 were actually put in detention. On the average, Parkview handles seven juveniles per day, of those actually being detained the average stay was for four days. The case load for probation officers (1:35) is not considered to be excessively heavy, when compared to other juvenile institutions around the country, and there is generally quick court action for all cases. Although Parkview is capable of handling fourteen juveniles per day, and carrying increased case loads this would not be an ideal situation for attempting to reduce crime committed by juveniles.

III. LEGAL IMPLICATIONS AND COMPLICATIONS IN ESTABLISHING A RUNAWAY HOME

According to Indiana Statutes, a juvenile believed to be a runaway or classified as a missing person, must be reported to the proper authorities (the local Police). When the police are contacted it is their responsibility to notify Parkview Juvenile Authorities and the child's parents. When a child is reported missing by his or her parents, the police have the legal right and duty to pick up that child and place him or her in detention. Police agencies and Parkview Juvenile Authorities maintain status reports on runaways and names are not removed until parents, police, or juvenile authorities concur that the juvenile has been picked up.

A. Limitations on the provision of services by runaway homes without parental consent

In order for a runaway center to legally house a runaway, parents and juvenile authorities must be notified. Without parental consent, provision of such services as medical aid, food, clothing, and shelter would subject such an establishment to possible law suits for contributing to the delinquency of a minor, or a charge of harboring an infant.

B. Legal responsibility for a runaway center in terms of custody arrangements medical aid, et cetera, for a juvenile from another State

By inter-state compact, when police take a juvenile from another jurisdiction into custody he is placed in Parkview Detention until proper papers can be drawn up for the youth's return to his or her original jurisdiction. By Indiana Law, a runaway center must notify juvenile authorities and the parents of the youth when they receive a runaway from out of state. The center is subject to the same laws and possible law suits regardless of whether the runaway is local or from another jurisdiction.

C. Problems in establishing an effective runaway center

1. Cooperation of Police and Parkview Juvenile Authorities.

In order for a runaway home to function effectively in Indiana it would require the sanctions of the Bureau of Police and Parkview Juvenile Authorities. This would be necessary in cases where parents demanded the return of their children, but the children refused to go back home. Unless the juvenile court system could step in and take charge of the case, the runaway center could be legally held responsible for the juvenile.

2. Operation of Runaway Center

It is a concensus of opinion, however, that a runaway center should have very loose connections with Police and Parkview Juvenile Authorities. In order for the center to maintain the confidence of runaways and provide them with proper counseling, the home can not be frequented or raided by juvenile authorities. One of the main rules established by runaway homes is that juveniles may come or go as they please. However, every effort possible is made to reunite the juvenile and his or her parents.

3. Problem of Becoming A Public Nuisance

One problem that could conceivably occur, especially in St. Joseph County, is that of the runaway home becoming a one-night stop off point for transient

youth moving from coast to coast. Strict rules would have to be enforced by the runaway center to insure that the home did not become a public nuisance or "flop house" for every juvenile that walks in. Contact should undoubtedly be made with the juvenile's parents to assure them of the youth's safety, and then attempts should be made for counseling and guidance for both parents and the child.

4. The Need For Qualified Personnel

One of the major problems in establishing a runaway center is finding qualified and knowledgeable personnel who could operate and maintain a runaway home. Because of the legal complications and the necessity of police and juvenile authority cooperation, the personnel should be well versed in Indiana Juvenile Law and also have the confidence of juvenile authorities to make appropriate decisions.

IV. NEED FOR RUNAWAY HOMES

It was established in the previous paragraphs that 718 runaways were accounted for in St. Joseph County in 1972. Of this number, it was estimated by Mr. Carrington, that nearly 80% of these runaways were local. One of the major functions of a runaway home is to help young people come off the streets without police intervention. Since running away is considered a status offense, rather than criminal, the attempt in establishing a runaway center is to avoid the stigmatization of the label "Juvenile Delinquent" and reform the youth before he or she become involved in more serious criminal offenses.

A. Present situation

As the situation exists now, the youth on the run has no place in St. Joseph County where he or she can go and receive guidance and counseling, food, shelter, clothing or medical aid if necessary. Although St. Joseph County does have a Youth Service Bureau, Hot Line, Family and Children's Center, Welfare Department, etc., it is required by law to notify juvenile authorities and parents if it knows the whereabouts of the juvenile. This situation forces the youth to remain on the streets, especially when the youth's major problem concerns his parents. Being forced to survive on the streets quite often results in the youth associating with individuals who have been, or are, involved in more serious crimes. This increases the juvenile chances of also becoming involved in more serious criminal offenses.

B. Function of a runaway home

Therefore, another major function of a runaway center is to provide a home where runaways can seek help, whatever its nature, and not be afraid of being forced to return home or go before a juvenile court. This allows the juvenile to come off the streets without having to sleep in cars, "crashing somebody's pad," or engaging in criminal activities in order to survive. It also provides the opportunity for professional personnel to counsel the youth and parents if possible, and hopefully reunite the juvenile and his or her family.

v. conclusion

It seems apparent that there is a definite need for a runaway center in St. Joseph County. Although a specific number of runaways can not be determined for the area the number of known runaways seems quite high. By introducing a runaway home in St. Joseph County the police agencies and juvenile authorities would be relieved of a tremendous problem. If crime prevention programs are to be effective it is imperative that not only the family, but also society, recognize the early signs of maladjustment in children. The runaway is one of the most visible problem indicators in society. In an early stage the problem can frequently be corrected with proper counseling and guidance, but this will only occur with the cooperation of law enforcement agencies and parents.

Establishment of a runaway center in St. Joseph County would undoubtedly be quite difficult, but not impossible. Finding qualified personnel that work well not only with runaways but also has the respect and confidence of police agencies and juvenile authorities, would surely be a prerequisite for the sanctioning of such a program in the St. Joseph County area. Although, the initial stages of instituting a runaway center would pose grave problems, once these problems are ironed out, the runaway home could prove to be a tremendous asset for the

community.

CHART 1

RUNAWAY STATISTICS

St. Joseph County

| Police Agencies | 1971 | 1972 |
|-----------------------------|------|------|
| South Bend Bureau of Police | 365 | 400 |
| Mishawaka Police | 59 | 54 |
| St. Joseph County Police | 194 | 241 |
| Indiana State Police | 40 | 23 |
| Totals | 658 | 7/8 |

| Parkview Detention Home | 1971 | 1972 |
|-------------------------|------|------|
| Referrals to St. Joseph | | |
| Ca Juvenile Dep | | |

CHART 2-A

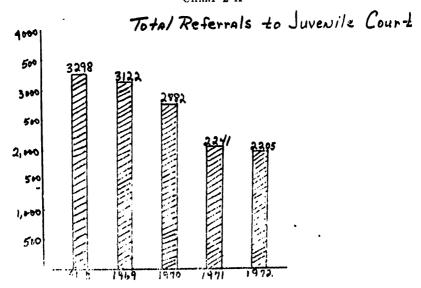
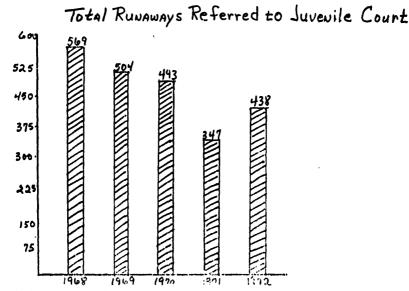


CHART 2-B



[Mayor Miller's prepared statement is as follows:]

PREPARED REMARKS AND COMMENTS CONCERNING: "JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1973"

We would like to personally thank the members of this subcommittee for the opportunity to lend our voice to those of the many concerned people throughout the country who have recognized the plight of our young people today. These young people, in growing numbers, have become involved in criminal offenses and particularly more crimes against property. The national averages are well documented and to that we can add that as Mayor and as the Director of Public Safety for our City, South Bend, Indiana is no exception.

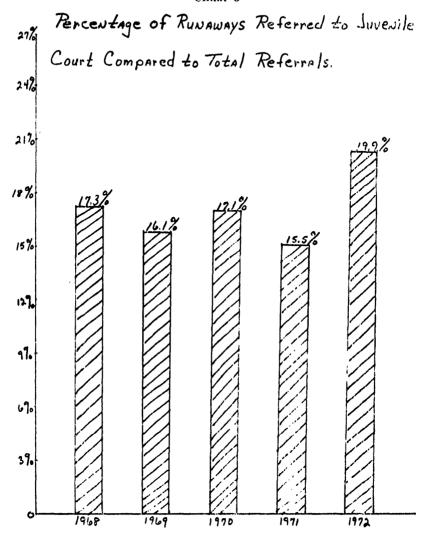
In research and studies just completed for the South Bend Impact Plan: Meeting the Challenge of Orime for three target crimes: burglary, robbery and anto theft for the year 1972, it has been shown that seventy-four per cent (projecting-from arrest rates) of these crimes were committed by juveniles. Eighty-three per cent of the auto thefts, thirty-seven per cent of the robberies, and seventy-nine per cent of the burglaries were attributed to juveniles but what is more striking and more revealing is the fact that forty-four per cent of the auto thefts, fourteen per cent of the robberies, and forty-one per cent of the burglaries were committed by juveniles aged fourteen and under. In summary, juveniles were arrested for the commission of twenty-eight out of every one-hundred Part I offenses committed in the City of South Bend in 1972. If we in the City of South Bend were able to have the resources necessary to confront the problem of juvenile delinquency on a broader base, and if through these additional resources the commission of Part I offenses occurred next year at the same rate of occurrence as last year, and if only juveniles committing Impact Crimes (burglary, auto theft, and robberies) were stopped, there would be a twenty-eight per cent decrease in the crime rate in the City of South Bend.

We have mentioned additional resources. By this we meant the wherewithall to alert the community to the needs of juveniles, to encourage and recruit the qualified people to commit themselves to the problems of juveniles, and to make provisions for a programmatic structure that would replace the outmoded and

initiate the new.

In the South Bend Impact Plan: Meeting the Challenge of Crime, we have proven what other people have, that there is a direct correlation between the socio-economic ambiance in which a person lives and anti-societal behavior. If you were to study census tract by census tract, the income levels, unemployment, substandard housing, welfare families, overcrowding, and crime in the

CHART 3



City of South Bend, you would find as we did, that these characteristics all predominantly appear in four census tracts. Juveniles (ten per cent of the total population in the City of South Bend) comprise thirty-four per cent of the population within those census tracts, which we have designated as our target areas.

As recently as ten months ago, in evaluating the impact of LEAA-funded juvenile delinquency programs in South Bend and St. Joseph County, we were most encouraged because we felt that we could "put it all together", and forge a juvenile justice system within our county which could become a microcosm and example to those outside of our County and our State. The programs initiated by the Criminal Justice Agency, many of which represent the deep involvement of private agencies operating under the aegis of the Probate Court under Judge Francis Kopinski, are as follows: The Youth Service Bureau, A Big Brothers

CHART 4

RUNAWAYS Referred To Parkview by So. Bend Police.

| -111 | | | AGE | | | | To tail | 1.35 | | |
|--------------|-------|----|-------|-----|----|----|---------|------|-------|---------------|
| 10 Aud 11-12 | 11-12 | _ | /3-// | 5 | 9/ | + | ę | 9 | 3/4/2 | Mer |
| / | / | L | 3 | 4 | | 1 | 8 | ١ | 4 | |
| | | | 3 | 3 | 7 | 2 | 7 | 6 | M | |
| | | _ | 7 | | | | 9 | M | 1 | |
| - | | - | 7 | 2 | - | | શ | 0/ | ĺ | |
| + | | +- | - " | 0 0 | 77 | | 7 | و | , | |
| | | + | | 7 | | | 7 | 4 | | |
| | \ | + | E | 6 | 78 | | 89 | 2 | | 4 |
| | | - | 2 | 4 | 2 | / | /4 | 13 | | 1 |
| 6 | 7 | - | | | - | | 7 | 8 | 4 | |
| | | - | 5 | 00 | | 7 | 9/ | 14 | 7 | |
| 4 | " | - | | | | | 3 | | 7 | |
| | | | 5 | - | 5 | | // | * | | |
| | | | 7 | 62 | | | 9 | 5 | 1 | |
| | | | 7 | | 7 | / | ٥ | 9 | | |
| | | | - | | - | | 3 | 7 | 1 | |
| | | | | | \ | / | 4 | ٦ | م | |
| | | | | 4 | _ | 3 | 7 | 7 | | |
| | | | 8 | 3 | / | | 7 | Ŋ | 1 | 1 |
| | | | 3 | 4 | \ | _/ | 7 | 3 | 4 | |
| | | | 3 | 4 | 3 | | ۵٥ | 7 | 1 | |
| | | | 8 | 7 | 7 | | 6 | و | 7 | |
| 7 | | | 9 | * | 3 | | 15 | 2 | و | |
| | | | 4 | | | / | 5 | ٦٩ | 1 | |
| | | | | | 2 | | 4 | 4 | | 1 |
| 3 // | # | | 65 | 23 | 38 | % | 186 | 150 | R | * |
| 8 | 00 | | 36 | 8/ | // | 8 | 7,3 | 24 | 9 | 4 |
| 2 3 | B | | 39 | 35 | 27 | 00 | #11 | 96 | 2 | ار |
| 1 | | | | | | | | | | |

Reach-Out Program, Interim Probation Officer, Volunteers in Probation, Group Homes for Community-Based Corrections, the initiation of Phase I of a Regional Rehabilitation and Treatment Center, Drug Education Programs, a juvenile probation officer operating at night out of the Juvenile Bureau of the Police

Department, and a Parent-Delinquent Education Program.

Initiated in May of 1972, the Youth Service Bureau, through close cooperation with the Juvenile Bureau of the Police Department, has effected a rather constant 2% decrease per month in recidivism to the Juvenile Bureau, through its outreach component and one to one contact with paraprofessional street-workers trained in interviewing and assessing the scope of juvenile problems. The average age of referrals has droppd steadily until it now stands under 14 years of age and a study of case histories has shown much more needs to be done, especially by the school system in providing crisis intervention and alternative services to young people when they have educational or learning problems, in order to prevent the sequence of their becoming behavioral problems which all too quickly turn into problems of delinquency.

The Big Brother Reach-Out program, matching male volunteers with juvenile offenders, has shown in the periods studied that no youngster in a one-year period

CHART

Number of Placements in Private and State Institutions for All Offenses

>

| STATE AND Private Placements | 1968 | 1969 | 1970 | 1971 | 1972 |
|------------------------------|------|------|------|------|------|
| Indiana Boys School | 4/ | 38 | 40 | 21 | 16 |
| J. udiana Girls School | 14 | 10 | 7 | b | 0 |
| Private Placements | 21 | 16 | 12 | 12 | 24 |
| TOTALS | 76 | 64 | 59 | 39 | -}O |

after having been matched with a volunteer ever went any further into the juvenile justice system, i.e., no one on unofficial probation went on official probation, no one on official probation was institutionalized, etc. Student Intern Probation Officers working in conjunction with regular officers lowered the case load to about 35 per regular officer and this, coupled with a Volunteers in Probation program operating out of the Probate Court, provided additional services. Group homes were formed to provide alternatives for the judges, and these homes have provided a basis for community corrections, a better home atmosphere, and eliminated institutionalization for all of their occupants.

Recently Phase I of a Regional Treatment and Diagnostic Center has been organized which in the future will work with troubled youth from a four-county area providing diagnostic and rehabilitative programs for about 45 youngsters. LEAA-funded Community Drug Education Programs have awakened the community to the crisis of the abuse of drugs and have fostered the formation of methadone centers and drug rehabilitation programs. Finally, recognizing the need for instantaneous access to a probation officer. Criminal Justice funds have started a program in which a probation officer is assigned to the Juvenile Bureau for peak crime hours, in order to make an immediate assessment through an interview and preliminary analysis. Then diversionary tactics, such as the Youth Service Bureau, Big Brothers, or the Volunteers in Probation, can be initiated or if necessary detention can be arranged. The linkage between the probation department, the Youth Service Bureau, and the Police Department, we feel, is contributing vitally to the restructuring of the Juvenile Justice System in St. Joseph County.

Previously we mentioned the school system and, from our experience, we feel that it is the one institution which comes in contact with 90% of our youth and yet which fails to provide the counseling services to deal with troubled youth. Vocational and career guidance are offered, but with a ratio of 250 counselees for each counselor the schools cannot adequately deal with troubled youth before they are forced to drop out. We, in turn, comb our imaginations for programs to rectify post-dropout situations. We feel most emphatically that the schools should and must be more conscious of their responsibility in dealing with problems and, to this end, we are most happy with the results of our Parent-Delinquent Education Program, funded through Crimi-

nal Justice. This program takes referrals directly from the Probate Court and the School System. Its basic framework consists of 25 students, most of whom were considered incorrigible by the schools or the courts, have been attending school regularly, while previously for two or more years they showed maximum absentee rates. In four months, growth in academic skills are as high as two years improvement. Two of the students will receive eighth grade diplomas from the respective schools from which they came as a result of the performance in these tests. More importantly, parents have become involved with their child's progress, probably for the first time of the child's school career, through conferences at the learning center and at home. The reality has been that those who were almost abandoned by society are now becoming interested and involved in their own futures. Education is more of a pleasure, rather than a "sentence",—a Mfe experience rather than an "existence."

We would certainly support the enactment of the Juvenile Justice and Delinquency Prevention Act of 1973. Provisions in this Act will help us fill the gap in services for juveniles in trouble with the law in South Bend. At this time, we would like to mention specific sections from the Bill and note how their enactment could substantially assist in our fight against rising rates of

delinquency.

Section 403(a) (1) designates a single State agency as having the responsibility for the preparation and administration and supervision of a unified plan of action for delinquency prevention. This will help to insure a consistent, uniform, state-wide plan that will make possible intelligent planning throughout a wide area. Indiana currently operates most social services on a county level, with

all 92 counties approaching problems in a fragmented manner.

Section 403(a) (9) provides for the active consultation and participation of private agencies in the planning, development, and implementation of delinquency prevention and treatment programs. This encouragement of those agencies already actively involved in the treatment and prevention of delinquency will add to the resource base of shared knowledge, will encourage mutual cooperation of all agencies in the criminal justice field, and will maximize the effectiveness of programming. In the past, too frequently, agency suspicion and jealousy resulted in little or no cooperation, covering up of successes and failures, and most tragically, in troubled youths having their problems ignored or being treated ineffectively treated while agencies squabbled over funds, argued about definitions, and shared only a general spirit of uncooperativeness.

Section 403(a) (10) provides that at least 75% of the funds will be used for advanced techniques in developing, maintaining, and expanding programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, to establish probation subsidy programs, and to provide community-based alternatives to juvenile detention and correctional facilities, By developing, maintaining, and expanding existing programs, we in South Bend can have the funds to continue programs that are effective, to increase their staffs so -that they can reach more juveniles, and can therefore utilize our experience and expertise in our own community better. By providing funds for programs to divert youths from the juvenile justice system and programs designed to prevent delinquency, we can increase the preventive aspect of our programs. We can provide services and programs for troubled youths and their families from the moment that young person is first identified as being in difficulty. Our system now only attempts to deal with those who are already a burden to the community because of their actions in the home, school, and neighborhood. We can forge a program that will begin to solve problems before they reach critical levels, whereby many more young lives can be salvaged and spared the trauma of arrest and incarceration.

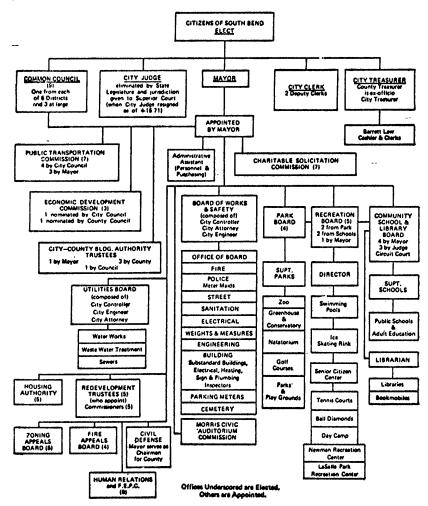
The provision of community-based alternatives (Section 403 (10) (a,b,c,d,e,f,g) will allow for the treatment of our youths in their own community as opposed to their being transported to an anonymous, overcrowded, understaffed institution in another part of the state where they will be subjected to the influences of more sophisticated offenders, homosexual practices, drug usage, and of incipient racism. We feel that, with adequate staffing and better conditions effecting more time and attention for each child, problems can be more easily solved without incurring new ones.

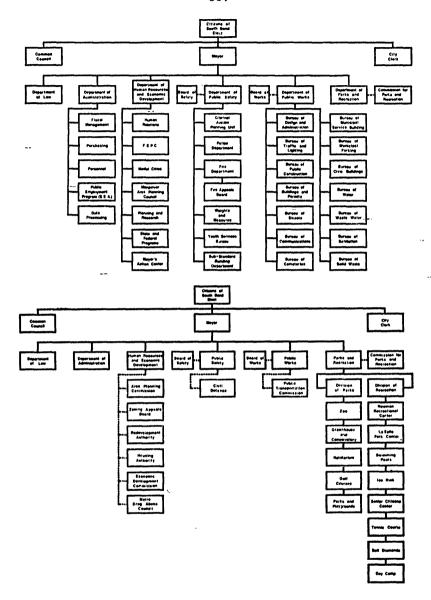
Section 403(10) (E) specifically encourages the early identification and treatment of behavior problems in the schools where they are usually first noticed and reported. And Section 403(10) (G) provides a probation subsidy program to give new incentive to reduce commitments of juveniles to correctional institutions. This same Section not only discourages juvenile commitments, but also encourages

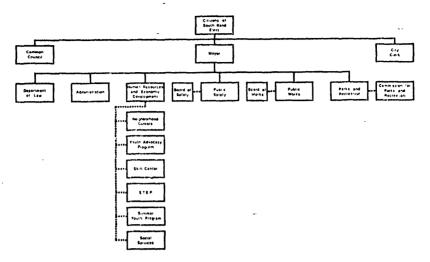
the establishment of innovative forms of probation so that the non-committed juvenile receives help and supervision while he is in the community.

Section 403(11) provides for the development of a research, training, and program evaluation capacity within the State of Indiana without which the continuous, necessary process of evaluation of goals and goal attainment will be neglected.

Section 403(12) provides that within a reasonable period of time juveniles, who are charged with or who have committed offenses that would not be criminal fit committed by an adult, shall not be placed in juvenile detention of correctional facilities, but must be placed in shelter facilities. This provision, together with (13), provides for juveniles to be kept in correctional institutions only in cases where there is a real need to prevent the young person from harming himself or others by his actions. If this provision is enacted, no longer will our States correctional facilities become dumping grounds for truants and runaways. Instead, communities will literally be forced to make alternative arrangements for solving their communities. It becomes defeating to take a child out of his community because of truancy, to send him to a state correctional institution, and to "educate him" only to new methods of criminal behavior but not solve his original problem, or the community's problem. Such action only postpones the difficulties by temporary banishment and compounds the original difficulties.







Senator BAYH. Thank you very much, gentlemen.

Our next witnesses are Mr. William E. Aull, president of the YMCA of Honolulu, accompanied by Mr. Robert R. Dye, executive of the Urban Action and Programs Division of the National Council of YMCA's, and Mr. Richard Pryor, director of YMCA's National Juvenile Justice Project.

Gentlemen, it is good to have you with us.

I am deeply grateful for your interest and support for our efforts to try to find a better way to deal with the problems of delinquency.

You are in a unique position to bring expert testimony before the committee as well as to use your good offices in the community to stir up a little enthusiasm for this important legislation. At this point I would like to insert Senator Inouye's introductory statement in the record.

[Senator Inouye's statement is as follows:]

STATEMENT OF HON. DANIEL K. INOUYE, U.S. SENATOR (HAWAII)

Mr. Chairman, I thank you and the other members of this Subcommittee for allowing my statement to be read into the Record introducing William Aull of Hawaii to the Subcommittee and reiterating my support of S. 821.

Our rising crime rate has been a common topic of discussion and debate in recent years. Elected officials have talked of the need for "law and order" often times without supplying concrete suggestions for dealing with the violent crime which plagues our nations' cities, suburbs and rural areas. Fortunately, S. 821, if it is enacted, will provide concrete measures for solving a most important aspect of the crime problem.

The most stunning rate of increase in cirminal activities has been among our nation's youth. Available statistics show that the crime rate for youth under the age of 18 rose by 124% over the decade of 1961 to 1971. It is also obvious that a major proportion of the serious crimes committed by adults have their origins in our continued failure to rehabilitate juvenile offenders.

Our present policies in this area are, in my view, misdirected. They center around detenton and do not provide effective rehabilitation. Young people who break the law, generally must look forward to a series of harsh and brutal institutions as they face incarceration. As they shift from institution to institution, they come to believe that society prefers to have them locked away and ignored instead of being trained and educated for reintegration into society.

S. 821 is one of the first comprehensive federal measures that seeks to redirect these policies. Aside from the desperately needed funds that it provides to local and state authorities, this bill also provides for a comprehensive, centralized agency that will provide a measure of uniformity and coherence to our standards for juvenile justice. We learned in recent times that funds alone will not solve social problems. For this reason, I feel that the establishment of a strong National Office of Juvenile Justice and Delinquency Prevention, that can evaluate the effectiveness of expenditures and programs is the most important feature of

Senator Bayh and the other members and staff of this Subcommittee can be

justly proud of their excellent progress in drafting this important legislation.

Testifying before you today is Mr. William Aull. Mr. Aull is Vice President and Secretary of the Hawaiian Trust Company, Ltd. He is also President of the Honolulu YMCA, and a member of the National Council of YMCA's. Mr. Aull personifies the people, policies and programs that I would like to see working in Juvenile Justice on a national level. As a private citizen in the community he has volunteered his own personal services to combat our juvenile delinquency problems. He has involved the Hawaii Trust Company in a program to match public funds with private funds to deal with these problems. He has worked to develop in the State of Hawaii a progressive and effective Juvenile Justice System.

In Hawaii we are experiencing a gratifying response to the foster home program, which places juvenile offenders in private homes rather than institutions. Given the appropriate funding, this program provides a more personal approach to juvenile guidance. We can anticipate better results at a lower cost to the government from this and other related programs, if funding and coopera-tion with the federal government is forthcoming. The Hawaii system should be studied by those involved with developing improved juvenile justice programs and policies. It has made the kind of effort in this area which deserves replication and federal support.

I look forward to working with the cosponsors of this legislation to move action through the Congress and with Mr. Aull and other concerned people in Hawaii and across the country to improve our juvenile justice system when

S. 821 becomes law.

STATEMENT OF WILLIAM E. AULL, PRESIDENT, YMCA OF HONO-LULU, HONOLULU, HAWAII, ACCOMPANIED BY ROBERT R. DYE. EXECUTIVE, URBAN ACTION AND PROGRAMS DIVISION, NA-TIONAL COUNCIL OF YMCA'S, AND RICHARD PRYOR, DIRECTOR OF YMCA'S NATIONAL JUVENILE JUSTICE PROJECT

Mr. Aull. Thank you, Senator. It is a pleasure to be here. As the mayor did previously, we have submitted written testimony to you which I believe you have. I don't plan to go into that in any more

detail unless you have any questions.

I would like to go on record, though, as stating that in Hawaii we are well aware of the problems that have been brought up by your bill. In fact, I believe that the State was one of the first in the Nation to do something about this juvenile problem and under a legislative mandate in 1970 a study was done on the juvenile justice system.

Out of that came a new mandate from the legislature regarding the setting up and the workings of the family court. The court was in

existence prior to this. It was just given new guidelines.

Also, the State set up under various or worked with, I should say, various private organizations such as the YMCA and the Salvation Army various programs to work with youth before they got into problems.

Some of these I outlined in my report but what I do want to get across is that these programs which vary from Outreach programs to alternatives for youth and to homes where children who get in trouble

are placed.

In other words, when I say homes, I mean private homes, not State correctional institutions, and they have worked very well under the limited financial means that they have had.

A definite problem we have always had with the Federal Government in any of their programs is the funding of the programs and the fact that they are normally only given on a 12-month basis.

As you can appreciate, it makes it very difficult to hire people when they are not certain whether they are going to be in a program past the 12-month period. This has happened to us several times, especially under the Model Cities bill, and it has happened to us again right now.

The first time this happened the State of Hawaii and the private foundations stepped in and carried the program until the Federal Government came back with funds at a later date. This will not happen again because the State does not have the money at the present time and the foundations are, very frankly, getting a little tired of getting into areas where they feel that the State and Federal Government should do the work.

These programs, though, have been successful. The reason they have been successful, I think, Senator, is because of one of the aspects of your bill; that is, that the power or the authority is given in one entity. That is the State, and the second thing that the Sate is mandated to do is to work with private agencies. These private agencies in the YMCA are set up, have expertise, have buildings and have manpower and all they lack is the finances.

It is a shame to me and I think a tragedy that this is not used to a greater degree by the State or Federal Government. The money that is put into the juvenile programs from the court's point of view and

from the detention point of view is staggering.

The majority of these children that go through the courts without an opportunity to come into some of the private foundations normally

don't end up as better citizens.

We have been, as I say, fortunate in these programs in Hawaii. We have, I think, done a pretty fair job. Obviously, we could do a better job. The coordination is there. The problem again is funding.

This, I hope, that your bill will go a long way to correcting.

Senator BAYH. Would it be helpful to the efforts being made in Hawaii to have an amendment attached to the LEAA program to require that within 1 year 30 percent of the LEAA block grant funds be used for a wide variety of juvenile programs?

Would that be helpful?

Mr. Aull. Yes, sir. But you hit on a subject that I would like to comment on. I agree, yes, it would. Any type of legislation of this type would be helpful. What worries me is when you get into too many different agencies that are working on this juvenile program you get into fragmentation which we have seen.

I have nothing against the LEAA as a project. It is a good one. I don't think they are doing the job that you visualize being done under

this bill.

I think one of the most important aspects under this bill is the fact you set up a national office, a person appointed by the President of the United States and confirmed by the Senate, which would take a lot of the fragmentation out of the juvenile program.

This, I think, is extremely important. We are dealing with too many

Federal agencies.

This is one of the problems that makes it very difficult for us in the field as laymen of the YMCA or any other organization is to make plans, because the State tries to coordinate all of these agencies but they can't.

As you know very well, the more people we have in the act, the job

would be done less adequately.

So I would answer your question, yes, but, any funds in this field are appreciated. But I would hate to see people from other agencies being against your bill because they think they can do the job themselves. This is my personal worry. But it is a statement of fact.

Senator BAYII. The major reason the present administration is against the bill is that they tell us there are already adequate programs

to do the job.

What is your assessment of that argument?

Mr. Aull. I agree with it. I think this is one of the major problems. Senator Bayn. You agree with their assessment that there are al-

ready adequate programs?

Mr. Aull. No; I do not. I definitely do not. I don't doubt that there are funds available that aren't being used correctly. I am a great believer, Senator, in the fact that I think private industry and private means can do a better job most of the time than the Federal or State Government.

But I also believe under this particular bill that you have introduced that the juvenile problem is so great nationwide that a national office providing it is run correctly and funded correctly and with State and local help is the only solution to the problem.

When I talked about that, I mean that I still think the private sector way down the line, such as the YMCA and other organizations will

do the work that is necessary to make your bill be a good bill.

But it has to be under the direction and by national standards must be set for the various States and also the States themselves must be responsible for implemening the bill in their locality.

But I still think from an expense point of view and from a way of getting the job done that the vast majority of this work should be done

by private organizations.

That does another thing for you, too, Senator. I think at least in Hawaii. I think it gets you—when I say "you," I mean the Federal Government—a lot more funds because I know from Hawaii's point of view, and I can only speak to that, is that the local foundations and in Hawaii the local foundations represent I think more dollars per person than they do in New York and other areas where a great many more people and the local foundations have been very, very good along this line.

In fact, the program we have now would not have been possible

without matching funds from the foundation.

So this is why in my statement to you I feel that the Federal Government, State government, and local capitalism is necessary to make

this program work.

Senator BAYH. Rather than let the LEAA extension go through without any requirement of an adequate juvenile delinquency component, we thought we would try to get LEAA going in the right direction. We will also try to get a comprehensive juvenile justice and delinquency prevention bill to provide central coordination for all juvenile programs.

Mr. Aull. I realize your problem. I couldn't agree with you more. That basically is it, Senator. If you have any questions, I again would like to emphasize that you certainly have my personal backing and the backing of the Honolulu YMCA and other organizations for

this bill.

If there is anything we can do to help you from the local point of view, we would be happy.

Senator BAYH. You have been.

Mr. Dye has also been very helpful in the last 24 hours trying to

stimulate interest in our LEAA amendment.

I have been concerned about the number of young people who say we can't make the system work. I am not willing to accept the assessment that there are more bad people than good people in this country. Quite to the contrary, I think the good outnumber the bad.

I think it is an excellent sign that the Y's and all of these youth-

I think it is an excellent sign that the Y's and all of these youthserving organizations have determined to band together to support this kind of legislation, and that they are willing to do more than

just lend their name.

I think most legislators will respond if they know that organizations like the Y's throughout the country are interested in this par-

ticular kind of juvenile justice legislation.

Mr. Pryor has also worked hard on this. I appreciate the fact that both Mr. Pryor, Mr. Dye, and Mr. Aull, are here now in support of this bill.

I am impressed with your multiplying factor on the corporate foundation interest in juvenile programs. How have you gone about that in Hawaii? Do you feel that S. 821 has the necessary ingredients to include the corporate interests?

Mr. Aull. I can only speak for Hawaii on that. I feel the bill is adequate in that area. No matter how much money you appropriate for

anything, you are not going to appropriate enough.

I do believe that in every local community the amount of money that is delegated down by the Federal Government, should this bill become law, again will not be enough. We know that. This is why I think the organizations such as the YMCA with their already staffing organization, their buildings already erected if they are needed, will be willing to contribute man-hours, people, and buildings. What they don't have, of course, is funds to hire new people.

Senator BAYH. I got the impression that you are thinking of other

types of corporations.

Mr. Aull. That is right, I am. In addition, I would think on a matching fund basis, again I don't know what the percentage would be, the corporations and foundations, at least in Hawaii, would con-

tribute mightily to this problem. What I was trying to say was that there will always be a need for more funds than any bill has on a local level.

Second, another thing that has come in Hawaii which the State government has used fairly effectively is actually the loan of manpower from the corporations where the corporations continue to pay the individual for a year and he is loaned to the State government or in several cases—it is usually the State government he is actually loaned but he has been working in programs such as this.

It has been fairly successful, especially on the Island of Hawaii, and there are four or five people I know from large businesses who are on

loan to the State or county governments.

Senator BAYH. Could you tell me more about the Hawaii foster

home program that is used in lieu of detention homes?

Mr. Aull. Yes. This was done actually in two ways. One is that a home has been used—I say a home, I mean a residence—has been used were six, seven, or eight children are placed in there by the family court under a chaperone or a family who will look after those people.

Where I think we are a little unique is in that we have had homes where people actually take in children, one child, at a time and they

get paid for it. They are trained.

But it gives a one-on-one basis which has worked out a good deal better. Of course the problem on this is finding enough homes and enough people who are willing to do this. The cost of this is higher than the other, but it works out a good deal better.

The program has been successful. It is not a very large program. Senator BAYH. The track record in Hawaii relative to the impact on the citizens, what has been the results? Is it too early to tell?

Mr. Aull. I think it is too early to tell. Senator. I really don't know the answer to that question. It has only been going now for about 2 years. We have not closed a juvenile home yet. I will tell you that. A detention home of the State hasn't been closed. Until that is done we have not had a success.

Senator BAYH. Are you familiar with the California probation subsidy program where counties are reimbursed on the basis of the num-

ber of youth they don't commit to State institutions?

Mr. Aull. Yes. Senator Bayn. What are your thoughts on that?

Mr. Aull. Again, I will ask Bob. Bob, do you know more about

that? I am not aware of their results on that.

Mr. Dye. I certainly think it is a step in the right direction, Senator, to bring this kind of incentive to keep kids out of the institutions, and sometimes the incentive is the cash incentive.

The institutions simply aren't working and where funds could be diverted to replace the present with the new system certainly should be

encouraged.

If that is a source of encouragement, I would certainly be for it.

Senator BAYII. What has been the experience with the public safety factor? How have the homes been accepted in the neighborhoods in which they have been located? There have been cries that "You have to lock up every kid that goes for a joy ride in the car to protect the society from them," and "You ought to have these halfway houses or foster homes, but not in my neighborhood."

What has been your experience in these two areas?

Mr. Aull. We have not had a problem so far. One of the reasons is the type of child that is put in the home has been carefully screened. They have not put the child who they thought would cause any great trouble in the home.

I think, Dick, you have a little more on that on the national level. Mr. Pryor. I think in the first place most of the kids, as you know, Senator, that are institutionalized are juveniles adjudicated through the court are not there for anything other than statute offenses.

They are really not a threat to public safety. We are talking some-

where in the vicinity of 65 to 85 percent of the kids.

Senator BAYH. I am trying to get your specific experience here. What you say is absolutely true. We all know this. But what has the Hawaiian program——

Mr. Aull. We have had no problems.

Sentor BAYH. You have had no problems?

Mr. Aull. Right. Fair enough.

Senator BAYII. As far as the chairman of this committee is concerned, you are right on target.

Mr. Aull. We haven't had any.

Mr. Pryor. I would like to interject that though you may not have had any. Bill, I think while we are dealing with the YMCA and moving in that direction we have to try to prepare them for it if they have those problems. We don't think those problems will be out of proportion with the problems that are going to be caused by any group of teenage kids. I don't want to sugar-coat the picture.

Senator BAYH. One of the most persuasive aspects of your testimony is the comparison of the costs of alternative programs. I would like to believe that most people respond from human kindness. The cost

factor should be secondary.

I am not too sure that that is the case. But it is persuasive when you talk about the experience in Akron, Ohio, where the YMCA alternative school program cost \$1,500 per year per child, while the institutions cost \$8,000 a year, and the Baltimore, Md., experience, where the YMCA Development Center was \$4,200 per year and the Maryland Training School for Boys, \$18,285 per year.

Do you have anything else you would care to elaborate?

Mr. Avll. Let me say, first of all, we would like to admit to a mistake. I would like the record changed on page 5 where it says it is \$1,500 a year as against \$8,000 in Ohio institutions. That figure should be \$6,500 yersus \$8,000. That was an error. I apologize.

I think you have to remember, though, in most of this, what is not included in here is the good deal of free services provided by these private organizations such as the YMCA in manpower, people who are

already trained and also in the use of buildings.

I couldn't agree with you more that you are not going to get people to do this, I don't think, for nothing. But I think that the private sec-

tor of the community can do a better job for less cost.

What that less cost will be I don't know. But it certainly can do a better job and even if the cost was the same, I still think it could do a better job.

I think Dick has some more figures on that.

Mr. Pryor. I think Mr. Aull corrected the record properly. We apologize for the misleading error on the Akron program costs, even though it still is less than the State average. It is a little bit more in

keeping with reality.

But I think just a statement as to the source on the figures, the Massachusetts figures were obtained from the Department of Youth Services. I don't know how they compared to Commissioner Miller's testimony last year, but I think they are in the same ball park.

Senator BAYH. Are those figures before or after Miller?

Mr. PRYOR. The \$14,000 is before Miller, before 1972, before the

changeover was really effectuated.

The \$6,500 figure was obtained in April from the discussions with the staff and that is a figure based on just about 4 months of experience this year.

So that figure still is going to have to be looked at more closely at the

end of the year.

The figure in Baltimore, basically the YMCA program, which is listed there, about \$4,200, that is the cash cost, so to speak, but we are informed by the Baltimore YMCA that they have put in an estimated, reluctantly estimated, because they can't separate it out clearly, but they estimate it is another about \$1,500 worth of services per kid per year that the Baltimore YMCA puts in. But that is still under the State average.

I don't want to go on too long, but I would say one of the points of great frustration that I am hoping your legislation will deal with is the whole question of data, getting firm data that is consistent as well

as possible and the research as well.

Senator Bayn, Gentlemen, you have been very helpful to us. I am

sure we will be in close contact.

I want to thank you for your contributions and to reiterate what I said a moment ago about the contribution you are making to the legislative process.

Mr. Aull. Thank you, Senator, very much.

Senator BAYH, Mr. Dye, do you have another observation?

Mr. Dye. Senator, the only thing I would add is we are really talking about a program that will generate great change, and in order to accomplish that change and in order to provide the climate by which group homes can come into a neighborhood and by which institutions can be replaced by other kinds of services, we have to provide a community climate for that, and a part of our national juvenile justice

project is designed to provide that kind of climate.

Of interest to you particularly might be the fact that this coming Saturday at Indianapolis a group of some 200 persons will meet at the Indianapolis Law School, chaired by Judge Kinsey of Kokomo, which is an Indiana statewide task force which will concentrate on the problems of juvenile justice in that State and will hopefully lead toward an ongoing task force which will bring the kind—which will assess the kind of needs that State has; assess the kind of resources that are available and work for the kind of change that is possible.

I will be at that meeting and also other members of our staff and we – are greatly hopeful this is the kind of environment that will produce the kind of changes we are taking about throughout the Nation.

Thank you.

[Mr. Aull's prepared statement and policy statement are as follows:]

PREPARED TESTIMONY FOR THE NATIONAL BOARD OF YMCA'S, PRESENTED BY WILLIAM E. AULL

Mr. Chairman and members of the subcommittee, I am William E. Aull, President, YMCA of Honolulu and a member of the National Council of YMCAs. Accompanying me are Robert R. Dye, Executive of the Urban Action and Program Division, National Council of \MCAs; and Richard Pryor, Director of the YMCAs' National Juvenile Justice Project.

The National Board of YMCAs appreciates the opportunity to discuss again with members of this Committee the serious issue of youth delinquency in our nation and the need for bringing public and private resources together for an attack on this problem will accomplish at least three things: To make available a wide variety of programs and treatments for troubled youth aimed at keeping them out of the courts and institutions; methods of helping youth in trouble which will lessen the possibilities of recidivism; doing these things at a cost much less than the present average cost of maintaining children in youth prisons and institutions.

By any business standard today it is difficult to understand why in most states we continue to expend considerable amounts of money and energy on programs of juvenile justice (or as some say juvenile injustice) that simply do not work. The recidivism rate continues to be between 70%-80%; the costs continue to climb with Connecticut now claiming its institutional cost per youth at over \$20,000; and yet no real help is given children in these typical lock-up systems.

The needs and problems to which S. 821 addresses itself have been fully documented by various studies, the most comprehensive being the Task Force Report of the President's Commission on Law Enforcement and Administration of Justice. Also, during the past several years, the need for establishing alternatives to the juvenile justice system has been more widely recognized on a national as well as on the state and local level. This is clearly stated in a report issued by the Social Welfare Development and Research Center of the University of Hawaii as follows:

"Two major principles are agreed upon by most correctional authorities in the treatment of youths adjudged as delinquents. The first is that traditional forms of incorceration in correctional institutions should be avoided insofar as possible. Not only is this form of treatment potentially damaging to the subjects but the cost of such institutionalization is much greater than most alternatives to incarceration. It is very apparent that incarceration should be used only as a last resort.

The second principle is that alternatives to incarceration must be broad and diversified enough to encompass the whole range of offenders both as to type and degree of severity of delinquent conduct. Available alternatives must provide a wide range of treatment situations and procedures geared to the requirements of different types of delinquents.¹¹⁷

The State of Hawaii has established a separate Juvenile Justice system and a master correctional plan which incorporates many of the same key prevention and treatment concepts emphasized in Senate Bill 821. These progressive steps illustrate the interest already shown by concerned organizations and individuals.

In addition, the community has indicated its increasing commitment to the support of innovative responses to the needs of troubled youth. Collaborative efforts by public and private agencies will continue and appropriate alternatives to institutionalization will be increasingly available to delinquent youth.

The comprehensive studies that we have made in Hawaii are similar in that they call for coordination and integration, collaboration between the public (all levels) and private sectors, the need for establishing a variety of in-community treatment centers, diversion of youths from the official system, changes in the system, research and dissemination of findings, and training. That which we have identified for Hawaii can probably be replicated for every State of the Union.

In Hawaii, within the limited resources available, we are making attempts to develop programs of prevention and in-community treatment and rehabilitation services. The following is a list of some of the programs:

^{1&}quot;Decisions '70", "Juvenile Delinquency Prevention and Control In Hawaii", Social Welfare Development and Research Center, University of Hawaii, January, 1970, pp. 6-7).

1. Youth Outreach programs carried out by the YMCA, utilizing YMCA, United Fund and trust and foundation funds.

2. In-community and non-residential treatment programs using a group approach. A cooperative venture between a private youth agency and the Family

3. A Counseling Intern Project with graduate students from the University of Hawaii who counsel and release or refer to other agencies or to the Family Court first time offenders arrested and referred to them by police officers. The students are supervised by a worker of the Family Court.

4. Alternatives for Youth. An outreach program for delinquent and disadvantaged youth. This program is administered by the YMCA with Model Cities money through the City and County of Honolulu and funds from the National

Institute of Mental Health.

5. The Salvation Army Facilities for Children has set aside several cottages as a referral source for the State Department of Social Services and Housing and the Family Court, including emergency shelter for temporary placement of girls, two boys group homes, and five girls group homes.

It is important to note that all of the programs listed involve the public and private sectors in that two or more agencies are involved. This underscores the concept that work with youth is a total community effort, public and private,

requiring national, state, and local input.

What we have accomplished and are attempting to do is still quite minimal when compared to the magnitude of the problem and needs. As recently as December, 1972, the State Family Court sponsored a two-day consultation to which they invited various representatives from public and private agencies, to explore alternative programs to divert juveniles from the existing juvenile justice system. They discussed ways and means to expand their foster home placement program for juveniles in lieu of placement in the detention home, the establishment of group homes as necessary options to incarceration and the development of collaborative programs with private agencies to provide necessary in-community services.

Obviously, the needs are great and resources are severely limited. Herein lies the significance of S. S21, and that is, this bill will help the nation move in the direction which has been clearly identified as necessary for the effective prevention of juvenile delinquency and rehabilitation of youth.

S. 821 addresses itself to the major issues by placing strong emphasis on the

following:

1. Diversion of youth from the existing juvenile justice system which has been found to be more damaging than rehabilitative by promoting the development and expansion of community based services.

2. The development of preventive programs reaching down to young children

in elementary schools and services to families.

3. The heavy involvement of private and non-profit organizations in the development and apparation of suitable programs.

ment and operation of suitable programs.

4. Providing strong leadership in coordinating programs on the national and state level through the creation of a National Office and the designation of a single state agency.

5. The creation of a National Institute which will assist in the ready transla-

tion of its research and development findings into operating programs.

6. The provision of adequate financial resources and long-term funding of projects.

The YMCA nationally is committed to enter into cooperative relationships with other public and private organizations to develop youth service systems within communities which are community based and provide differential treatment as close as possible to the supporting influences of a youth's life. In the last couple of years a variety of programs have been launched ranging from Youth Service Bureaus to YMCA residences that substitute for detention centers; small group homes to intensive day care for adjudicated delinquents; state-wide outreach programs to after-school care for "Latch-Key" children in high crime rate areas. For the most part these are new programs and we cannot offer cost and recidivism statistics over long periods of time. However, we are encouraged about results to date.

In Akron, Ohio, Juvenile Court Judge William Kannel also a member of that YMCAs Board of Directors and a member of the YMCAs' National Juvenile Justice Advisory Commission, has helped organize eleven YMCA alternative pro-

grams to which he refers youth. One of these is the Phoenix Program which is an alternate school providing classroom work, vocational work experiences, counseling, physical grograms and other services. It provides treatment for 14 to 16 year old boys headed for state commitment and involves the Court, Board of Education, city parks department and private agencies in work projects. Here is the result so far: It costs \$1500 a year as against \$8000 in Ohio institutions. The average youngster referred to Phoenix had been missing 34% of his school days. The youngsters who have returned to the public schools after Phoenix have an absence rate of 5.6%.

The Massachusetts juvenile system reforms seem to be making notable pregress. In 1971 of 750 residential placements of troubled youth, 650 were in insti-

tutions, which is 86%, at a cost of \$14,000 per placed youth,

Two years later, in 1973, less than 25% of its residential placements are in institutions at a cost of \$6500 per placement, less than ½ of previous costs.

The Department of Youth Services in Massachusetts has recently provided the YMCA with statistics on the Brockton YMCA program where during the past year 236 youth were placed in the Y for detention care. The Department is enthusiastic about the fact that only 5% of these youngsters went on to adjudication.

A recent editorial in the Baltimore press called the \$18,285 the state spends in maintaining one youth in the Maryland Training School for Boys "the worst financial investment the State has made." A letter recently from Robert Hilson. Baltimore's Director of the Department of Youth Services to the Baltimore YMCA expressed his positive feeling for its Youth Development Center, a residential treatment program "which has continued to offer an alternative treatment approach for many youths who would otherwise spend considerably more time in a state institution." He writes, "We see this program as so successful that we are asking the Youth Development Center to increase its population so as to provide services for even more youths," Contrasted to the \$18,235 institution cost, it costs this Y \$4200 per youth a year for this program, less than one fourth the amount.

But even so, this program, like others, is having financial difficulty. State officials expect a diminishing of federal funds for these purposes. Revenue sharing funds seem to be destined for helping to lower municipal tax rates rather than funding alternative justice projects. And the guidelines for LEAA funds still seem heavily weighted toward correction rather than prevention and diversion.

In this past year we have seen a growing readiness of organizations like ours to become deeply involved in community problems like this one and to start making available its staff, its resources, and its planning capacities to bring solutions to these intolerable situations. The one major stumbling block is assurance that these new program ventures will be supported with finances, planning and research. We have programs that have been ready to go for the past year with delay after delay because of funding uncertainties at the state and federal level. It seems that we find every roadblock to prevent programs that are desperately needed; yet have no reluctance to continue pouring money into the bottom-less pits of jail-like systems that systematically destroy every possibility of salvaging young lives, many of whom are there for no real fault of their own—the broken-home runaways, the school runaways, the stubborn child, the despairing twelve year olds.

That is why S. 821 is a breath of fresh air-aimed squarely at the problem

and its common-sense approaches.

Today, as never before, we must work together on these crucial social problems that have baffled us for hundreds of years. We must bring all of our resources together because no single force is strong enough to do it alone.

I will bring this pledge to you.

In Hawaii our corporations and philanthropic foundations are prepared to join with the federal and state government to fund the programs needed to put new youth systems in operation to replace the old.

That is why we unhesitatingly support S. 821 and endorse in particular its emphasis on preventive programs and its intent to encourage broad and diverse

assistance to all troubled youth.

Your passage of this bill—indication of the Federal government's commitment to find better ways to help and save youth in trouble—will stimulate the private sector to invest many millions of its own dollars for a coordinated effort which aims at outcomes too important to deny.

NATIONAL YMCA JUVENILE JUSTICE POLICY ADVISORY COMMISSION

A POLICY STATEMENT

Introduction

1. This past March 1972, the National Board of YMCAs adopted as one of its five major goals for the next half decade the following challenge: To change the conditions that foster alienation, delinquency, and crime,

2. This past October 1972, the National Board of YMCAs also adopted a Joint Policy Statement of Inter-Agency Collaboration which committed itself as a national voluntary organization to: . . . apply our resources of people, persuasion, and progress in as collaborative a manner as possible in the cause of juvenile justice and youth-service reform.

3. The National YMCA Juvenile Justice Project has, along with certain aspects of other efforts of the Urban Action and Program Division such as the National Center for Youth Outreach Workers and NYPUM, constituted a major

programmatic effort toward the fulfillment of these goals.

4. To provide further direction and thrust to this effort, the National YMCA Juvenile Justice Policy Advisory Commission submits the following STATEMENT OF POLICY to guide the work of the National YMCA Juvenile Justice Project and other directly related operations of the National Council of YMCAs of the U.S.A.

Need for coordinated Federal/State/local, public/private planning

5. We strongly believe in the need to link federal, state, and local governmental establishments with coalitions of private organizations in order to make the most effective use of all available resources towards the goals of reducing delinquent behavior, of diverting-more youth from courts and prisons, and of improving the treatment available to those who are incarcerated within institutions.

6. This belief rests on our recognition of the inadequate quality of the system of juvenile justice in the United States, and two aspects in particular: first, the absence nationwide of a comprehensive, coordinated approach to the treatment of children and youth in trouble, whether adjudicated by the courts or not; and second, the cyclical effects of negative labelling, institutionalization, and consequent-recidivism (estimated to be from 65 to 85 percent for incarcerated youth-

ful offenders) currently present within our juvenile justice system.
7. We concur with the recent (October 1972) policy statement of the National Council on Crime and Delinquency (NCCD) which states that:

"Within the present criminal and juvenile justice systems there is no requirement for a single, all-inclusive plan to address the needs of participants and potential participants, be they juvenile or adult, male or female, high or low income, offender or victim . . . while it is the responsibility of each state planning body to guide and audit the allocation of . . . justice resources, the task can only be accomplished if the state planning agencies can interface with a unified federal system. (Emphasis added.)

S. We therefore recommend the creation of an effective federal mechanism

that would perform the following functions of:

(a) Identification of the major problems in all current programs attempting to reduce the delinquent behavior of youth in troubled situations, both those

adjudicated and those not yet before the courts.

(b) Development of a comprehensive plan for the allocation of federal monies to programs diverting troubled youth from the juvenile justice system. including provisions for programs of a direct-prevention nature, as well as those programs treating youth already adjudicated by the courts; for training and recruitment of staff to man such programs; and for adequate evaluation and information exchange mechanisms in relation to these programs.

(c) Monitoring of all federal agencies allocating funds to all such programs, noted above, with a goal of on-going identification of the unmet needs of troubled juveniles, and recommendations for corrective steps including

adequate fund allocation levels.

Serious attempts should also be made to develop administrative and legislative procedures to ensure the actual expenditure of federal funds for such services at a level adequate to meet the very real needs in these areas.

9. Within this single federal mechanism, we also believe that it should be mandated that at least one-third of total resources controlled or coordinated by it be reserved for central allocation for innovative, experimental, or special-

emphasis programs which need not to be organized or operated wholly within any given federal region. The purpose of this provision is to ensure a continuing though reasonably controlled effort at new program development and special programs which are national in scope (such as NYPUM) and which would not otherwise be supported by the two-thirds percent of the funds allocated according to the specific program objectives described in paragraphs 12 and 13 below. Such a fund allocation recognizes that there are national factors of organizational structure and inter-state collaboration which require a federal level review and control.

Target priorities

10. We strongly concur in the belief of NCCD, the Senate Judiciary Subcommittee to investigate Juvenile Delinquency and others, that "the present response to juvenile delinquency is inadequate in that it does not allocate resources in

proportion to the problem.

11. Thus, we likewise recommend that juvenile justice and services for troubled youth should receive, at a minimum, one-half of the total federal dollars allocated to the adult criminal and juvenile justice spheres through LEAA, HEW, and NIMH correctional and prevention programs, and the Special Action Office for Drug Abuse Prevention (SAODAP). Such a large investment in juvenile services is warranted by the fact that juvenile offenders are responsible for 48 percent of arrests for serious crimes in the U.S. today.

12. Within the juvenile justice sphere, we believe that funding priorities should be reordered to give less encouragement and support to the continuation of existing juvenile institutions and more support to those programs which:

(a) Directly prevent troubled youth from having contact with the formal

juvenile justice system (police, courts, probation, corrections, etc.);
(b) Divert troubled youth already in contact with the juvenile justice system away from any further contact, especially prior to court adjudication or disposition;

(c) Provide non-institutional and non-governmental treatment (residential and non-residential) programs for youth already adjudicated and committed

by the courts.

Such programs as emphasized here have as their goal the lessening of the hostility of troubled youth, increasing their access to non-delinquent social roles, achieving their integration and acceptance into the community at large, on the one hand, and, on the other hand, improving community institutions which con-

tribute directly to the alienation and harm of troubled youth.

13. As a note of further specification, we wish to make clear that in these respects we are talking about programs which principal focus is youth already in contact with the juvenile justice system or youth clearly identified (by school, home, or community service agency) as under stress and in need of specialized supportive services in order to avoid future involvement in the formal justice system. Such programs must be considered to be in addition to the present patterns of educational, vocational, economic, and health supports available to families and individuals through a variety of federal, state, and local programs not geared specifically to troubled or "pre-delinquent" youth.

Program sponsorship

14. The utilization of staffs, learnings, resources, and facilities in already existing organizations is often preferable to creating new institutions to meet these program objectives. Private membership agencies, including the YMCA, have a unique capacity to assist troubled youth without the negative labelling automatically imposed by court treatments and institutionalization. We urge that YMCAs, in collaboration with other private agencies, continue to re-evaluate their role in contributing to the improvement of services and opportunities available to troubled youth, including the use of the personal resources of influence, knowledge, and citizen support available through their boards and membership rolls.

¹ This is not to say that more public support than is presently the case should not be forthcoming for selected juvenile institutions. Indeed, additional support is needed to ensure that those institutions which must be continued will be significantly altered and upgraded. But this is to say that, in the aggregate, proportionally more (and increasingly so) resources should be going to direct-prevention, diversion, and noninstitutional correctional programs than to existing juvenile institutions.

15. Therefore, we believe that private, non-profit human service organizations that meet accepted criteria of competence and credibility should be heavily involved, and supported in part by public funds, in developing and maintaining programs to meet the above objectives. We also recognize the vital importance of incorporating management and program evaluation mechanisms in such programs in order to guarantee accountability.

Funding arrangements

16. Because of the start-up time required to achieve full mobilization, because of the need to offer greater job security in order to attract qualified staff, because of the unrecovered resources necessary to design and establish a program in the first place, and because sensible planning processes are not determined by the solar calendar, new projects, whether of a direct-service or planning nature, should be organized on the basis of an initial period longer than one year.

17. We recommend that, as a general rule, new projects be funded for a minimum initial period of two years, and preferably, where possible, three years. We further urge that this be used as a general guideline for all new programs,

whether publicly or privately funded.

Funding procurement

18. The principal source of funds for juvenile justice programs must necessarily be public—federal, state, and local. The procurement of these funds is usually an unnecessarily wearisome, expensive, frustrating, and competitive process which discourages participation by private, nonprofit community agencies.

19. Accordingly, we recommend steps be taken to facilitate the participation of greater numbers of YMCAs in this process on the one hand, and, on the other hand, the simplification and standardization at all levels of government of the process itself. Such steps should include enhancing the resources and services of the Washington Office of the National Board, as well as the development of increased liaison services by YMCA units with legislative and administrative developments at the state government and regional level.

Community collaboration, education, and awareness

20. Communities need to be made vividly aware of the problems of juvenile Justice, and their institutions must learn to act together to resolve these problems. Our concern here, reflected previously in paragraph 6, above, is not just to facilitate the development and funding of alternative programs in the area of juvenile justice, but to have YMCAs encourage and promote citizen involvement and lay education in the juvenile justice issues and concerns of their community, in an attempt to develop deep community awareness of the grave elements of injustice actually prevalent in the juvenile justice system.

injustice actually prevalent in the juvenile justice system.

21. Accordingly, we support the collaborative policy statement adopted by the National-Board, which is attached hereto as an appendix, and urge YMCA units at every level to seek out allies and support in the development of coalitions and thrusts which will ensure the informed citizen input needed to shape and

control public policy toward troubled youth.

NATIONAL INTERAGENCY COLLABORATION ON JUVENILE JUSTICE

A STATEMENT OF INTENT

As voluntary organizations with a fundamental concern for human development and the future of American Society, we join together in underlining the ever-deepening concern and anxiety about the issues of juvenile justice nationally.

We call attention once again to abuses and shortcomings in the way organized community systems treat, or fail to treat, our youth—whether those simply in need of special supervision and services or those already adjudged to be "delinquent." We are concerned that our educational, social welfare, and recreational systems reject youth with special needs and thus abandon them to the streets and ultimately to the courts and juvenile correctional settings. And, we are especially concerned with the fate of those children and youth who do enter the formal justice system, become labeled, and get sent to the ruinous and damaging atmosphere of juvenile institutions. There in most cases they become ensuared in a prolonged pattern of criminal behavior and outlook.

We are indeed concerned about both the urgency for vastly improved and altered concepts of treating youthful offenders already involved in the formal juvenile justice system, as well as the need to prevent youth from entering that

system.

The magnitude of either aspect of the problem cannot be minimized when we consider that over 500,000 juveniles are processed through the courts each year with between 100,000 and 200,000 being committed to juvenile institutions and detention centers. It is clear to us that this large scale incarceration of juveniles and an even larger scale process of negative labeling has failed both society and the juvenile. It must be changed.

With this concern in mind, and recognizing that change of this nature is a multifaceted process involving private and public agencies, national and local efforts, new programs and new laws, improved legal protection and fairer administrative procedures, as well as citizens-at-large, we commit ourselves as national agencies to a policy of mutual collaboration for the improvement of juvenile justice systems throughout the country.

We intend this collaboration to take a variety of forms including joint statements of concern, joint efforts to inform and educate the public on the issues involved, suggestions for their resolution, and cooperation in the operation of

alternative programs for youth in trouble.

To realize this intent, we acknowledge that we must pool together the unique resources of our separate organizations at both the national and local levels

in clearly focused programs and relationships.

From this point on, as national voluntary organizations, we commit ourselves to apply our resources of people, persuasion, and programs in as collaborative a manner as possible in the cause of juvenile justice and youth-services reform. And we urgently call upon our local units and chapters to do likewise.

The costs to our youth and to our future are too high to continue isolated and

fragmented efforts.

Senator BAYH. I appreciate the cooperation you have given to the people in Indianapolis, and particularly the Kokomo situation which I am very familiar with. Unfortunately, my schedule is not going to permit me to be there.

Thank you, gentlemen.

We are going to have a 30-minute recess. There will be a vote at 2 o'clock and after that we will be back with our concluding witnesses representing the Girl Scouts, Dr. Selby and Dr. Scott. I am sorry for this inconvenience, but we have not been able to predict prior to now exactly what will be happening on the floor. That has required us to change the schedule a bit.

[Brief recess.]

Senator Bayii. Dr. Selby, Dr. Scott, we announced the coming attraction prior to the recess. At that time, as now, we said we are very grateful to you, the leadership of the Girl Scouts, for taking time from your busy schedules to come and let us benefit from the considerable expertise that the Girl Scouts have regarding the needs of young people.

STATEMENT OF DR. GLORIA D. SCOTT, CHAIRMAN, THE EXECU-TIVE COMMITTEE, NATIONAL BOARD OF DIRECTORS, GIRL SCOUTS OF THE UNITED STATES OF AMERICA, ACCOMPANIED BY DR. CECILY C. SELBY, NATIONAL EXECUTIVE DIRECTOR

Mrs. Scorr. First, I want to thank you for the invitation and we are pleased to participate as a part of this hearing representing Girl Scouts of the U.S.A.

As you know, Girl Scouts was founded here in 1912 and has been a functioning organization for 61 years. In Girl Scouting we meet pri-

marily in small groups called troops with adult leadership. We have four age ranges presently, Brownies, Juniors, Cadettes, and Seniors. More recently we have Campus Girl Scouts who are located on more than 800 college and university campuses throughout the country.

These young leaders bring a sensitivity to dealing with girls, young

women. Our senior scouts are involved with younger girls.

Girl Scouting's present national objectives and goals center on anticipating and initiating change as a social force in this Nation, building a membership truly reflective of the total population and developing greater effectiveness as a voluntary organization.

To meet these goals, we are committed to take risks, to seek greater involvement of youth in the decisionmaking process, to be flexible and innovative and to take leadership for cooperative efforts with other

agencies and organizations.

The invitation to appear here today before the subcommittee is indeed a welcome opportunity for us to share with our elected leaders in Congress our rich experiences gleaned from 61 years of working with girls.

We have several programs that we have shared with the subcommittee in our written testimony. These examples represent only a few of the ways in which Girl Scouts are having a positive, stabilizing

influence in people's lives.

Girl Scouts of U.S.A. applauds this subcommittee's dedicated efforts to develop a comprehensive, coordinated approach at the Federal level to the problems of juvenile justice and delinquency, which will enable the States and local communities to better meet the needs of our youth.

We especially commend the subcommittee for the recognition given to the need for greater emphasis on preventive work and the role of the private sector in cooperation and liaison with institutions of gov-

ernment in youth development.

It is our experience that interagency collaboration among the schools, churches, units of government and nonprofit groups and, of course, in cooperation with parents and significant other adults is the most effective way to impact on the environment and the life of a girl.

As we have stated, the earlier in her lifetime that these supportive linkages can be formed around and with the girl, the better her chances

for healthy growth and development.

S. 821 in its overriding commitment to community based programs and services affords an opportunity for a variety of groups and organizations of both adults and young people to come together in supportive roles.

Some agencies have facilities; others specially trained personnel; some institutions are mandated by law or regulation to assume certain responsibilities toward youth; others have programs that can be made available and still others attract the constituents.

A greater pulling or sharing of these facilities, skills, resources and expertise is mandatory if the best interest of children and youth are

to be served.

The emphasis which S. 821 gives to supporting, indeed mandating, this community based cooperation is welcome. For alone, no single agency can properly do the job needed in behalf of our youth.

In offering this statement we reflect a growing awareness of the fact that the questions of juvenile rights, equal treatment of offenders under sound Federal and State laws, and alternatives to traditional institutional care all need to be addressed by all citizens who care about children and youth.

More positioning of thought, more options, more dialogue, more expertise are needed. In authorizing the establishment of an Advisory Committee on Standards for Juvenile Justice and in mandating public hearings on any proposed standards, S. 821 will encourage that

dialog.

It also appears to us that title III of S. 821 which would establish a National Office of Juvenile Justice and Delinquency Prevention is a proper coordinative approach and would certainly place a high Fed-

eral priority on the problems of juvenile delinquency.

We also applaud the emphasis given on title IV on input from private agencies in the development of State plans, the encouragement given to States to expand their available funds on programs that stress work with the families, recreational opportunities and alternative learning situations, and in the authorization given to the Director of the National Office to grant and enter into contracts with private organizations to help improve their capabilities to provide needed services.

Our national organization functions as a body of technical assistance available to our local councils. As a community organization we

can also provide many different opportunities for girls.

Our relationship with the community and all of its resources enable us to effectively work for and with girls. Because we recognize that what happens to girls at a very early age has a great impact on developing their values, their approach to life, and what role they do or do not take, we try to help each girl discover herself and her own unique individuality, while at the same time we try to help her understand and appreciate the uniqueness of others.

If we are to stop damaging behavior, we must deal with the girl before a pattern of behavior has been developed. As an independent, private group we have the potential to touch girls at all levels and at all interfaces of their lives, her family, school, church, public and

private agencies and institutions.

Girl Scouting can continue to show girls by example that there are alternate life styles from which to choose. Youths have been telling us for the past years that they are not allowed to grow up in our society.

We have tried to listen and have taken steps to give girls more and more responsibility. In so doing we adults have reaped as many benefits as the girls. We all need to interact, to share, to collaborate, girl and adult, girl and girl, adult and adult, agency and agency, male and female, Government and entity and private organization.

We know that any one person if she is at the right place at the right time, says the correct words or has insight to say nothing, can

have tremendous impact on the life of another individual.

In Girl Scouting we capalize on this by attempting to gear our program and activities to each individual girl or adult involved with our organization.

Although we have always tried to deal with each girl as an individual, we do deem that all of the girls as all human beings have similar needs.

Millions of girls have taught us that people are different. Each individual at every point in her life has her own needs which are reflective of her total life and environment. These needs must be met

in every unique ways.

In any group, the leader is the key to effective interaction. In Girl Scouting it is adults working with girls. We have learned and are reminded of this truism every time we talk to a Scout or a non-Scout. The leader either makes or breaks the scouting for an individual.

Adults are selectively placed in the structure of Girl Scouting. We have an extensive adult education program, which is designed to meet the needs of volunteer adults so that they might provide leadership for girls. Those adults that deal directly with girls are specially helped to see how they must act and react in order to be supportive of girls individually and collectively.

Just as the success of Girl Scouting depends on adults, so does a child's future. Our commitment to adult education led the national organization in responding to an opportunity offered by the Office of Child Development at the Department of Health, Education, and Welfare, a proposal of six demonstration Education for Parenthood projects, of which five were individually sponsored by councils and one as a consortium of four councils, had been submitted and funded.

These are designed to help improve the competence of young people as perspective parents by seeking to prepare teen aged boys and girls for parenthood. The goal of this project is an increased awareness of the social, educational and health needs of children and the role of parents in fostering the child's development.

A result of this project we feel will certainly contribute to juvenile

delinquency prevention.

With me today is Dr. Selby, who will pick up on some of the aspects of Girl Scouting as a primarily female organization which we have reaffirmed and recognize as one of our greatest strengths.

Mrs. Selby. Thank you, Dr. Scott.

As you can understand from this testimony Girl Scouting has a wealth of experience in what we could call preventive medicine and believing as we do that the only cure, the only alternative to radical surgery, is of course preventive medicine.

In reflecting on some of the comments that I heard this morning, I am tempted to underline for us again today that there is no indication that I can find in society or the trend in society that the problem of juvenile delinquency, juvenile misbehavior, juvenile relationship to the establishment, is going to go away.

I don't see any indication that it should go away because basically this is a problem created by the very sophistication of our economy.

In other words, in our current economy young people are not needed or wanted on the work force until 21 or 22 at least. This means we are putting young people into quarantine, into ineffective role, as feeling they have no role as adults. But we know they are adults at an increasingly young age.

So our Government, our business, our society has created an artificial situation where our young people, at their mental and physical peak, are not allowed roles where they can feel an identity, feel themselves to be somebody, to be worth something. We keep them in quarantine.

What is the solution? It must be as it seems to me created by the very people that created the problem. In other words, it must be worked out

by the very people who created the sophisticated economy.

I joined Girl Scouting in the belief that so much was needed to be done for young people. I moved from the independent school and college world to the agency world because the very independence of the agency, it seemed to me had the capacity to act in areas where the family, the church, the school was unable to act.

One of the ways that an agency can act, as was pointed out by Dr. Scott, is to provide coordinating function. Another way of acting is to get into the social issue arena, again an arena where the public schools are not able to do as much as some of us would wish perhaps that they

could.

Another area is the whole values education, morals education area, where again there are severe strictures placed on various other established areas of education in the society. Independent agencies such as ours, such as the YMCA and others which you have heard from, have the ability by our very independence to use the strengths of the free interprise society to address exactly these areas where in our judgment youth needs the most help.

The kind of help is not the help down from above, not charity, but

the partnership with adults.

Again, as Dr. Scott pointed out, Girl Scouting has since is founding, which is quite remarkable, if we go back for 61 years, emphasized the partnership of girls and adults, the sharing and decisionmaking which is absolutely critical to getting through this quarantine to having youth feel that they must share with us in determining the future,

in making decisions, in determining their future in society.

So I would like to underline everything that is in our program and a lot more that we would like to be in our program which is basically designed to combat this quarantining of youth by sharing in decision-making, by learning through doing, by getting into values education as we always have been, and, secondly, to underline the special strength of the independent agency because it does seem to us that so much of the strength of the bill and the actions that you are recommending do lie on using the independent freedom of the community based agency.

I heard many comments this morning about the cost of working with youth, the cost of providing programs, the cost of anything that you

are addressing yourself to.

Agencies such as ours have used volunteer power for all of these years. In terms of spending attention on youth, I heard the ratio, I believe, one adult to every 40 youngsters in the public school system.

Our ratios on the average is one adult for every seven youngsters. The adult working with the youngster is a volunteer. So the kind of dollars we use are the back-up of research and development, but the actual delivery of service uses the American citizen is free time, freely given.

To turn to the point of girl advocacy, in a co-educational world, we believe we can make a tremendous case for the need in the development of many girls for periods of time, that can vary with the girls need, in an exclusively female organization. In such or in an exclusively male organization there is the opportunity for development of self-image, the role model identification which is critical in the development of the child: the education of the child with a valid role model.

This is at the very basis of a volunteer organization such as ours. Then, finally, just to turn to the point of adult education, there is a

great deal written these days about change in our society.

In my experience, change is no problem for youngsters. They are living in the middle of it. The relativists will tell us that change is not a problem if you are in it. Change is only a problem for those who are outside of it. Therefore, it is the adults in our communities who need so much help themselves in learning how to deal with the young.

In programs such as ours, Girl Scouting for example, has had a long, long history of pioneer work in education; adult education at the community level; education of our volunteer leaders, of our board members, of all of those involved in our program in every area, from

human relations to political action to child development.

This adult education we believe has helped the adults who work with us lose some of their fears, some of their sense of threat in working with the young. I believe that closing the generation gap as much as we can is as critical to helping to work with the problems of youth as working with the youth themselves. It is the adults who deal with the youth who need so much help in how to cope with that first problem, that first runaway child, that first action that gives the adult such a sense of threat that she or he is unable to cope creatively and kindly and constructively with the youth.

So as you can see, although I have been with Girl Scouting professionally about 1 year, I have become a chauvinist already. We would love to answer questions, but these are the points that I felt would be most helpful to underline in view, particularly, of the testimony this

morning.

Senator Bayn. Would you also be willing to answer questions?

Mrs. Selby. If we can.

Senator Bayn. Thank you very much for the very thoughtful statement. I do have some questions for Dr. Selby and Dr. Scott.

Either one or both of you may answer them.

What has been the experience of the Girl Scouts as far as involving themselves in the really difficult areas? The former stereotype of Girl Scout involves a small group called a troop, usually in a suburban area, or at least not in those areas where we have so many critical problems.

What efforts have the Girl Scouts made to try to reach girls who do

not fit in this stereotype?

Mrs. Selby. I would like to answer that, if I may, two ways.

Senator BAYH. May I add just another question, please? Please ex-

cuse me for interrupting.

I talked again to Mayor Miller during the recess. The No. 1 factor behind delinquency in the South Bend area is the broken home.

Mayor Miller and his assistant tell me that there is a greater relationship between the broken home and the juvenile delinquent act than there is with socioeconomic factors or some other indexes.

What has been the experience of the Girl Scouts regarding the kind of counseling and advice that girls from broken homes, even more than

other girls, might need?

I don't know whether there is any relationship there, but I would

like to have your thoughts.

Mrs. Selby. I would like to go first simply because of a story I would like to tell you about the council where Dr. Scott came from in Tennessee. I bring this up very specifically because I heard this morning of the need for someone, somewhere, somehow correlating efforts in communities and people saying, Should it be this agency or that government or this or that. We can tell you of situations where the girls themselves really did pull the community together, organized the community in a drug education program.

So that is just one example that speaks specifically to the council

as Dr. Scott knows well.

In terms of the broken home you are dealing with a variety of agencies each of whom has their particular focus. Our focus is by definition working with girls only for a fraction of the time of the week with a volunteer leader.

So there is both the strength there and a limitation of what we could

possibly be expected to help with.

We have in our written testimony a very interesting experiment going on in Cleveland, Ohio. I think the most general answer is that we recognize the middle-class stereotype. This came about very naturally because of the tradition of volunteerism in this country because these are the very communities where it was easy to get leaders.

Our problem is recruitment of volunteer leaders and moving into the Indian reservations or into the ghettos or into Appalachia where we are working extremely hard, spending a great deal of our time, money, and energy. The problem is getting what we call indigenous

leadership.

We have to sell volunteerism in new communities, to a new clientele. We are working on it. It involves work with paraprofessionals. It involves selling a kind of community responsibility.

We have a long way to go. But we are deeply committed in this area which for us is called indigenous leadership. The national board has made many statements and our budget allocations supports this.

But it does require a kind of dollar that working in the middle class does not require, because it means more staff support, more field aides, caravans. It requires expenditure to work in the hardto-reach areas and it requires a kind of expenditure that was not in our budget a generation ago.

Senator BAYH. Your experience would lead us to believe that it is not advisable to take a suburban housewife and make her a troop

leader in the inner city?

Mrs. Scorr. That is what our experience tends to indicate I think a part of that relates to the kind of community support and the kind of model that girls as well as other youngsters need. This is not to say we don't have any such troops being led by suburban housewives, because we have a mixture.

But one of the strengths of Girl Scouting, and other informal educational groups, is that activities can occur close to home base and as a result strengthening not only the individual, but other members of

that community.

I think some of the Girl Scouting efforts to relate to your question about the increased numbers of juveniles from broken homes have been directed in the area of identifying with what I like to call a significant adult. Often there are adults in the community who can have an impact on the life of a girl, for example, where the parents might not have the strength, nor the time nor the energy.

There is a term, called broken homes, and then there is another degree of families that are together, but are pathological, and adults

who just don't have the energy to give to their children.

We have tried to move into the areas of the community in Girl Scouting to provide some other adults who have the time and want

to give to girls leadership.

We are just moving into this in depth, into the communities in inner cities, away from suburban areas, and into rural areas. In the South we find that the rural area is very much like that of the compacted inner city area for outlets for which there are experiences for girls in those areas.

So we are moving into this area. That is one of our major goals. We have funded 18 projects in large cities and some rural areas try-

ing to recruit and train and take Girl Scouting to girls.

Senator BAYH. Is this volunteer leadership or do you have to hire

people?

Mrs. Scott. This is volunteer leadership. In some instances we are having to deal with the new concepts of volunteerism as Dr. Selby mentioned.

Our traditional concept of volunteerism has been that a person devotes her time totally free of charge and bears her expenses. But if you look at that concept usually the person can afford to do this

because they can deduct it as an income tax deduction.

In cases where there are women who do not have this status but who have their time and energy, the cost of transportation from her home to her troop might keep her from volunteering. In some instances we have encouraged the councils to try and research those leaders because we felt the impact on the girls was most important.

So some people call this paying people to do service. But I think if we realistically look at where women who don't have regular income status will come from to give leadership, this kind of subsidy for

expenses might well be important.

I think this is one of the things that I see as a coalition of groups in the juvenile act that you have here. There are adults who can give their time, and who, with some training, would be glad to extend themselves into programs to help youth.

Senator BAYH. I note that in Omaha, for example, we have had some success in working with juvenile courts to include girls who have been before the juvenile courts in the Scouting groups and camps.

Have you had successful experience in mixing girls from different

social and economic backgrounds?

Mrs. Scorr. Yes. This experience, as the council reports was very successful. What it primarily did was to take girls who were juvenile

offenders and put them in with girls who were nonoffenders without identifying either to the other and to observe these girls and to provide a kind of opportunity to work with the juvenile officers in that environment. The results of this project was recorded as being very successful.

Senator BAYH. You make reference in your testimony to the innovative programs undertaken in Ohio, Nebraska, Pennsylvania, and Kentucky to reach out to troubled girls.

Could you give us a little more of the background of those pro-

grams?

Mrs. Scorr. In one case, the troubled girls were 10- and 11-yearold girls who had been on drugs and were returning to the home community and needed the kind of interim, short-term foster care treatment which, I might add at this time, is, we think one of the real strengths of this bill.

We often find that children are often in conflict with their parents or homes, but should not be put into facilities with juveniles or other people. The opportunity to bridge that gap is very much missing in

this country.

I think there are more opportunities as we look at it from the male or female standpoint. The female offender tends to be returned home and often the conditions which sent her away from the beginning are still there.

So this particular project dealt with 11- and 12-year-old girls who

were returning to their communities.

Senator Bayn. I note with a great deal of interest and considerable alarm your assessment relative to the increase in the numbers of girls from all backgrounds who are involved in drug abuse, alcohol, running away, trips in search for need of religious experiences, and so forth.

What causes this kind of increase?

Mrs. Selby. I would think it has got to get worse before it gets better, because there is more choice. First of all, there is more choice open to every member of society now. There is infinitely more choice open to the young people except for the choices which I mentioned which we wish they had, which is the choice of employment.

But there is much more choice open to women and girls. In my experience in education of girls, Pandora's box was opened and it just burst open. The very fact that these choices were available, there was no one around, certainly not parents and certainly not school people, with any skill or any ability to help the people, the girls deal with this

increasing choice.

So now with the equality of the sexes on all levels, the girls are reaching for the same kinds of freedoms that they perceive the boys

have always had.

Senator Bayn. What has been your assessment looking at this from the community level? That the number of programs available to treat boys with problems is significantly greater than the numbers of pro-

grams available to treat girls?

Mrs. Sfiry. I can only be a little specific here. I live in Manhattan. We have funded a program in the South Bronx. I read the statement of community leaders in the South Bronx saying this is the first program for the girls, the first kind of preventive education program for girls in the South Bronx which is as you know one of the worst areas of New York City.

I can only assume that if this is true in the South Bronx that this is certainly true elsewhere—I know it is true in Central Chicago and other specific instances. We have introduced the first programs of the informal educational and recreational medicine kind for girls in these communities.

I know also on Indian Reservations where we have been working we have been the first in certain cases to move into these particular areas.

We know the values are developed primarily before puberty. Eightyfive percent of our membership is under 12. We serve one out of every three 7- and 8-year olds in the country.

That is where you are really getting at values and decisionmaking.

So this is our territory.

Senator BAYH. We are grateful for the real support that both of

you and your organization brings to this legislative effort.

What is the attitude of Girl Scouts both at the national level, as well as at the grassroots level, relative to getting in touch will Congressmen and Senators and trying to get this national effort going?

Mrs. Selby, We are very glad you asked.

Senator Bayn. You mentioned a coalition. A coalition without any action, without any willingness to speak up isn't very effective. I ask that question not to embarrass anybody, but for the very pragmatic reason that we would like to get some results.

I think you could be very helpful to us.

Mrs. Scorr. We are glad you asked that because we talked about it at lunch. We will inform our membership of the position taken here. One of our stated goals as I said is to become a social force and this means involving the Girl Scout movement in looking at issues that especially affect the young adults and women in America.

We have recently appointed a public issues committee to review places that Girl Scouting can impact on influencing the decisions

without violating our congressional charter.

We are committed to straining our total membership and our resources to the point slightly, shall I say left or right, of center of affecting our congressional charter.

Senator BAYII. Let me just say we have gone to great lengths to keep

the support for this bill bipartisan and broadly representative.

From a very real standpoint, if everyone interested in young women, getting them involved in Girl Scouts activity, and really creating a more meaningful life, if that kind of individual doesn't recognize that they can increase this very opportunity for young women who otherwise will not have it, we are going to have a more difficult time.

Mrs. Selby. There are two parts of it from our point of view. One is the very definite interest in this bill, and the other is our whole job in life in terms of delivering educational programs to girls, is communica-

tion to all of those people out there.

So we have the second part of communicating the perception that as a voluntary educational agency it is right and proper that we do become involved at the national level in developing opinions and therefore it is also proper and advisable for volunteers at the local level. So there is the second dimension to what we believe and what we are committed to in terms of appearing here today.

Senator BAYH. I appreciate your patience in staying through the day

that hardly ran according to plan.

We appreciate it. I want to salute you not only for the strong support that the Girl Scouts have given this particular piece of legislation, but also as a father who does not have the good fortune of having a daughter. If we had more Girl Scout troops and more people like you providing volunteer leadership, we wouldn't have the kind of critical need we have now for this kind of legislation.

That kind of service really is valuable to our society.

I want to add my small compliment to the many greater ones that you receive.

Thank you both.

Mrs. Scott. Thank you.

Mrs. Selby. Thank you.

[Dr. Scott's prepared statement is as follows:]

PREPARED STATEMENT OF GIRL SCOUTS OF THE U.S.A. AS PRESENTED BY DR. GLORIA D. SCOTT, CHAIRMAN, THE EXECUTIVE COMMITTEE, NATIONAL BOARD OF DIRECTORS AND DR. CECILY C. SELBY, NATIONAL EXECUTIVE DIRECTOR

My name is Dr. Gloria D. Scott of Greensboro, North Carolina, I am First Vice President and Chairman of the Executive Committee of the National Board of Directors of Girl Scouts of the U.S.A. I have been a Girl Scout since 1953 and on the Board of Directors since 1969, serving previously as Chairman of the Board's Program and Training Committee. In my professional life, I am Professor of Education and Director of Institutional Research and Planning at North Carolina A & T State University. I hold AB and MA degrees in Zoology from Indiana University and a Ph. D. in College and University Administration from Indiana University. My volunteer commitments, in addition to Girl Scouting, include serving as National Secretary of Delta Sigma Theta Sorority, on the Board of the Southern Education Foundation, and as a member of the North Carolina State Commission on Higher Education Facilities.

With me this morning is Dr. Cecily Cannan Selby, National Executive Director of Girl Scouts of the U.S.A. Prior to joining the Girl Scout organization in April of last year, Dr. Selby was Headmistress of The Lenox School in New York City. Dr. Selby holds an AB degree in Mathematics and Physics from Radcliffe College and a Ph. D. in Physical Biology from Massachusetts Institute of Technology. Her professional career in both science and education is indeed a distinguished one, and her involvement in civic, business, health and welfare, and community affairs includes Board membership of Avon Products. Inc., the Radio Corporation of America, and the National Assembly for Social Policy and Development, Inc.

It is our great pleasure to appear today before the Senate Judiciary Subcommittee to Investigate Juvenile Delinquency during the course of public hearings on S. 821. We are most grateful for the opportunity which this appearance affords for an exchange of views on a subject of great mutual concern. We are also especially pleased to have this opportunity to speak on behalf of girls, for it is our belief that girls are special.

Girl Scouts of the U.S.A., founded in 1912 by Juliette Gordon Low, incorporated in Washington, D.C. June 10, 1915, and chartered by Congress in 1950, has grown in its sixty-one years to be the largest single voluntary organization for girls in the free world. Our membership numbers 3.2 million girls aged 6 through 17 and 669,000 adults. This includes over 38,000 Americans living abroad. The motivating forces in Girl Scouting are a spiritual belief, an ethical code to which all members subscribe, and a commitment that the strength of the movement rests in voluntary leadership by adults, in cooperating with the community, and in close affiliation with the Girl Guide and Girl Scout movements of over 90 other countries. Girl/adult partnership, the concept of service to others, self-growth and development of the individual girl, volunteerism, adult education, and willingnes to serve all girls are the fundamentals of Girl

Scouting. Our membership is open to any girl who subscribes to the Promise

and Laws and pays a \$2.00 membership dues.

The national organization, which is headquartered in New York City, maintains six national branch offices which provide service and assistance to our chartered 365 local Girl Scout councils throughout the United States, Puerto Rico, the Virgin Islands, the Canal Zone, American Samoa, Guam, Wake and Midway Islands, and the Territories. Policies and directions of the movement are set by volunteers, through our National Council Meeting every three years, our National and local Board of Directors, and Regional Committees. Our professional staff of over 2700 women and men, in partnership with volunteers, implement those directions by providing the research and development and the services necessary to deliver the program to girls and sup-

port the leaders.

In Girl Scouting, girls meet primarily in small groups, called troops, with adult leadership. The program is presently divided into four age levels: Brownies (ages 6, 7 and 8), Juniors (ages 9, 10 and 11), Cadettes (ages 12, 13, and 14), and Seniors (ages 14-17). We also have Campus Girl Scouts located on more than 800 college and university campuses across the country. Many of our local councils are experimenting with wide age range troops, in the belief that girls profit by closer relationships to those both older and younger than themselves. Older girls have become troop leaders and assistant leaders for the younger girls. These young leaders bring a certain sensitivity to dealing with girls just a few years younger than themselves that we have for years been slow to recognize and utilize. The results have been powerful. Senior Scouts, acting as assistants or troop leaders have an impact much like the Pied Piper; that is, peer influence on a positive level. Young Girl Scouts are also serving as members of local boards in Girl Scouts councils and are members of our national committees. They bring a freshness of approach, an emphaty, and awareness that is match-less. What they lack in knowledge, they make up for in honesty. Our program is designed so that girls plan their activities to meet their own needs and interests. Through the girl-centered, flexible informal educational program, girls are provided with opportunities to develop as creative, responsible individuals with a deep sense of personal worth. Girls experience, discover and share with others through activities which encourage personal, social, ethical and individual skill development, which foster a sense of oneness and interdependence with others, and which promote active participation as citizens in their homes, communities, country and the world. These activities are of an infinite variety, including projects in social action, environmental education, youth leadership, career exploration, service to the handicapped and senior citizens, exploration in the arts, and international exchange.

Girl Scouting's present national objectives and goals center on anticipating and initiating change as a social force in this nation, building a membership truly reflective of the total population, and developing greater effectiveness as a voluntary organization. To meet these goals, we are committed to take risks, to seek greater involvement of youth in the decision-making process, to be flexible and innovative, and to take leadership for cooperative efforts with other agencies and organizations. The invitation to appear here today before this Subcommittee is indeed a welcome opportunity to share with our elected leaders in Congress our rich experiences gleaned from sixty one years of working with

girls.

We know that one person, if she/he is at the right place at the right time, says the correct words or has the insight to say nothing, can have a tremendous impact on the life of another individual. In Girl Scouting we capitalize on this by attempting to gear our program—our activities—to each individual girl or adult involved with our organization. Although we have always tried to deal with each girl as an individual we do feel that all girls, as all human beings, have similar needs: the need to be liked and accepted—the need for self-identity, to be somebody—the need to grow, develop and become dependent. But millions of girls have also taught us that people are different. Each individual at every point in time has her own needs, reflective of her total life and environment. These needs must be met in very unique ways.

As an organization, we are slowly coming to grips with the need to provide materials which openly focus on different ways to meet different needs. We have learned, at times the hard way, that what worked in one setting—one neighborhood or one community—might not and probably would not work in another. This learning is transferable to meeting the needs of each individual girl. The variables, however, in meeting needs of individuals are greater and of far more serious nature than those identified when defining community needs.

In any group the leader is the key to effective interaction. In Girl Scouting, it is adults working with girls. We have learned and are reminded of this truism every time we talk to a current Scout, non-Scout or ex-Scout—the leader either makes or breaks Scouting for an individual. If a girl enjoys the adult and what the group is doing, she remains in the program. If a girl likes the adult and "sort of" likes the activities, she also stays. Very few stay if the leader is partial, not dependable or moody. A recent Affiliation Study we conducted shows that the following characteristics of a leader are not too important to youth; good looking, outdoors type, strict, quiet, patriotic. In contrast, those that youth feel are very important or highly desirable are; good organizer, patient, friendly, easy going, honest, fair, and dependable.

Therefore, adults are selectively placed in the structure of Girl Scouting. We have so many positions for volunteer supporters in Girl Scouting that an adult can be, in fact must be placed in the position where she/he can be the most comfortable and the most effective. Uneasy volunteers seldom stay long and one of the realities of volunteer staffing is that volunteers can just cease their

involvement.

To meet the needs of volunteers, Girl Scouts have developed and have utilized an on-going adult education program. We do not expect our adults to mysteriously know all the answers. Some individuals have leadership qualities that seem to be innate; most do not, but have leadership potential which, if given guidance, training, help and support, can produce effective volunteer leaders.

Those adults that deal directly with girls are especially helped to see how they must act and react in order to be supportive of girls individually and collectively. Adults are helped to understand the importance of guiding rather than directing girls' actions. One of the major stumbling blocks we face in this approach—that is, the discomfort this causes many adults—is openly stated and focused upon. It is hard for adults to take a back seat. It is hard for some to sit by and let girls make their own decisions and their own mistakes. It is hard for some adults to accept the fact that girls must develop their own set of values and that these values are valid. Strong emphasis on on-going and continuous support and training helps our volunteers acquire these necessary skills to understand and relate to young people.

Just as the success of Girl Scouting depends on adults, so does a child's future. Our commitment to adult education led the national organization into responding to an opportunity offered by the Office of Child Development at the Department of Health, Education and Welfare. A proposal or package of six demonstration Education for Parenthood projects, of which five are individually sponsored by councils and one is a consortium of four councils, has been submitted which are designed to help improve the competence of young people as prospective parents by seeking to prepare teenage boys and girls for parenthood. The goal is an increased awareness of the social, educational, and health needs of children, and of the role of parents in fostering a child's development. All six of these demonstration projects were developed in cooperation with a myriad of local public and private agencies and institutions. Out of these projects will evolve curriculum materials and six individualized models for replication, where appropriate, throughout our organization or by other interested groups across the country. As we train our adult volunteers to be leaders, we believe we must train our youth to be parents.

Most children and youth are very familiar with adults as parents or as teachers, usually in the role of the disciplinarian or the direction-giver. Girls tell us that Scout leaders are different. Leaders are often thought of as friends and confidants. Our volunteers seem to present a very different role of an adult than do many of the girls' parents or teachers, resulting in a very different relationship . . . one in which it is much easier for the young person to relate to, to be

open and to be herself with the adult.

There has been and will always be experiential gaps between people. Very often these can be broken down by age grouping or by generations. In Girl Scouting, we serve ages 7 to 17, and we recruit adult volunteers ages 18 to 107 to work with those girls in varying capacities. We are always dealing with several genera-

tions simultaneously. One of our roles must be and is helping all individuals it each generation to accept and/or understand the differences that exist now, while at the same time helping them recognize that differences existed in the past and will exist in the future.

We have served too many girls over the years to be able to keep track of how long each one belonged to the organization. We do know that girls only stay as long as their needs are being met. We believe that any amount of time spent in Girl Scouting can be viable, for the ramification of membership are immeasurable. Becoming a Scout, interacting with girls and/or adults might be just that "right time, right place, with the right girls and adults who say the correct words or have the insight to say nothing".

As members of a private open agency, girls and adults have freedom to participate or not to participate. There are no report cards in Girl Scouting; accomplishment is by individual achievement. We have learned, however, that because the quest for identity is strong at particular points in a girl's life, uniforms, pins, badges, patches (which become "mine") are an important part of belonging to Girl Scouting. Badges/activities are designed so that anyone can achieve the goals. Badge requirements are individually chosen from a variety of alternatives. The process of selecting which badge to do is also a choice that is freely made from the many different badges available. Thus, each girl can assess her own strengths and needs, and can set her own pace.

We know that if you offer only one thing to girls you will reach and satisfy only those who happen to be interested in that one activity. If more activities are offered, more will be satisfied. We also know that if girls are allowed to express their feelings and their desires (when they are actively involved in deciding what they want to do with their time), they are more satisfied with the activities they pursue. Leaders try to help girls develop the confidence and ability to openly express their own ideas, feelings and opinions; to choose thoughtfully among the options available, weighing alternatives and consequences; and to accept responsibility for their own decisions.

Females represent over 50% of today's population in the United States. They make up a large percentage of the population under the age of 21. Girl Scouting has always recognized that one of our greatest strengths is that we are a female organization. Although we have coed troops and even family Scouting, we have re-affirmed our commitment to remain a female organization. Females have unique needs and different maturity rates than males. Girls and women need to learn, as part of their development, to be friends and partners with each other instead of being competitors or viewing each other as a threat. They also need to understand and appreciate their own human sexuality. Historically, attention has always been given to the rest of the population: to boys-the fathers of tomorrow. Current trends indicate that we cannot continue to believe that girls and women will permit this. Perhaps because of our changing definitions, our attitudes, and our ability to collect data, statistics are now showing us that females are just as involved in illegal or deviant behavior as boys. Girls have always been involved to a certain extent in, for example, classroom politics. acting out street behavior, or going on daring adventures. But for the most part. females have been perceived as having a much more subliminal role. However, there is an alarming increase in the number of girls from all backgrounds who are involved in drug abuse, pre-marital sex, abortion, suicide, alcoholism, gangs. truancy, runaways, and trips in search of a meaningful religious experience. It is time all of us recognized that the girls with unmet needs become the rebellious teenagers and the discontented, frustrated mothers of tomorrow. Somewhere along the line this cycle must be broken-intervention to meet their needs must occur.

Girl Scouts, like any organization working with today's youth, is struggling to confront and help solve the problems of girls—problems which are manifested by confusion, alienation from adults and institutions, and a lack of self-confidence and self-worth. Many girls whose behavior and attitudes are less than productive lack a stable, healthy and supportive family environment. Few, if any, have adult models from whom understanding and encouragement are available. And, therefore, they feel useless, unwanted, and unaccepted for what they are. Too many girls have too little opportunity to channel their energies productively or to test out their feelings of themselves and their "femaleness" in a protected environment. Unfortunately, those agencies which are best equipped to provide a supportive environment are often those from whom these girls feel-

most alienated and toward which there is the most hostility. As our organization reaches out to broaden its base we are finding that our credibility is severely challenged. Then too, very frankly, sometimes our own membership is reluctant or feels inadequate to take the risks that are inevitable if we are to fulfill our commitment to serve all girls. However, some of the strong, positive programs which Girl Scouts are presently undertaking, and which we wish to share with this Subcommittee today do, we believe, demonstrate the sincerity of that commitment, the difficulties encountered, and some of the needs as we see them.

Senior Girl Scouts in central Kansas went on several field trips throughout the council's jurisdiction to inventory the area's opportunities for service projects. As a result of the girls' decision, a cooperative program was established and is now in its fourth year with the Girls Industrial School in *Beloit, Kansas*. The average age of the girls in the school is 14 and their offenses range from homicide to truancy. The first event scheduled was a campfire sing, attended by almost 50 Girl Scouts from the surrounding 13 rural counties and about 50 girls in the school. Following that, arrangements were made between Girl. Scout council staff and the staff at the school for the establishment of an ongoing Senior troop at the school, advised by a school staff person, and for the integration of several girls into a regular Cadette troop in Beloit. This joint effort was the first time any community relationship had been established with the school, and our staff found that in so doing, one of the biggest hurdles was to convince adults of the project's viability. In the four years of this project, which has been almost entirely financed by the Girl Scout council, girls at the school have participated in our Counsellor-in-Training program, served on the Senior Planning Board, been aides in our day camps, been to our National Center West in Wyoming, attended Regional events, and this summer several will be attending national Wider Opportunities Events which involve, among other things, mixing with girls from all over the country and receiving home hospitality from a local family.

Both the school and the Girl Scouts have found that the results of this have been extraordinary. Girl Scouting has become one of the most popu-ાં ties at the school, the girls at the school have found that they are: just for themselves, the peer group pressure and trust has kept any possii. cipline problems to an unusual minimum, the school, with the Girl Scout program, has become eligible for additional funding for recreational equipment, and for many of the girls this has been the first time they have accepted what might be considered an establishment institution and been able to identify with it without losing face. Girls in the school are now doing service projects themselves. One girl has decided that it may even be possible for her to attend college. One girl voluntarily went off her medications while at camp and discovered she could cope. Staff at the school has participated in Girl Scout adult training events and in turn serves as a resource for our staff. The school notifies our organization when a girl is released from school and we in turn notify our local councils where the girl will be living in order that she may be approached about continuing her Girl Scouting.

The follow-up is very difficult, however. If the girl goes right back into the same family situation and environment she often faces parental neglect, emotional abuse, and the same conditions that caused the original rebellion. When a girl is released she becomes the responsibility of an already overburdened case worker in the county welfare department, and the kind of intensive continuous therapy and counselling she needs becomes very difficult. Furthermore, because the community's awareness of the problems involved is not heightened to a degree that supportive assistance and even pressure can be applied to the parents, few changes are possible in the home environment. Our volunteers and staff feel that there is a great need for group care facilities and/or foster care for these girls upon release, where the kind of on-going counselling and attention can be given to reinforce the progress made at the school. In so many cases it appears to be delinquency on the part of the parents, and not the delinouency of the girls, which is the real root of the problem. A healthy, stable family will usually raise its children from dependence of independence. Many troubled children, however, grow increasingly dependent on the parent when even their most basic needs are ignored, such as cleanliness, nutrition, medical care, clothing and elementary social skills. That dependence only deepens their

problems, which is likely to be evidenced by disruptive behavior and hostile attitudes. It is the feeling of some that one difference between troubled girls and troubled boys is that boys will more often resort to overt acts of rebellion where the girls are more likely to self-destruct internally. Others have found that girls do both. Because our approach is usually first to the adults and parents in order to reach the girl, we must be more aggressive in exploiting this potential for impact on the home environment.

In Niles, Ohio, our Girl Scout council three years ago recognized the high juvenile delinquency rate among girls in that area and initiated a cooperative on-going project with court officials and the National Safety Council. Girl Scouts attend Saturday court sessions and sit on youthful traffic offenders, passing judgement and sentences. More recent concern over the problems of runaways has led us into social counselling with parents and youth, in cooperation with school administrators. We also are supporting a community operated coed youth center, which is a joint effort among a number of youth serving agencies, parent groups, the United Way, schools, courts, and the mayor's office. This council has hired two experts in juvenile delinquency recently, and now they are assessing the problems and resources in the community in order to develop a far-reaching project, possibly in cooperation with the National Council on Crime and Delinquence.

ect, possibly in cooperation with the National Council on Crime and Delinquency. Because the entire state of Wyoming falls within the jurisdiction of one Girl Scout council, we have recently been approached informally by the state agency which oversees all the state's institutions (the Board of Charities and Reform asking if we would be willing to be the vehicle for the re-introduction of girls (aged 10 and 11) back into their communities following their release from the state hospital after treatment for hard drug use. The hope is that through the Girl Scout program these girls can be prevented from re-joining their previous peer groups and that we might somehow be a bridging agency for the girls. The council is now in the data collecting stage, talking with local judges, parole officers, community people and those knowledgeable about the drug problem to assess what type of program would be most productive.

This council also for the past 18 months has been able to deliver Scouting on the Wind River Indian Reservation because the Bureau of Indian Affairs probation and juvenile law enforcement officers felt Girl Scouting would be a deterrent to juvenile delinquency. With the support of the Tribal Councils, Native American girls, both on and not on probation, are Girl Scouts and participate in regular council-wide events. It is too early for us to have substantive research

data from this.

Since last year the Girl Scout council in Cleveland, Ohio has been one of seven youth serving agencies (Camp Fire, Girl Scouts, Neighborhood Centers Association, YMCA, YWCA, West Side Ecumenical Ministry, and Police Athletic League) to develop and run the Youth Outreach Program of Cleveland. First year funding was largely thru an LEAA grant of \$225,000 to the city of Cleveland. The project also received \$15,000 from the Cleveland Foundation, and over \$70,000 in cash and services was contributed by the cooperating agencies. The project was designed to bring about a coalition of community services in order to achieve the following: educational alternatives, emergency shelter, group homes, community corrections for the youth offender, family counselling, and delivery of health and psychological services. One hundred twenty-five delinquent, predelinquent and troubled youth were helped. As a result of this program, the combination of cooperative work among outreach workers, the increased communication between agency staffs, the initiation of inter-agency planning and cooperation at the neighborhood level all point toward a more effective system of services for young people. In May of this year the Executive Directors of five of the cooperating agencies issued a joint policy statement regarding their commitment to the principles established through this program. In part, that statement said: "In recognition of the success to date of the Youth Outreach Program of Cleveland, the participating agencies have agreed to apply the same cooperative approach in developing new or improved services for troubled, unruly or delinquent youth in the city..."

However, our evaluation of the first year of this program has given us some pause. To quote parts of that evaluation: "... One of our own goals in the program was to find innovative ways of work which would be transferable to this agency's ways of work in the field and which would enable us to reach and serve the anti-social child. Because of the nature of outreach work, which is client/casework oriented, this carry-over has not occurred ... These children are

in a crisis situation with complex family problems often with adults or other children in the family in trouble. Utter neglect of the children by the family is often evident. Adults in these families, who cannot really cope with their family's immediate needs, have no interest in volunteerism. The outreach worker is the liaison for services to the delinquent child because the family is unable to provide the necessary care themselves. The casework load of the outreach worker is very limited and is on a one-to-one basis. This council has invested much staff time and money in the project through; participation on the task force, supervision of the outreach supervisor, conferences with the outreach workers. meetings regarding funding, planning, coordination, interviewing prospective staff not only for this agency's outreach work, but for the overall program, financial reporting, and clerical work. The funding process itself has been involved and timeconsuming. The task force has spent approximately four months evaluating and completing the proposals for the second year, seeking funds and waiting for a decision from the federal government. . . . We plan to evaluate carefully before making any commitment to continue in the project next year . . .

The Girl Scouts in Omaha, Nobraska have an on-going relationship with the juvenile court and probation officer which has resulted in the placement of girls in troops and as program aides at our establish camp. The camp placement is especially important in removing the girls from their home environment. In all cases the Girl Scout girls did not know what offenses had been committed by the girls on probation; no labels were put on those girls, which helped them in achieving a positive self-concept. This council also has integrated into regular on-going troops girls from a home which is run by a private agency, and Senior Girl Scouts have been offered an opportunity by the state parole officers to teach outdoor skills at the police camp for girls. Our volunteers and staff are now in the process of designing a human development course which would begin with Brownies, recognizing that drug abuse, truancy and the like are only results of a deeper confusion girls face very early in life as to who they are and where are they going.

In Harrisburg, Pennsylvania the Girl Scout council has very recently developed a proposal in conjunction with the Pennsylvania State Education Association and four local urban and suburban school districts to attempt to reduce racial isolation by a cross-fertilization of resources and training, utilizing the outdoor environment. This would ultimately involve 100 youth in the first year. The council is also doing individual drug counselling on a one-to-one basis and has had great success in completely rehabilitating youngsters. They are also

now seeking funds and support to open a drop-in center. In El Paso, Texas a group of Girl Scouts (girls and adults) from a largely middle and upper income neighborhood became interested last month in the high incidence of shoplifting. The girls asked to have information, passed out leaflets inviting people to attend a meeting, and almost 500 people attended a workshop conducted by non-uniformed police. This council, as many others, has a close cooperative relationship with the housing authorities, Bilingual volunteers and staff attend tenants' meetings and are taking the family approach, hoping to provide a variety of experiences for adults and youth together. For the past six years this council, with the help of a variety of federal financial sources, has been able to send over 1000 inner city girls to our regular established and day camps. Results show that for the first time in these girls' lives, they have been able to develop a sense of their individuality, through such simple experiences as sleeping in a bed by themselves, cating together with other people, not having to be responsible for younger brothers and sisters, and placing confidence in adults. This council feels a great need in this community for a confidential diagnostic center where a leader who wishes to help a troubled girl could turn for advice and counsel, without automatically involving the authorities.

In Newport, Kentucky, our council received funding last year from the Youth Development and Delinquency Prevention Administration at H.E.W. for a project in the model cities area. The model cities authorities provided office space and telephone service, and through their employment service Girl Scouts hired two indigenous outreach workers. Three troops were formed and with transportation provided by the Community Action Agency, the girls did such things as go to the zoo, tour a cathedral, marched in a community parade, visited an amusement park, went campling, and ran bake sales. Here again, involvement of the parents was a big stumbling block. An attempt to set up a first-aid learning clinic for mothers and daughters was not too successful. However, this project enabled the

council to test and refine its methods and in so doing, proved to its own Board the worth of the work, so much so that the Board approved a continuation of funding until other sources can be found. In the search for financial support, the council has had positive conferences with the local housing authority, the Department of Economic Security, a VISTA coordinator, with a religious social service agency, and a prestigious private group. This kind of initial federal support encourages private agencies, as it did us, to extend the service and at the same time to enlist the total cooperation and participation of community groups.

In Denver, Colorado Girl Scouts are in the third year of a Family Life Education project. We recruit and train, in conjunction with a family life and sex education specialist in the county schools, volunteers who then work (by request only) with girls, parents, or girls and parents together. The program has the dual thrust of sex education and adult education. Attitudinal changes that occur in the informal, free settings have been the prime result. One group of parents convinced one local school board to introduce such a curriculum into the schools,

In beginning a Scout to Community project, this council inventoried all the agencies and programs in the Denver area to determine where we might plug into others' work, and provide girls with service projects. One troop is now working in a nursing home and has become competent enough to provide personal attention to the patients in the locked ward. Another group of girls are providing recreational experiences for first and second graders in the inner city schools. Our staff is working with volunteer probation counsellors, the welfare department refers children to us for camping experiences, and the housing project authorities have asked us to include young boys in our recreation programs. We believe we do have a valid program for both adults and youth from all backgrounds.

These programs which we have been pleased to share with the Subcommittee today represent only a few of the ways in which Girl Scouts is trying to have a positive, stabilizing influence in people's lives. We know in some areas we have only begun: in others, we have not begun at all: in others, we have had limited success, Rigid, moralistic, traditional approaches and attitudes must be abandoned. Through even greater one-to-one relationships—girl to girl, adult to adult, adult to girl, volunteer to staff—and a highly flexible structure and program, progress is possible. We also must recognize that troubled or delinquent youth and parental neglect is not indigenous to any one race, sex, or socio-economic group.

Girl Scouts of the U.S.A. applauds this Subcommittee's dedicated efforts to develop a comprehensive, coordinated approach at the federal level to the problems of juvenile justice and delinquency, which will enable the states and local communities to better meet the needs of our youth, and we especially commend the Subcommittee for the recognition given to the need for greater emphasis on preventive work and the role of the private sector, in cooperation and ligison with institutions of government, in youth development. It is our experience that inter-agency collaboration among the schools, churches, units of government, and non-profit groups, and, of course, in cooperation with parents, is the most effective way to impact on the environment and life of a girl. As we have stated, the earlier in her lifetime that these supportive linkages are formed around and with the girl the better are her chances for healthy growth and development. S. 821, in its overriding commitment to community-based programs and services, affords an opportunity for a variety of groups and organizations of both adults and young people to come together in supportive roles. Some agencies have facilities; others, specially trained personnel; some institutions are mandated by law or regulation to assume certain responsibilities toward youth; others have programs that can be made available; and still others attract the constituents—a greater pooling or sharing of these facilities, skills, resources and expertise is mandatory if the best interests of children and youth are to be served. The emphasis which S. 821 gives to supporting—indeed mandating—this communitybased cooperation is welcome, for alone no single agency can properly do the job needed on behalf of our youth. We believe that a wide range of private agencies and groups, including ourselves, have a significant contribution to offer this mix. and that the best way to provide these services is through the joint cooperation. between public and private agencies. Public money and technical assistance is frequently the impetus to the local agencies to join forces. Often these programs, after they have demonstrated their validity, attract other funding and resources

to impact on the problem, thus enabling the program to continue after the initial federal seed or demonstration money ceases.

In offering this statement we reflect a growing awareness of fact that the questions of juvenile rights, equal treatment of offenders under sound federal and state laws, and alternatives to traditional institutional care all need to be addressed by all citizens who care about children and youth. More positioning of thought-more options-more dialogue-more expertise are needed. In authorizing the establishment of an Advisory Committee on Standards for Juvenile Justice, and in mandating public hearings on any proposed standards, S. 821 will encourage that open dialogue. It also appears to us that Title III of S. 821 which would establish a National Office of Juvenile Justice and Delinguency Prevention. is a proper coordinative approach and would certainly place a high federal priority on the problems of juvenile delinquency. The availability, through this Office, of a central research facility, information bank and clearinghouse, training function, and evaluation process would be of great value to many groups and agencies working in this field who do not know exactly where to turn for substantive assistance and knowledge. We also applaud the emphasis given in Title IV on input from private agencies in the development of state plans, the encouragement given to states to expend their available funds on programs that stress work with the families, recreational opportunities and alternative learning situations, and in the authorization given to the Director of the National Office to grant to and enter into contracts with private organizations to help improve their capabilities to provide needed services. Our national organization functions as body of technical assistance available to our local councils. To illustrate, we are negotiating now with the National Council on Crime and Delinquency in hopes that their resource libraries will be open to us, that their staff will agree to serve consultants to our councils, to critique their proposals, to lend supportive assistance and possible funding to mutually interesting projects,

Our national organization is also in a position of piloting in a local area a demonstration project, refining it and assisting interested councils throughout the United States in adapting or adopting it. As a community organization we can also provide many different opportunities for girls. Our relationships with the community and all of its resources enable us to effectively work for and with girls. We know our leaders cannot know everything; but they can act as

facilitators for the girls.

Because we recognize that what happens to girls at a very early age affects their values, their approach to life, and what road they do or do not take, we try to help each girl discover for herself her own unique individuality, while at the same time helping her understand and appreciate the uniqueness of others. If we are to stop drug abuse, malicious girl gangs, or any other damaging behavior, we must deal with the girl before a pattern of behavior has been developed. Working in conjunction with families, schools, churches, public and private agencies and institutions, Girl Scouting can continue to show girls by example that there are alternate life styles from which to choose. If children become exposed at an early age to music, nature, sports, projects of social concern, career exploration, hiking, poetry, etc., and there is a choice to become involved in one or more areas, the result is a strengthened positive self concept. With 85% of our girl membership under the age of 12, Girl Scouts are in a unique position to foster that.

Youth have been telling us for the past few years that they are not allowed to grow up in our society. We have tried to listen, and have taken steps to give girls more and more responsibility. In so doing, we adults have reaped as many benefits as the girls. We all need to interact, to share and to collaborate—girl and adult, girl and girl, adult and adult, agency and agency, male and female, govern-

mental entity and private organization.

Thank you.

Senator BAYH. We will recess these hearings until tomorrow morning.

[Whereupon, at 3:10 p.m., the subcommittee recessed, to reconvene at 10 a.m., Wednesday, June 27, 1973.]

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

WEDNESDAY, JUNE 27, 1973

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

The subcommittee (composed of Senators Bayh, Hart, Burdick, Kennedy, Cook, Hruska, Fong, and Mathias) met, pursuant to notice, at 10:15 a.m., in room 1318, Dirksen Senate Office Building, Senator Birch Bayh (chairman of the subcommittee) presiding.

Present: Senators Bayh and Mathias.

Also present: Mathea Falco, staff director and chief counsel; John M. Rector, deputy chief counsel; Mary K. Jolly, editorial director and chief clerk; Nancy L. Smith, research director; Alice B. Popkin, special counsel; B. Elizabeth Marten, secretary to the staff director and chief counsel; Catherine van de Velde, secretary; Lance Ringel, assistant clerk; and Michael Ward, Stanford Law School extern.

Senator BAYH. We will reconvene our hearings.

The first witness will be Mr. Velde, Associate Administrator, Law Enforcement Assistance Administration, Department of Justice. I will put my introductory statement in the record: it is an assessment of the Federal effort to combat juvenile delinquency and it concludes that it has been a dismal failure.

Let me put in the record, immediately following my introductory remarks, those of the distinguished Senator from Nebraska, Senator Hruska. Not having read them, I cannot say what they contain, and naturally they might have different conclusions about the status of juvenile delinquency prevention.

OPENING STATEMENT OF SENATOR BIRCH BAYH, JUNE 27, 1973

We conclude hearings today on the Juvenile Justice and Delinquency Prevention Act. S. 821, which I introduced on February 8, 1973, with the distinguished ranking minority member of the Juvenile Delinquency Subcommittee, Senator Marlow W. Cook. During the two and a half years that I have been Chairman of the Subcommittee, we have held numerous hearings on existing Federal programs to combat juvenile delinquency, with particular attention focused on the adequacy of the efforts of the Department of Health, Education and Welfare (HEW) and the Law Enforcement Assistance Administration (LEAA) in this area. Unfortunately, these hearings revealed that existing Federal programs have failed to provide the requisite direction, coordination, resources, and leadership needed to deal with the delinquency crisis.

S. 821 is a response to that failure. It will provide the dynamic leadership, coordination, emphasis on delinquency prevention, and massive resources which are lacking in current Federal programs. Today's hearings will bring up-to-date

our examination of the need for this legislation in the context of the present Federal juvenile delinquency effort.

An examination of the effectiveness of the Federal juvenile delinquency effort must start with a brief history of the Juvenile Delinquency Prevention Act, which was passed on August 14, 1972. This Act is the only existing piece of Federal legislation specifically intended to deal with the complex and constantly growing juvenile delinquency problems of this nation, The Juvenile Delinquency Prevention Act, as it was renamed in 1972, extended the Juvenile Delinquency Prevention and Control Act of 1968 for two additional years (fiscal 1973 and 1974) and attempted to increase its effectiveness by sharply limiting the focus of its juvenile delinquency activities to the creation of coordinated youth serv-

The current, limited scope of HDW's delinquency activities is ironic in light of the broad goals Congress set forth for the Juvenile Delinquency Prevention and Control Act of 1968. The 1968 Act was intended to help States and local communities plan for juvenile justice programs and provide a wide range of preventive and rehabilitative services for delinquent and potentially delinquent

The bright hope of the 1968 Act has not been fulfilled either in juvenile justice planning or in juvenile delinquency prevention and rehabilitation. This Act has been plagued since its passage by a clear lack of commitment to its goals and a failure to provide administrative support within HEW. These problems have been compounded by a ridiculously small budget for the Youth Development and Delinquency Prevention Administration (YDDPA), the agency within HEW which has been charged with administering the Act.

A major reason for this failure was the confusing, overlapping responsibilities in the juvenile delinquency field between HEW and the Law Enforcement Assistance Administration established by the Omnibus Crime Control and Safe Streets Act of 1968, HEW, under the Juvenile Delinquency Prevention and Control Act of 1968, was expected to assist States in juvenile justice planning; but LEAA, with far larger funding and Administration support than YDDPA, soon dominated the entire field of criminal justice planning, including juvenile justice. YDDPA not only failed to implement its juvenile justice planning responsibilities in its first three years administering the 1968 Act, but, by its own admission, also failed to create effective programming for delinquency prevention and rehabilitation.

This Subcommittee has twice confronted the question of the merits of extending the 1968 Act, particularly in view of the fact that budget requests for the program continued at the pathetically low level of \$10 million. In both 1971 and 1972, the Subcommittee concluded that the 1968 Act should be extended to permit development and enactment of a comprehensive measure such as S. 821, which would restructure the entire Federal delinquency effort. Moreover, the Subcommittee recognized that there is strong support both in the Congress and among the American people for a delinquency prevention effort outside the traditional law enforcement system.

The scope of the juvenile delinquency activities of HEW during the past year will be one of the central questions in our hearings today. We will consider what HEW has been able to accomplish towards building promised youth services systems, especially in light of Administration cutbacks in social service programs. We will also want to find out whether HEW has adopted a policy not to use any Federal funds from the 1972 Act for direct youth services, such as halfway houses or group homes, and what the effects of such a policy might be. In addition, we want to know whether the latest HEW reorganization which apparently destroyed YDDPA also destroyed whatever HEW focus there was on delinquency.

In moving into youth services programming, HEW relinquished responsibility for providing national leadership of the delinquency prevention effort. In 1971, the Secretary of HEW and the Attorney General agreed that HEW would fund prevention and rehabilitation programs outside the juvenile correctional system and LEAA would fund programs within the traditional juvenile justice system. The allocation of responsibility for the gigantic task of preventing juvenile delinquency to YDDPA is laughable in light of the \$10 million budget allocated to accomplish this goal.

Eurthermore, there is no commitment within LEAA to take responsibility for improving the quality of juvenile justice in this country or providing adequate resources to cope with the almost complete failure of the juvenile correctional system to rehabilitate delinquents. Despite the fact that young people represent more than half the crime problem in our country, LEAA has never devoted more than 20 percent of its resources to delinquency. It is clear that juvenile delinquency prevention and treatment is not the central concern of any existing

Federal agency at the present time.

While my belief in the ineffectiveness of the present Federal juvenile delinquency effort is well-known, it is evident that there is no single Federal agency which now has the authority, commitment, and resources necessary to deal effectively with the entire problem of juvenile delinquency-from prevention to rehabilitation. S. 821 would create the structure and provide the resources for the leadership so desperately needed to find solutions for the delinquency crisis.

Today our hearings will focus on the adequacy of present Federal delinquency programs and the need for a comprehensive approach to the delinquency prob-lem. I welcome our first witness, Mr. Richard Velde, Associate Administrator of the Law Enforcement Assistance Administration, who will discuss the delinquency

work of LEAA.

[Senator Hruska's prepared statement was marked "Exhibit No. 9" and is as follows:

EXHIBIT No. 9

STATEMENT OF ROMAN L. HRUSKA, U.S. SENATOB, JUNE 27, 1978

Mr. Chairman, today the Juvenile Delinquency Subcommittee resumes hearings on S. 821, the Juvenile Justice and Delinquency Prevention Act of 1973. I commend your leadship as Chairman of this Subcommittee, and that of Senator Cook in introducing this bill which proposes to restructure the efforts of the federal government in combating the problems of juvenile crime and delinquency.

As we are all aware, the problems of juvenile delinquency are of major concern to all Americans today. Statistics currently show that young people in car country account for a substantial percentage of the reported incidents of crime. Therefore, it is well that we give high priority to the interests of juvenile delinquency and prevention.

The Federal government is deeply involved in programs to prevent and control juvenile delinquency, as well as to rehabilitate youthful offenders. A number of federal agencies are currently involved in the administration of existing pro-

grams relating to the problems of juveniles.

In 1968, Congress passed two major pieces of legislation which have had an impact on the federal efforts in youth crime and delinquency prevention.

The Omnibus Crime Control and Safe Streets Act of 1968 established the Law Enforcement Assistance Administration (LEAA) within the Department of Justice to administer a program of federal grants for the planning and implementation of comprehensive state plans. The Act specifies that 85 percent of the funds appropriated are to be used by LEAA for bloc grants to the states, which the remaining 15 percent are discretionary in nature. In 1970, the Act was amended to provide for a special program of grants for the improvement of correctional institutions and programs.

LEAA has indicated that approximately 21 percent of its budget is expended specifically for juvenile programs. These estimates, however, do not include other programs within LEAA which are of benefit to juveniles indirectly or to

a larger population of which juveniles are only one segment.

The second major piece of legislation passed in 1968 was the Juvenile Delinquency Prevention and Control Act. This Act was designed to provide federal funds to assist the states and localities in improving their services dealing with juvenile delinquency. The federal assistance included courts, correctional facili-ties, law enforcement agencies, and other agencies responsible for the prevention, treatment and control of the delinquency problem. The Youth Development

iuveniles.

¹ In FY 1972, \$128.1 million of EBAA funds was directed towards programs specifically noted as "juvenile delinquency". Additionally, approximately \$8 million was spent in 1972 in this area by LEAA under the High Impact Cities Program. It is estimated that FY 1973 expenditures for specific programs will be over \$140 million.

2 For example, LEAA funds expended by states for police training, police-community relations, corrections, courts, parole, probation, etc., are not "juvenile specific", but are of benefit to juveniles and are not included in LEAA's estimate of federal dollars spent for juveniles.

and Delinquency Prevention Administration within the Department of Health,

Education and Welfare was established to administer the Act.

The 1971 amendments to this Act established the Interdepartmental Council to coordinate all federal juvenile delinquency programs. Membership on the Council, as designated by the President, has included the Departments of Justice, Health, Education and Welfare, Housing and Urban Development, Labor, Transportation. Interior and Agriculture, as well as the Office of Economic Opportunity, the Office of Management and Budget, and the Special Action Office for Drug Abuse Prevention. In addition, several other federal agencies have served as exofficio members of the Council.

Over 160 programs are currently monitored and coordinated by the Interdepartmental Council. The most recent publication of the Interdepartmental Council shows that the federal government expended approximately \$11.5 billion in fiscal year 1971 in the juvenile delinquency and youth development areas.

In an exchange of letters on May 25, 1971, the Secretary of HEW and the Attorney General acknowledged the lack of coordination in the federal juvenile delinquency activities. The Secretary and the Attorney General agreed that HEW should concentrate its efforts on prevention and rehabilitation programs administered outside the traditional juvenile correctional system while LEAA was to

focus its efforts on programs within the juvenile correctional system.

With the 1972 amendments, the emphasis in the HEW program shifted almost entirely to the prevention of delinquency. As a result, assistance under the Juvenile Delinquency Prevention and Control Act is now directed to programs and activities carried on outside the juvenile justice system—for example, in the schools and communities-and is not extended to delinquency control and rehabilitation efforts within the system. LEAA administers programs which involve the courts, police, correctional agencies, detention homes and probation and parole authorities.

Our first step in considering new legislation in this area is to find out how well the present mechanisms and programs which I have broadly outlined are performing. A thorough record should be made on this point so that all of these members of this subcommittee can wisely and knowledgeably decide upon the

merits of S. 821 and other proposals that will be made in this area.

If current federal efforts are found to be lacking in some respects, we must then consider alternative means by which the serious problems of delinquency and prevention can be abated.

Juvenile delinquency is essentially a state and local problem. The proper role of the federal government, therefore, must be to assist local agencies and private

organizations, rather than direct these efforts.

All federal programs, however, must be coordinated. It was recognized by the Congress in establishing the Interdepartmental Council that coordination and

integration was the key to providing effective federal assistance.

At this point in time. I must express my reservations about the ability of a legislative program such as S. 821 to assure the necessary degree of coordination and integration of federal juvenile delinquency and prevention programs. The subject bill would attempt to provide coordination and uniformity by creating yet another categorical grant program. At a time when general revenue sharing has just become operative and the various special revenue sharing programs are just being considered by the Congress, it is my view that this approach may be ill-advised.

We must also consider whether the juvenile problem should be separated from the larger problems of crime and prevention which involve the adult population of our country. Will a dual system of administration and corrections, one for juveniles and another for adults, provide beneficial results without destroying

the efforts to establish a comprehensive plan for criminal justice?

Title II of S. 821 proposes to change certain sections of Title 18 of the U.S. Code dealing with juvenile delinquency. The Criminal Laws and Procedures Subcommittee of the Senate Judiciary Committee is presently considering S. 1, the "Criminal Justice Codification, Revision and Reform Act of 1973" and S.

Cong., 1st Sess. (1971)).

³ Report of the Interdepartmental Council to Coordinate All Federal Juvenile Delinquency Programs, FY 1972. Government Printing Office, Washington, D.C. (1972) at p. 44. Contacts with Dr. Ruby B. Yaryan. Staff Director for the Interdepartmental Council, indicate that the projected estimate of expenditures grew to nearly \$12.5 billion in FY 1972 and will climb to approximately \$13 billion for FY 1973.

⁴ Report of the Scante Committee on the Judiclary on S. 1732 (S. Rept. No. 92-50, 92nd Cong. 187 Seas. (1971))

1400, the "Criminal Code Reform Act of 1973", in a major effort to restructure the whole of current Title 18. Sections 3-13B1-5 of the former bill and Sec. 279 of the latter treat current Chapter 403 of Title 18 as an integral part of this total effort. Thus, this Subcommittee ought be careful not to fractionalize the processing of a new criminal code by the Congress.

It is these questions and others of a related nature that I wish to ask in bringing these hearings into proper focus. I would like the record to adequately reflect the present federal efforts, its strengths and weaknesses, and any constructive suggestions that may arise for improvement by way of legislation in

this important area of concern.

Senator Bayn. I am sure you have been looking forward to being here, Mr. Velde.

STATEMENT OF RICHARD VELDE, ASSOCIATE ADMINISTRATOR, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, DEPART-MENT OF JUSTICE: ACCOMPANIED BY THOMAS MADDEN

Mr. Velde. I always do, Mr. Chairman, because it is always a pleasure to return to this subcommittee.

Senator Bayh. The committee has been looking forward to this and

I am sure you have been, too.

Mr. Velde. I always do, and I would also confess that I wish I was on the other side of the dais this morning.

Senator Bayn. I wish you were!

Mr. Velde. I am accompanied by Mr. Thomas Madden, the LEAA

General Counsel, who is also no stranger to the subcommittee.

I do have a rather lengthy statement, Mr. Chairman, as you might suspect it does defend the administration's record in pursuing what we think is a very vigorous juvenile delinquency program. I would be pleased to submit it for your consideration and with your permission highlight some of the pertinent parts.
Senator Bayn. You may handle it any way you want. Your entire

statement will appear in the record as if you had read it. And then you may summarize. I think I should perhaps make one addendum, that the criticism of the present program does not involve personalities.

Mr. Velde. Yes, sir.

Senator Baym. There are, I think it is fair to state, a number of very dedicated individuals working in various agencies of our Government, who if they had free reins, might reach different conclusions. I think that even if that were not the case, they would have reached different conclusions and are trying in good faith to reach the same goals nationally that we are, and to give greater attention to all of the young people who need help.

Mr. Velde. Yes, sir.

Mr. Chairman, I am pleased to appear today on behalf of the Attorney General to discuss the role of the Law Enforcement Assist-

ance Administration in controlling juvenile delinquency.

My comments will center primarily on juvenile delinquency programs funded by LEAA. I also will comment on portions of S. 821, the proposed "Juvenile Justice and Delinquency Prevention Act of 1973." Additionally, I will comment on title II of your bill, which revises sections of title 18 of the United States Code. My comments on title II were prepared by the Department of Justice.

LEAA has long recognized that juvenile delinquency is an important part of the effort in reducing crime and improving the Nation's

criminal and juvenile justice systems.

To accomplish this, LEAA has extended financial and technical aid to State and local governments, provided statistics, set standards and goals, carried out research and development, and provided reference information.

I think it goes without saying that one of the Nation's most precious resources is its young people. The key to eliminating much of tomorrow's crime lies in our constructive efforts for them, and in juvenile

delinquency programs for those who are in trouble.

Constructive discussions like this in this form can help us reach mutual goals that will result in strengthened Federal efforts to cope with the problems of juveniles. Only then can the full weight of the Federal Government's resources be brought to bear on delinquency.

We fully concur with other commentators on the seriousness of juvenile delinquency—as well as on the high priority its solution must be given. I believe we will solve the problems it presents through joint

efforts and consultations.

In this context, I want to extend my appreciation to the committee for convening this public forum to focus attention on the problems of juvenile delinquency. I am sure the policemen, the judges, and the probation, parole, and corrections officers who deal with juveniles are also most appreciative. These men and women are among the most dedicated in the criminal justice system, but too often they are hampered, and sometimes shackled, by outmoded juvenile delinquency procedures, a lack of funds, and inadequate facilities for caring for youthful offenders.

It is not surprising that their hard work and dedicated efforts some-

times appear fruitless.

This is not an indictment of their efforts to help our troubled youth. Rather, it is a sobering and realistic assessment of our juvenile delinquency system, a system which too often does not correct, does not rehabilitate, and, in some instances, does not even meet minimum conditions of human decency.

It is a shortcoming that we must work to remedy.

The LEAA is doing what it can to help find solutions to the problems of juvenile delinquency, and I would like to describe specific

examples of these programs.

During fiscal 1972, LEAA awarded nearly \$140 million on a wideranging juvenile delinquency program. This, incidentally, was more than double the amount that LEAA provided for my last appearance before this subcommittee summarizing the amounts that LEAA spent in fiscal 1970, as you will recall, Mr. Chairman. Of this \$140 million, more than \$21 million, or 15 percent, was for diversion; almost \$41 million, or 30 percent, went for rehabilitation; \$33 million, or 24 percent, was spent to upgrade resources; \$17 million, or 13 percent, went for drug abuse programs; and \$8 million, or 6 percent, financed the comprehensive juvenile delinquency component of the high-impact anticrime program. Figures for fiscal 1973 are not available yet. We will supply them for the record when they are in hand. Let me describe LEAA juvenile delinquency activities in fiscal 1972. Senator Bayh. May I interrupt you for just a minute?

Mr. Velde. Surely.

Senator Bayh. Perhaps Mr. Madden would want to add up those figures that you just read while you go ahead with your testimony. You say nearly \$140 million was awarded for this wide-ranging juvenile delinquency program. Yet, by my math, the figures only add up to \$120 million. Perhaps Mr. Madden can make it come out differently while you go ahead and testify.

Mr. Velde. We would be pleased to supply the actual breakout for

Senator Bayh. Just add up the breakdown you have given us on page 3 of your testimony.

Mr. Velde. Yes, sir.

Senator BAYH. I am not disputing the validity of the figures; I am

disputing the addition.

Mr. VELDE. The total is \$140 million, there may be an omission here, obviously there is some rounding and wouldn't account for that much difference.

Senator Bayh. While we're stopped here, would you add \$21 million, \$41 million, \$33 million, \$17 million, and \$8 million and see if that adds up to \$140 million, please?

Mr. Velde. Yes, sir. All right, sir.

Senator BAYH. What does it add up to? You are testifying that LEAA awarded \$140 million on a wide range to finance these programs

Mr. Velde. Yes, sir.

Senator Bayh. And specifying the various kinds of programs for which the money is spent. I have only added this once, and it totals \$120 million. Is my addition bad or is yours? Or have you left out a piece of the pie?

Mr. Velde. Our General Counsel's quick math indicates that we have given you an itemized breakdown of 88 percent of the total of \$140

million.

Now, there is 12 percent that is not identified. I think that is roughly another—well, \$16 or 17 million. There are other items that are not included in this breakout and we will be pleased to supply that. It is in the letter, I understand, and that is the letter we supplied in response

to your April 13 inquiry.

On page 2 of the letter, Mr. Chairman, I indicate the total was \$140 million which was roughly 21 percent of LEAA's total grant awards and then there is the item missed in the breakout which is an item of 11 percent, \$15 million, representing staff development and training. I don't believe that was included in the summary in my statement, but it does appear in the letter.

Senator Bayh. I am not about to tell you what is happening down there, but I have read with a great deal of interest Mr. Santarelli's testimony. I suppose that you and he are communicating with one another.

Mr. Velde. Yes, sir, Mr. Santarelli and I are.

Senator BAYH. When he was before the full committee for his nomination-

Mr. VELDE. Yes.

Senator Bayn. His testimony at that time, if you take the figures that he gave then, which were supposed to be the ones you have given now, would suggest you might want to change your testimony to read \$21 million for prevention instead of for diversion, and \$16 million for diversion. This adds up to \$136 million, not \$140 million. These figures also appeared in the report of the Interdepartmental Council, page 43.

Mr. Velde. Yes, Mr. Chairman, I will clarify that for the record.

Senator Bayh. Please do. I want to know what the facts are, not round numbers.

Mr. Velde. Yes sir; Mr. Santarelli's letter, which was submitted pre-

viously, contains a full breakdown of these figures.

Mr. Madden. The letter that was sent in response to your inquiry when you requested that we come and testify was submitted to you this week. It goes into great detail on the breakdown of these figures. It is about a 10-page response and it breaks out specifically by category what the \$140 million constitutes, including 30 percent for juvenile corrections, 12 percent for diversion, 25 percent for community-based programs, 11 percent for the staff development, 15 percent for delinquency prevention programs.

Mr. Velde. Mr. Chairman, the figures in the letter are current as of December 31. It may well be that at the time of Mr. Santarelli's testimony before the full committee he didn't have a complete set of data.

Senator Bayn. When was Mr. Santarelli confirmed?

Mr. Velde. About 2 months ago.

Senator Bayn. Well, can't we assume that those would be the same figures that he was using?

Mr. Velde. No, sir, because there is a lack in reporting from the

States as to their expenditures.

Now, we award moneys during the fiscal year to the States, but the States by our regulations have the succeeding 2 fiscal years to make grant awards. So we will note——

Senator BAYH. You're familiar with the Interdepartmental Council

report, are you not?

Mr. Velde. Yes, sir.

Senator BAYH. And you're familiar then that it is based on the

supposedly complete and accurate figures for 1972?

Mr. Velde. No; the latest available date. We will not have complete figures for fiscal 1972 until 2 fiscal years later. The States have that intervening period to make subgrant awards to other units of local government and to other State agencies.

Senator Bayn. Can you tell me: 2 years from now—will it be pos-

sible to tell me how much money was spent in 1972?

Mr. Velde. We could have the final figures. We would have virtually complete figures now.

Senator BAYH. Let's go ahead.

Mr. Velde. All right, sir. I am sorry for the confusion, Mr. Chairman.

Senator Bayh. I get the very distinct impression that somebody realizes a great deal of pressure is being put on them, by all of the juvenile delinquency and recidivism. I think we have to realize that public awareness is beginning to focus on the need to invest more resources in the area of juvenile delinquency prevention and treat-

ment. Instead of coming up with specifics, you take a chunk of the pie and lop off this percentage and that percentage. I don't think that helps anything. Twenty-five percent of the funds of this high impact program that you refer to are included in your computation. Eight million dollars is a rather significant chunk, which isn't described. It leads me to wonder why. I wonder how you come up with the figures. Do you say you are going to take 6 percent of that rather large chunk of \$136 million and put it into the high impact system programs and maybe half of that is going to go to juveniles? After you allot this, how do you know what specifically is done with the money?

Mr. Velde. Yes, let me make a general comment on that, Mr. Chairman. We have a real difficulty in attempting to summarize this program in a short period of time and put it into the context of a statement for congressional committees because it is an extremely complex and voluminous program. So what I am really doing is I am attempting to highlight some of the highlights, that is what it amounts to. With specific respect to high impact, this is an LEAA discretionary backed program, not a block grant program, funded directly to the participating cities which LEAA identified, based on reported adult crimes and also population.

Senator BAYH. I am familiar with that.

Mr. Velde. Yes, sir.

Senator BAYH. That is not what I am talking about. I mean the 25 percent of the high-impact grants. How do you guarantee that is spent for juveniles?

This is a good round number but can you show me some specifics?

Mr. Velde. Yes, sir, we can supply the specifics for the record.

Senator Bayn. Would you do that for me?

Mr. Velde. Surely.

Senator Bayn. Thank you.

Mr. Velde. We would be pleased to.

Mr. Madden also had a comment that he would like to make.

Mr. Madden. We have, Senator, for the impact city program that you brought up, project summaries of all of the projects that we have funded in the impact city program and a number of them deal with

juveniles and we can supply that for the record.

They range from everything from police-community relations dealing specifically with juveniles to juvenile officers on police forces, to diversion programs and prevention programs, to youth service bureaus, and to youth service systems. In addition to the LEAA money there is a lot of other money going into programs like this which are Federal moneys and going to juvenile programs—there are detailed descriptions which we can supply you.

Senator BAYH. I wish you would. I would like to know just where

that \$8 million went.

Mr. Velde. All right, sir, we would be pleased to supply that.

Senator BAYH. Thank you.

Mr. Velde. Continuing on page 3 in my statement—

Senator BAYH. If I could interrupt again, I would like to know specifically what cities, what programs, and what amounts it takes to accomplish the projects.

Mr. Velde. Yes, sir.

Senator BAYH. Not that 131/2 percent which went over here, or that kind of thing.

Mr. Velde. Right.

Do you want those for the record? Senator BAYH. Yes. For the record. [The material referred to follows:]

JUVENILE DELINQUENCY PROJECTS, IMPACT CITIES

| City | Number of projects | Amount |
|-------------------|--------------------|---|
| Atlanta Barrimore | | \$1, 840, 996 1, 460, 886 1, 662, 737 269, 689 853, 487 1, 505, 879 1, 514, 993 717, 391 |
| Cleveland Dallas | | |
| Denver Portland | 4 | |
| St. LouisNawark | 13 | |
| Total | | 9, 826, 058 |

Mr. Velde. All right, and now, diversion programs occur at several stages in the criminal justice system. The LEAA programs involve young people who have had contact with the criminal justice system or have been in trouble with school authorities and are con-

sidered in danger of becoming delinquent.

One model diversionary program is in Indiana. The State has developed a statewide youth service bureau system involving 23 cities and serving 100,000 youths in the 10-to-18-year-old category. Indiana's primary purpose is to provide an alternative to court proceedings for youths not in need of adjudication and who may or may not have been picked up by police. The bureaus do this by identifying resources available to help youths, identifying service gaps and providing or encouraging new resources, diagnosing an individual's problem, and referring him to the relevant community agency for treatment. The bureaus also improve cooperation among private and public juvenile agencies and strength community resources.

That is just one example of many that are funded in this area. If you desire, Mr. Chairman, we can provide quite a few other examples, but there is a problem in attempting to summarize this for testimony

purposes.

Rehabilitation projects took the largest share of LEAA's juvenile delinquency money—\$40.8 million in fiscal year 1972. Nearly three-quarters, or almost \$30 million, was allocated for community-based

treatment programs.

A major LEAA-financed program involves phasing out juvenile institutions in Massachusetts. I might add, Mr. Chairman, including the first juvenile institution founded in this country. They are being replaced by community programs—for example, group homes and halfway houses sponsored by such organizations as YMCA's and universities. I believe the subcommittee and its staff are familiar with this program.

The committee also probably knows that an audit of the program by the Massachusetts State planning agency disclosed some apparent administrative and fiscal irregularities as well as the possible misuse of LEAA funds. Efforts are now under way to correct them. Since there is the possibility that indictments may be returned against some of those who ran the youth homes, it would be inappropriate for me to comment further.

However, I don't think these irregularities should overshadow the

fact that this is an innovative juvenile corrections program.

An important research study funded by LEAA, "National Assessment of Juvenile Corrections," is underway in 42 counties in 16 States. The study included 10 juvenile courts, 5 detention units, 15 probation units, 15 local intensive community programs, 15 institutions, and 6 halfway houses. This research is designed to show which programs work best with juvenile offenders. We expect results should be of value to State officials.

The portion of LEAA's juvenile delinquency program called upgrading resources includes construction, personnel recruitment, and training, with funding of nearly \$33 million in fiscal year 1972.

Some of the projects in this program include a \$181,998 grant to Maryland to provide full-time public defender services in juvenile court for indigents in Baltimore and other major urban counties. These jurisdictions, which have a total of 15 full-time public defenders for juvenile indigents, have a combined total of up to 12,000 formal juvenile dispositions per year.

In Kentucky, a 240,000 LEAA grant is funding the services of a juvenile court services team as part of a five-county program of community delinquency rehabilitation and prevention. The goal of this program is to reduce recidivism among juveniles handled by the juvenile courts by 30 to 50 percent within 1 year of their release by

the court and by 20 to 40 percent within 2 years.

Both of these programs are currently in their second year.

An \$87,000 LEAA grant is funding a statewide juvenile delinquency training program in Virginia. Under this grant, nine juvenile delinquency experts train State personnel who work with juvenile delinquents. In the past 3 years, training has been given to juvenile delinquency workers in Virginia's seven State-operated training centers, juvenile delinquency courts, detention homes, probation houses, halfway houses, and a reception and diagnostic center.

In the drug area, LEAA has spent about \$18 million for fiscal 1972. The largest portion, \$11.8 million, was for treatment and rehabilitation. Prevention and education totaled \$5.4 million, research \$400,000,

and program personnel \$60,000.

One such project is San Diego County's drug education for youth or an active member of DEFY which received \$59,343 in LEAA funds in fiscal 1972. This program seeks to reduce juvenile drug arrests through a comprehensive, coordinated program of education and counseling.

DEFY maintains a 24-hour hotline, which provides instant counseling by a drug abuse counselor to youngsters with drug problems. DEFY also provides outpatient counseling, and expects to provide this service to 1,500 youngsters this year in the San Diego area. The

hot line incidentally averages about 3,500 calls per month.

In addition, DEFY has five community health education teams that tour the county telling teenage boys and girls about alternative

lifestyles. The teams also meet with community leaders to tell them about DEFY's services in helping to cope with drug problems in their communities.

LEAA has discontinued its discretionary grant funding for drug

abuse education, prevention, treatment, and rehabilitation.

Narcotics enforcement will be the LEAA's major area of drug abuse discretionary grant involvement.

This resulted from a study and recommendation by the Special

Action Office on Drug Abuse Prevention (SAODAP).

SAODAP and LEAA jointly concluded that other agencies could better handle the education, prevention, treatment, and rehabilitation aspects of drug abuse. It was decided that by taking on this role the LEAA would overextend itself and reduce its effectiveness.

However, this new guideline will not affect LEAA's bloc grant program in relation to drugs. That is because, of course, the bloc grants which are awarded by States, not by LEAA directly, so the States continue to have their co-range of discretion in the handling of

bloc grant awards.

As you know, Mr. Chairman, LEAA encourages States to determine their priorities and devise appropriate programs of enforcement, training, prevention, treatment, and rehabilitation in the area of drugs, and they have heavily done so with awards of bypass in this area.

Another important program dealing with juvenile delinquency is the comprehensive material drafted by the National Advisory Com-

mission on Criminal Justice Standards and Goals.

The Commission's standards and goals are divided into five major reports: Police, courts, corrections, criminal justice system, and community crime prevention programs. Each has specific standards which criminal justice officials can use in drafting effective juvenile delinquency programs.

Experts on juvenile delinquency served on each Commission task force and their ideas, derived from many years of experience, are in-

cluded in every aspect of the Commission's final report.

Judge Wilfred W. Nuernberger, of the Separate Juvenile Delinquency Court of Lincoln, Nebr., served as chairman of the Advisory Task Force on Juvenile Delinquency. Judge Nuernberger is a recognized authority in the field of juvenile delinquency. His considerable expertise and knowledge was backed by many other juvenile delinquency experts.

To demonstate how effective juvenile delinquency programs are interwoven throughout the report, I am submitting standard 9.5 from the police report. It is one of many standards dealing with juvenile delinquency and tells how police executives should develop a program to detect, deter, and prevent delinquency and crime. It is a step-by-step outline of practical and realistic procedures to design a juvenile delinquency program.

There are other similar programs in other sections of the report. One area worthy of special note is that of the youth services bureau in

the community crime prevention section.

As I mentioned, these standards and goals were drafted and written by men and women with years of experience in their fields. They drew up standards and goals that could be implemented by the State

and local criminal justice and law enforcement departments across the Nation. I might add here, Mr. Chairman, this carries forward a concept that was originally developed by the President's Crime Commission in 1966 and 1967 but it really stretches out the concept and provides very specific standards and objectives for States, counties, and local governments who are interested in implementing this concept and it is based on the interagency experience with the implementation in such States as Indiana.

Another important LEAA-funded research study is the juvenile justice standards project—a three-phase effort which includes planning, drafting, and implementing. The project is in the drafting phase—a three-phase effort which includes planning, drafting, and implementing. The project is in the drafting phase—writing standards concerning the treatment of juvenile offenders. Other project participants are the American Bar Association, Ford Foundation, and Institute of Judicial Administration.

A condensed report on each of the 26 volumes (each volume represents a different standard), is near completion and will be published shortly by the institute. These standards can be used by local planners, administrators, judges, corrections officers, police, and legislators to

implement model codes or as guidelines for decisionmaking.

LEAA also recently funded a study by the Management and Behavioral Science Center of the University of Pennsylvania. This study, published last August, is entitled "Planning and Designing for Juvenile Justice." I believe we have submitted a copy of that report

for the committee's perusal previously.

We believe it will be useful to anyone concerned with the systematic treatment of juvenile justice. The report will be useful when a major planning effort concerning some principal component or aspect of juvenile delinquency is being contemplated by a joint planning group representing various professional, governmental, client, citizen, and

consultant interests.

LEAA funds also helped create the national clearinghouse for criminal justice planning and architecture, which is helping the States develop a broad-based correctional master plan. They are currently involved with the planning of over 500 projects involving everything from complete State surveys such as in Hawaii, Māine, and about nine other States now, to specific projects. Many of these have either juvenile delinquency compliance or are juvenile delinquency projects in their own right. This effort out at the University of Illinois involves a staff of more than 40 professionals, most of them architects, sociologists, statisticians, operation research experts, and so on, and I of course only have time to briefly summarize it, we would be pleased to provide a detailed project list of from 500 projects for the record. So you see, Mr. Chairman, there were really—we're attempting to summarize very briefly—

Senator BAYII. We have been in touch with those people directly.

[The material referred to follows:]

LISTING OF PROJECTS

Source: National Clearing House for Criminal Justice Planning and Architecture.

1 Development of Work Release/Pre-Release Program & Center, West Chester (Chester County), Pennsylvania Court Treatment Center, New Mexico State Hospital

Hennepin County, Minnesota

- Regional Detention Center, Mason, Georgia New Haven Jail, New Haven, Connecticut
- Juvenile Detention Center-Court Study, Canton, Ohio

Correctional Master Plan, State of Maine

Correctional Master Plan, State of Hawaii

Correctional Master Plan for Hamilton County, Cincinnati, Ohio

- 10 Addition to the Bucks County Rehabilitation Center, Bucks County, Pennsylvania
- 11 Technical Assistance, South Carolina
- Technical Assistance, State of Hawaii 12
- Milwaukee County Detention & Corrections Center, Milwaukee, Wisconsin 13

Dakota County Jail, Dakota City, Nebraska 14

- 15
- Orange County Correctional Facility/Work Release, Orlando, Florida Planning model for developing the "Regional Correctional Facility" concept, 16 State of Illinois

Juvenile Detention Center, Decatur, Illinois 17

Illinois Reception & Diagnostic Center, Chicago, Illinois 18

Workhouse Facility, Akron, Ohio 19

20

- Facility for Mentally III Offenders, Chicago, Illinois Regional Corrections Feasibility Study, Albuquerque, New Mexico Minimum Security Post—Incarcerative Center, Mendocino County, Ukiah, Cal.

Correctional Master Plan, State of Wyoming

Chicago Metropolitan Correctional Center, Chicago, Illinois

Regional Correctional Facility, Gretna, Louisiana Detention Facility, Beaumont, Texas

27 Correctional Facility, County of Riverside, California

Multi-purpose Addition to State Penitentiary, San Juan, Puerto Rico

Women's Correction Center, Washington, D.C.

- 30 31
- Pulaski County Jail, Pulaski County, Arkansas Multi-service Center, Devil's Lake, North Dakota Correctional Master Plan & Correctional Training Facility, State of Arizona 82

33 Correctional Facility, Harrisburg, Penn.

Community Correctional Center, Cumberland County, North Carolina

35

Correctional Complex, Virgin Islands Correctional Complex, Louisville, Kentucky 36

Regional Planning, Arlington, Texas Allen County Sheriff's Office & Detention Center, Fort Wayne, Indiana

Cuyahoga County Justice Center, Cleveland, Ohio

- South Carolina, Maximum Security Women's Institution, Columbia, South Carolina
- 41 South Carolina Maximum Security Men's Institution, Columbia, South Carolina

42 Regional County Jail, Ottawa, Illinois

Regional Correctional Facility, Jefferson Parish, Louisiana 43

- Master Plan for the Phased Replacement of the Cook County Jail, Chicago,
- County Correctional Center, State of Nevada County Jail Expansion, Boulder, Colorado 45

Pre- & Post-Sentence Correctional Facility, Bloomington, Illinois

48 "Hall of Justice", Sarpy County & Papillion, Nebraska

Vienna Corrections Cetner, Vienna, Illinois

- 50 Community Correction Center (multi-parish or county), Baton Rouge, Louisiana
- 51 State House of Corrections Adjustment Unit, Marquette, Michigan

Chaves County Jail Alterations, Roswell, New Mexico

- Polk County Jail, Lake Wales, Florida 53 54 Jail Renovation, Chesapeake, Virginia
- 55 City-County Jail, Boone County, Illinois; Belvidere, Illinois
- 56 Atlantic County Juvenile Detention Home, New Jersey 57 Upgrading the Gibson County Jail, Princeton, Indiana 58
- Renovating the Shelby County Jail, Shelbyville, Indiana "Juvenile Detention & Rehabilitation Center", Oakland Co., Pontiac, 59 Michigan

Girls Training School, Albuquerque, New Mexico 60

61 Regional Correctional Facilities, State of Texas

- 62
- Orieans Parism Prison (county jail), New Orleans, Louislana Six "Community-Based" Detention Facilities, Illinois Dept. of Corrections, "Metropolitan Sites", Illinois 63
- 64
- Bayren County Regional Corrections Study, Barren County, Kentucky Laguna Center for Contemporary Corrections & Social Rehabilitation, 65 Albuquerque, New Mexico
- Community Corrections Operational Task Force, Maryland 66 Combined Correctional Facility, Santa Cruz County, Arizona 67

68

- Winslow City Jail, Winslow, Arizona Wayne Co. Jail Reception & Diagnostic Center (and renovation), Wayne 69 County, Michigan
- 70 Kent Co. Jail Expansion Project, Kent County, Michigan 71 Comprehensive Justice Center, Fairfax County, Virginia
- Community Correctional System, Broward County, Florida 72
- Design Standards for Confinement Conditions, San Diego, California Grant County Correctional Facility, Grant County, New Mexico CCTV for Bureau of Indian Affairs, Aberdeen, South Dakota 73 74
- 75
- Danville/Vermillon Jail Complex, Danville, Illinois Rockford/Winnebago Public Safety Bldg., Rockford, Illinois 76 77
- **78** Kane County/Adult Detention Facility, Kane County, Illinois
- 79 Kingman City Jail, Kingman, Arizona
- 80
- Phoenix City Jail Remodeling, Phoenix, Arizona Planning for Maricopa Co. Jail Expansion (Satellife Jail), Phoenix, Arizona 81
- 82 Buchanan County Jail & Law Enforcement Facility, Buchanan County,
- 83 Maricopa Co. Juvenile Court & Detention Facility, Phoenix, Arizona
- Prince Georges County Detention Center-Addition & Remodeling, Marl-84 boro, Md:
- Gila County Juvenile Center, Gila County, Arizona 85
- Graham County Jail & Office Bldg., Safford, Arizona 86
- Proposed Detention Facility, Borough of Manhattan, New York, New York 87
- Correctional Master Plan, New Hampshire (State of).
- 89 Broward Criminal Justice Institute, Broward County, Ft. Lauderdale, Florida'
- Regional Corrections System, Black River-St. Lawrence Planning Area, New York
- 91 Wood County Jail, Parkersburg, West Virginia.
- State of Oregon, Jan Standards, Salem, Oregon. 92
- Mississippi State Prison Staff Housing, Mississippi State Penitentiary, 93 Parchman, Mississippi.
 Mississippi Training School, Forestry Camp, Columbia, Mississippi.
 Adult Correction & Rehabilitation Center, Santa Clara Pueblo, New Mexico.
 Shoshone County Public Safety Building, Wallace, Idaho.
- 95
- 96
- 97 County Jail, Hamilton, Tennessee.
- 98
- Modern Idaho Penni Complex, Boise, Idaho (Ada County). Proposed Court Detention Facility, Toledo, Ohio (Lucas County). 99
- 100
- Illinois Youth Center, Chicago, Illinois.

 Dade County Detention & Treatment System-North Sub-Facility, Miami, (Dade County) Florida. 101
- Douglas County Correctional System, (Douglas County), Nebraska. Phased Master Construction Program, Puerto Bico. 102
- 103
- 104
- State Planning Agency Constitution, Texas, (State of)
 Governor's Committee on Jails: An Analysis of Regionalizing Correctional
 Facility Planning for the State of Wisconsin, (State of). 105
- Standards for Jail Construction, Wisconsin, (State of).
 Mobile County Youth Center, Mobile, Alabama. 106
- 107
- Adult Corrections Improvement Program, Moundsville State Penitentiary, Moundsville, West Virginia Indianapolis County Jail, Indianapolis, Indiana. 108
- 109
- 110
- Master Correctional Plan, State of Vermont. Regional Correctional Center, Fulton County, Georgia. 111
- 112
- Pima County Jail, Tucson, Arizona. Community Correctional Center, Harrison County, West Virginia.

New Jail Facility, Cambridge, Massachusetts. 114

City-County Governmental Center, Findlay, Ohio, (Hancock County). 115

Dade County Youth Facility Juvenile & Domestic Relations Court Complex, 116 Miami (Dade County, Florida). Penoloscot County Jail & Sheriff's Dept., Bangor, Maine (Penoloscot Co.).

117 Renovation of Rocky Butte Jail, Portland, Oregon (Multnomah Co.)

118

119 Delaware County Prison, Thornton, Pennsylvania.

120 Court Facility Program, Gainesville, Florida.

Tooele County Courthouse, Tooele, Utah. 121

122 Bethel Jail Construction, Bethel, Alaska.

Renovation of Visiting Facilities, Indiana State Farm, Greencastle, Indiana. 123

124 Visiting Room Renovation-Indiana Reformatory, Pendleton, Indiana.

125 La Porte City & County Jail (Complex), La Porte, Indiana, (La Porte County).

126

White Pine County, Public Safety Bldg., Ely, Nevada. Cummins Minimum Security Facility, Grady, Arkansas (Lincoln County). 127

128 New Mexico State Jail Survey, New Mexico.

- 129 Correction Improvement Program, Crawford County, Pennsylvania (Work release program.
- 130 Valdosta/Lowdes City-County Jail, Valdosta-Lowdes County, Georgia.
- 131 Minnehaha Co./Sioux City-County Jail, Sioux Falls, South Dakota.

Inkster City-County, Jail, Inkster, Michigan. 132

133 Juvenile Detention Facility, Dade County, Florida.

134 Court Construction Project, Gainesville, Georgia.

135 Reformatory Visiting Area, Lansing, Michigan.

136 Lorton Master Plan, Lorton, Virginia, District of Columbia. 137 Four-County-Regional Jail Feasibility, Farmville, Virginia.

138 Perseus House, Erie County Pennsylvania.

139 City-County Jail Facilities, Greensborough, North Carolina.

140 Construction of a Commissary Building, Greencastle, Indiana.

141 Juvenile Annex Center, Pikeville, Kentucky.

Muskegon Correctional Facility, Muskegon, Michigan. 142 State Prison of Southern Michigan, Jackson, Michigan. 143

144 Women's Correctional Institution, Detroit, Michigan.

145 St. Louis County Jail, Missouri.

146 Multi-Parish Correctional & Rehabilitation Program, Lake Charles Louisiana.

147 Jail Renovation, Muncie, Indiana.

New Jail Expansion, Mount Clemons, Michigan. 148

Law Enforcement Center, Wahpeton, (Richland County), North Dakota. New Jail Facility, Mountrail Country, North Dakota. 149

150

151 Work Release Centers, Denver, Colorado.

152 Regional Detention Facility, Jacksonville, Illinois (Logan County).

Regional Juvenile Rehabilitation Centers, Topeka, Kansas. 153

Jail & Sheriff's Offices, Port Orchard, Washington (Kitsap County). 154

155 St. Louis Municipal Jail, St. Louis, Missouri,

156. Multi Parish Study Feasibility, Alexandria, Louisiana.

157 Police Training Center, San Bernadino, California.

- New Classification & Treatment Center, Tinley Park, Illinois. 158
- Adult-Juvenile Facility, Painesville, Ohio, (Lake Country). 159
- Regional Correctional Center Program, Nashville, Tennessee. 160

Jail & Detention Center, Trenton, New Jersey. Minnesota State Prison, Stillwater, Minnesota. 161

162 163 Courthouse/Jail Complex, Union County, New Jersey.

164 Public Safety Building, Cincinnati, Ohio.

Detention Facility, Wichita, Kansas. 165

166

- State of Utah, Utah.
 Police Station, Rhode Island, N. Kingston. 167
- Juvenile Facility, Lancaster County, Nebraska. 168

Muskegon County Youth Home, Whitehall, Michigan. 169

Correctional Improvement-Demonstration Project, Warm Springs, Oregon. 170

Correctional Facility-Receiving & Classification, Cincinnati, Ohio. 171

- Juvenile Detention Facility, Sioux Tribe Reservation, Devil's Lake, North 172 Dakota.
- Law Enforcement & Detention Center, Chester County, South Carolina. 173

174 Dexter-Elmherst Center, Detroit, Michigan.

175 Camp Lavictoire, Howe Lake, Michigan.

176

Girls Training Center, Michigan. Camp Nokomis, Multi-Purpose Room, Michigan. 177 Green Oaks Center, Whitmore Lake, Michigan. 178

179 Northeast Minnesota Corrections Center, Minnesota.

180 New Correction Facility, Westmoreland County, Pennsylvania.

181 Two Maximum Security Institutions, State of California.

182 Colleton County, Colleton County, South Carolina.

Erie County-New Jail, Erie, Pennsylvania. 183

Benton County Jail, Warsaw, Missouri. 184

185 Receiving & Classification Center, Louisa County, Virginia.

Warren County Public Safety Building, Lebanon, Ohio. 186

187 Montmorency County Correctional Facility Planning, Atlanta, Michigan (Montmorency County).

Dickinson County Jail Planning, Iron Mountain, Michigan.

188

189 Menominee County Jail Planning, Menominee County, Michigan 190 Calhoun County Correctional Study, Calhoun County, Michigan

191 Indiana State Prison, Michigan City, Indiana

192 Western State Penitentiary, Pittsburgh, Pennsylvania

Public Safety & Regional Detention Complex, Lincoln, Illinois (Logan Co.) Multi-County Detention Facility, Monroe, Carbon & Pike Counties, PA 193

194

Juvenile Detention Home, Doylestown, PA 195

196 Montgomery County Detention Facility, Montgomery Co, PA

197 Yakima Tribal Council, Toppenish, Washington 198

199

Fort Madison Penitentiary, Fort Madison, Iowa Jail Planning, Chattanooga, Tennessee, Hamilton County Regional Law Enforcement & Detention Program, Moorhead, Minnesota 200

201 5 Year Plan, Burlingame, California

202 Bucks County Jail, Doylestown, Pennsylvania

203 Tippecanoe County Jail, LaFayette, Indiana Posey County Jail, Mount Vernon, Indiana 204

205 County Jail, Kalamazoo, Michigan

206 City-County Law Enforcement Center, Centerville, Iowa

207 Law Enforcement Center, Pickens County, South Carolina 208 City-County Law Enforcement Center, Greenville, South Carolina 209 Alachua County Corrections Facility, Alachua County, Florida

210 Multi-County Jail Facility, Wayne County, Ohio

211 Multi-Purpose Facility, Greensburg, Pennsylvania, (Westmoreland Co.)

Regional Detention Feasibility Study, Marianna, Florida 212213 Joint City/County Jail, Winner, South Dakota-Tripp County

214 Juvenile Detention Facility, Cape Girardeau, Missouri

215 Regional Detention Feasibility Study. Franklin County, Florida 216 Joint County-City Corrections Facility, Lawrence, Kansas

217 City-County Jail Expansion, Sumter, South Carolina

218 Juvenile Justice Center. Jackson County, Missouri

Juvenile Detention Facility, Pensacola, Florida (Escambia County) 219

220

Metlakatia Adult Correctional Facility, Metlakatia, Alaska Regional Maximum Security Facility, Vermont, New Hampshire, Maine 221

222 Correctional Master Plan, State of Nevada 223 Cummins Prison Addition Grady, Arkansas

Cowlitz County Corrections Center, Cowlitz County, Washington 224

225 Macomb County Jail, Macomb County, Michigan

226 Cass County Jail and Courthouse, Fargo, North Dakota

227 Burlington County Jail, Mount Holly, New Jersey

228

Washtenaw County Correctional Facility, Ann Arbor, Michigan County Juvenile Detention, Hunt County, Texas 229 230 Choctaw Indian Adult Correction Center, Mississippi, Choctaw Band

231 County Jail, Kentucky, Lexington (Fayette County)

232 Virginia Beach County Jail, Virginia Beach, Virginia

233 Cameron County Jail, Brownsville, Texas

234 Kansas City Regional Corrections Facility, Missouri, Kansas City

235 Elmira Correction Center, Elmira, New York

Rhode Island Corrections Center, Providence, Rhode Island 236

237 See number 186

```
283
      Waco Regional Correctional Center, Waco, Texas
239
      Childress County Jail, Texas, Wichita Falls
240
      Detention Facility, Marion, Indiana
241
      Law Enforcement Center, Mesa, Arizona
      Detention Center Evaluation, Lafayette, Indiana
      Regional Juvenile Détention Facility, Alabama, Anniston
Monterey County Correctional Facility (Survey), Salinas, California
State Industrial School, Mandan, North Dakota
248
244
245
      Adult Intake and Diagnostic Facility, Colorado, Denver
246
247
      Hays Rehabilitation Center, Hays, Kansas
248
      Juvenile Justice Center, El Paso, Texas
249
      Law Enforcement Center, Boulder, Colorado
250
      County Jail Renovation, Lavaca County, Texas
251
      Prototype Indian Corrections Facility, Denver, Colorado
252
      County Jail, New York, Herkimer County
253
      Adolescent Remand Shelter, Riker's Island, New York, New York
254
      Regional Correctional Center, Montana (State of)
255
      Mason County Youth Home, Ludington, Michigan
      Juvenile Detention Center, Mississippi Meridian (Launderdale County)
Criminal Justice Facility, Woonsocket, Rhode Island
County Courthouse Renovation, Charleston, West Virginia
256
257
258
259
      State Supreme Court Building, Pierre, South Dakota
260
      City Jail, Stuttgart, Arkansas
261
      City Jail, Fort Myers, Florida
262
      Regional Correctional Facility-SEDA-Pennsylvania, Central Counties
263
      Facility Recommendation for CCTV, Illinois, State of
264
      County Jail Renovation, San Antonio, Texas
265
      Prefabrication of Lockups, Texas, Stafe of
266
      Police Academy, Columbus, Ohio.
267
      County Jail, Texarkana, Texas
268
      Otero County Jail, Alamogordo, New Mexiso (Otero County)
      Regional County Jail, Richmond, Missouri (Ray County)
269
      Renovation of Regional County Jail, Carrollton, Missouri (Carroll County)
Renovation of Regional County Jail, New Madrid, Missouri
270
271
272
      Combined Court-Detention Facility, Corpus Christi, Texas
273
      Reception-Diagnostic Facility, Ypsilanti, Michigan
274
      Juab Tri-County Jail, Nephi, Utah
275
      County Jail Renovation, Wooster, Ohio (Wayne County)
276
      Adult Detention Module, Alaska, (State of)
277
      Ramsey County Correction Facility, St. Paul, Minnesota
      Police Station, Barnstable, Massachusetts
278
279
      Craighead Juvenile Center, Johesboro, Arkansas
280
      Women's Detention Facility, Pine Bluff, Arkansas
      City-County Correctional Facility, Albuquerque, New Mexico
Berrien County Jail Removation, St. Joseph, Michigan
County Jail Renovation, Dallas, Texas
281
282
283
284
      Public Safety Building-(Practical application of prefabricated Module)
         Bastrop, Texas
285
      County Juvenile Court Center, Flagstaff, Arizona
286
      County Jail, Lovelock, Nevada (Pershing County)
287
      Police Facility, Fitchburg, Massachusetts
288
      County Jail, Casper, Wyoming
289
      County Jails (11 counties of East Texas), Kilgore, Texas
290
      County Jail. Denison. Texas
291
      Steuben County Jail Renovation, Bath, New York
292
      County Jail Renovation, Montgomery County, Maryland
      Detroit House of Corrections, Detroit, Michigan
Fairview Youth Center, La Porte, Indiana
293
294
       Atacosa County Jail Renovation, Atacosa County, Texas
County Court and Jail Facility, Colville, Washington (Stevens County)
 295
296
 297
       Community Corrections Center, Miami, Florida
 298
       Bristol County Jail, New Bedford, Massachusetts
 299
       Police Station, New Bedford, Massachusetts
 300
       City Jail, Burkburnette, Texas
 301
       County Jail, Gonzales, Texas (Gonzales County)
```

```
302
      Marshall County Jail, Plymouth, Indiana
      Regional Correctional Center, Crookston, Minnesota (Polk County)
City-County Court and Jail, Yerington, Nevada (Lyons County)
County Corrections Center, Nashville, Tennessee (Davidson County)
County Jail, Mountmorency County, Michigan
303
304
305
306
307
      County Jail, Columbiana, Alabama (Shelby County)
308
      County Jail, Kenton, Ohio (Harden County)
      Police Station, Fairfield, Connecticut (Fairfield County)
309
      Police Station Renovation, New London, Connecticut
310
311
      Prison Farm Renovation, Jacksonville, Florida (Duval County)
      Police Station, Longview, Texas
312
313
      City Jail, Bangor, Maine
      Cleveland Drug Abuse Program, Cleveland, Ohio
314
315
      Correctional Master Plan, Alabama, (State of)
      State Prison-Visiting Area Renovation, Sioux Falls, South Dakota
316
317
      Maximum Security Detention Facility, Weaverville, California (Trinity
        County)
318
      County Detention Facilities, Colville, Washington (Stevens County)
319
      Jail and Administrative Facility, Douglas County, Nevada
      Girl's Youth Home, Middletown, Ohio (Butler County)
Adult Correctional Facility, Fort Belknap, Montana
320
321
322
      Master Plan, Arizona (State of)
323
      Criminal Justice Academy, Connecticut, State of, Dept. of Corrections
324
      Youth Home, Nespelem, Washington
325
      County Jail, Fort Leavenworth, Kansas
      Typical Designs for Local Lockups, Univ. of Missouri, Rolla, Missouri
326
      Juvenile Correctional Facility Renovation, Browning, Montana Blackfeet
327
        Indian Reservation
328
      County Jail, Mississippi, Hinds County
329
      Police Station, Appleton, Wisconsin
      Police Station, Auburn. Massachusetts
Police Station, Worcester, Massachusetts
330
331
332
      County Jail, Astoria, Oregon
333
      State Court Renovation, Chicago, Illinois
334
      Master Plan, Illinois, State of
385
      Public Safety Building, Raymondsville, Texas
     Multi-County Correction Facility Study, Florida, Central Counties
330
      Correctional Facility, Elyria, Obio (Lorain County)
387
338
      Work Release Facility, Toledo, Ohio (Lucas County)
      Florida, Miami, Community Corrections Centers
339
      Utah, Farmington (Davis County), County Jail Renovation
340
341
      Massachusetts, Boston, Boston Halfway House
     New Mexico, Mescalero, (Mescalero Apache Tribe), Correctional Facility
New Jersey, Morris County, County Jail Renovation
342
343
      Montana, Custer County, County Jail Renovation
344
L-845
        South Carolina, Orangeburg, City-County Law Enforcement Facility
346
      Michigan, Marquette County, County Jail
347
     Florida, Dade County, Comprehensive Corrections and Rehabilitation Study
     California, Quincy (Plumas County), County Corrections Facility Kentucky, Albany (Clinton County), County jail
348
349
     Texas, El Paso, (El Paso County), County Jail Renovation
350
351
     Nebraska, (State of), Corrections Master Plan
352
     Texas, Uvalde, Prefabrication of Lockups
        Louisiana, (State of), Department of Public Safety, Police Training
P-353
354
      Vermont, Albans, Albans Correctional Facility
355
     Kentucky, Georgetown, Scott County, City-County Jail
     Texas, Reeves County, Correctional Facility
357
     California, Napa, Napa County Government Center
     3 Connecticut, Trumbuil, Police Station
West Virginia, Welsh, MacDowell County, County Jail
     Oklahoma, Tulsa, Tulsa County, County Jail Renovation
         Oklahoma, Tulsa, Tulsa County, County Court Planning
     Kentucky, State of, Regionalization of County Jails
362
     California, Contra Costa County, Correctional Facility
```

363 California, Sacramento, County Jail Renovation 364 Virginia, Hampton, Regional Correctional Facility Oregon, State of, Oregon State Study 365 366 Texas, Brackettville, Kinney County, County Jail California, Santa Clara County, Program and Facility Requirements for 367 Adult Detention and Corrections California, Inyo County, County Jail Renovation West Virginia, Wheeling, Ohio County, City-County Jail Arizona, Holbrook, Navajo County, Criminal Justice Complex 368 369 370 371 Arizona, Prescott, Yavapa County, Criminal Justice Complex Arizona, Showlow, Navajo County, City-county Criminal Justice Complex 372 L373 Utah, Logan (Cache County), Police Pistol Range Minnesota, Collegeville, Regional Crime Planning Model Project Australia, Belconnen, Police Station and Interim Remand Center Kentucky, Versailles (Woodford County), County Jail 374 L375 376 South Carolina, (State of), Corrections Master Plan 377 378 Pennsylvania, Juvenile Detention Facility 379 Washington, D.C., Federal Bureau of Prisons, Correction Programming 380 Mississippi, Greenville, Juvenile Detention Center 381 Virginia, Hopewell, City Jail California, Alameda County, County Detention Facility 382 Ohio, Strongsville, Police Station L-383 384 Virginia, Mecklenburg County, County Jail Renovation Alaska, State of, Alaska Corrections and Proposed Bush Jails 385 386 Alabama, Jefferson County, Criminal Justice Center (Regional) South Dakota, Sioux Falls, Regional Jail Feasibility and Program Study South Dakota, Pierre, Multi-County Juvenile Facilities
Ohio, Ashland, Ashland County, Corrections and Mental Health Center Feasibility Planning 387 388 389 South Dakota, Codington County, Regional Detention Center Wisconsin, Spring Valley, Pierce County, County Courthouse Renovation Indiana, Hendricks County, Group Home for Girls Florida, Hollywood, Police Station 1.-393 Colorado, Pueblo 394 395 New York, Clinton, Clinton State Correctional Facility Washington, Seattle, King County, Criminal Justice System Facility Study Colorado, Towaoc, Ute Indian Tribe, Correctional Rehabilitation Center 396 397 Florida, State of, Development of Physical Prototype for Community-based 398 Treatment Programs. 399 Illinois, Urbana, Champaign County, Target Program California, Solano County, Sentenced Detention Facility 400 Ohio, Chillicothe, Ross County, South Central Regional Juvenile Detention 401 Center 402 Ohio, St. Clairsville, Belmont County, County Jail Renovation Georgia, Savannah, Chatham County, Chatham Correctional Center Oregon, Wasco County, The Dalles, Mid-Columbia Multi-Purpose Correc-tional Facility 403 404 405 Georgia, Athens, Clarke County, Criminal Justice Building Colorado, Montezuma, Archuleta Counties, County Jail Renovation 406 407 Texas, Plainview, Hale County, Jail Addition 408 Utah, Provo, Adult Correctional Facilities Louisiana, Leesville, New Vernon Parish, "New Vernon Parish Jail" Nebraska, Hall County, Ogallala, Alliance, "Regional Jail Construction." Louisiana, Hammond, City Jail Construction 409 410 411 South Carolina, Greenwood, Law Enforcement Correctional Center 412 Wisconsin, Wood County, Wood County Police Facility, Wisconsin Rapids 413 New Jersey, Ft. Lee, New Police Station 414 Colorado, Fort Morgan, Morgan County, Multi-purpose Enforcement Center C415 416 South Dakota, Springfield, County Jail Facility Texas, Belton, Bell County, Coryell County, Bell and Coryell Counties Jail 417 Renovation 418 South Dakota, Lower Brule, Lower Brule Correctional Facility 419 Missouri, Jefferson City, Renz Farm Renovation Arkansas, Little Rock, Arkansas Juvenile Training School 420 Arkansas, Dewitt, Arkansas County, Arkansas County Jail Improvement

421

Utah, Heber, Wasatch County, Wasatch County Jail Completion

California, Redding, Shasta County, Northern California Regional Rehabilitation Center

424 North Dakota, New Town, Fort Berthold Adult Correctional Center. Fort Berthold Reservation

Iowa, Scott County, Scott County Correctional Facility

426 Wisconsin, Stevens Point, Portage County, Detention facility (police facility)

427 Oregon, Pendleton, Umatilla County, Northeast Oregon Youth Center 428 Oregon, Portland, Multnomah County, Albertina Kerr (Louise) Home

429 South Dakota, Roberts County, Sisseton Sioux Regional Criminal Justice

430 Wyoming, Chevenne, Laramie County, County Jail Revonation

431 Arizona, Scottsdale, Law Enforcement-Correctional Facility Pima-Maricona Indian Community

432 Michigan, Muskegon County, Muskegon County Jail Study

433 New Jersey, Orange, Law Enforcement Facility

Indiana, Indianapolis, Renovation of Marion County Jail, Marion County Mississippi (State of), Mississippi Master Plan 434

435 436 Maine, Alfred, York County, York County Jail Construction

437 Maine, Belfast, Waldo County, Waldo County Jail

Samo, Tambon, Tambon Police Station 438

439 North Dakota, Bismarck, North Dakota State Farm Additions

California, Madera, New Police Facility 440

California, Ventura, Ventura Police Facility California, Oxnard, Oxnard Police Facility

Ohio, Youngstown, Mahoning County Juvenile Justice Center

Kansas, Hutchinson, Kansas State Industrial Reformatory, Inmate Educational Program

Kansas, Hutchinson, Kansas State Industrial Reformatory, Recreation Facilities Kansas, Hutchinson, Kansas State Industrial Reformatory, Vocational

Print Shop 447 California, Hanford, Hanford Police Facility

Louisiana, Shreveport, Northwest Louisiana Correctional Institution 448

Hawaii, Honolulu, Hawaii Juvenile Master Plan

Massachusetts, East Longmeadow, New Police Facility

Texas, Laredo, Webb County Jail Additions Connecticut, Ridgefield, New Police Facility

453 New Mexico, Canoncito Navajo Community, Criminal Justice Center

454 New Mexico, Acoma Peublo Indian Tribe, Criminal Justice Center

Texas, Jasper Nacogdoches County Correctional Facility, Nacogdoches 455 County

456 Texas, Hildago County, Hildago County Correctional Facility

457 Texas, Waco, Waco Jail Renovation

458 Michigan, Flint, Genesee County, Minimum Security Facility

Texas, Bellville, Austin County Jail Facility, Preliminary Planning 459

460 New Mexico, Zuni, Pueblo of Zuni, Juvenile Rehabilitation and Correctional

461 Kansas, Ellsworth, Ellsworth Correctional Facility

462 Michigan, Barry County, Barry County Jail

463 Wyoming, Evanston, Evanston Hospital Security Addition

464 Louisiana, Ville Platte, Evangeline Parish, Evangeline Parish Courthouse and Jail Facilities

465 Florida, Hillsborough County, Lake Magdalene Juvenile Home

Texas, Fort Stockton, Pecos County, Pecos County Correctional Facility 466

467 South Dakota, Deadwood, Lawrence County, Lawrence County Jail

468 Illinois, Galesburg, Galesburg Correctional Facility (Civic Center Complex)

469 New Jersey, Bordentown, Vocational Careers Train

470 Kentucky, Florence, Boone County, Juvenile Detention Study

Texas, Fredericksburg, Gillespie County, Gillespie County Jail Improve-471

472 Florida, Volvsia County, New Correctional Facility

478 Ohio, Springfield, County Safety Building

New Jersey, Trenton, Training School for Girls

475 New York, New York, Rivington Residential Center

476 Oregon, Portland, Women's Correctional Facility. (Four county Portland

477 Georgia, Atlanta, Fulton County Correctional Study, Fulton County

478 North Dakota, Bismarck, North Dakota State Penitentiary Education and Recreation Units

479 Iowa, Des Moines, Polk County, Comprehensive Correctional Services

480

Virginia, Chesapeake, Youth Services Unit Ohio, Youngstown, City-County Criminal Justice Facility, Mahoning 481

482 South Dakota, Lake Andes, Charles Mix County Correctional Facility

488 Utah, Provo, Utah County Jail Review

484 Alabama, Selma, Dallas County, Additions to Juvenile Wing Dallas County

Mr. Velde. Yes, sir. I really do have some difficulty in attempting to summarize what we think are the best of over 35,000 projects and really it is a very difficult attempt in this short a period of time.

Now, there are many other projects and I have outlined those, and that would be on several pages of the testimony, and I will not go

into detail on them now.

Senator BAYH. Certainly. Your entire statement will be printed

in full at the conclusion of your remarks.

Mr. Velde. My point in describing these programs to you is to bring to your attention some of the worthwhile juvenile delinquency programs that have come to life through LEAA financial and tech-

One of the LEAA's most recent and significant contributions is the juvenile detention and correctional facility census. This is an expansion of the annual survey of public facilities for adjudicated juveniles conducted by HEW. It represents the first complete census

of public facilities in the juvenile criminal justice system.

The census was designed by LEAA and HEW and was conducted by the Bureau of the Census. Parenthetically, I would like to point out that this joint effort by these three agencies is indicative of the interrelationship of many elements in the juvenile delinquency area and is an example of the kind of joint cooperation needed to deal with the

problems we face.

We have submitted a draft copy of this report along with my testimony. It will be formally released by LEAA later this week and it will be published, we hope, by the Government Printing Office in about 6 weeks. Due to a rather critical paper shortage, Mr. Chairman, we're caught up with numerous other Federal agencies in the actual wide-scale publishing of reports of this kind. So all we have available this morning is a mimeographed copy of the report. The details are not available until the GPO completes its work, but as far as we are concerned, the report is completed, and we would be pleased to have the committee make whatever use it feels appropriate of this census.

Briefly, the census covered 772 juvenile detention and correctional facilities and shows that on June 30, 1971, these facilities held 57,239 persons, of which 44,140 were males and 13,099 were females. The census contains statistical information on the institutions, the children in them, the age range of the population, and incidentally, we found, Mr. Chairman, something which I found to be incredibly shocking, a shocking figure, 2 percent of the children in these institutions were under 6 years old. Two percent. In doing a spot check, we find that the mothers of many of these children were institutionalized themselves in a correctional facility and, therefore, something had to be done with the children and there was no other resource available so they were placed in cribs, literally placed in cribs in the juvenile facilities.

I am submitting a copy of the census for the record. Because of your keen interest in this field, you will find it an interesting and

beneficial report, Mr. Chairman.

These projects exemplify the progress LEAA has made in this area, and the administration feels that even more substantial progress will be made in the future.

This is especially true when you consider that LEAA funding for juvenile delinquency in fiscal 1971 was \$100 million and in fiscal 1972

reached \$140 million.

Now, briefly turning to S. 821, I wanted to say at the outset, Mr. Chairman, and echo your remarks, that the administration is aware of your keen interest in this area, as exemplified in your bill, and your many other efforts.

Senator BAYH. I appreciate your commending our efforts, but I wish you could do something besides opposing everything I have tried to get accomplished in this committee. That might be better evidence.

Mr. Velde. I think you will find, Mr. Chairman, that there are

some aspects of the bill which we comment favorably on.

Senator Bayn. Thope you don't dwell on them, because I don't

think I could stand the shock. But go ahead and try me.

Mr. Velde. Yes, sir. I think I could say at the outset, Mr. Chairman, that the administration fully agrees with the excellent objectives of S. 821——

Senator Bayn. That is quite a concession.

Mr. Velde. And we recognize that the bill is seeking solutions to the problems of juvenile delinquency and we certainly share those

objectives.

Regarding title II of S. 821 which contains amendments to the Federal Juvenile Delinquency Act, I will comment on specific sections. I will not comment on sections 5033, 5034, 5038, 5040, 5041, 5042, or 5043——

Senator Bayh. Unless you have reason to do otherwise, I would just

as soon have you put all those comments in the record.

Mr. Velde. All right, I would say the Department does not have any problems with the provisions of those sections. I will just briefly comment and actually submit for the record those provisions which the Department suggests of title II which might be slightly modified or changed——

Senator BAYH. Or eliminated.

Mr. VELDE. They are indicated on page 14, page 15, and page 16 of the statement.

Senator Bayh. We will put those observations in the record at the conclusion of your remarks. We might also submit questions, so that we can put the answers in the record.

Mr. VELDE. Fine.

Senator BAYH. That will save us a little time here.

Mr. Velde. Thank you, Mr. Chairman.

With respect to LEAA, S.821 raises a number of concerns.

We feel any proposal to make Federal crime fighting funds available to State and local governments should mesh smoothly with the LEAA program—either as it is presently constituted or as amended by the House or Senate versions of new legislation. And I understand, Mr. Chairman, that the Senate subcommittee version or at least something very close thereto, will be considered on the floor of the Senate later today.

Both versions would give the States substantial control over anticrime funds to apply according to each State's law enforcement and criminal justice needs. This represents the Federal Government's guarantee of assistance in this important field. Now, as I indicated, Mr. Chairman, about 20 percent of LEAA's resources for fiscal 1972, according to our latest estimate and particularly the block grant fund,

have been allocated to the field of juvenile delinquency.

Now this is on the average; in many States, there is a significantly higher percentage of their block grant funds going for juvenile delinquency and less than 20 percent would be in other States, but this is based on their assessment of what their needs are. On the average that 20-percent figure, of course, comes out with the provisions of your bill. Twenty percent the first year and I think, as I recall S. 821, it would be increased to 30 percent in the second year. LEAA—

Senator BAYH. That is in the amendment to the LEAA extension that you oppose, sponsored by Senator Mathias, Senator Cook, and

myself. not in S. 821.

Mr. Velde. Yes, that is correct. The amendment does incorporate, I think, the salient features of S. 821.

Senator Bayn. Yes, it does have some features of S. 821.

Mr. Velde. Yes, that is right; but there are formulas that I will

come to.

Senator Bayii. The amendment that Senator Mathias and Senator Cook and I, as well as 16 cosponsors, intend to offer this afternoon to the LEAA extension, requires an initial allocation of 20 percent of block grant funds the first year and 30 percent the following year, to juvenile delinquency. Since 20 percent is the average amount presently expended, would you support the 20-percent provision in that amendment?

Mr. Velde. Simply I would answer, Mr. Chairman, "No."

Senator BAYH. All right. You don't need to spend 5 minutes qualifying a no

Mr. Velde. Just in a sense we prefer the States to have flexibility, to

retain flexibility.

Senator BAYH. In other words, the flexibility to do a miserable job dealing with the problems of juvenile delinquency. The 20 percent figure does not adequately represent the fact that, although a large number of the States are over that average, a large number must also be under it. So there are some States totally ignoring the need to work with juveniles, and to treat them in such a way that they will not become hardened criminals. As the Federal legislators responsible for the law enforcement assistance program of our Government, don't

we have a duty to tell those States that are ignoring the need that

we're not going to sit still and ignore their inaction?

Mr. VELDE. Mr. Chairman, there are some States where juvenile crime is not a significant crime in relationship to other problems because simply they have very few young yeople.

Senator BAYH. Name me three States.

Mr. Velde. Alaska, Idaho, and North Dakota. Senator Bayh. What are the percentages?

Mr. Velde. It is very small.

Senator Bayh. What are the percentages?

Mr. Velde. I can supply it for the record, I don't have the numbers right here offhand, but it is low.

Senator Bayn. Alaska, North Carolina-

Mr. Velde. North Dakota and Idaho and Alaska. Those are three States.

Senator BAYH. There are no young people in those three States?

Mr. Velde. Relatively small numbers.

Senator BAYH. I will surely talk to the six Senators from those States and find out where all of those young people go. Is the birth rate lower there?

Mr. Velde. Yes, sir.

Senator Bayn. I thought everybody was going to Alaska.

Mr. Velde. No, sir; the entire population of the entire State is about 200,000, Mr. Chairman.

Senator BAYH. That is irrelevant. We are talking about the percentages. You are the one that wants to throw the percentages around.

Mr. Velde. I can supply it for the record, I just don't have it, but the percentages of young people and juveniles are relatively low in those States. Mr. Chairman. But, to your point we are not ignoring our responsibilities under the law. Under the House and Senate bills, LEAA is charged with a statutory responsibility to determine that each State's plan, each year, is comprehensive and does address the

crime problem of that State.

Senator Mathias. If I may interrupt you at this point, I think LEAA does address itself to that problem and in many ways very effectively. But it was fashionable a few years ago to talk about breaking the cycles; breaking the cycle of poverty and breaking the cycle of crime. Although we have gotten away from that phrase, I don't think we ought to get away from the idea. If you're going to break the cycle of crime, you have to start really where crimes are—criminals are bred, and that is with the juvenile delinquents. I am wondering, the mere fact that there are three States or even more than three States where they have a lower level of juvenile delinquency such as Alaska, Idaho and I think you said North Dakota, what it really is relevant to. Their juvenile rate is lower because of the mere fact that there are any juvenile delinquents in a State, they are under present policy and systems of correction, present approaches, presence of anything at all, because you are not promised at all that you aren't going to have any felons in the future, and that, unless there is a consistent comprehensive nationwide approach in this directing more attention to the problem, crime rates generally are never going to be contained.

Mr. Velde. Senator, I wholeheartedly agree with you. My only point was that, and let me clarify or attempt to clarify that. We are not opposed to substantial LEAA resources being devoted to juvenile delinquency programs. What we are opposed to is an arbitrary formula which is not adaptable to the needs of any given jurisdiction. It may not be enough in some jurisdictions or it may be too much in others. That is the only point that I wish to make. Not that we do not wholly and fully agree that there must be a comprehensive address to the needs of the criminal justice system in at least the records of

our program.

Senator Bayh. I would respectfully suggest that to describe a requirement that 20 percent of LEAA funds be spent for a wide variety of juvenile programs as an arbitrary formula is invalid. We're not saying you have to meet narrow criteria. You are familiar with the criteria and they are very comprehensive. When half the serious crimes are committed by juveniles, and we suggest that at least 20 percent of the money be spent in this area, it is difficult for me to consider the requirement arbitrary. In fact, I don't think we're doing enough. If I were someone from the National Council on Crime and Delinquency, I would say, "Seantor Bayh, you guys are backing off"; and I would have to say, "yes, sir, we are." But I think if Senator Mathias, Senator Cook and I exert ourselves between now and this afternoon, we can get 51 votes on the floor of the Senate for 20 and 30 percent, but if we went for more, such as 30 and 40 percent, I don't think we could pass it.

So this is in the interest of compromise.

Senator Mathias. It does seem to me that the prospective aspect of this is quite serious. When the present Members of the Senate have gone to some other pasture and the present officials of the Justice Department are going through retirement, somebody has got to be wrestling with the crime problem in this country. We are in a position now to make a significant contribution to the decrease in crime rate in the next generation, and you can do it through this program and you're never going to decrease the number of criminals unless you get it at the place where it all begins. The fact is that 90 percent of all of the convicts, all convicted felons, have juvenile records, that is really relevant to what we're talking about today. I don't think it is arbitrary or capricious to lay down these guidelines so there is a national concentration on this problem. Without it you're not going to have that concentration.

Mr. Velde. All I would say simply, Mr. Chairman, is that the administration respectfully takes a different view. We do on the basis of our experience in administering the LEAA programs for 5 years. We do feel it important to retain the flexibility in the decisionmaking

processes as to how the resources are allocated.

Let me state an example in an area that is not related to juvenile delinquency. In the earlier years of our program, there was quite an emphasis on the development of what I might call a civil disorder prevention capability, riot control training equipment, intelligence and so on. In fact, in fiscal 1969 pursuant to an amendment offered by Senator Hart of Michigan, there was a special pot of money to buy the riot control hardware. Now, that purpose has largely been achieved. There is an ongoing planning capability.

Senator Bayn. Is there still a special pot in existence?

Mr. Velde. Beg pardon?

Senator BAYH. Does a special pot still exist?

Mr. Velde. No, it doesn't.

Senator BAYH. Then, it isn't a relevant comparison, is it?

Mr. Velde. No.

Senator Bays. There was a problem existing at that time that no longer exists.

Mr. Velde. Twenty-two percent of LEAA's total resources, block grant moneys for the first fiscal year went for riot control. That was on

top of the special pile of money, plus additional amounts.

What I am saying is that once the capability was established, it was not necessary to spend 20 percent of the LEAA's money on civil disorder programs. So that money has tapered off quite drastically

in the intervening years.

Senator Mathias. But if I could raise the problem which troubles me and certainly it would be raised-by Senator Cook, it is the record of activity in this area. For example, the way I understand it the coordinating council is supposed to be the valve which measures the activities in various areas and sets a comparitive priority.

Mr. Velde. State planning agencies and their advisory boards, yes

Senator Matilias. How often, under the law, is that supposed to meet?

Mr. Velde. It is at the discretion of the Governor and each State Senator, and I think in most States I think they meet on a monthly basis or more frequently.

Senator Mathias. What about the Federal board meeting?

Mr. Velde. Oh, I am sorry, I thought you were referring to the State. By law that meets what, six times a year?

Senator Mathias. When was the last time that it met?

Mr. Velde. About 3 weeks ago, May 31. Senator Mathias. How soon before that?

Mr. Velde. I believe in November, I understand Senator that in the 2 years of existence———

Senator Mathias. A 6 month gap.

Mr. Velde. Maybe 7, something like that,

Senator Matigias. Seven months.

Mr. Velde. I understand the Council has met 12 times in the 2 years, but the 9 or 10 times last year and 2 or 3 times this year so far.

Senator Mathias. So they really only met half as often as pre-

scribed in the law.

Mr. Velde. For this fiscal year, I believe that is correct. But, for the 2 year period——

Senator Matinas. Two year period-

Mr. Velde. No. it is not for the 2 year period, it is required by law that they meet six times a year and this was more times than required by law. But not for this year.

Senator Mathias. Why are the meetings so erratic, who does the

calling?

Mr. Velde. Let me briefly answer, Mr. Madden of LEAA has been serving as General Counsel for that Council and the Administrator

of LEAA have served as its chairman designate. First, Mr. Leonard and now Mr. Santarelli serves in that capacity. I did not participate. Let me briefly comment and then I will have Mr. Madden

respond.

On the basis of the first year's experience with the Council, LEAA did make a number of changes, recommendations for changes in the operations and the jurisdictions of the Council to the Domestic Council and as you know, Senator, the Domestic Council itself has been undergoing a reorganization, transformation and has—as has the Executive Office of the President.

Many of the functions normally or previously housed in the Executive Office of the President have not been either eliminated or trans-

ferred to another agency.

We understand that a proposal is being considered now to reorganize certain functions of the Domestic Council that may include this Council. We have not received a decision from the Domestic Council as to the status of this Council. I would like Mr. Madden to comment in detail.

Senator Mathias. Let me respond briefly to that. Of course that is the reason that we're inclined to support a formula approach. There is no track record here of a nature of the field of direction which the Department will go without statutory guidance and with the uncertainties in the reorganization you refer to, it seems to be all the more necessary to have some statutory language.

Mr. Madden. I was going to comment that we have had over 15 meetings that our records would show, and this does not include days of training for members of the Council and a series of public hear-

ings held over the past 2 years.

Senator BAYH. Excuse me. Senator Mathias is directing his question to the statutory requirement of six meetings. This has nothing to do with other meetings, does it, Counsel?

Mr. Madden. Senator——

Senator Bayn. The statute requires that you have six meetings a year.

Mr. Madden. The Council does require 6 meetings a year, but the point I was making, Senator, is that over the last 2 years we have

had over 15 meetings of the Council.

Senator BAYH. Let me interrupt you again. That doesn't make any difference. I am trying to be patient here, but my patience is tried. These additional meetings should be going on anyhow, shouldn't they? I wish you would direct yourself to Senator Mathias' question. I don't think you should get a merit badge because you do something over, above, and beyond in certain areas, if in fact this is above and beyond. You ought to be doing it anyway. The question is why the statutory requirements have not been met.

Mr. Madden. Senator, when you were out of the room, Mr. Velde addressed himself to that and indicated that we had only had three meetings so far this year, pending action on a possible government-

tal reorganization.

Mr. Velde. Now returning to S. 821, Mr. Chairman, let me just comment—

Senator Bayh. I have read your comments.

Mr. Velde. All right.

Senator Bayn. To save time, we shall just put these in the record at the conclusion of your remarks.

Mr. Velde. Surely.

Senator Mathias. Then it is getting rather late, we're going to have the Director of the FBI up for nominations at 12:30, that will complicate us here.

I would be glad, if it is all right with you, to direct some questions

in response to your criticisms and have you respond in writing.
Mr. Velde, Surely.

Senator Baxh. I would like to ask one rather philosophical question about your observation that we want to give States flexibility. I certainly want as much flexibility as possible within certain national guidelines, so we can deal with the problems we do not yet fully understand. I don't pretend to hold a magic wand or to know all of the answers, but this committee and other committees have studied this problem over the last couple of years, and I think that some of us are reasonably well versed. The staff and members of this committee have called upon a wide variety of people and organizations that know more about the problems of young people at the community level than

I do sitting here.

The provisions of S. 821, which the administration opposes, are not the brainchild of the Senator of Indiana. They are the result of the combined opinions of various organizations and experts that deal with these problems day in and day out. I have many areas to cover, and this is just one which both of us are concerned about. These people have literally given their lifetime to dealing with the problems of young people. You have the National Council on Crime and Delinquency strongly supporting and helping to write the provisions of \$21, you have the National Council of Juvenile Court Judges, the men who sit there every day with tears in their eyes, watching these young people, trying to find alternatives to help them which are not available, and supporting the provisions of S. 821; you have the head of the Hawaii YMCA coming here in person to testify how strongly the Y feels about these problems and why he believes S. 821 should be passed; and you have the YWCA, and the Girl Scouts strongly supporting the provisions of S. 821.

We can't ever solve all of the problems; the Federal Government can't answer all the questions nor can the States. We have to have community people providing answers. The volunteer leadership of these community groups strongly supports this legislation. Now, doesn't it cause you to pause and wonder if maybe the administration isn't out of step? Did you talk to any of these people in any of these organizations out in the community who have been working with these young people, and did you ask them why they support this legislation,

before you made the decision that you are going to oppose it?

I am not worried about the wording of this legislation. I have talked to all of these people, they helped put this legislation together. This is going to help them deal with young people. That is why I am for it, not because I have my name on it.

Mr. VELDE. Mr. Chairman, the groups that you have mentioned, I think without exception are all on the LEAA list of grantees directly. We give them national discretionary grants, we are in contact with

them on a daily basis, because we fund these agencies and these groups with national discretionary grant programs.

Senator Bayh. Why do you give them money?

Mr. Velde. Pardon?

>

Senator Bayn. Why do you give them money?

Mr. VELDE. We feel they're qualified and they're experts in putting together national programs that cut across State lines.

Senator BAYII. Yet you don't ask their advice and counsel with

regard to forming national legislation.

Mr. Velde. Well, we do——

Senator Bayn. Unanimously they're taking one position and you're taking another.

Mr. Velde. We also listen.

Senator BAYH. Which groups are you listening to? What national organizations that deal with young people are opposed to this legislation?

Mr. Velde. Let me answer in a different way.

Senator BAYH. Can you name one?

Mr. Velde. Let me name the supporters of the administrators who are in favor of the special revenue sharing for the existing block grant program and that is the difference here. It is a difference in opinions of delivery of resources.

Senator Bayn. No; you're talking about apples and I am talking about oranges. Let's get back to this bill. Tell me one organization that

is opposed to it.

Mr. Velde. Well, I can give you the list of organizations that support the administration's approach. Now, I am not aware that any of them took a definite stand on S. 821. The Governors' Conference voted in favor of special revenue sharing and block grants.

Senator Bayh. I have a letter here from the Governors' Conference supporting S. 821. I think now would be the time to put it in the record

following your testimony.

Mr. Velde. Yes, sir, all I am saying. Senator, is that there are many organizations, many other organizations not involved in juvenile dehinquency that would like to have programs supporting defenders' work or prosecutors' work or a special pot of money for judges?

Senator BAYH. You might like to know that the National Legal Aid & Defender Association also supports this legislation. I think we will put their supporting statements in the record after your statement.

Mr. Velde. I understand, they also support a special program for

adult defender work.

Senator BAYH. Is it necessary to be either for one or the other? Can you not be for an adult legal defense program and also for programs that are designed to correct the behavior problems of young people so that when they become adults they won't need the adult legal defender?

Mr. Velde. Senator, if I may summarize in a sentence, the ad-

ministration's position is-

Senator Bayn. I think that would be the only safe way to do it. Mr. Velde. We prefer and support the approach which gives the responsibility to States and local governments, who are responsible for criminal justice in this country and juvenile justice, the flexibility to allocate Federal resources, block grants in this case, according to their best judgment as to what their needs are. As the testimony indicates, there has been steadily increasing percentages of LEAA resources devoted to juvenile justice and we think that trend will continue. We argue that the flexibility should be retained and is needed so that each State can deal with its conditions and the prob-

lems as best they can, that is our point.

We're not opposed to Federal resources and LEAA resources going to juvenile delinquency. But, we think there must be flexibility and we support the comprehensive planning process that is the key element of our program which allows the States to identitfy the needs, assess their own problems, set their priorities and make their subgrant awards. Under that process increasing amounts have been and are being spent on juvenile delinquency or juvenile justice programs. That is our point, that is our position, Mr. Chairman.

Senator BAYH. Your position is a consistent one and I commend

you for your consistency.

I just think it is important to emphasize the problem. As I said at the outset of this hearing this morning, we're all trying in our own way to help juveniles.

Mr. VELDE. Yes, sir, and we appreciate your concern, Senator. Senator BAYH. I don't feel that you have any other purpose. I do

think, though, that you're going down the wrong road. A couple of

points need to be made.

First of all, even if we were to accept without question the percentage of expenditures that you suggest can appropriately be attributed to juvenile areas, it is only 1 percent more than last year. At that rate, it would take us 10 years to get it to the 30 percent figure required in our LEAA amendment that you believe contains arbitrary figures. In other words, I think the rate of moving funds into the juvenile area to provide that vital ounce of prevention has been pain-

fully slow.

Point 2, in talking to almost all citizen groups, in fact, I can say all citizen groups that are working with the problems of juveniles, and in talking with those officials charged with the responsibility of dealing with the problems of juvenile crime and corrections in several States, I have been made painfully aware the existence of an establishment or structure designed to perpetuate the status quo. For example, we had Jerry Wurf, president of the American Federation of State, County, and Municipal Employees, testify yesterday. I thought it was rather courageous of him to support our bill since he realizes that when you say we're going to move to small community based facilities so you can deal with individual problems instead of 1,600 kids at once, he is faced with the problem of employees being relocated, retrained, and finding other employment. So traditionally there has been an establishment in opposition to any change that might shake the boat and tear-down the general institutional structure.

Mr. Wurf said that we cannot continue in the direction we are now going and that these establishments are going to have to turn around and reorganize so we can decrease juvenile delinquency. He testified

that the present incentive was not to do this.

As a result of talking to these citizen organizations, I realize that they know a lot more about this than I do. They feel there needs to be an incentive to the States to try something new and creative.

S. 821 is not a magic formula. It is not a panacea. It is not going to perform miracles. But I suggest to anyone who opposes it and says

that we ought to keep the States on their present course, that they are going to have to be satisfied with the results. The best evidence of a need for change is the rather dismal track record brought to our attention by these organizations, and they are speaking about the present institutional structure. I am not for change just for the sake of change, but when I look at an 84 percent recidivism rate among young people, when I look at the statistics mentioned by Senator Mathias that 90 percent of the felons have a juvenile record, then I suggest that whatever we're doing now is wrong and maybe the time has come to accept the judgment of these nonbureaucrats who have sufficient expertise to get LEAA funds. Maybe we ought to accept their judgment as to what we ought to do about the national standards.

Mr. Velde. I think, Senator, LEAA money has been spent by and large for the kinds of changes we're talking about. There are statutory priorities particularly in part E that emphasize development of community-based programs away from institutionalization, in the adult as well as the juvenile field. We have had some experience now in attempting to overcome the status quo and I might say it is a very frus-

trating business.

Senator Bayh. You have been very kind. I fear I may have been unnecessarily harsh.

Mr. Velde. No, sir. Senator Bayh. We seem to have been around this same track before.

I am very familiar with the priorities established in the Omnibus Crime Control and Safe Streets Act. I appreciate the fine words contained in your testimony, and I recognize the pressures that you're under. But the statement of priorities in the act, or your statement, or my statement, is not a true measure of what the priorities are. You can list invenile delinquency as a priority in part E, but that doesn't assure \$1 is spent. The true test is the effort that this Government is going to make to try to help young people so they live constructive rather than wasted lives. The amount of resources we spend will have a bearing on this. We have to increase the amount of resources; we have to expand the program alternatives that are available. We have to show the States, the people, and the youth that we mean business.

I appreciate your patience. I hope that we can continue this dialogue. I have other questions that I would like to ask relating to my State of Indiana. The assessment of some of my mayors and other officials who are directly involved in the use of youth service centers is that the future of these programs is inconsistent with your testimony. I

would like to reconcile those differences.

Mr. Velde. Yes, sir.

Senator BAYH. Thank you both, gentlemen.

(Mr. Velde's prepared statement, foreword, and attachments for the record are as follows:)

STATEMENT OF RICHARD W. VELDE. ASSOCIATE ADMINISTRATOR, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION_

Mr. Chairman, I am pleased to appear today on behalf of the Attorney General to discuss the role of the Law Enforcement Assistance Administration in controlling juvenile delinquency.

My comments will center primarily on juvenile delinquency programs funded by LEAA. I also will comment on portions of S. 821, the proposed "Juvenile Justice and Delinquency Prevention Act of 1973." Additionally, I will comment on Title II, which revises sections of Title 18 of the U.S. Code. My comments on Title II were prepared by the Department of Justice.

LEAA has long recognized that juvenile delinquency is an important part of the effort in reducing crime and improving the nation's criminal and juvenile

justice systems.

To accomplish this, LEAA has extended financial and technical aid to state and local governments, provided statistics, set standards and goals, carried out research and development, and provided reference information.

One of the nation's most precious resources is its young people. The key to eliminating much of tomorrow's crime lies in our constructive efforts for them,

and in juvenile delinquency programs for those who are in trouble.

Constructive discussions like this can help us reach mutual goals that will result in strengthened Federal efforts to cope with the problems of juveniles. Only then can the full weight of the Federal government's resources be brought to bear on delinquency.

We fully concur with other commentators on the seriousness of juvenile delinquency—as well as on the high priority its solution must be given. I believe we will solve the problems it presents through joint efforts and consultations.

In this context, I want to extend my appreciation to the committee for convening this public forum to focus attention on juvenile delinquency. I am sure the policemen, the judges, and the probation, parole and corrections officers who deal with juveniles are most appreciative, too. These men and women are among the most dedicated in the criminal justice system, but too often they are hampered, and sometimes shackled, by outmoded juvenile delinquency procedures, a lack of funds, and inadequate facilities for caring for youthful offenders.

It is not surprising that their hard work and dedicated efforts sometimes

appear fruitless.

This is not an indictment of their efforts to help our troubled youth. Rather, it is a sobering and realistic assessment of our juvenile delinquency system, a system which too often does not correct, does not rehabilitate, and, in some instances, does not even meet minimum conditions of human decency.

It is a shortcoming that we must work to remedy.

The LEAA is doing what it can to help find solutions to the problems of juvenile delinquency, and I would like to describe specific examples of LEAA juvenile

delinquency programs.

During fiscal 1972, LEAA awarded nearly \$140 million on a wide-ranging juvenile delinquency program. More than \$21 million, or 15 percent, was for diversion; almost \$41 million, or 30 percent, went for rehabilitation; \$33 million, or 24 percent, was spent to upgrade resources; \$17 million, or 13 percent, went for drug abuse programs; and \$8 million, or six percent, financed the comprehensive juvenile delinquency component of the High Impact Anti-Crime Program. Figures for fiscal 1973 are not available yet. We will supply them for the record when they are in hand. Let me describe LEAA juvenile delinquency activities in fiscal 1972:

DIVERSION

Diversion programs occur at several stages in the criminal justice system. The LEAA programs involve young people who have had contact with the criminal justice system or have been in trouble with school authorities and

are considered in danger of becoming delinquent.

One model diversionary program is in Indiana. The State has developed a statewide Youth Service Bureau system involving 23 cities and serving 100,000 youth in the ten-18 year-old category. Indiana's primary purpose is to provide an alternative to court proceedings for youths not in need of adjudication and who may or may not have been picked up by police. The bureaus do this by identifying resources available to help youths, identifying service gaps and providing or encouraging new resources, diagnosing an individual's problem, and referring him to the relevant community agency for treatment. The bureaus also improve cooperation among private and public juvenile agencies and strengthen community resources.

REHABILITATION

Rehabilitation projects took the largest share of LEAA's juvenile delinquency money—\$40.8 million in fiscal year 1972. Nearly three-quarters—or almost \$30 million—was allocated for community-based treatment programs.

A major LEAA-financed program involves phasing out juvenile institutions in Massachusetts. They are being replaced by community programs—for example, group homes and halfway houses sponsored by such organizations as YMCAs and universities, I believe the Subcommittee and its staff are familiar with this program.

١

The committee also probably knows that an audit of the program by the Massachusetts state planning agency disclosed some apparent administrative and fiscal irregularities as well as the possible misuse of LEAA funds. Efforts are now under way to correct them. Since there is the possibility that indictments may be returned against some of those who ran the youth homes, it would be inappropriate for me to comment further.

However, I don't think these irregularities should overshadow the fact that

this is an innovative juvenile corrections program.

An important research study funded by LEAA-"National Assessment of Juvenile Corrections"—under way in 42 counties in 16 states. The study includes ten juvenile courts, five detention units, 15 probation units, 15 local intensive commnity programs, 15 institutions and six halfway houses. This research is designed to show which programs work best with juvenile offenders. Results should be of value to state officials.

UPGRADING RESOURCES

The portion of LEAA's juvenile delinquency program called "Upgrading Resources" includes construction, personnel recruitment, and training, with

funding of nearly \$33 million in fiscal year 1972.

Some of the projects in this program include a \$181,998 grant to Maryland to provide full-time public defender services in Juvenile Court for indigents in Baltimore and major urban counties. These jurisdictions, which have a total of 15 full-time public defenders for juvenile indigents, have a combined total of up to 12,000 formal juvenile dispositions per year.

In Kentucky, a \$240,000 LEAA grant is funding the services of a Juvenile Court Services Team as part of a five-county program of Community Delinquency Rehabilitation and Prevention. The goal of this program is to reduce recidivism among juveniles handled by the Juvenile Courts by 30 to 50 percent within one year of their release by the court and by 20 to 40 percent within two years. The teams work to upgrade the procedures and rehabilitative resources of the courts.

Both of these programs are currently in their second year.

An \$87,000 LEAA grant is funding a statewide juvenile delinquency training program in Virginia. Under this grant, nine juvenile delinquency experts train state personnel who work with juvenile delinquents. In the past three years, training has been given to juvenile delinquency workers in Virginia's seven state-operated training centers, juvenile delinquency courts, detention homes, probation houses, halfway houses, and a reception and diagnostic center.

DRUGS

Drug programs totaled \$17.7 million for Fiscal 1972. The largest portion— \$11.8 million-was for treatment and rehabilitation. Prevention and education totaled \$5.4 million, research \$400,000, and program personnel \$60,000.

One such project is San Diego's County's "Drug Education For Youth," which received \$59,343 in LEAA funds in fiscal 1972. This program seeks to reduce juvenile drug arrests through a comprehensive, coordinated program of education and counseling.

DEFY maintains a 24-hour "hot line," which provides instant counseling by a drug abuse counselor to youngsters with drug problems. DEFY also provides outpatient counseling, and expects to provide this service to 1,500 youngsters this year. The "hot line" averages about 3,500 calls per month.

In addition, DEFY has five community health education teams that tour the county telling teen-age boys and girls about alternative life styles. The teams also meet with community leaders to tell them about DEFY's services in helping to cope with drug problems in their communities.

LEAA has discontinued its discretionary grant funding for drug abuse educa-

tion, prevention, treatment, and rehabilitation.

Narcotics enforcement will be the LEAA's major area of drug abuse discretionary grant involvement.

This resulted from a study and recommendation by the Special Action Office

on Drug Abuse Prevention (SAODAP).

SAODAP and LEAA jointly concluded that other agencies could better handle the education, prevention, treatment and rehabilitation aspects of drug abuse. It was decided that by taking on this role the LEAA would over-extend itself and reduce its effectiveness.

However, this new guideline will not affect LEAA's block grant program in

- relation to drugs.

LEAA encourages the states to determine their priorities and devise appropriate programs of enforcement, training, prevention, treatment, and rehabilitation in the area of drugs.

STANDARDS AND GOALS

Another important program dealing with juvenile delinquency is the comprehensive material drafted by the National Advisory Commission on Criminal Justice Standards and Goals.

The Commission's standards and goals are divide into five major reports: police, courts, corrections, criminal justice system, and community crime prevention programs. Each has specific standards which criminal justice officials can use in drafting effective juvenile delinquency programs.

Experts on juvenile delinquency served on each commission task force and their ideas—derived from many years of experience—are included in every as-

pect of the commission's final report.

Judge Wilfred W. Nuernberger, of the Separate Juvenile Delinquency Court of Lincoln, Nebraska, served as chairman of the Advisory Task Force on Juvenile Delinquency. Judge Nuernberger is a recognized authority in the field of juvenile delinquency. His considerable expertise and knowledge was backed by many other juvenile delinquency experts.

They include Robert Gemignani, commissioner of the Youth Development and Delinquency Prevention Administration of HEW. He also served on the juvenile delinquency task force. Herbert Beasor served as a commission consultant and wrote several of the commission's juvenile delinquency standards. Mr. Beasor is a former chief counsel of the U.S. Children's Bureau and served as chief counsel of the Senate Subcommittee to Investigate Juvenile Delinquency.

The are just a few of the outstanding people who provided the commission

with valuable thoughts on juvenile delinquency problems,

To demonstrate how effective juvenile delinquency programs are interwoven throughout the report, I am submitting standard 9.5 from the police report. It is one of many standards dealing with juvenile delinquency and tells how police executives should develop a program to detect, deter, and prevent delinquency and crime. It is a step-by-step outline of practical and realistic procedures to design a juvenile delinquency program.

There are similar programs in other sections of the report. One area worthy of special note is that of the Youth Services Bureau in the Community Crime Pre-

vention section.

As I mentioned, these standards and goals were drafted and written by men and women with years of experience in their fields. They drew up standards and goals that could be implemented by the state and local criminal justice and law enforcement departments across the nation.

We feel they have put together an effective program.

An important LEAA-funded research study is the Juvenile Justice Standards Project—a three-phase effort which includes planning, drafting, and implementing. The project is in the drafting phase—writing standards concerning the treatment of juvenile offenders. Other project participants are the American Bar Association, Ford Foundation, and Institute of Judicial Administration.

A condensed report on each of the 26 volumes (each volume represents a different standard), is near completion and will be published by the Institute. These standards can be used by local planners, administrators, judges, corrections officers, police, and legislators to implement model codes or as guidelines for deci-

sionmaking.

LEAA also recently funded a study by the Management and Behavioral Science Center of the University of Pennsylvania. The study, published last August, is

entitled "Planning and Designing for Juvenile Justice."

The LEAA believes it will be useful to anyone concerned with the systematic treatment of juvenile justice. The report will be useful when a major planning

effort concerning some principal component or aspect of iuvenile delinquency is being contemplated by a joint planning group representing various professional, governmental, client, citizen, and consultant interests.

LEAA funds also helped create the National Clearinghouse for Criminal Justice Planning and Architecture, which is helping the states develop a broad-based cor-

rectional master plan.

The work of the clearinghouse resulted in the December, 1972, publication of "Architecture and Corrections." This work contains guidelines encouraging community-based corrections and places maximum emphasis upon the utilization of alternatives to incarceration. The guidelines call for a thorough exploration of community needs and resources, development of classification procedures, description of residential and nonresidential programs, and the development of advanced approaches to facility planning and design, including guidance in budgeting and

This report, I feel, will be valuable to every official working in the field of cor-

rections, be it adult corrections or juvenile delinquency.

There are many other juvenile delinquency programs which LEAA has funded through block and/or discretionary grants.

To cite a few:

California—The Fenner Canyon Youth Project in Los Angeles County provides vocational and educational training for delinquent youths. Since it began in September, 1970, approximately 550 youths have been placed in jobs, some for as long as two and one-half years. Of this total, 51 youths, or 13 percent, were rearrested, with only 19, or five percent, found quilty and resentenced to Fenner Canyon or to jail. Approximately 80 percent of the youths have been successfully placed in jobs...

Georgia—The Fulton County Juvenile Court Information System coordinates the dissemination of information among Juvenile Court Divisions. The system helps juvenile officials make timely decisions concerning the release or detention of a juvenile and provides immediate information to determine if a juvenile

has previously been under Juvenile Court jurisdiction.

Minnesota—St. Paul created Arlington House, which gives troubled teen-age boys and girls help through noninstitutional rehabilitation. In 32 months of operation, 124 boys and girls have participated in this voluntary program. Eightythree juveniles are successfully working toward goals or have reached their goals and are out on their own, while only 14 exhibited anti-social behavior and a lack of motivation and were dismissed from the program or became reinvolved in the criminal justice system.

Mississippi—LEAA funds helped establish a Statewide System of Juvenile Probation and Aftercare Services. During the last half of 1972, probation and aftercare officials supervised a caseload of approximately 3,200 youths per month. These included approximately 1,900 on probation, 450 on parole, and 700 to 750

new court cases.

Missouri-A community group home administered by the Jackson County (Kansas City) Juvenile Court for teen-age boys and girls provides a liaison between the youths and their parents to resolve conflicts to enable youths to return home. The majority of the youths made a satisfactory adjustment during an average stay of seven months.

New Jersey—A noninstitutional rehabilitation program in Newark called Newarkfields offers an alternative to state training schools. An assessment of the program indicates that 85 percent of the participants who were chronic truants

are maintaining attendance in this training program.

Oklahoma—The Oklahoma City Police Department Youth Counselor Program diverts youths from further processing within criminal justice agencies after their initial contact with police. The police department says this program has reduced the overall juvenile crime rate and is continuing the program and diversionary services.

My point in describing these programs to you, Mr. Chairman, is to bring to your attention some of the worthwhile juvenile delinquency programs that have come to life through LEAA financial and technical support.

One of the LEAA's most recent and significant contributions is the Juvenile Detention and Correctional Facility Census. This is an expansion of the annual survey of public facilities for adjudicated juveniles conducted by HEW. It represents the first complete census of public facilities in the juvenile criminal justice system.

The census was designed by LEAA and HEW and was conducted by the Bureau of the Census. Parenthetically, I would like to point out that this joint effort by these three agencies is indicative of the inter-relationship of many elements in the juvenile delinquency area and is an example of the kind of joint cooperation needed to deal with the problems we face.

Briefly, the census covered 772 juvenile detention and correctional facilities and shows that on June 30, 1971, these facilities held 57,239 persons, of which 44,140 were males and 13,099 were females. The census contains statistical information on the institutions, the children in them, the age range of the population, and the services offered to the juveniles.

I am submitting a copy of the census for the record. Because of your keen interest in this field, you will find it an interesting and beneficial report, Mr. Chairman.

These projects exemplify the progress LEAA has made in this area, and the Administration feels that even more substantial progress will be made in the

This is especially true when you consider that LEAA funding for juvenile delinquency in fiscal 1971 was \$100 million and in fiscal 1972 reached \$140 million.

I would now like to turn to your proposal, S. 821.

At the outset, I want to say the Administration is aware of your keen interest in this area, Mr. Chairman, as exemplified in your bill, and your many other efforts. I commend you for your long involvement in this area, and we fully share your interest.

The Administration fully agrees with the excellent objectives of S. 821 for we recognize that the bill is seeking solutions to the problems of juvenile

Regarding Title II of S. 821 which contains amendments to the federal juvenile delinquency act, I will comment on specific sections. I will not comment on Sections 5033, 5034, 5038, 5040, 5041, 5042 or 5043 as the Department does not have any problems with the provisions of those sections. My comments pertain particularly to the changes S. 821 proposes for Title 18 of the United States Code.

TITLE II

We note that Section 5031 would bring capital offenses into the Juvenile Delinquency Act. Under existing law, juveniles who are alleged to have committed one or more acts in violation of the law of the United States punishable by death or life imprisonment may not be proceeded against as juvenile delinquents.

The proposed amendment 5032 would effectively replace existing section 5001 of Title 18, which gives the United States Attorney authority to forgo prosecution in favor of prosecution by State authorities. The proposed amendment goes further than the existing section 5001 by making referral to State authorities mandatory in all cases unless the State court (1) does not have jurisdiction or refuses to assume jurisdiction, or (2) does not have adequate programs for services for the rehabilitation of juveniles. We support this concept.

We note that the language in the first paragraph on page eight does not require the juvenile's consent, which is required under current section 5032. The legislative history of the Juvenile Delinquency Act indicates clearly that a juvenile proceeding which denies to the juvenile the right to indictement by grand jury would be unconstitutional without a waiver (consent) of the constitutional right

to indictment by grand jury.

We also note that this new section contemplates initiation of criminal prosecution by motion to transfer of the Attorney General in the appropriate district court if such court "finds," after hearing, that there are no reasonable prospects for rehabilitating such juvenile before his twenty-first birthday. While we do not quarrel with the merit of the goal this process seeks, we note that such a hearing could well amount to a full-fledged proceeding closely resembling a trial since the juvenile will be represented by counsel and would most probably challenge each of the listed factors: nature of the alleged offense, extent of the juvenile's prior delinquency record, juvenile's present mental condition, and the juvenile's response or lack of response to previous treatment efforts.

The proposed Section 5035 goes further than the existing section 5035 in prohibiting confinement or detention of juveniles alleged to be delinquent in any institution in which adults are confined. We feel the language or this proposed amendment could create situations in which no facility would be avaliable in

the proximity of the juvenile's home.

The proposed Section 5036 would require that an alleged delinquent "who has been detained pending trial" be brought to trial within 30 days from the date of his arrest. While an exception is provided if the Attorney General can demonstrate the impossibility of avoiding delay, it would appear that this language should be clarified to indicate that the 30-day ruling would apply only if the juvenile remains in detention for the 30-day period. We also note that this section may discourage use of juvenile proceedings in districts plagued by heavy court dockets.

Section 5037 of S. 821 explicitly raises the constitutional question discussed under section 5032 above. While we note that the limitation on members of the

press may present a "free press" question, we would no oppose it.

On the proposed section 5039, we feel the protection afforded the juvenile under subsection (a) is sufficient, and therefore oppose the expungement provided in section (b).

S. 821'S RELATION TO LEAA

As it relates to LEAA, S. 821 raises a number of concerns.

We feel any proposal to make Federal crime-fighting funds available to state and local governments should mesh smoothly with the LEAA program-either as it is presently constituted or as amended by the House or Senate versions of

new legislation.

Both versions would give the states substantial control over anticrime funds to apply according to each state's law enforcement and criminal justice needs, This represents the Federal government's guarantee of assistance in this important field. It would continue to give full consideration to the national goals of reducing crime and delinquency. It would keep open the local options on the nature and administration of particular programs.

It continues the policy of eliminating the strings that too often are tied to

many Federal grant programs and combine to make them ineffective.

Too often, in the past, the lack of matching funds has stymied and sometimes prevented the start of many good programs and has sometimes channeled state and local efforts into less worthy projects. To help relieve this problem, in the new legislation, the matching formula has been changed from 75-25, to 90-10.

This will help assure that worthwhile programs would be chosen according to need. No promising program would go unfunded merely because of the difficulty of providing local and state match. State and local governments, under this concept, would continue to have the leading role on how to set up their crime reduction programs and use the funds.

On balance, Mr. Chairman, we prefer the alternatives embodied in these bills over those contained in S. 821. We believe they provide the more workable

method.

For example, we note that S. 821 would employ the categorical grant approach, which runs counter to the block action grant program and seemingly ignores its excellent results.

Such differing finance mechanisms—even though they are pursuing mutually worthwhile goals-would be counterproductive, and for that reason we question S. 821's funding concept.

S. 821 also would create a separate Juvenile Delinquency Office in the Executive Office.

LEAA believes the creation of an agency or council which would divorce juvenile delinquency programs from the entire criminal justice and social service systems is contrary to the principles of comprehensive planning and delivery of services in these areas. In our view, such a move would further fragment and disjoint the juvenile delinquency effort and delay needed services.

Additionally, Mr. Chairman, the creation of a separate agency is incompatible with the President's moves to consolidate and eliminate many government agen-

cies deemed to be performing duplicative tasks.

Juvenile delinquency efforts of necessity involve law enforcement, education, recreation, employment, health services, the courts, and corrections and require cooperation from all agencies furnishing those services.

We also question the proposal to create a separate National Institute for Juvenile Justice. We believe it would further fragment and diffuse existing authority and functions in the Executive Branch and the Department of Justice.

We believe that adequate coordination of juvenile delinquency programs can be achieved through existing mechanisms, particularly the Interdepartmental Council to Coordinate all Federal Juvenile Delinquency Programs.

The bill contains proposals which the LEAA believes would limit and unnecessarily duplicate the present effectiveness of existing agencies and juvenile de-

linquency services provided by the Federal government.

These services include statistical data now furnished by the National Criminal Justice Information and Statistics Service, reference material now furnished by the National Criminal Justice Reference Service, and research and development services now furnished by the National Institute of Law Enforcement and Criminal Justice.

All are divisions of LEAA.

Mr. Chairman, we also note that S. 821 utilizes crime statistics to "get the money where the crime is" in allocating planning funds.

This concept has been proposed from time to time during discussions of the

most effective method to allocate anticrime funds.

We believe the formula in S. 821 raises the potential for serious programmatic and administrative problems although we recognize that the proposal gives the Administrator a fair degree of flexibility. For example:

1. Such a formula might penalize those units of government which have sucessful delinquency programs by depriving them of funds at the rate equal to the reduction of delinquency in their jurisdictions. This would not provide an incen-

tive to fighting juvenile delinquency. 2. The rate of delinquency may not always be accurate because it fails to

include unreported delinquency.

3. Crime rates are not the only measurement of serious law enforcement problems. Other problems include high arrest activity, congested court calendars. and crowded or critically antiquated correctional facilities.

For reasons I outlined above, we oppose the enactment of S. 821.

CONCLUSION

In concluding, Mr. Chairman, I want to point out that LEAA is working to pull together existing resources to reduce juvenile delinquency and crime in the

LEAA has funded social service and community education programs, has worked with other Federal agencies to develop new and innovative approaches to the problems of juvenile delinquency, and has funded such programs as Standards and Goals.

The impact of the LEAA program can be seen in those specific areas where LEAA has provided financial and technical aid. Progress has been made in dealing with juvenile delinquency, and more progress lies before us.

Working together—as we are now doing—I am confident that we can make

significant strides in dealing with the problems of juvenile delinquency.

The LEAA responses to the questions you asked, Mr. Chairman, have been previously submitted and I also am submitting a copy for the record.

I would now be pleased to answer any questions you might have.

FOREWORD

The Juvenile Detention and Correctional Facility Census represents the first complete census of public facilities in the juvenile criminal justice system. For many years, an annual survey of public facilities for adjudicated juveniles was conducted by the Department of Health, Education and Welfare and published under the title, Statistics on Public Institutions for Delinquent Children. The coverage of the present census has been broadened to include those public facilities which serve children awaiting court action as well as those already adjudicated. As a result, detention centers and shelters were included in the enumerated facilities which previously had consisted of correctional facilities and diagnostic or reception centers only. The addition of shelters and detention centers to the census rounds out the picture of publicly administered residential institutions in the juvenile criminal justice system. Designed by LEAA and HEW, the census was carried out by the Bureau of the Census.

INTRODUCTION

The juvenile and his various statutory images

The census covered 722 juvenile detention and correctional facilities. The administration of these institutions was found to be about equally divided between state and local governments. On June 30, 1971, these facilities held 57,239 persons; 44,140 males and 13,099 females (See Text Table 1). Nearly all of the inmates, some 99%, were regarded by the facilities that held them as juveniles. The term "juvenile" or "child" can be understood in the context of this report as an individual over whose delinquent behavior the Juvenile Court has original jurisdiction. Juvenile or child status is usually a creation of State law and the age at which one can no longer be charged as a delinquent in a juvenile court varies from state to state. (See Text Table 2). In most states, an individual loses juvenile status in the eyes of the Court at age 18. A few states have a minimum age below which a child cannot be formally charged with delinquency although inappropriate behavior can result in his appearance before the Juvenile Court, usually as a "child in need of supervision" or as a "neglected child."

The statutes setting limits to the jurisdiction of the Juvenile Court frequently differ from the statutory limits in juvenile facilities with respect to age. It is not uncommon to find individuals between 18–21 years of age in juvenile correctional facilities, who were committed to those institutions when they still fell within the jurisdiction of the Juvenile Court. Statutes vary among the states as to what age one ceases to be a juvenile with respect to incarceration and must be released or transferred to an adult institution. Although a number of facilities reported inmates between 18 and 21. such persons were not considered adults by the institutions that held them. Through followup inquiry of those facilities that acknowledge that they held adults as well as children, it was found that approximately 500 of the 57,239 inmates reported in the census were considered adults by the facility that held them. From all indications, these inmates were over 21 years of age, and had been tried, sentenced and committed as adults rather than as juveniles. In the census of juvenile correction and detention facilities, the definition of a juvenile has been left to each jurisdiction since no universal definition seemed applicable for all phases of the individual inmate's contact with the juvenile criminal justice system.

II. THE INSTITUTIONS

Incarceration in the juvenile criminal justice system: An overview

Juveniles are incarcerated for a variety of reasons. They may be found guilty of the commission of offenses for which adults are also liable for prosecution such as for felonies and misdemennors. A child may be adjudicated delinquent and subsequently committed to a facility as the result of committing a juvenile or "status" offense—an act prohibited to, and often applicable only to, juveniles (such as truancy, curfew violation or the consumption of alcoholic beverages). The Juvenile Court can also commit a child to an institution because his parents ask the court's help in controlling the child. Furthermore, circumstances unrelated to juvenile delinquency may precipitate commitment as a dependent or neglected child when no other arrangements can be made for appropriate care.

Since the traditional goal of the Juvenile Court is the care and reformation of the young offender rather than his punishment, both the Juvenile Court itself and the correctional system which serves it tend to be more flexible and less dependent on the use of highly codified law and procedures than the judicial and correctional institutions that handle adults. Just as statutes defining juvenile delinquents vary among the States, so do flie juvenile criminal justice systems themselves, particularly in their correctional components. In light of the multiplicity of State and local systems now in operation, any description must be general rather than specific. The following discussion treats those practices and procedures which are most typical and widespread in order to convey an appreciation of both the juvenile criminal justice system and the children for whose benefit it operates.

TEMPORARY CARE: THE SYSTEM'S INTAKE AND PROCESSING FACILITIES

Whether the child is referred to the Juvenile Court by his school, law enforcement agencies or by his own parents, the initial phases of his incarcera-

tion, however brief, usually take place in a detention center or shelter. After the Juvenile Court has committed him, the child may be housed temporarily in a reception or diagnostic center before being placed in a correctional facility. Shelters and detention centers and reception or diagnostic centers usually do not operate full-fledged correctional programs and in some cases do not even offer educational services. They exist to provide temporary custodial care for the juvenile while he is awaiting court disposition or undergoing physical and psychological evaluation prior to placement in an appropriate correctional institution. Juvenile correctional facilities, like their adult counterparts, tend to house only one sex in one facility. Temporary care facilities, however, in fulfilling their custodial, intake, and processing functions vis-a-vis the Juvenile Court frequently find it more efficient to house males and females together. (See Text Table 3). The estimated average length of stay in temporary care facilities ranges from under 2 weeks in detention centers and shelters to slightly over 6 weeks in reception or diagnostic centers. (See Text Table 4).

At a detention center or shelter a child will be met by intake workers. The

At a detention center or shelter a child will be met by intake workers. The alleged misconduct or troubled family situation will be discussed with the child and other parties to the case. An attempt will be made to determine whether the child should be brought before the Juvenile Court. A preliminary investigation at intake may result in the immediate release of the juvenile or may indicate that court intervention is warranted. The juvenile detention center is the analog of the local jail in the adult criminal justice system. Like its adult counterpart, the juvenile detention center is the most common type of residential facility, with a total of 303 throughout the United States. Also like jails, which are usually smaller than adult prisons, detention centers tend to be among the smallest capacity institutions in juvenile criminal justice system (See Text Table 5). A majority of juvenile detention centers are administered by local, rather than State, government, and most of the children

being held by local jurisdictions are in detention centers.

Almost exclusively administered by local jurisdictions, shelters, like detention centers, provide temporarly care for juveniles awaiting court disposition. In contrast to detention centers, however, shelters are not primarily designed for incarceration and are not usually physically restricting facilities. Supplying broad child welfare services, shelters serve dependent and neglected children, as well as suspected delinquents. A wide variety of public and private child care and social agencies provide many of the same services as do shelters such as temporary care and referral for medical help. These agencies also serve the Juvenile Court. The public shelter, however, always stands open to accept and care for all children whose parents are unable or unwilling to provide for their needs. It is not selective in its clients. At the time of the census, public shelters held less than 1% of all persons in public juvenile facilities. From shelters, dependent and negelected children often are referred to public or private foster care agencies. In contrast to detention centers and shelters, reception or diagnostic centers handle adjudicated delinquents almost exclusively and are almost all operated by State governments. There are only 17 public reception or diagnostic centers in the United States. It should be noted, however, that many correctional facilities have their own reception or diagnostic areas where new arrivals are screened for assignment to treatment and educational programs and perhaps transfer to another facility.

Correctional facilities

)

Public correctional facilities for juveniles such as training schools, ranches, forestry camps and farms, and halfway houses and group homes account for slightly more than half of the 722 facilities in the census. At the end of fiscal 1971, these facilities held 42,642 persons, over four-fifths of them in training schools. The estimated average length-of stay for youngsters committed to correctional facilities is roughly 8 months.

Training schools are the most prevalent type of juvenile correctional facility with 192 and are generally the largest of all juvenile facilities. Some 60% of the training schools in the census had designed capacities of 150 or more. In contrast, fully a third of all public juvenile institutions had authorized space for

less than 25 children.

The training school was the first widely accepted institutional setting for juvenile corrections. The physical configuration of the training school often includes high fences and a physically restricting environment that affords little contact with the community. Although not as forbiding as most adult prisons, it represents the most secure form of incarceration for children. Where a jurisdiction's juvenile correctional system has several facilities, varying in degree

)

of security, the training school tends to receive youngsters who present more serious discipline problems and are therefore more difficult to control.

Children who are thought not to require the strict confinement of a training school are sometimes committed to ranches, forestry camps or farms. Usually located in rural settings, these facilities permit greater freedom of movement and more contact with local communities. It was once felt that the juvenile delinquent from an urban milieu would benefit from exposure to a pastoral environment. Although a rural site is no longer held to be naturally therapeutic for the urban child, the greater community contact and less restrictive daily routine of these facilities are presently thought to be more beneficial for many juveniles than the strict custody of a training school.

The urban counterparts of camps and farms are halfway houses and group homes. The growing belief that the correctional process should contain a maximum of interaction between the juvenile and his community has produced support for their establishment. A majority of such facilities are located in residential neighborhoods in converted private dwellings. Halfway houses and group homes allow their residents to leave the facility daily for attendance of school or work. This controlled exposure to the community is often supplemented by individual and group counseling. An individual may be directly committed to these facilities by the Juvenile Court or may be required to earn transfer by his behavior in a more secure setting. These more or less open facilities are the smallest of all those in juvenile corrections; almost 90% have capacities of less than 25 persons.

While detailed national data are not presently available, it is safe to say that many more youngsters are put on probation or diverted at intake entirely from the Juvenile Court into community programs than are incarcerated. Many authorities in juvenile corrections argue that, by and large, incarceration of juvenile delinquents has not proved to be a workable correctional strategy. Some maintain that most juvenile correctional institutions do more harm than good. Few argue, however, that a number of juvenile delinquents must be incarcerated both for their own protection and that of the community.

III THE CHILDREN-ADJUDICATED DELINQUENTS

Any child who has been found guilty of criminal behavior by a court of law is an adjudicated delinquent. Over four-fifths of the 57.239 persons in juvenile facilities on June 30, 1971 were in this category. An additional 13% were awaiting court action. Dependent and neglected children and juveniles awaiting transfer to another jurisdiction comprised the remainder of those in custody. Training schools held the highest proportion of adjudicated delinquents, nearly three quarters of the total (See Text Table 6).

Facilities housing adjudicated delinquents were asked to report the number of persons in each of four offense categories: juvenile offenses, felonies except drug offenses, misdemeanors, except drug offenses and drug offenses. Approximately two-thirds of the facilities in the census provided this information. The remaining one-third reported only the total adjudicated population with no detail by offense category. Of the children for whom offense data were available, 70% of the females and 23% of the males were being held for offenses for which only juveniles, can be charged, such as truancy or curfew violations (See Text Table 7). Fully a third of all the persons for whom offense data were reported were in custody for commission of acts forbidden only to that portion of the population classified as juveniles.

Half of the male adjudicated delinquents were guilty of felonies while only 8 percent of the female delinquents were confined for these offenses. The least common class of violations were drug offenses. Six percent of both the male and female adjudicants were being held on this account.

The unavailability of offense data for some jurisdictions reflects the legal practices surrounding the commitment of juveniles to correctional institutions. Many states have statutes that give juvenile court judges the option of committing children to correctional facilities under the descriptive labels of "person in need of supervision" (PINS), "child in need of supervision" (CHINS), "unruly" "unmanageable" or "incorrigible", rather than for a specific offense. If the juvenile is committed to incarceration under such a statute, the actual nature of his offense is not specified. Consequently, some facilities are unable to provide offense data for all their inmates. Such unspecified commitments are commonly due to the commission of juvenile offenses. Upon occasion, the parents of an extremely troublesome juvenile will seek the Juvenile Court's aid in controling him even though he has committed no particular offense. In such a case, the

child is committed under a statute that permits him to be portrayed as in need of court supervision or as "unmanageable."

Movement into and out of facilities

In fiscal 1971, public juvenile detention and correctional facilities admitted over 600,000 persons and discharged about as many. A quarter of this population flow were females. Nearly 90% of the traffic through juvenile facilities took place at temporary care facilities, primarily through detention centers (See Text Tables 8 and 9). Although the average daily population of correctional facilities surpassed that of temporary care facilities by over 28,000 persons, admissions in correctional institutions were only 85,080 as opposed to 521,481 in temporary care facilities where population turnover is considerably higher. The fact that relatively few youngsters are assigned to correctional facilities indicates the reluctance of many judges in the Juvenile Court to resort to incarceration as an initial treatment strategy.

Temporary care facilities with their high turnover and generally limited contact with client children were requested to provide only data on total admissions and discharges; but correctional facilities with their trentment responsibilities and extended periods of custody were asked for more detail on commitments and releases. In fiscal 1971 correctional facilities admitted 85,080 persons; 69,029 males and 16,051 females. Four fifths of these went into training schools. Children committed for the first time composed 61% of all admissions. Among first commitments there were 4 males to every female. Among recommitments

the ratio jumped to 12 to 1.

Discharges from correctional facilities mirrored admissions; 69,209 males and 15,000 females. Releases to aftercare or parole comprised 71% of the discharges. Females appeared somewhat more likely to be released without supervision than their male counterparts. The sex ratio is four males to every female for overall releases compared to less than 3 to 1 for unsupervised release. Transfers to other institutions for delinquent children accounted for the bulk of discharges for female inmates. Since female transfers into other correctional facilities do not seem to reflect this relatively disproportionate number of releases to other institutions, it is possible that female clients are referred to available programs being operated by agencies outside the public juvenile criminal justice system proper.

This assumption is supported by the fact that almost ¾ of the female adjudicated delinquents for whom offense data is available are status offenders, and therefore probably not being held for society's protection but their own welfare which, it could be reasoned, might best be served by placement outside a correc-

tional facility.

Age range of population

Respondent facilities were asked to indicate the ages of their youngest and oldest resident by sex on June 30, 1971. Age ranges for both males and females ran from well under 6 years to over 21. Because they care for dependent and neglected children as well as children awaiting adjudication, detention centers and shelters indicated the presence of children under 6. (See Text Tables 10 and 11). Even though reception or diagnostic centers and correctional facilities primarily handle adjudicated delinquents, a number of them held boys under 9. A limited number of these facilities also held females under 9 as well. The most consistently reported age limit was for youngest female. Two thirds of the facilities holding females indicated that their youngest girl was between 12 and 14. This tendency held for each type of facility.

Upper limits of population age ranges seemed closely related to statutory provisions governing Juvenile Court commitments (See Text Table 2). For both males and females, a majority of facilities state their oldest resident were between 16 and 17. As noted earlier, a delinquent may enter a facility as a juvenile but remain past the age at which he is eligible for trial in the juvenile court. A number of facilities, representing most of the states, held individuals over 18. Few. however, held persons over 21. About 1 percent of the facilities holding females and 3 percent of the facilities holding males held persons over 21.

The care of the children: holding patterns, occupancy, services Holding patterns

As previously indicated, four general classifications were used in the census to identify residents of juvenile facilities; adjudicated delinquents, juveniles awaiting court disposition, juveniles awaiting transfer to another jurisdiction,

and dependent and neglected children. Contrary to widely accepted standards of operating procedure like those of the National Council of Crime and Delinquency, many facilities in all parts of the United States fall to quarter these groups separately. Occasionally, adult inmates are also housed with juveniles. A primary reason for separating different classes of inmates is to prevent older, more seasoned juvenile delinquents from influencing younger inmates who may be first offenders awaiting court disposition or who may be dependent and neglected children whose detention is unrelated to delinquency. Lack of this separation was found most often in temporary care facilities. (See Text Table 12 A–D). In correctional institutions, separation of offenders by type was less a problem, since the vast majority of children in these facilities are adjudicated delinquents.

Occupancy

Overcrowding was present in 16 percent of the facilities; approximately half of these exceeded designed capacity by 20 percent or more. Detention centers had the most overcrowding with a ½ of their number exceeding capacity; halfway houses and group homes had the least with only 6 percent operating beyond capacity. (See Text Table 13).

Under utilization of facilities was twice as common as overcrowding; 36 percent of the juvenile facilities were operating under 70 percent capacity. In all types of facilities, there were sizable numbers of units above and below capacity. Detention centers and training schools exhibited this phenomenon markedly. Furthermore, most states had both overcrowded and under utilized facilities with the number under utilized greater than the number overcrowded.

Unfortunately, limitations in the data prevented the determination of actual occupancy paterns by type of facility by jurisdiction. A possible explanation of the apparent occupancy imbalances, however, might be found in a combination of factors involving changing treatment strategies along with increasing population densities. In terms of treatment strategies, there is a growing trend in the diversion of children away from the juvenile court into rehabilitative programs that are not tied to court commitments. The child who has been diverted from a formal delinquency proceeding does not have to remain in detention since no court disposition is involved. Hence, a system using diversion could have a great many vacancies in temporary care facilities and yet still have correctional facilities overcrowded with adjudicated delinquents, who instead of being released (diverted) at intake, were held and subsequently committed to a facility too small for the jurisdiction which it serves.

Conversely, a jurisdiction may not have a diversion program and require a surge number of suspected juvenile delinquents to remain in detention awaiting court disposition, thus causing overcrowding in temporary care facilities. This same jurisdiction's Juvenile Court may be reluctant to send children, especially first offenders, to correctional institutions, and therefore make extensive use of probation. Thus, while temporary care facilities would be overcrowded in this instance, correctional facilities might not be fully utilized.

SERVICES

Counseling

For many years, counseling has been an aid in rehabilitation of juvenile delinquents. Some form of counseling either individuals, group or family, was found in 95 percent of the total facilities, and in all of the correctional facilities. Individual counseling was more prevalent than group counseling which is a somewhat more recent innovation in juvenile corrections. The use of group counseling as a tool in rehabilitation has been closely associated with the growing popularity of community-based facilities, where this treatment method vis a vis juvenile corrections was largely developed. Group counseling was most often employed in halfway houses and group homes (See Text Table 14). Although not as frquent as individual or group counseling, family counseling of the juvenile with his parents or guardians was conducted in slightly over half the institutions.

Education and job placement

Nine-tenths of the facilities in the census provided educational services for their inmates. Since most of the residents of juvenile correctional facilities are of school age and since they spend an average of 8 months in custody, the presence of educational programs in correctional facilities is important. More than 95 percent of these facilities had some sort of educational program, includ-

ing all of the training schools. Only 2 percent of the ranches, forestry camps and farms and 5 percent of the halfway houses and group homes failed to furnish

some form of educational service (See Text Table 14).

Overall, educational programs at temporary care facilities were not as common. A fifth of all detention centers reported no educational programs. Of the 18 shelters in the census, 2 were without such services. Although the bulk of all the institutions without educational services were, in fact, temporary care facilities all of the reception or diagnostic centers reported providing their inmates with educational programs.

Vocational educational services were available in addition to academic pro-

Vocational educational services were available in addition to academic programs in ¾ of the correctional facilities. Almost 90 percent of the training schools had both academic and vocational educational services. As would be expected from the brief average length of stay at temporary care facilities, vocational programs were not encountered very often, appearing in only about a third of

these facilities.

Correctional facilities sometimes allow their client children to attend classes in the community. Of the correctional facilities with vocational programs, half had some instruction in a community setting. Existing academic programs included community-based classes somewhat less often. Four out of every ten correctional facilities had job placement services. The absence of these services at some facilities may be attributed to the high proportion of relatively young children in their populations,

Recreational services

Recreational activities have a recognized place in juvenile correctional programs as aids in the physical, psychological and educational development of client children. Some form of recreational activity or facility was present at almost all of the institutions in the census (See Text Table 15). Ninety-eight percent of the facilities reported something in the radio-television-movies category. Athletic facilities and libraries were each reported by \(\frac{4}{3}\) of the institutions. Ninety-six percent of the training schools had libraries.

Medical services

Forty percent of the juvenile institutions in the U.S. had no medical services for inmates. Approximately half of the facilities had an infirmary; 50 percent of these infirmaries had beds for overnight stays. While 16 out of 17 reception or diagnostic centers could provide some medical treatment, nine-tenths of the halfway houses and groups homes, and half of the ranches, forestry camps and farms reported no such capability. Of note here is the fact that facilities often have access to community medical services to fulfill the health needs of their inmates. It can also be assumed that, while formal medical services may be absent from a facility, minimal first aid care is available.

Operations: Employment, expenditures and physical plant Employment

A total of 35,220 persons were employed by juvenile facilities in 1971. Fulltime personnel outnumbered part-time workers about 10 to 1. Seventy percent of the staff were directly engaged in treatment or educational activities. Treatment and educational personnel included psychiatrists, phychologists, cottage staff, academic principals, directors of vocational training, academic teachers, vocational teachers, social workers, librarians, aftercare/parole workers, recreation workers, physicians, registered nurses, dentists, medical aids, and classification officers. For both correctional and temporary care facilities, persons employed as cottage personnel, academic teachers and social workers were consistently more numerous in comparison with other treatment and education positions. In fact, a third of all the persons in treatment and education positions were cottage staff with responsibility for the general supervision of the children. Often, cottage staff reside with the children in small housing units at the facility. Married couples frequently act as cottage parents to a group of youngsters, attempting to provide an atmosphere more akin to that of a household than a correctional facility. The substantial proportions of personnel positions and expenditures in the area of treatment and education as well as the attempts to structure living conditions in a family-like milieu are consistent with the traditionally paternalistic, reform-oriented ethos of juvenile corrections.

Vacancies among both full-time and part-time positions amounted to 3 percent. As could be expected from their predominance in correctional facilities employment, treatment and educational positions accounted for most of vacancies,

75 percent, and virtually all the part-time vacancies, 92 percent.

At the end of June 1971, the ratio of inmates to full-time staff in public detention and correctional facilities for juveniles in the United States was 1.6 (See Text Table 16). The ratio of inmats to full-time treatment and educational workers was about 2.4 to 1. The inmate-staff ratios for administrative personnel and for operations and maintenance workers were 12.9 and 8.6, respectively. Temporary care facilities have generally lower inmate-staff ratios than do correctional facilities. The ratio in detention centers was 1.4 as opposed to 1.7 in training schools.

Although temporary care facilities do not provide the specialized treatment for children that correctional facilities often do, their high turnover produces the need for heavy staffing in order to carry out intake and processing procedures. This concentration of personnel at intake probably accounts for the lower inmate-staff ratios in these facilities. Essentially, a large number of clients move through these early stages of the juvenile criminal justice systems relatively rapidly with each new client requiring intensive, if brief, interaction with

the staff.

Expenditures

In fiscal 1971, public detention and correctional facilities for juveniles in the U.S. expended \$456 millions. Operating costs, principally salaries and capes, accounted for 9 out of every 10 dollars spent with the tenth going for capital outlays. Operating costs for the United States as a whole were \$6,988 per inmate in 1971.

Per capita operating expenses in juvenile correctional facilities can be viewed as a rather general indicator of more or less direct allocation of resources to the individual client child. Correctional facilities spent some \$6,760 per child in fiscal 1971 (See Text Table 17). The cost of keeping a child in a training school for 1 year was highest for correctional facilities at \$6,775 and lowest

in halfway houses and group homes, \$6,475.

Per capita operating expenses for inmates of temporary care facilities were higher than for correctional facilities, averaging \$7,686 per child. As with correctional facilities, per capita operating costs were calculated via the average daily population's division into annual operation expenditures. Turnover of inmates in temporary care facilities is extremely high, however, relative to that of correctional facilities. Therefore, while the daily population of a detention facility may be 200, 50 different children may fill each one of those 200 average population spaces each year. Since each child must undergo intake and processes procedures, a given number of dollars, mostly for staff, are spent for each of the new arrivals; many of whom are never formally admitted but are diverted away from the system. Hence, the higher per capita operating costs result from money spent on a large number of clients not actually reflected in the daily average population of a temporary care facility. The greater outlays of funds at these facilities are for wages and salaries of the staff required to handle the high turnover of children. The lower inmate-staff ratio for temporary care facilities also reflects their staffing needs. Diagnostic or reception centers have the highest per capita operating expenditures for any type of facility, \$8.347, and one of the lowest inmate-staff ratio of any type of facility, \$1.3.

Physical Plant

Facilities were asked to report the year of their original construction and latest construction or renovation costing more than \$50,000. In establishing the age of physical plant, the date of latest construction or major renovation, where available, was used in preference to date of original construction. This more recent data was utilized because it was reasoned that the small housing units of many juvenile facilities, as opposed to the dormitories and cell blocks of adult prisons, were amenable to limited renovative work. This work, if it had indeed been performed, was viewed as a key factor in determining the age of physical plant. Furthermore, the minimum dollar amount for renovative work, \$50,000, may seem low when considering the very large juvenile facilities, but over half of the facilities in the census had a designed capacity of less than 50 children.

Over 1/3 of the facilities in the census had seen construction or renovation since 1968. Halfway houses and group homes, usually converted private residences, were generally the oldest of facilities (See Text Table 18). At the time of the

census, some three quarters of the training schools had had some construction or renovative work in the previous ten years.

GEOGRAPHIC NOTES

Only a few broad geographic patterns were apparent among juvenile detention facilities. In each region, some 4/5 of all facilities had capacities designed for less than 150 children. Larger institutions were also fairly evenly dispersed across the country. Furthermore, the phenomenon, noted earlier, of overcrowding and under utilization of facilities coexisting within the same state was common to all regions.

Distinct patterns were apparent in the geographic dispersion of the different types of facilities. Halfway houses and group homes were most prevalent in more urbanized, highly industrial areas, notably the Middle Atlantic States. This same type of facility was virtually absent in more agriculturally oriented, less urban sections of the country such as the Mountain, West South Central, South Pacific

and North Pacific States.

While not demonstrating quite as pronounced a pattern of dispersion, ranches, forestry camps and farms were a significant part of juvenile correctional systems in more agricultural areas. Conversely, few of these facilities were present in

either New England or in the Middle Atlantic region.

These apparent regional preferences for particular institutional forms do not apply to detention centers and training schools which are present in relatively significant numbers in all regions of the U.S., pointing out a more or less universal need for both temporary care and strictly secure institutional space in juvenile criminal justice systems. In contrast, halfway houses and group homes and, to a lesser degree, ranches, forestry camps and farms represent the efforts of individual states to create effective institutional settings that would respond to the particular needs of their clients and local conditions.

There were marked regional differences in per capita operating expenditures for fiscal 1971. Operating outlays per child were generally high for the New England (\$9,539), Middle Atlantic (\$9,589), South Atlantic (\$7,026) and East South Central (\$7,093) regions which border on one another and account for 20 states. On the other hand, the neighboring 13 states of the East South Atlantic and West South Central regions had the lowest annual operating outlays, \$4,494

and \$4,063 respectively.

Alaska with the lowest average daily juvenile inmate population, of any state (136), had the highest per capita operating expenses, \$17,486. But, Arkansas with a relatively low average population of 526 children had the lowest annual operating costs per child at \$3,258. The highest average daily population was found in California (10,961) where the per capita operating expenses were slightly above the national average at \$7,600. Clearly factors other than size of inmate populations are effecting both the total allocation and the per capita allocation of operating monies by state governments to juvenile facilities.

Furthermore, the number of children held in a state's juvenile facilities does not seem to be strongly related to the size of the state's juvenile population. For example, California has more children in its general population from 10 to 19 (3.798,383), than any other State. It also has the highest average daily juvenile inmate population of any state (10,961). The ratio of those in juvenile facilities to the juvenile population was 346 to 1. In contrast, New York with the second largest population in the 10 to 19 group (3,347,907), had an average daily juvenile inmate population of 2,698, a ratio of 1,241 to 1. Florida with 1,226,511 children in the 10 to 19 age population had almost as many children incarcerated as New York, This amounts to a general juvenile population to inmate population ratio of 474 to 1.

region.

Population data attracted from 1970 Census of Population: Detailed Characteristics,
Table 138 "Nativity by Age, Race, and Sex 1970 and 1960" issued June 1972, U.S. Dept. of
Commerce, Social and Economic Statistics Administration, Bureau of the Census.

¹ The 10 regions into which the Federal Government has grouped the States for planning purposes are New England (Region 1), Middle Atlantic (Region 2), South Atlantic (Region 3), East South Atlantic (Region 4), East North Central (Region 5), West South Central (Region 6), West North Central (Region 6), South Pacific (Region 9), and North Pacific (Region 10), See the Appendix Table for identification of States in each region.

In essence, factors governing the number of children incarcerated in a state's juvenile facilities and the amount of money spent for their rehabilitation may well be functions of the correctional philosophies of those administering the State's criminal justice system. The sharp differences between states are indicative of the rather individualized administration of juvenile criminal justice systems by the States.

VI. METHODOLOGY

Census coverage

The census included public juvenile detention and correctional facilities that were in operation at the time the survey was conducted (October 1971), had been in operation at least one mouth prior to June 30, 1971, and had a resident population of at least 50 percent juveniles. Juvenile detention centers which were part of adult jails were not included unless they had both a staff and a budget separate from the jails. An individual facility, such as a camp or annex, which was administratively dependent upon a parent institution, was counted as a separate facility if it was located in a separate geographical area. The census superseded the Survey of Public Institutions for Delinquent Children (SPIDC), conducted in previous years by the Department of Health, Education and Welfare, and expanded coverage to include shelters and detention centers as well as correctional facilities. Coverage differences between the census and previous surveys are discussed in more detail in the "Reliability and Comparability of Data" section.

Period covered by the census

The census covered the period July 1, 1970 thru June 30, 1971. Institutional population was collected for September 30, 1970, December 31, 1970, March 31, 1971, and June 30, 1971. Average daily population was computed from the populations on those four dates, and numbers of employees were reported as of June 30, 1971.

Movement of population and institutional costs were reported for the period July 1, 1970 thru June 30, 1971, where records were available for this period. Other time periods used are described in the "Reliability and Comparability" section.

Data collection

In the Summer of 1971, a mailing list of juvenile detention and correction facilities was prepared using as a basic source the National Criminal Justice Directory, compiled in 1970 by the Census Bureau for the Law Enforcement Assistance Administration. This Directory list was updated from a number of other sources, including the mailing list maintained by the Department of Health, Education and Welfare for the SPIDC; the 1970 Directory of Correctional Institutions and Agencies published by the American Correctional Association; the 1969 Master Facility Inventory maintained by the Bureau of the Census for the National Center for Health Statistics; the 1970 or the 1971 State Comprehensive Law Enforcement Plans for each State; the 1968 Directory of Juvenile Detention Centers published by the National Council on Crime and Delinquency; and the 1970 International Halfway House Association Directory. The updated list was then subdivided by State and sent to the juvenile correctional authorities in the respective States for review. The resulting list included 833 facilities, 111 of which were eliminated in the course of the census because they did not meet one or more of the coverage criteria.

The census was conducted by mail with an initial mailout in October 1971. Questionnaires were mailed to central agencies where this procedure had been used in the Department of Health, Education and Welfare Survey the previous year. Three hundred and forty-seven questionnaires were mailed to 42 central reporters (34 State agencies and 8 local agencies). The remaining 486 questionnaires were mailed directly to facilities. The questionnaires included items pertaining to the type of facility; level of government and agency responsible for administering the facility; resident population by sex, by age, by type of detention, and by offense; movement of population; designed capacity; employment and expenditures; age of facility; programs and services available; and average length of stay. The information collected was a continuation and expansion of that collected in the SPIDC.

Facilities which failed to respond to the initial mailout were sent second and third mail requests and then telegrams if necessary. The response rate achieved

was 100 percent for most data items. Telephone follow-up was used extensively to clarify inadequate and inconsistent survey returns.

DEFINITIONS OF CONCEPTS, CATEGORIES, AND TERMS USED

Detention Center.—Facility that provides temporary care in a physically restricting facility for juveniles in custody pending court disposition, and often for juveniles who have been adjudicated delinquent, or are awaiting return to another jurisdiction.

Shelter.—Facility that provides temporary care, similar to that of a detention center, in a physically unrestricting facility.

Reception or Diagnostic Center.—Facility that screens juvenile court commit-

ments and assigns them to appropriate correctional facilities.

Training School .- A specialized institution serving delinquent juveniles committed directly to it by juvenile court or placed in it by an agency having such authority.

Ranch, Forestry Camp, Farm.—A residential treatment facility for juveniles whose behavior does not necessitate the strict confinement of a training school. Often the children are allowed greater contact with the community than are the inmates of training schools.

Halfway House, Group Home. - Facility where children live but are permitted

extensive contact with the community through jobs, attendance at school, etc. Reformatory.—This term was given in the latter part of the 19th century to what are now called training schools. While the term does not appear in this report because it is associated with an early rehabilitative philosophy in juvenile corrections to which few if any professionals still subscribe. It is not unusual to find both adult and juvenile correctional facilities which still contain the word reformatory in their official title. Although the term-is still prevalent in everyday speech, its usage in juvenile corrections is quite limited.

Juvenile or Child .- In terms of an individual's being charged with a criminal offense, a juvenile is one over whom the Juvenile Court has original jurisdiction in cases of delinquency. The Juvenlie Court's jurisdiction is determined by the age of the client who must, in most States, be under 18 years old (See Text Table 2). In this census, the actual definition of a juvenile or child was left to each jurisdiction since no universal definition seem applicable to all phases of the individual's contact with the juvenile criminal justice system (See Section I).

Juveniles Adjudicated Delinquent.—A juvenile who through formal judicial proceedings has been adjudged guilty of a criminal offense or has been declared in need of supervision by the court. Voluntary commitments were also tallied as adjudicated delinquents. Voluntary commitments include juveniles who committed themselves who were referred to the facility for treatment by parents, court, school or social agency without being adjudged delinquent or declared in need of supervision by a court.

Juveniles Held Pending Disposition by Court.—Juveniles held for delinquency who have not had any hearing or who have had only a preliminary hearing or screening, and who are awaiting further court action.

Dependent and Neglected Children.-Juveniles held because of dependency or neglect. Juveniles held on delinquency charges, adjudicated delinquent or declared in need of supervision, are not included here even if they may also be considered dependent or neglected. They are included in one of the other categories. as appropriate.

Juveniles Awaiting Transfer to Another Jurisdiction.—Juveniles who have allegedly committed a crime in, or have run away from another jurisdictional area, including runaways from correctional facilities. Juveniles adjudicated delinquent and awaiting placement in a correction facility are not included here but in the "Juveniles adjudicated delinquent" category.

Capacity.—The number of persons the facility was designed to hold, exclusive of arrangements for the accommodation of overcrowding.

Ages held .- The youngest and oldest ages of male and female residents held on the day the questionnaire was completed.

Felonies.—Offenses that would be felonies if committed by adults, except drug

Misdemeanors.—Offenses that would be misdemeanors if committed by adults, except drug offenses.

Drug Offenses.—Offenses related to drugs, whether classified a felony or misdemeanor if committed by adults.

Juvenile Offense.—An offense for which only juveniles, as opposed to adults, can be charged. An act prohibited to and often applicable only to juveniles such as truancy, curfew violation or the consumption of alcholic beverages.

Treatment and Education Personnel.—Includes positions such as psychiatrist, psychologist, chaplain, cottage personnel, academic principal, director of vocational training, academic teacher, vocational teacher, social worker, librarian, aftercare/parole worker, recreation worker, physician, registered nurse, dentist, medical aides, classification officer. Data on educational or other requirements for holding these positions were not collected.

Administrative personnel.—Superintendent, Assistant superintendent, business manager, purchasing agent, stenographer, bookkeeper, accountant, switchboard operator, clerk or typist.

Operational and Maintenance Personnel.—Includes positions such as gardener, janitor, watchman, chauffeur, carpenter, plumber, cook, baker, painter, printer, barber, laundress, maid and dairyman.

Capital expenditures.—Includes expenditures for new buildings, major repairs or improvements, and new equipment for which the cost is \$100 or more.

Operating expenditures.—Includes salaries, wages, and other operating expenditures, such as the purchase of food, supplies, and contractual services. (Also included in "other operating expenditures" is the fair market value of free com-

modities or services received from any public or charitable organization). Year of Latest Construction or Renovation.—The year in which the latest construction or renovation took place costing over \$50,000.

Average Length of Stay.—Facilities were asked for the average length of stay of their inmates in fiscal 1971. No method of computation for this statistics was specified. Therefore, such data should be regarded as estimates.

RELIABILITY AND COMPARABILITY OF DATA

As described in the "Data Collection" section above, the mailing list for the census was prepared from the Criminal Justice Directory listing of juvenile detention and correction facilities and a number of other sources, and was sent to State officials for review.

Both movement of population and institutional cost data were reported for varying reference periods. Five hundred and fifty-one facilities reported movement of population for the period July 1, 1970 thru June 30, 1971 as requested; 117 facilities reported for calendar year 1970 or 1971; 18 facilities reported for periods of less than one year because the facilities were not in operation the entire year; and the remaining 30 facilities reported for various other annual periods. Four hundred and eighty-one facilities reported institutional cost data for the period July 1970 thru June 1971; 146 facilities reported for calendar year 1970 or 1971; 16 facilities reported for periods of less than one year because the facilities were not in operation the entire year; and the remaining 79 facilities reported for various other annual periods.

The census superseded the Survey of Public Institutions for Delinquent Children conducted by the Department of Health, Education, and Welfare and extended its coverage. The Department of Health, Education and Welfare and extended its coverage. The Department of Health, Education and Welfare surveyed 343 public institutions for committed delinquents in 1970 and classified them as either (1) training schools, (2) forestry camps and ranches, or (3) diagnostic and reception centers. The 1971 census covered 722 public juvenile detention and correction facilities and classified them as either (1) detention centers. (2) shelters. (3) reception and diagnostic centers (4) training schools. (5) ranches, forestry camps, and forms, or (6) halfway houses and group homes. Even though the two surveys had three classifications of facilities labeled similarly, the categories do not correspond exactly because of differences in coverage and methods of classification. Classification of the facilities was based on responses to the questionnaire, which asked the respondent to mark the type of facility most applicable according to the definitions provided. (See "Definitions of Concepts, Categories and Terms Used"). The Department of Health, Education and Welfare originally classified all facilities by a similar response method and subsequently classified only new facilities as they were added. It appeared

that some facilities classified by the Department of Health, Education, and Welfure as training schools were reported to the Bureau of the Census as either

camps or group homes.

Multi-functional facilities, such as training schools with reception centers or detention facilities with long-term treatment programs, were classfied according to the function having the largest capacity or resident population. Training schools with reception centers serving more than that facility show movement

of population out of the reception center to other facilities under "Transferred to other institution for delinquents" in text table 8 and appendix table 8.

Facilities that reported being administered by more than one level of government were classified according to the level of government providing the largest funding.

Data are displayed by State and differences can be partially attributed to differences in statutes and juvenile justice systems among States.

Adults in juvenile facilities

Eight facilities reported holding adults as well as juveniles. Two were county detention centers which reported holding adult women on occasion, and two were State training schools which held a combination of juveniles and adults but primarily juveniles. Two State camps held adults who performed maintenance duties, and one State camp held felons under age 25 from the State prison. On June 30, 1971, there were approximately 500 adults being held in Juvenile Facilities.

Offense data

Adjudicated delinquents include a few voluntary and parental commitments. Population of adjudicated delinquents by type of offense was obtained for 435 out of the 621 juvenile facilities holding adjudicated delinquents on June 30, 1971 or 70 percent of the total. These facilities housed 30,876 juveniles or 64 percent of the 48,050 adjudicated delinquents held on June 30, 1971. Each of the six types of facilities reported offense data for approximately two-thirds of the adjudicated delinquents, except reception and diagnostic centers, which reported offense data for only 23 percent (See Text Table 19). On an individual State basis, response on offense data ranged from 100 percent in some States to as low as 22 percent in one State. In a number of cases, offense data were based on estimates reported by respondents during telephone follow-up. In some cases, respondents estimated percentages of juveniles in each offense category, or reported for an irregular time period, such as monthly or annually, rather than the June 30, 1971 reference date. In such cases, the June 30, 1971 population of adjudicated delinquents was apportioned by offense based on the data or estimates provided. Where offense data were reported for the total population (including "juveniles held pending disposition by court"), it was not used to distribute the population of adjudicated delinquents. If this had been done, it would have tended to understate the severity of offenses of adjudicated delinquents, because lesser offenders would not be as likely to be adjudicated delinquent.

The difficulty in reporting offense data can be attributed in some instances to record keeping practices. Some facilities maintained offense information only in individual case histories making it difficult to extract for summary reporting; others had offense data available for the entire population, but not for adjudicated delinquents only. Frequently juveniles have been committed for more than one offense; as a result some facilities report juveniles more than once and sometimes in more than one offense category. Another factor affecting the reliability of offense data reported in the census is the use of judicial discretion to commit a juvenile offender as a "person in need of supervision" rather than as a delinquent even though he has committed a serious offense.

Employment and expenditures

Some employees at juvenile facilities, such as teachers, maintenance personnel. and psychologists are on the payrolls of other governmental units. This situation occurs primarily at the local government level. These employees were included in the employee counts but their salaries were not reflected in the payroll figures. Some facilities reported budgeted costs for expenditures rather than actual costs, but this did not affect the expenditure data significantly.

FIGURE 1
PERSONS HELD IN JUYCHILO FACILITIES BY AUSPICES

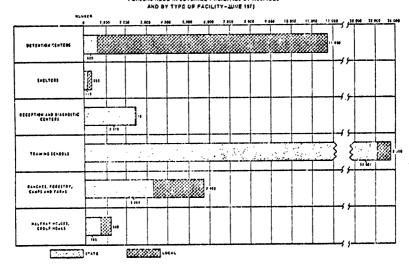


FIGURE 2

AVERAGE DAILY POPULATION AND PER CAPITA OPJERATING EXPENDINGES
OF JUVENILE PACILITIES BY TYPE OF PACILITY -015CAL 1971

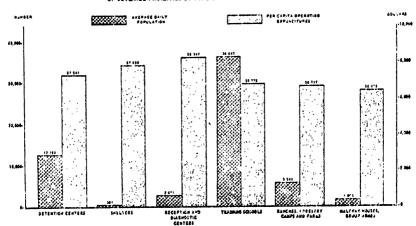


FIGURE 3

PERCENT OF ADJUDICATED OFLINOURINTS BY OFFENSE AND BY SEXJUNE 1971

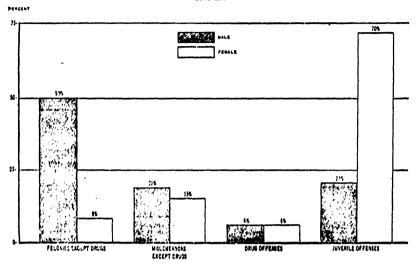


FIGURE 4

TOTAL POPULATION OF JUVENILE FACILITIES, TOTAL ADJUDICATED DELINQUENTS HELD AND NUMBER OF ADJUDICATED DELINQUENTS FOR WHOM OFFERSE DATA WAS REPORTED—JUNE 1971

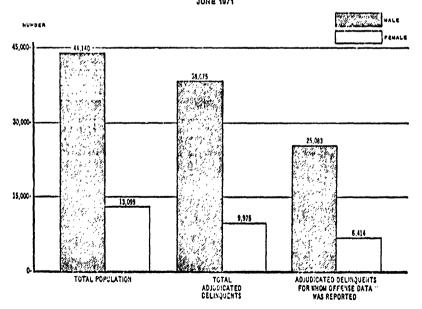


TABLE 1.—NUMBER OF JUVENILE FACILITIES, NUMBER OF CHILDREN HELD ON JUNE 30, 1971, AND FISCAL 1971

AVERAGE DAILY POPULATION BY TYPE OF FACILITY

| | Numbered | Number of child | Fiscal 1971 | | |
|--|--|--|--|---|---|
| Type of facility | Number of facilities | Total | Male | Female | average daily population |
| All facilities in the United States. Detention centers Shelters Recention or diagnostic centers Training schools Ranches, forestry camps and farms Halfway houses and group homes | 722 303 18 17 192 114 78 | 57, 239 11, 748 363 2, 486 35, 931 5, 666 1, 045 | 44, 140 7, 912 237 1, 988 27, 839 5, 376 788 | 13, 099 3, 836 126 498 8, 092 290 257 | 1 58, 539 12, 186 381 2,671 36, 640 5, 544 1, 003 |

¹ Average daily population for all types of facilities exceeds the sum of the average population of the individual types of facilities due to rounding.

TABLE 2.—AGE UNDER WHICH THE JUVENILE COURT HAS ORIGINAL JURISDICTION IN DELINQUENCY CASES BY STATE. 1971

| Statez | Age limit Stat | • | Age limi |
|---|-------------------|------|-------------|
| labama laska rizona rizona rizona rizona rizona rizona rizona ridornia olorado onnecticut elaware sistrict of Columbia lorida eorgia awaii daho linois: Males Females diana ansas entucky ouislana aine aryland | 18 Nevada | inia | |

¹ From "Juvenile Justice Standards"-by Theodore Rubin, director for juvenile justice, the Institute for Court Management, Denver, Colo. Unpublished manuscript proposed for the juvenile justice project, Institute of Judicial Administration, New York, September 1971. In addition, several States have minimum ages under which a child can not be charged with delinquent acts: Massachusetts and New York (7 years) and Colorado, Mississippi, Texas, and Vermont (10 years).

TABLE 3.—NUMBER OF JUVENILE FACILITIES BY SEX OF INMATES HELD BY TYPE OF FACILITY, JUNE 1971

| Type of facilities | Total fac | citities | Facilities males | | Facilities female | | Facilities holding both males and females | | |
|---|------------------|-------------------|---------------------|---------------|----------------------|--------------|---|----------------|--|
| | Number | Percent | Number | Percent | Number | Percent | Number | Percent | |
| All types of facilities | 722 303 18 | 100 100 100 | 278 7 3 | 38 2 17 | 86 5 1 | 12 2 5 | 358 291 14 | 50 96 78 | |
| Reception or diagnostic centers. Training schools | 17 192 | 100 100 | 106 | 18 55 | 2 51 | 12 27 | 12 35 | 70 18 | |
| Ranches, forestry camps, and farms | 114 | 100 | 103 | 90 | 8 | 7 | 3 | 3 | |
| Halfway houses and group homes | . 78 | 100 | 56 | 72 | 19 | 24 | 3 | 4 | |

TABLE 4.- ESTIMATED AVERAGE LENGTH OF STAY FOR INMATES IN FISCAL 1971 BY TYPE OF FACILITY

| | Average length |
|--|-------------------|
| Type of facility: | of stay |
| Type of facility: All temporary caro facilities. | 14. 0 d. |
| Detention centers | 11.0 d. |
| Shelters | 20. 0 d. |
| Reception or diagnostic centers. | 51. 0 d. |
| All correctional facilities. | 7. 8 mo. |
| Training schools. | 8.7 mo. |
| Ranches, forestry camps, and farms. | 6. 6 mo. |
| Halfway houses and group, homes | 7. 2 mo. |

TABLE 5.-NUMBER OF JUVENILE FACILITIES BY DESIGNED CAPACITY BY TYPE OF FACILITY-JUNE 1971:

| | _ | | | 1 | Designed capaci | ty of facilities | | | | |
|---|---|-------------------------------------|---|---------------------------------------|--|--------------------------|-------------------------|-------------------------|------------------------|-----------------------|
| Type of Facility | Total number of facilities | Less than 25 in nates | 25 to 49 | 50 to 99 | 190 to 149 | 150 to 199 | 200 to 239 | 330 to 393 | 400 to 49 9 | 500 or more |
| All types of facilities. Percent Detention centers. Percent Shelters. Percent | 722 (109) 303 (100) 18 (100) | 237 (33) 141 (46) 14 | 134 (19) 79 (26) 2 | 148 (29) 50 (6) | 61 (8) 17 (6) 1 | 38 (5) 5 (2) | 55 (8) 4 (1) | 28 (4) 4 (1) | 8 (1) 1 (9 | 13 (2) 2 (1) |
| Reception or diagnostic centers Percent Training schools Percent Ranches, forestry camps, and farms Percent | (100) (100) (100) (100) (100) | (78) 11 (6) 4 (4) 67 | (1!) 3 (18) 6 (3) 34 (32) | 3 (18) 31 (16) 64 (56) | (6) 3 (18) 28 (15) 11 (10) | (6) (5) 30 (16) | 4 (24) 47 (24) | 3 (18) 21 (11) | 7 (4) | 11 (6) |
| falfway houses and group homes | 78 (100) | 67 (86) | (13) | | (i) | | | | | · |

1 0.5 percent or less.

Note: Percents may not add due to rounding.

TABLE 6.-DETENTION STATUS OF CHILDREN IN JUVENILE FACILITIES BY TYPE OF FACILITY, JUNE 1971

| | Total population | | | Adjudicated delinquents | | | Juveniles held pending court action | | | Dependent and neglected children | | | Juveniles awaiting transfer to another jurisdiction | | |
|-------------------------------------|------------------|-------------|--------------------|-------------------------|------------|--------|--|--------|------------|-------------------------------------|------|-----------|--|------------|-------|
| All types of facilities | Total | Male | Female | Total | Male | Female | Total : | Male | Female | Total | Male | Female | Total | Male | Femal |
| Types of all facilities | 57, 239 | 44, 140 | 13, 099 | 48, 050 | 38. 075 | 9, 975 | 7, 717 | 5, 178 | 2, 539 | 942 | 520 | 422 | 530 | 367 | 163 |
| Percent | (160) | (77) | (23) | (83) | (66) | (17) | (14) | (9) | (4) | (2) | (1) | (1) | (1) | (1) | (1 |
| Detention centers | 11,748 | 7, 912 | 3, 836 | 3, 449 | 2. 382 | 1.067 | 7, 300 | 4, 903 | 2, 392 | 489 | 271 | 213 | (1) 510 | (l) 351 | 159 |
| Percent | (100) | (£7) 237 | (33) | (29) 36 | (20) 23 | (9) | (62) | (42) | (20) | (4) | (2) | (2) 52 | (4) | (3) | (1 |
| Shelters | `363 | 237 | 126 | `36´ | 23 | 13 | (62) 164 | 106 | (20) 58 | 153 | 101 | | 10 | 7 | 3 |
| Percent | (100) | (65) | (35) | (10) | (6) | (4) | (45) | (29) | (16) | (42) | (28) | (14) | (3) | (2) | (1 |
| Reception or diagnostic centers | 2.486 | 1,988 | 498 | 2, 462 | 1. 973 | 489 | 4 | `3′ | Ϋ́ı́ | 18 | ìi | `7′ | `2´ | Y ' | ` 1 |
| Percent | (190) | (80) | (20) | (99) | (79) | (20) | (1) | (1) | (¹) | (1) | (1) | (1) | (1) | (1) | (1 |
| raining schools | 35, 931 | 27, 839 | 8. 092 | 35, 498 [°] | 27, 590 | 7, 908 | 248 | 16Ò | 83 | 177 | sì´ | 96′ | 8 | 8 | |
| Percent | (100) | (78) | (22) 290 | (99) | (77) | (22) | (1) | (1) | (1) | (1) | (1) | (1) | (1) | (1) | |
| Ranches, forestry camps, and farms. | 5,`666 | 5, 376 | 290 | 5, 647 | 5, 367 | 280 | 'n | ì'. | | 18 | 8 | 10′ | | | |
| Percent | (100) | (95) | (5) | (100) | (95) | (5) | (1) | (1) | | (1) | (1) | (1) | | | |
| lalfway houses and group homes. | 1, 045 | 788 | 257 | `958 | 740 | 218 | | | | 87 | 48 | 39′ | | | |
| Percent | (190) | (75) | (25) | (92) | (71) | (21) | | | | (8) | (5) | (4) | | | |

1 0.5 percent or less.

Note: Percents may not add due to rounding.

TABLE 7.-ADJUDICATED DELINQUENTS BY TYPE OF OFFENSE AND BY SEX

| | Total number of | Offense categories | | | | | | |
|---------------|---|-----------------------------|-------------------------------|-----------------------------|----------------------------------|--|--|--|
| Sex | adjudicated delin- quents with offense reported | Felonies except drugs | Misde.neanors except drugs | Drug offenses | Juvenile offenses | | | |
| Total Percent | 31, 497 (100) | 13, 043 (41 | | 1, 886 (6) | 10, 164 (32) | | | |
| Male | 25, 083 (109) 6, 414 (100) | 12, 493 (50 544 (8 | 966 | 1, 491 (6) 395 (6) | 5, 685 (23) 4, 479 (70) | | | |

Note.—Percents may not add due to rounding.

TABLE 8A.-MOVEMENT INTO JUVENILE CORRECTIONAL FACILITIES BY CATEGORY OF ADMISSION, BY TYPE OF FACILITY-FISCAL 1971

| | | | | | Committed | by court | | Return from parol | | | | | |
|--|---|--|--|--|---|---|-------------------------------------|--|---|--|--------------------------------------|--|--|
| | Tota | d admissions | : | 1st commi | tments | Recommi | tments | | | Transfer | ed in | Othe | ır |
| Admissions | Total | Male | Female | Male | Female | Male | Female | Male | Female | Male | Female | Male | Female |
| All correctional facilities Percent | 85, 080 (100) | 69, 029 (81) | 16, 051 (19) | 41, 460 (49) | 10, 410 (12) | 6, 075 (7) | 490 (1) | 10, 869 (13) | 2, 837 (3) | 6, 857 (8) | 1, 120 (1) | 3, 768 (4) | 1, 194 (1) |
| Training schools Percent Ranches, forestry camps, and farms Percent Halfway houses and group homes Percent | 67, 558 (100) 14, 956 (100) 2, 566 (100) | 52, 960 (78) 14, 062 (94) 2, 007 (78) | 14, 598 (22) 895 (6) 559 (22) | 31, 453 (47) 9, 222 (62) 785 (31) | 9, 413 (14) 701 (5) 296 (12) | 4, 706 (7) 1, 336 (9) 33 (1) | 416 (1) 68 (1) 6 (1) | 9, 821 (14) 898 (6) 150 (6) | 2, 735 (4) 57 (1) 45 (2) | 4, 118 (6) 2, 177 (15) 562 (22) | 989 (2) 57 (1) 74 (3) | 2, 862 (4) 429 (3) 477 (19) | 1, 045 (2) 11 (1) 138 (5) |

10.5 percent or less.

Note.--Percent may not add due to rounding.

TABLE 88.-MOVEMENT OUT OF JUVENILE CORRECTIONAL FACILITIES BY CATEGORY OF DISCHARGE BY TYPE OF FACILITY-FISCAL 1971

| Discharges | Total discharges | | | | Discharged without supervision | | Placed in aftercare/parole | | Transferred out | | |
|---|------------------|---------------------|---------|--------|--------------------------------|---------|----------------------------|--------|-----------------|--------|--------|
| | Total | Male | Female | Male | Female | Mıle | Fe:nale | Male | Female | Male | Female |
| All correctional facilities | 85, 139 | 69, 20 9 | 15, 930 | 4, 950 | 1, 784 | 43, 993 | 11, 153 . | 8, 371 | 1, 357 | 6, 895 | 1, 606 |
| | (100) | (81) | (19) | (6) | (2) | (58) | (13) | (10) | (2) | (8) | (2) |
| Training schools. Percent. Ranches, forestry camps, and farms. Percent. Halfway houses and group homes. Percent. | 68, 749 | 54, 164 | 14, 585 | 4, 269 | 1,695 | 37, 825 | 10, 164 | 6, 415 | 1, 258 | 5, 655 | 1, 468 |
| | (100) | (79) | (21) | (6) | (2) | (55) | (15) | (9) | (2) | (8) | (2) |
| | 14, 141 | 13, 343 | 798 | 558 | 37 | 9, 994 | 614 | 1, 684 | 73 | 1, 107 | 74 |
| | (100) | (94) | (6) | (4) | (1) | (71) | (4) | (12) | (1) | (8) | (1) |
| | 2, 219 | 1, 792 | 517 | 123 | 52 | 1, 174 | 375 | 272 | 26 | 133 | 64) |
| | (100) | (77) | (23) | (6) | (2) | (53) | (17) | (12) | (1) | (6) | (3 |

1 0.5 percent or less.

Note.—Percent may not add due to rounding.

TABLE 9.- MOVEMENT OF CHILDREN INTO AND OUT OF TEMPORARY CARE FACILITIES FOR JUVENILES-FISCAL 1971

| | | Admissions | | Discharges | | | |
|-------------------------------|----------|------------|----------|------------|----------|----------|--|
| Type of facility | Total | Male | Fe.nale | Total | Male | Female | |
| All temporary care facilities | 521, 481 | 366, 478 | 155, 003 | 519, 270 | 365, 110 | 154, 160 | |
| | (100) | (70) | (30) | (100) | (70) | (30) | |
| Detention centers | 483, 232 | 337, 822 | 146, 410 | 482, 345 | 336, 510 | 145, 835 | |
| | (100) | (70) | (30) | (100) | (70) | (30) | |
| | 9, 686 | 6, 421 | 3, 265 | 9, 651 | 6, 398 | 3, 263 | |
| | (100) | (66) | (34) | (100) | (66) | (34) | |
| | 27, 563 | 22, 235 | 5, 328 | 27, 274 | 22, 212 | 5, 062 | |
| | (100) | (81) | (19) | (100) | (81) | (19) | |

TABLE 10.- NUMBER OF JUVENILE FACILITIES BY AGE OF YOUNGEST AND OLDEST MALE RESIDENT IN CUSTODY BY TYPE OF FACILITY-JUNE 1971

| | | | | Oldest male resident | | | | | | | | |
|--|----------------------|-----------|-----------------|----------------------|----------------------|------------------|-----------------|------------------|-------------------|--------------------------|--------------------|------------|
| Type of facility | Number of facilities | Under 6 | 6-8 | 9-11 | 12-14 | 15-16 | 17 or older | 13 or younger | 14-15 | 16-17 | 18 20 | 21 or olde |
| All types of facilities. | 629 (100) | 11 (2) | 51 (8) | 1 86 (36) | 262 (42) | 115 (18) | 4 (1) | 10 (2) | 55 (9) | 342 (54) | 202 (32) | 20 (3 |
| etention centers | 291 (100) 16 | 10 (3) | 27 (9) . | 126 (43) | 117 (40) | (4) | () | 1 (1) | 27 (9) | 226 (78) | 36 (12) | 1 |
| hetters Percent eception or diagnostic centers | (160) 15 | (6) | (19) 6 | (25) 3 | (38) 6 | (12) | () | (19) | (25) | (44) 4 | 7 | |
| Percent aining schools. | 140 | | (40) 11 | (20) 44 (31) | (40) (66 (47) | 19 | ()(-) () |) 1 | (7) 15 (11) | (27) 50 (36) | (47) 64 (46) | (2 |
| Percent | 107 |)) | (8) 1 (1) | (31) (6) | 48 (45) 19 | 47 (44) 36 | 4 | (1) | (11) 5 (5) | (36) 27 (25) 28 | (46) 67 (63) | (|
| alfway houses and group homes | 60 |) | (5) | (3) | `19´ (32) | | () | (3) (5) | (5) | `28 [°] (47) | 26´. (43) (| |

10.5 percent or less.

Note.—Percents may not add due to rounding.

TABLE 11.-NUMBER OF JUVENILE FACILITIES BY AGE OF YOUNGEST AND OLDEST FEMALE RESIDENT IN CUSTODY BY TYPE OF FACILITY-JUNE 1971

| | | | Yo | ungest female | e resident | | | | Oldest f | emale resider | nt | |
|--|----------------------|----------|------------------|--------------------|---------------------|-----------------|----------------|------------------|-----------------|--------------------|---------------------|------------------|
| Type of facility | Number of facilities | U.ider 6 | 6–8 | 9-11 | 12-14 | 15-16 | 17 or older | 13 or younger | 14-15 | 16-17 | 18-20 | 21 or older |
| All types of facilities Percent | 427 (169) | 9 (2) | 23 (5) | 70 (16) | 287 (67) | 35 (8) | 3 (1)(. |) | 44 (10) | 281 (66) | 98 (23) | 4 (1) |
| Detention centers | 283 (100) 12 | 8 (3) | 17 (6) | 49 (17) | 189 (67) | 17 (6) | 3 (1)(. |) | 33 (12) | 217 (77) | (12)(| |
| Shelters Percent | (100) | (8) | (17) | (17) | (42) | (17)(|)(|) | (17) | (67) | (17)(| |
| Reception or diagnostic centers Percent Training schools Percent | 86 |) | (21) 1 (1) | (29) 14 (16) | (50)(66 (77) |)(5 (6)(|)(| | (7) 6 (7) | (36) 35 (41) | (43) 43 (50) | (14) 2 (2) |
| Ranches, forestry camps, and farms Percent Halfway houses and group homes Percent | (100)(. 21 |)(|) | (9)) | (73) 12 (57) | 9 ` |)(. | | (9) 1 (5) | (27) 13 (62) | (64)(7 (33)(| |

Note.—Percents may not add to rounding.

TABLE 12A.—NUMBER AND PERCENT OF FACILITIES WHICH DO NOT HOLD ADJUDICATED DELINQUENTS AND JUVENILES AWAITING COURT ACTION SEPARATELY, BY TYPE OF FACILITY—FISCAL 1971

| Type of facility | Number of facilities which do not separate (1) adjudicated delinquents and (2) juveniles awaiting court action | Facilities which fail to separate (1) and (2) as a percent of facilities holding both (1) and (2) | Facilities which fail to separate (1) and (2) as a percent of all facilities |
|--|--|---|--|
| All types of facilities. Detention centers Shelters. Reception of diagnostic centers Training schools Ranches, forestry camps, and farms. Halfway houses and group homes. | 266 9 2 10 2 | 92 95 75 100 50 100 | 40 88 50 12 5 2 |

TABLE 12B.—NUMBER AND PERCENT OF FACILITIES WHICH DO NOT HOLD ADJUDICATED DELINQUENTS AND DEPENDENT AND NEGLECTED CHILDREN SEPARATELY, BY TYPE OF FACILITY—FISCAL 1971

| 124 94 6 4 11 | 79 76 75 100 100 | 17 31 33 24 6 |
|---------------------------|------------------------------|---------------------------|
| | 6 4 11 | 4 100 11 100 |

TABLE 12C.—NUMBER AND PERCENT OF FACILITIES WHICH DO NOT HOLD JUVENILES AWAITING COURT ACTION AND DEPENDENTS AND NEGLECTED CHILDREN SEPARATELY, BY TYPE OF FACILITY—FISCAL 1971

| Type of facility | Number of, facilities which do not separate (1) juveniles awaiting court action and (2) dependents, and neglected children | Facilities which do not separate (1) and (2) as a percent of facilities holding both (1) and (2), | Facilities which do not separate (1) and (2) as a percent of all facilities |
|------------------------------------|---|--|---|
| All types of facilities | 117 | 85 | 12 |
| Detention centers | | 76 90 100 | 38 53 |
| Shelters | 2 | 100 | 10 |
| Training schools | 4 | 100 | ž |
| Ranches, forestry-camps, and farms | | | |
| Halfway houses and group homes | 2 | 100 | 2 |

TABLE 12D.—NUMBER AND PERCENT OF FACILITIES WHICH DO NOT HOLD DEPENDENT AND NEGLECTED CHILDREN AND JUVENILES AWAITING TRANSFER TO ANOTHER JURISDICTION SEPARATELY, BY TYPE OF FACILITY—FISCAL 1971

| Type of facility | Number of facilities which do, not separate (1), dependent and neglected children and (2) Juveniles awaiting transfer to another jurisdiction | Facilities which do not separate (1) and (2) as a percent of facilities holding both (1) and (2) | Facilities which do not separate (1) and (2) as a percent of all facilities |
|---------------------------------|---|---|---|
| All types of facilities | 113 97 | 76 75 90 50 | 16 32 52 |
| Shelters | | 90 | 52 |
| Reception or diagnostic centers | Ĩ | 50 | 0 |
| Training schools | 4 | 100 | 6 |
| Halfway houses and group homes | 2 | 100 | 2 |

TABLE 13.-NUMBER OF JUVENILE FACILITIES BY LEVEL OF OCCUPANCY BY TYPE OF FACILITY .- JUNE 1971

| | | | | | | | | Fa | cilities opera | ating over d | lesigned cap | acity | | |
|---|--|--|---|--|------------------------------|------------------------------|--------------------------------------|---------------------------------------|--------------------------------------|-----------------------|--|-----------------------|-------------------------------|-----------------------------------|
| | Tot numb facili | er of | Number v tthan 70- occup | percent | Number per occur | cent | overci | imber of rowded lities | Num overcro by less t perce | wded han 10 | Numb overcróv by 10 to percen | vded 19.9 | overc | mber rowded percent nore |
| Type of facility | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent | Number | Percent |
| All type of facilities Detention centers. Shelters. Reception or diagnostic centers. Training schools. Ranches, forestry camps and farms. Halfway houses and group homes | 722 303 18 17 192 114 78 | 100 100 100 100 100 100 | 260 160 10 4 41 30 15 | 36 53 56 24 21 26 19 | 44 8 2 4 5 25 | 6 3 11 2 4 32 | 113 58 2 3 32 13 5 | 16 19 11 18 16 12 6 | 40 16 1 10 9 4 | 6 5 5 8 5 | 22 5 12 4 1 | 3 2 6 4 1 | 51 37 2 2 2 10 | 7 12 11 12 5 |

TABLE 14.—NUMBER OF JUVENILE FACILITIES WITH EDUCATIONAL, COUNSELING AND JOB PLACEMENT SERVICES BY TYPE OF FACILITY JUNE 1971

| | | Educa | tional services | | | Counseling services 2 | | | | |
|------------------------------------|----------------------------|-------------------|------------------|--------------------|---------------------------------------|-----------------------|--------------------------|---------------------|--|---|
| Type of facility | Number of facilities | None | Academic only | Vocational only | Both academic and vocational | None | Individual counseling | Group counseling | Counseling with juve- nile and his family | Correctional facilities with job placement programs |
| All types of facilities | 722 | 66 | 256 | Α | 396 | 30 | 678 | | 410 | |
| Percent | (100) | | (36) | (6) | | | | 558 | 410 | 164 |
| Detention centers | 303 | (9) 57 | 164 | (0) | (55) 82 | (4) 26 | (94) 268 | (77) 173 | (57) | (100) |
| Percent | (100) | (19) | |) | (27) | (9) | 200 (99) | (57) | 150 | (3) |
| Shellers | 18 | `2' | 5,1. | ····i' | 10 | (3) | (88) 15 | (3/) | (50) | (3) |
| Percent | (100) | $(1\overline{1})$ | (28) | (6) | (56) | (17) | (83) | (50) | 10 (56) | (-) |
| Diagnostic or reception centers | ` 17′ | | ίί΄. | (0) | (36) | (4) | (83) 16 | (30) | 10 | (9) |
| Percent | (100) (|) | (65) (|) | (35) | (6) | (94) | (88) | (59) | (%) |
| Training schools | 192 | | 23 | i | 168 | (0) | 190 | 176 | 123 | 88 |
| reicent | (100)(|) | (12) | <u>(i)</u> | | | (99) | (92) | (64) | (46) |
| Ranches, forestry camps, and farms | 114 | 2 | `40´ | ž | 70 | | 114 | 109 | 73 | (40) |
| Percent | (100) | (2) | (35) | (2) | (61) (|) | (100) | (96) | (64) | (16) |
| Halfway houses and group houses | 78 | `5´ | `13´ | | 60 | | 75 | 76 | (04) | 29 |
| Percent | (100) | (6) | (17)(. |) | (77) |) | (96) | (97) | (56) | (37) |

¹ Percents may not add due to rounding.
2 Percents add to more than 100 percent since many institutions provide more than 1 type of counseling service.

^{*} Not applicable.

TABLE 15.-NUMBER OF JUVENILE FACILITIES WITH MEDICAL AND RECREATIONAL SERVICES BY TYPE OF FACILITY, JUNE 1971

| | | Medical services 1 | | | | | Recreational services 2 | | | | |
|---------------------------------------|----------------------|--------------------|---|---------------------|------------|--------------|-------------------------|------------|----------------------------|-----------|--|
| Type of facility | Number of facilities | None | Infirmary without beds | Infirmary with beds | Other | Rac None | lio, movies or TV | Library | Gynasium or athletic field | Other | |
| All types of facilities | 722 | 289 | 162 | 169 | 102 | 8 | 705 | 584 | 593 | 358 | |
| Percent | (100) 303 | (40) 128 | (22) 89 | (23) | (14) 62 | (<u>I</u>) | (98) | (18) | (82) | (50) | |
| Percent. | (100) | (42) | (29) | 24 | 62 (20) | (2) | 293 | 232 | 225 | 133 | |
| helters | 18 | (12) | (23) | (8) | (20) | (2) | (97) | (77) | (74) | (44) | |
| Percent | (100) | (61) | | (17) | (22) | | (94) | 10 (56) | (67) | (56) | |
| liagnostic or reception centers | `17′ | `i' | 5 | `io′ | 1 | i | 16 | (30) | 15 | (30 | |
| Percent | (100) | (6) | (29) | (59) | (6) | (6) | (94) | (88) | (88) | (41 | |
| raining schools | 192 | 21 | 45 | 111 | 15 | | 191 | 184 | ì90′ | 103 | |
| Percent | (100) | (11) 57 | (23) | (58) | | | (99) | (96) | (99) | (54 62 | |
| anches, forestry camps and farms | 114 | | 23 | 18 | 16 | | 113 | 99 | 107 | `62 | |
| Percentaltway houses and group houses | (100) 78 | (50) | (20) | (16) | (14) | | (99) | (87) | (94) | (54 | |
| Percent | (100) | (91) | • | 3 | 4, | | 75 | 44 | 44 | 43 | |
| Graciita | (100) | (31) | | (4) | (5) | | (96) | (56) | (56) | (55 | |

¹ Percents may not add due to rounding.

² Percents add to more than 100 percent since many institutions provide more than one type of recreational service.

TABLE 16.—NUMBER OF FULL-TIME STAFF, AND RATIO OF INMATES TO FULL-TIME STAFF FOR GENERAL CATEGORIES OF PERSONNEL AND SELECTED TREATMENT AND EDUCATIONAL POSITIONS
IN JUVENILE FACILITIES BY TYPE OF FACILITY—JUNE 1971

| | | | | | | | Full-time p | personnel | | | |
|--|---------------------|--------------------------|-------------------|----------------------|------------------------|-------------------|-------------------------|-----------------|-----------------|--------------------------|-------------------|
| | Total | Adminis- | Treatment and - | | S | elected treatmen | t and education | onal personnel | | | Operational |
| full | full-time tration e | educational personnel | Cottage staff | Academic teachers | Vocational teachers | Social workers | Recreational workers | Psychologists | Psychiatrists | maintenance personnel | |
| All types of facilities: Number Ratio 1. | 35, 220 (1. 6) | 4, 441 (12, 9) | 24, 164 (2. 4) | 12, 975 (4. 4) | 3, 475 (16. 5) | 984 (58. 2) | 1, 471 (38. 9) | 544 (105. 2) | 268 (213. 6) | 29 (1, 973. 8) | 6, 615 (8, 7) |
| Detention centers: Number | 8, 229 (1. 4) | 1,047 (11,2) | 6,094 (1.9) | 3, 810 (3. 1) | 661 (17, 8) | 76 (154. 6) | 148 (79. 4) | 125 (94. 0) | 51 (239. 4) | (5, 874. 0) | 1, 088 (10. 8) |
| Number Ratio Reception or diagnostic cen- | 318 (1. 1) | 51 (7.1) | 201 (1.8) | 100 (3. 6) | 19 (19. 1)(|) | 25 (14. 5) | (353. 0) | (363. 0) | (<u>)</u> | 66 (5. 5) |
| ters: Number | 1,844 (1.3) | 263 (9. 5) | 1, 314 (1. 9) | 616 (4.0) | 112 (22. 2) | 10 (248, 6) | 167 (14. 9) | 37 (67. 2) | 74 (33. 6) | 17 (145. 2) | 267 (9. 3) |
| Number Ratio Ranches, forestry camps, and | 21,136 (1.7) | 2, 515 (14, 3) | 13, 950 (2, 6) | 7, 245 (5. 0) | 2, 345 (15, 3) | 828 (43. 4) | 966 (37. 2) | 353 (101. 8) | 135 (266. 2) | (3, 593. 1) | 4, 671 (7, 7) |
| farms: Number Ratio Halfway houses and group | 3, 125 (1, 8) | 473 (12. 0) | 2, 201 (2. 6) | 940 (6. 0) | 305 (18.6) | 70 (80. 9) | 140 (40. 5) | 21 (269. 8) | (944. 3) | () | 451 (12. 6) |
| homes: Number Ratio | 568 (1. 8) | 92 (11. 4) | 404 (2. 6) | 264 (4. 0) | 32 (32.7)(|) | 25 (41. 8) | 7 (149. 3) | (1, 045. 0) | () | 72 (14. 5 |

¹ All ratios represent the numbers of inmates per staff member.

TABLE 17.--AVERAGE DAILY POPULATION, TOTAL OPERATING EXPENDITURES AND PER CAPITA OPERATING EXPENDITURES, BY TYPE OF FACILITY—FISCAL 1971

| Type of facility | Average daily population | Total operating expenditures (thousands) | Per capita operating expenditures |
|-----------------------------------|--------------------------------|--|---|
| All types of facilities. | 1 58, 539 | \$409, 091 | \$6, 988 |
| Temporary care facilities | 15, 238 | 117, 126 | 7, 686 |
| Detention centers | 12, 186 | 91, 900 | 7. 541 |
| Shelters | 381 | 2, 930 | 7, 690 |
| Reception or diagnostic centers | 2, 671 | 22, 296 | 8, 347 |
| Correctional facilities | 43, 187 | 291, 966 | 6, 760 |
| Training schools | 36, 640 | 248, 234 | 6, 760 6, 775 |
| Ranches, forestry camos and farms | 5. 544 | 37, 238 | 6, 717 |
| Hiafway houses and group homes | 1,003 | 6, 494 | 6. 475 |

¹ Average daily population for all types of facilities exceeds the sum of the average population of the individual types of facilities due to rounding.

TABLE 18.—NUMBER OF JUVENILE FACILITIES BY YEAR OF LATEST CONSTRUCTION, OR MOST RECENT RENOVATION COSTING MORE THAN \$50,000 BY TYPE OF FACILITY

| | Total num- | Year of latest o | onstruction, o | r renovation c | osting in exces | s of \$50,000 |
|-----------------------------------|----------------------|------------------|-----------------|-----------------|-----------------|---------------------|
| Type of facility | ber of facilities | Before 1952 | 1952 to 1961 | 1962 to 1967 | 1968 to 1971 | Data no availabl |
| All types of facilities | 722 | 131 | 148 | 181 | 254 | 9 |
| Percent | 100 | 18 | 20 | 25 | 35 | ĭ |
| Detention centers | 303 | 57 | 82 | 80 | ŘŽ | ź |
| Percent | 100 | 19 | 27 | 26 | 82 27 | ī |
| Shelters | 18 | - 8 | - 3 | -ĭ | - 5 | i |
| Percent | | 44 | 17 | 6 | 28 | ē |
| Reception or diagnostic centers | 17 | 2 | 3 | 3 | Ğ | • |
| Percent | 100 | 12 | 18 | 18 | 53 | |
| Training schools | 192 | 21 | 18 | 44 | 109 | |
| Percent | 100 | 11 | ğ | 23 | 57 | |
| Ranches, forestry camps and farms | 114 | 11 | 32 | 35 | 36 | |
| Percent | 100 | 10 | 28 | 3Ĭ | 32 | |
| Halfway houses and group homes | 78 | 32 | 10 | 18 | 13 | |
| Percent | 100 | 41 | 13 | 23 | iř | ĕ |

Note: Percents may not add due to rounding.

TABLE 19.—NUMBER OF FACILITIES REPORTING OFFENSE DATA AND NUMBER OF ADJUDICATED DELINQUENTS FOR WHOM OFFENSE DATA WAS REPORTED BY TYPE OF FACILITY

| Type of facility | Number of facilities holding adjudicated delinquents | Number of adjudicated delinquents held | Number of facilities reporting offense data | Number of adjudicated delinquents for within offense data was reported |
|-------------------------------------|--|---|--|---|
| All facilities in the United States | 621 | 48, 050 | 435 | 31, 497 |
| Percent | 100 | 100 | .70 | . 66 |
| Detention centers | 213 | 3, 449 | 153 | 2, 877 |
| PercentShelters | 100 | 100 | 72 | 83 |
| Percent | 100 | 36 100 | 57 | 24 |
| Reception or diagnostic centers. | 17 | 2, 462 | 3/ | 67 558 |
| Percent | 100 | 100 | 41 | 23 23 |
| Training schools | 192 | 35, 498 | 137 | 23, 527 |
| Percent | iõõ | 100 | *7í | 23, 32, |
| Ranches, forestry camps and farms | 114 | 5, 647 | וֹזֹי | 3, 871 |
| Percent | 100 | 100 | 68 | 68 |
| Halfway houses and group homes | 78 | 958 | 57 | 640 |
| Percent | 100 | 100 | 73 | 67 |

STANDARD 9.5 JUVENILE OPERATIONS

The chief executive of every police agency immediately should develop written policy governing his agency's involvement in the detection, deterrence, and prevention of delinquent behavior and juvenile crime.

1. Every police agency should provide all its police officers with specific train-

ing in preventing delinquent behavior and juvenile crime.

2. Every police agency should cooperate actively with other agencies and organizations, public and private, in order to employ all available resources to detect and deter delinquent behavior and combat juvenile crime.

3. Every police agency should establish in cooperation with courts written policies and procedures governing agency action in juvenile matters. These

policies and procedures should stipulate at least:

- (a) The specific form of agency cooperation with other governmental agencies concerned with delinquent behavior, abandonment, neglect, and juvenile crime;
- (b) The specific form of agency cooperation with nongovernmental agencies and organizations where assistance in juvenile matters may be obtained;
 (c) The procedures for release of juveniles into parental custody; and

(d) The procedures for the detention of juveniles.

4. Every police agency having more than 15 employees should establish juvenile investigation capabilities.

(a) specific duties and responsibilities of these positions should be based

upon the particular juvenile problems within the community.

- (b) The juvenile specialists, besides concentrating on law enforcement as related to juveniles, should provide support and coordination of all community efforts for the benefit of juveniles.
- 5. Every police agency having more than 75 employees should establish a juvenile investigation unit, and every smaller police agency should establish a juvenile investigation unit if community conditions warrant. This unit:
 - (a) Should be assigned responsibility for conducting as many juvenile investigations as practicable, assisting field officers in juvenile matters, and maintaining liaison with other agencies and organizations interested in juvenile matters; and

(b) Should be functionally decentralized to the most effective command

level.

COMMENTARY

A juvenile becomes a delinquent when he commits an act which, if he were an adult, would be a crime. The activities of police in connection with juveniles who are not yet delinquent is a matter of controversy and concern. Some believe that the police should have no contact with a juvenile unless he commits a crime. This belief, however, precludes the assistance of law enforcement agencies in the identification of neglected and dependent children; from deterring the delinquency of children who persistently refuse to obey the reasonable directions of parents and school authorities, or are beyond the control of these authorities; or are otherwise in clear and present danger of becoming delinquent.

In California children fitting the latter description are within the jurisdiction of the juvenile court, and may be made wards of the court. This provision of law allows police in California to take an active part in preventing delinquency. Police officers throughout the Nation are in a position to do this, because they confront juvenile problems 24 hours a day and are trained and experienced in

those problems.

To suggest that law enforcement abrogate its preventile responsibilities concerning juvenile delinquency is to recommend that police merely enforce the

law through the apprehension process.

Every community has special juvenile problems, varying from gang murders to underage youths loitering in pool halls. Rather than merely trying to apply what has been successful in one community to another, juvenile operations should be generated by an evaluation of local needs and local capabilities. Programs may be all-inclusive in small communities, and on a neighborhood basis in metropolitan areas.

The police chief executive, after assessing conditions, should write a policy governing the activities of his agency involving juveniles. This policy should

be based upon community needs and resources.

Police training in juvenile problems

Each officer must be given adequate training at the entry level to identify neglected and dependent children, detect and deter predelinquent behavior, and develop insight into juvenile crime problems, departmental policy, and available procedures and resources.

The extent of the training will-vary according to the community's problems. Cities such as Los Angeles, Calif., and Chicago, Ill., have comprehensive programs in this area; many States, including Michigan and California, have mandated a

minimum period of training in juvenile problems.

Training must not stop at the entry level; it should be reinforced periodically through various inservice training techniques. This additional training is needed to maintain awareness of everchanging problems and to maintain the capability of responding adequately to community needs.

Agencies that choose to assign personnel fulltime to juvenile operations should provide additional training in juvenile activities, preferably at a professional school. Such training is conducted at various times each year at designated locations throughout the country.

Other agencies and organizations

Activities focused on juvenile problems do not involve law enforcement agencies alone. Courts, social assistance agencies, schools and governmental counseling agencies, as well as many privately operated agencies, are concerned and involved.

The police agency should make every effort to participate actively with other agencies and organizations whenever practicable, to reduce the duplication of services directed at juvenile problems, and to approach those problems with maximum effectiveness.

Many joint efforts by law enforcement and other community resources have proved effective. Police athletic leagues and junior police and sheriff's programs are among the most successful.

The Dallas, Tex., Police Department program, in conjunction with the Dallas School District, has had considerable impact in reducing delinquency problems.

In Grand Rapids, Mich., where the police department and other community organizations provide summer camp for deprived children, measurable benefits have been demonstrated.

Cooperation must prevail between the law enforcement agency and the entire community if they are to achieve a lasting effect on invenile problems. Neither can function adequately in this area without the support of the other.

Written policies and procedures

Written juvenile policies and procedures in each law enforcement agency should require constant planning, implementation, program evaluation, and refinement based on changing community needs.

These procedures must incorporate legal methods of discovering situations, activities, and environments that are harmful to juveniles development, in order to detect and deter conditions that may lead to delinquent behavior. Legal procedures for apprehension and detention of juvenile offenders should also be included. This written policy and procedure should cover at least the following:

Exerting every possible effort toward discovery of potential delinquents and conditions conducive to delinquent behavior.

Working closely with other agencies to remove or control environmental conditions conducive to creating juvenile problems.

(Additional questions submitted to the Department of Justice, -LEAA, and responses supplied for the record are marked "Exhibit Nos. 10-15," and are as follows:)

Ехнівіт №. 10

APRIL 19, 1973.

Hon. RICHARD G. KLEINDIENST. Attorney General, Department of Justice, Washington, D.C.

DEAR ATTORNEY GENERAL: The juvenile delinquency crisis and the role of the Federal Government in the prevention and control of juvenile delinquency are among the serious issues facing our nation and are matters of continuing concern to this Subcommittee. During the last session of Congress, the Subcommittee held hearings on the Juvenile Justice and Delinquency Prevention Act. S. 3148. which I reintroduced along with Senator Marlow Cook as S. 821 on February 8, 1973. We have continued the hearings and our investigation.

Because of your responsibilities in the area of juvenile delinquency. I am inviting you to testify before the Subcommittee at 10:00 a.m. on May 15, in Room 2228, New Senate Office Building, Washington, D.C. In accordance with Subcommittee rule, I would appreciate your sending us 100 copies of your prepared statement 72 hours in advance of your scheduled appearance. A preliminary copy of your statement should be received in this office no later than May 10, 1973. I am enclosing a copy of S. 821.

The Subcommittee would appreciate hearing your views and receiving data on questions which have been raised regarding the need for S. 821, including

but not limited to the following:

1. A breakdown of all state plans for Fiscal Year 1972, and for what ever plans have been received for Fiscal Year 1973, indicating the total amount of LEAA money allocated to each state, including the following particular information:

a. Total amount of grants to states.

b. The amount of money designated for juvenile delinquency purposes and the percentage of total grants this represents.

c. The amount of money designated for juvenile corrections purposes and the percentage of juvenile delinquency funds this represents.

d. The amount of funds designated for adult corrections purposes and the percentage of the total grants this represents.

e. The amount designated for programs for diversion from the juvenile justice system and the percentage of the total grants this represents.

f. The amount designated for community-based treatment programs for

juveniles and the percentage of the total grants this represents.

g. The amount designated for staff development and training for working with young people in contact with the juvenile justice system and the percentage of total grants this represents.

h. The amount designated for juvenile delinquency prevention programs

and the percentage of the total grants this represents.

i. Breakdown by each state of the total number of juvenile delinquency grants and percentage of the total number of grants this represents.

j. Number of states which increased their juvenile delinquency efforts by number of grants and amount of money, and the number of states that decreased their juvenile delinquency efforts by number of programs and amount of money.

2. The total number of LEAA grants or programs in all other categories, other than the state block grants, specifically directed at juvenile delinquency and the

percentage of all such grants or programs this number represents.

3. The amount of money actually committed by LEAA on grants or programs, other than state blocks grants, specifically directed at juvenile delinquency and the percentage of all other such grants or programs which this amount represents.

4. The number of research and development grants, contracts, fellowships, and demonstration programs specifically directed at juvenile delinquency funded by the National Institute of Law Enforcement and the percentage figure of all such research and development projects funded by the Institute in all areas of Law Enforcement which this number represents.

5. The amount of money actually committed by the Institute to research and development projects specifically directed at juvenile delinquency and the percentage figure of all monies committed by the Institute which this amount represents.

6. The operations of the juvenile delinquency informations services of LEAA including the National Criminal Justice Reference Service and the National Criminal Justice Statistics and Informations Service.

7. The coordination of the juvenile delinquency activities of LEAA with other governmental programs at the Federal, regional, state, and local level.

I look forward to your appearance before the Subcommittee. If you have any questions regarding your testimony, please feel free to contact Ms. Mathea Falco, Staff Director and Chief Counsel of the Subcommittee at 225-2951.

Sincerely,

BIRCH BAYH. Chairman.

[Enclosure.]

EXHIBIT No. 11

June 19, 1973.

HON. BIRCH BAYH

Chairman, Subcommittee to Investigate Juvenile Delinquency, U.S. Senate, Washington, D.C.

DEAR Mr. CHAIRMAN: In response to your request for specific information regarding Law Enforcement Assistance Administration activities and funding to prevent and control juvenile delinquency, the following information is submitted:
As you know, 85 percent of LEAA action funds are allocated to the states in block grants. The funds are subsequently utilized by the states or subgranted to local units of government in accordance with the states' comprehensive law enforcement plans. Unlike categorical federal grant programs, therefore, data regarding state subgrants to county and municipal governments for juvenile delinquency programs resides at the state and local levels of governments rather than with LEAA. LEAA's Grants Management Information System, now in the initial stages of operation, will ultimately provide the capability of identifying state subgrants in various program categories based upon information supplied by the state criminal justice planning agencies. At present, however, FY 1973 block grant data, such as the number of grants awarded by the states and the dollars designated by the states for various segments of the overall juvenile justice program are not available. The block grant figures cited below are there-

fore for fiscal year 1972 unless otherwise indicated.

1. A breakdown of all state plans for Fiscal Year 1972, and for whatever plans have been received for Fiscal Year 1973, indicating the total amount of LEAA money allocated to each state, including the following particular information:

(a) Total amount of grants to states.

Attachment A shows LEAA funds awarded as of December 31, 1972, to each state under Parts B, C and E for fiscal years 1969-73.

(a) The total LEAA funds awarded to the states in the various categories for FY 1972 are as follows:

| Institute | \$21,000,000 |
|---------------------------------------|---------------|
| PEEL | |
| Block C | 414, 000, 000 |
| C discretionary | 73, 000, 000 |
| Planning | |
| Block E | 49, 000, 000 |
| E discretionary | |
| · · · · · · · · · · · · · · · · · · · | |
| Total | 669, 195, 000 |

(b) The amount of money designated for juvenile delinquency purposes and the percentage of juvenile delinquency funds this represents.

The total for juvenile delinquency during FY 1972 was approximately \$140 million, representing 21 percent of the total grants.

(c) The amount of money designated for juvenile corrections purposes and the percentage of juvenile delinquency funds this represents.

The amount designated for juvenile delinquency corrections: \$40,793,264, representing 30 percent of invenile delinquency funds.

(d) The amount of funds designated for adult corrections purposes and the percentage of the total grants this represents.

The amount designated for adult corrections: \$130,988,164, representing 22.7 percent of total LEAA awards.

(e) The amount designated for programs for diversion from the juvenile justice system and the percentage of the total grants this represents.

The amount for diversion: \$15,683,492, representing 12 percent of juvenile delinquency funds.

(f) The amount designated for community-based treatment programs for juveniles and the percentage of the total grants this represents.

The amount for community-based treatment programs for juveniles: \$34,-627.125, representing 25 percent of juvenile delinquency funds.

(g) The amount designated for staff development and training for working with young people in contact with the juvenile justice system and the percentage of total grants this represents.

The amount for staff development and training: \$15,440,358, representing 11 percent of juvenile delinquency funds.

(h) The amount designated for juvenile delinquency prevention programs and the percentage of the total grants this represents.

The amount for delinquency prevention programs: \$21,031,034, representing 15 percent of juvenile delinquency funds.

(1) Breakdown by each state of the total number of juvenile delinquency grants and percentage of the total number of grants this represents.

The number of juvenile delinquency projects in FY 1972 is 807, as shown on Attachment B. The number of grants awarded by each state during FY 1972

will not be available for a number of weeks. Without a denominator figure, it

is impossible to computé a percentage.

(j) Number of states which increased their juvenile delinquency efforts by number of grants and amount of money, and the number of states that decreased their juvenile delinquency efforts by number of programs and amount of money.

The states which increased their juvenile delinquency efforts by number of

grants and amount of money are shown on Attachment B.

2. The total number of LEAA grants or programs in all other categories, other than the state block grants, specifically directed at juvenile delinquency and the percentage of all such grants or programs this number represents.

3. The amount of money actually committed by LEAA on grants or programs, other than state block grants, specifically directed at juvenile delinquency and the percentage of all other such grants or programs which this amount represents.

2. & 3. The number of LEAA grants and the amount of funds committed (other than state block grants), specifically directed at juvenile delinquency, are shown as follows:

| | Total | Percent, total | Number of awards | Percent, total number of awards |
|---|------------------------------|-------------------|---------------------|---------------------------------|
| 1972: | \$ 6, 482, 714 | 13 | EO | 16 |
| C discretionary E discretionary Institute | 2, 901, 232 998, 207 | 13 13 | 59 24 4 | 25 16 |
| Total | 10, 382, 153 | | 87 | |
| 1973 (to date): C discretionary E discretionary | 329, 569 192, 430 None | 7 16 | 7 2 None | 37 20 |
| Total | 521, 999 | | 9 | |

4. The number of research and development grants, contracts, fellowships, and demonstration programs specifically directed at juvenile delinquency funded by the National Institute of Law Enforcement and the percentage figure of all such research and development projects funded by the Institute in all areas of law enforcement which this number represents.

5. The amount of money actually committeed by the Institute to research and development projects specifically directed at juvenile delinquency and the percentage figure of all monies committed by the Institute which this amount

represents

4. & 5. The number of research and development awards, the amount of money committed and the percentages indicating monies committed by the Institute for research and development projects specifically directed at juvenile delinquency are:

| | Fiscal year 1972 | Fiscal year 1973 (estimated) |
|------------------|------------------|---------------------------------|
| Number of awards | . 13 27 | 14 22 |
| Amount of awards | \$4, 588, CCO | \$4, 057, 634 13 |

. 6. The operations of the juvenile delinquency information services of LEAA including the National Criminal Justice Reference Service and the National Criminal Justice Statistics and Information Service.

The National Criminal Justice Reference Service has more than 700 documents in its data base concerning juveniles. These documents cover a wide variety of topics, such as juvenile delinquency causes and prevention, juvenile court, juvenile probation and parole, juvenile institutions, juvenile community-based correction, juvenile diversion, and youth services bureau. (See Attachment C). In addition, NCJRS disseminates ten LEAA documents about juveniles and juvenile delinquency. (See Attachment D).

MCJRS was established to provide information support to the nation's law enforcement and criminal justice community. Juvenile delinquency adminis-

trators, planners, and practitioners do call upon NCJRS for services. The response of NCJRS to their information request varies according to the nature of their request and may be in the form of bibliographies, abstracts, citations, documents, or referrals to other individuals or organizations. (See Attachment

E).

To the juvenile delinquency administrator and planner, NCJRS can provide general information on most questions that relate to the criminal justice system. In addition, NCJRS can provide specific material on programs which have been funded and which are currently being funded by LEAA, NCJRS can also provide material on evaluation and planning; capabilities which are important to any administrator or planner. And, finally, if NCJRS does not have the material which is requested, it will direct the administrator or planner to the

appropriate individual, agency, or organization.

The Statistics Division of the National Criminal Justice Information and Statistics Service is in the process of completing the Juvenile Detention and Correctional Facility Census—1971. This survey represents the first complete census of public facilities in the juvenile criminal justice system and is due to be completed in June 1973. For many years, an annual survey, Statistics on Public Institutions for Juveniles, was conducted by the Department of Health, Education and Welfare and was directed at public facilities for adjudicated juvenile delinquents. Under LEAA sponsorship, the survey was broadened to include facilities that hold juveniles awaiting court disposition, i.e., shelters and detention centers. Designed by LEAA, the actual research for the project was carried out by the Census Bureau at a cost of \$39,000, reaching some 722 public juvenile facilities.

The project yielded basic information on the physical characteristics of juvenile institutions, number and type of delinquents held, and number and payroll of employees. These data are similar to those collected in adult institutions in the National Jail Census. Detailed data was also collected on whether different types of inmates are held separately (i.e., whether adjudicated delinquents are held separately from individuals awaiting court action), number of inmates being held for selected offenses, and a variety of other topics such as admissions and releases, treatment programs and staffing. Data

will be published by state and region as well as by type of facility.

Preliminary steps have already been taken for the collection of similar data for fiscal years 1972 and 1973. Besides the continuation of the present data collection program through a mail canvass method. NCJISS has undertaken a study of a plan to further expand the census to include personal interviews of inmates to collect information on the inmates' socio-economic background characteristics, criminal history, participation in treatment programs and other

pertinent personal characteristics.

7. The coordination of the juvenile delinquency activities of LEAA with other governmental programs at the Federal, regional, state, and local level. The nature of the block grant funding systems of LEAA assures a significant degree of coordination with state and local governments. The statewide comprehensive planning process promotes a high degree of intrastate coordination, while state-local coordination with LEAA is reflected in the range of invenile delinquency programs funded under block grants. For example, of the \$21 million spent on prevention types of programs, \$9.8 million was allocated to school and community programs. These might include community centers or any kind of school-related projects to assist troubled youth.

Approximately \$5 million was funded for police/community/youth relations projects. These generally are concerned with encouraging positive relation-

ships between police and youth.

Of the \$15.7 million committed to diversion programs, \$7.9 million was used for special youth services such as mental health centers, alternatives educational systems, temporary foster homes and the development of community-based resources for diversion programs for pre-delinquent and delinquent youth.

Rehabilitation/corrections projects took the largest share of LEAA's juvenile delinquency money—\$40.8 million. Nearly three-quarters of that was allocated for community-based treatment programs; residential centers, probation/parole programs, and community detention programs.

A high degree of coordination between the various levels of government is

represented by each of the examples cited above.

Coordination among federal agencies is the goal of the Interdepartmental Council to Coordinate All Federal Juvenile Delinquency Programs. As you know,

the Council was authorized by Section 4 of the Juvenile Delinquency Prevention and Control Act, as amended in 1971.

The President designated the Attorney General as Chairman of the Council and the latter designated the Administrator of LEAA as the working chairman of the group.

The goals outlined for the Council are:

1. To coordinate all federal juvenile delinquency programs at all levels of government.

2. To search for answers that will have an immediate impact on the pre-

vention and reduction of juvenile delinquency and youth crime.

In attempting to link the federal, regional, state and local levels of government together more efficiently and effectively, the Council undertook a study of all existing coordination mechanisms that might be used to coordinate the planning, funding, evaluation and technical assistance (including the transfer of information) functions of all federal juvenile delinquency-youth development efforts.

In identifying promising loci of coordination responsibility at the different levels of government, the Council has undertaken a study of the federal regional councils as a mechanism to coordinate juvenile delinquency programs at the regional level of government. In studying state and local governmental organization, as well as the organization of federal programs statewide and locally, the Council has recommended that the Governor and local Chief Executive should decide (a) who should be responsible for coordination, (b) where the coordination responsibility should be located, and (c) how an effective coordination plan could be implemented at their respective state and local levels of government.

In May 1972, the Council held public hearings on its proposed coordination mechanisms and strategies. Ten interest groups were invited to testify on the

merits and feasibility of the proposed coordination plan.

The Council also invited several dozen interest groups to comment in writing on the proposed coordination mechanisms and strategies. Over 30 organizations (representing government groups, youth groups, professional organizations, minority groups, and organizations concerned with the well being of children and youth) responded to the invitation and submitted written comments on the proposed coordination mechanisms and strategies.

In the months ahead, the Council plans to focus on efforts to finalize the proposed coordination mechanisms and strategies, and to initiate the implementation of the coordination mechanisms at the regional, state and local levels of govern-

ment.

Your interest in the juvenile delinquency prevention programs of the Law Enforcement Assistance Administration is appreciated.

Sincerely,

DONALD E. SANTARELLI,

Administrator.

EXHIBIT No. 12

JULY 11, 1973.

RICHARD VELDE.

Associate Administrator, Law Enforcement Assistance Administration, Department of Justice, Washington, D.C.

DEAR MR. VELDE: On behalf of the members of the Senate Judiciary Subcommittee to Investigate Juvenile Delinquency, I would like to take this opportunity to express my appreciation for your appearance before us on June 27, 1973.

Your testimony on the proposed legislation, S. 821, the Juvenile Justice and Delinquency Prevention Act of 1973 is a valuable contribution to our efforts to learn more about effective approaches to the problems of juvenile delinquency. When the hearings which contain your testimony are printed, I shall forward copies to you.

In addition to responding to questions raised in the course of your testimony, I would appreciate receiving your written responses to the questions set forth below no later than July 23, 1978. These questions and your responses will be in-

cluded in the final printed copy of the hearings.

a. As I noted during your testimony before the Subcommittee on June 27, I have found it particularly difficult to obtain accurate and consistent data on the expenditures of LEAA funds for juvenile delinquency programs. On April 5, 1973, in response to my inquiries, Mr. Donald Santarelli, submitted the following breakdown.

| | Millions |
|---|----------|
| Delinquency prevention | . \$21 |
| Diversion | . 15.7 |
| Rehabilitation | |
| Upgrading resources | |
| Drug abuse | |
| High impact programs | |
| In your testimony, you broke down the figures as follows: Diversion (15 percent) | |
| (Includes "almost \$30 million for community-based treatment) | |
| Upgrading Resources (24 percent) | . 17 |
| In a letter of June 19, Mr. Santarelli gave the following data in response | onse to |

In a letter of June 19, Mr. Santarelli gave the following data in response to categories suggested by the Subcommittee:

Millions

While I am confident that these various data can be reconciled, it cannot be done through the information with which you have supplied the Subcommittee.

- 1. Would you please explain the inconsistencies above, and supply the Sub-committee with an accurate breakdown of fiscal 1972 and, to the extent they are available, 1973 expenditures on juvenile delinquency?
 - 2. Would you please supply the Subcommittee with the following:
 - a. The total of LEAA funds awarded to states for each fiscal year 1969-1973;
- b. The amount of those funds spent on juvenile delinquency and the percentage that constitutes of the total for each fiscal year, 1969-1973.

You testified that 33% of juvenile delinquency funds are used for upgrading resources, including construction.

- 3. What proportion of the funds are expended specifically for construction?
- Your census of juvenile institutions, included with your testimony, indicates the 70% of females held in the institutions, and 23% of the males, are held for acts that would not be criminal if they were adults. These juveniles are clearly not a danger to the community, and could more appropriately be treated in community programs. Present institutions could then be adapted to current needs.
- 4. In light of this fact, why is it necessary to spend any funds on construction?
- B. Despite persistent requests, I have been unable to obtain a breakdown by state of LEAA juvenile delinquency block grant expenditures.
- 1. Would you please supply the Subcommittee with the following information for each state:
- a. The total amount of block grant funds allocated to each state under part C and part E for each fiscal year 1969–1973.
- b. The total expenditures on juvenile delinquency, by state, of part C and part E block grant funds.
- c. The percentage, by state, of part C and part E block grant funds expended on juvenile delinquency, i.e., "b." above as a percentage of "a." above.
- d. The total block grant expenditures for corrections, by state, for each fiscal year 1969-1973.
- e. The total block grant expenditures for juvenile corrections, by state, for each fiscal year 1969-1973.
- f. The percentage, by state, of the total block grant corrections allocation which was expended on juvenile corrections, i.e., "e." above as a percentage of "d." above
- g. The percentage, by state, of the total juvenile delinquency block grant expenditures that was used for juvenile corrections, i.e., "e." above as a percentage of "b." above.
- 2. How have you defined "corrections" in answering parts "d" through "g" above?
- 3. Are the above answers based on actual expenditures, of on figures submitted in state plans? If the latter, what follow-up is done to insure that the states follow the plans they submit?

B. In your testimony and written statement, you omitted descriptions of the prevention programs and the juvenile delinquency component of the High Impact program,

1. Would you please supply those descriptions for the Subcommittee?

D. In your testimony, you cited as an example of LEAA's juvenile diversion programs the state-wide Indiana Youth Service Bureau system. I understand that the Indiana Criminal Justice Planning Council has decided not to renew the grants for any of these youth service bureaus when the original two year funding expires.

1. Is this accurate? If so, how many of these bureaus have located local fund-

ing sources?

2. What is the rationale for discontinuing funding to programs such as these which have proved their effectiveness?

You also cited the Mississippi Statewide System of Juvenile Probation and

Aftercare Services.

3. What is the cost of this project?

4. How many staff persons are directly engaged in the supervision of the 3,200 youths per month caseload?

You also cited a noninstitutional rehabilitation program in Newark-Newark-

fields.

5. Would you supply the Subcommittee with more information on this pro-

gram, including any evaluations or assessments completed?

E. In your testimony, you cited the National Assessment Study of Juvenile Corrections as working to find out what programs work best with juvenile offenders. You do not, however, mention any systematic, uniform evaluation of ongoing programs.

1. What evaluation is performed at the Federal, state and local levels to in-

sure that ineffective programs are not refunded?

2. What is the nature of any substantive review of proposed juvenile delin-

quency programs prior to their original funding?

- F. You testified that adequate coordination of juvenile delinquency programs can be achieved through existing mechanisms, such as the Interdepartmental Council.
- 1. What effort has the Council made to insure effective coordination other than the issuance of reports such as the "Analysis of Federal Juvenile Delinquency and Related Youth Development Programs"? Do you consider this effort adequate?
- 2. What power and resources does the Council have to insure coordination? Last year, the Subcommittee heard testimony that the Council was working to develop an integrated application form "which would allow a total youth development and delinquency prevention package to be approved and funded under one grant application.

3. Has this been done? If not, why not?

The Subcommittee also received testimony that the Council was developing criteria for future Federal planning for juvenile delinquency programs. The Council "Task Force on Management" was also supposed to develop a model management structure for individual Federal juvenile delinquency programs and to evaluate existing agency management structures with recommendations for their improvement.

4. What is the present status of these efforts?

G. In your testimony, you stated that the study of the Juvenile Justice Standards project is in the drafting stage. The third phase of the project is to be "implementing."

- 1. What are the plans for the implementation of the study? H. The May 25, 1971, letter of agreement between the Secretary of HEW and the Attorney General gave HEW the responsibility for delinquency prevention and rehabilitation outside the juvenile correction system, and LEAA the responsibility for programs operating inside the system. Last year's extension of the Juvenile Delinquency Prevention and Control Act further clarified this division of responsibility, giving HEW primary responsibility for prevention programs. HEW's prepared statement for the June 27 hearings stated, "Since major support is available from LEAA for juvenile delinquency prevention and treatment programs . . . the DHEW budget for this purpose . . . can be held to \$10 million in
- 1. What is the reason for this change of policy regarding the division of responsibility between LEAA and HEW?

2. What coordination has there been with HEW regarding this newly assumed

LEAA responsibility for prevention?

I. You testified about the importance of the materials being drafted by the National Advisory Commission on Criminal Justice Standards and Goals, and that they "Could be implemented by the state and local criminal justice and law enforcement departments across the nation." The draft standards, as you know, include such recommendations as the closing of all juvenile institutions over a five year period.

1. What are LEAA's plans to see that these standards are publicized and

regularly updated?

2. When will the final report, including those sections omitted from the draft released January 15, 1973, be available?

3. How will LEAA insure that the standards are implemented?

J. During your testimony, you noted your objection to the imposition of guide-lines for the expenditure of juvenile delinquency funds, either through formula

grants to the states or through direct, discretionary grants.

1. Can you offer the Subcommittee alternative methods of insuring that LEAA funds commensurate to the size of the problem will be spent at the state and local levels for juvenile delinquency prevention and treatment, and that the funds will be used for effective services, rather than merely the maintenance of existing, archaic institutions and programs?

You also stated in your prepared testimony that the present LEAA extension "continues the policy of eliminating the strings that too often are tied to many

Federal grant programs and combine to make them ineffective."

2. Would you supply the Subcommittee with examples of instances where the tying of strings to federal grants, particularly in the law enforcement field, has rendered the programs ineffective?

You also stated that the lack of matching funds "has sometimes channelled

state and local efforts into less worthy projects."

3. Would you please cite examples?

K. The Department opposed the allocation of juvenile delinquency funds according to crime rates.

1. In the context of S. 821, what formula would the Department suggest for

fund allocation?

I. In your prepared testimony, you noted that the transfer proceeding to determine whether there are reasonable prospects for rehabilitating a juvenile before his twenty-first birthday "could well amount to a full-fledged hearing." In Kent v. United States, 383 U.S. 541 (1966), the Supreme Court stated "[T]here is no place in our system of law for reaching a result of such tremendous consequences without ceremony—without hearing, without effective assistance of counsel, without a statement of reasons . . . It would be inconceivable if society's special concern for children . . . permitted this procedure." (383 U.S. at 554) Kent was based on the D.C Juvenile Court Act, but it was "read in the context of constitutional principles relating to due process and the assistance of counsel." Later decisions stressed the constitutional aspects of Kent.

1. In light of this case, how can the Department argue that a "full-fledged

proceeding" is not constitutionally mandated?

M. In your prepared testimony you stated, "The legislative history of the Juvenile Delinquency Act indicates clearly that a juvenile proceeding which denies to the juvenile a right to indictment by grand jury would be unconstitutional absent a waiver . . . of the constitutional right to indictment by a grand jury." Neither the House (H.R. Rep. No. 2617, 75th Cong., 3d Sess. (1938)) nor the Senate Report (S. Rep. No. 1989, 75th Cong., 3d Sess. (1938)) mention the right to indictment by a grand jury.

1. To which specific part of the legislative history were you referring in your

testimony?

The right to a grand jury indictment is generally limited to criminal proceedings where there is a potential sentence of more than one year in a penitentiary. In an analogous situation, the Court of Appeals for the District of Columbia Circuit, in Harvin v. United States, 445 F. 2d 675 (1971) held that the right to indictment by a grand jury did not apply to a misdemeanant sentenced to five years under the Youth Corrections Act. In an opinion joined by a majority of the Court, Judge Fahy offered alternative grounds for the decision: First, an "infamous" crime is determined by its statutory sentence, an indication of its seriousness. Second, the Youth Corrections Act does not permit sentencing to a penitentiary.

2. Since juvenile proceedings are only considered quasi-criminal, and since juyenile facilities are not generally considered equivalent to penitentiaries, why does the Department believe a juvenile has a right to a grand jury indict-

ment?

N. Generally, a valid waiver of a right must be knowing, understanding, and voluntary. Courts are particularly solicitous regarding waivers by juveniles. The District Court for the Southern District of New York, in Nieves v. United States, 280FF. Supp; 994(1968), held unconstitutional the conditioning of juvenile proceedings on the waiver of the right to a jury trial. The 8th Circuit has held to the contrary in Cotton v. United States, 446 F. 2d 107 (1971), but based its ruling on the Supreme Court decision in McKeiver v. Pennsylvania, 403 U.S. 528 (1971), that, under certain circumstances, a juvenile does not have a right to a jury trial.

1. S. 821 gives a juvenile a statutory right to be proceeded against as a juvenile. Assuming for the purpose of this question that a juvenile has a right to an indictment by a grand jury, why does the Department believe it would be constitutionally permissible to condition the exercise of the right to juvenile proceedings on a waiver of the right to a grand jury indictment?

2. How does the Department distinguish juvenile proceedings in D.C. Courts,

where consent is not required?

O. In your testimony, you stated that the Department felt that the protections afforded the records of juvenile proceedings under proposed Section 5039(a) were sufficient, and opposed same expungement of such records where an adjudication of delinquency was not entered.

1. Why does the Department believe that information that a person, while a iuvenile, was held by a court not to have committed a criminal act, would be useful for any purpose, including those specified in Section 5039(a)? If so, for

what purposes?

P. In your prepared testimony, you also stated that the requirement of trial within thirty days of arrest where a juvenile is detained would discourage the use of juvenile proceedings in districts with crowded court dockets. There are relatively few districts in which juvenile proceedings amount to more than 5% of the criminal docket, and in most of those, the docket is less crowded than

1. Why does the Department believe that district courts would find it particularly difficult to adjust their calendars to accommodate such a small number of

cases?

Q. With your testimony, you submitted a copy of the draft of the census of juvenile institutions.

1. Why did the census exclude private and Federal institutions?

- R. In the conclusion to your prepared statement, you said, "LEAA is working to pull together existing resources to reduce juvenile delinquency and crime in the nation."
- 1. In order that the Subcommittee might evaluate this effort, would you please supply the Subcommittee with the number of projects LEAA is jointly funding with each of the following:

(a) HUD/Model Cities;(b) YDDPA;

- (c) HEW other than YDDPA;
- (d) private industry; and

(e) national youth organizations.

2. Has LEAA prepared, and does it disseminate to its grantees and other organizations, compilations of all available resources for youth programs in-

cluding private, state and local funding sources?

S. In your prepared testimony, you argued that the services to be performed by the National Institute for Juvenile Justice are already being performed by the National Criminal Justice Information and Statistics Service, the National Criminal Justice Reference Service, and the National Institute of Law Enforcement and Criminal Justice.

1. Are all these services presently operative?

2. What proportion of the work of these services is specifically devoted to juvenile delinquency?

3. What specifically is available from each service?

4. What types of statistics related to juvenile delinquency are available from the Information and Statistics Service?

Thank you for your assistance.

Sincerely,

U.S. DEPARTMENT OF JUSTICE,
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
Washington, D.C., July 17, 1973.

. Hon. BIRCH BAYH,

Chairman, Subcommittee to Investigate Juvenile Delinquency, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR Mr. CHAIRMAN: This is to acknowledge receipt of your letter of July 11, 1973, in which you pose a series of 50 questions and requests for specific information.

I appreciate the opportunity to provide additional material for inclusion in the final printed copy of the hearings of the Subcommittee. Unfortunately, the request comes at a time when several members of the staff most knowledgeable in the subjects of your inquiry are on leave and unavailable to assist in the preparation of the additional materials you have requested. You may be assured, however, that every effort will be made to compile the information by the July 23, 1973, deadline.

Sincerely,

RICHARD W. VELDE, Associate Administrator.

EXHIBIT No. 13

U.S. DEPARTMENT OF JUSTICE,
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
Washington, D.C., July 23, 1973.

Hon, BIRCH BAYH.

Chairman, Subcommittee to Investigate Juvenile Delinquency, Committee on the Judiciary, U.S. Senate, Washington, D.C.

Dear Mr. Chairman: This is in further response to your recent letter in which you requested written responses to a series of questions relating to juvenile delinquency.

A. (1) Would you please explain the inconsistencies above, and supply the Subcommittee with an accurate breakdown of fiscal 1972 and, to the extent they are available, 1973 expenditures on juvenile deliquency?

1. Regrettably, a clerical error in the typing of the testimony presented to the Subcommittee resulted in the elimination of one line from the prepared statement and the transposition of dollar amounts and percentages in conjunction with the various categories of juvenile delinquency programs. The first paragraph on page three of my statement should read as follows:

"During fiscal 1972, LEAA awarded nearly \$140 million in a wide-ranging juvenile delinquency program. More than \$21 million, or 15 percent, was for prevention; nearly \$16 million, or 12 percent, was for diversion; almost \$41 million, or 30 percent, went for rehabilitation; \$33 million or 24 percent, was spent to upgrade resources; \$17 million, or 13 percent, went for drug abuse programs; and \$8 million, or six percent, financed the comprehensive juvenile delinquency component of the High Impact Anti-Crime program." (The italicized portion was dropped from the prepared text.)

No other reconciliation appears necessary except to note that in one set of figures, the amounts were rounded-off (thus, \$40.8 million became \$41 million, etc.), and that the figures provided by Mr. Santarelli in response to your earlier request reflect significantly different categories than those in my testimony:

(2) Would you please supply the Subcommittee with the following:

a. The total of LEAA funds awarded to states for each fiscal year 1969-73:

| a, The for | ai or minin rands anar | acu to states for ea | cu incai jeai 1000-15. |
|------------|------------------------|----------------------|------------------------|
| 1969 | | | \$56, 632, 000 |
| 1970 | | | 260, 536, 000 |
| 1971 | | | 512, 796, 000 |
| | | | |
| 1973 | | | 789, 629, 000 |

b. The amount of those funds spent on juvenile delinquency and the percentage that constitutes of the total for each year.

[Dollar amounts in millions]

| | Total funds | Juvenile delinquency expenditures | Percentage of total |
|------|-------------------|---|------------------------|
| 1969 | \$56.6 | \$3 35 | 6 |
| 1970 | \$56. 6 260. 5 | \$3, 35 32, 5 70, 0 | 1ž |
| 19/1 | 512.7 | 70. ŏ | 14 |
| 1972 | 669, 3 | 140.0 | ŽÍ |
| 1973 | 789.6 . | | |

You testified that 33 percent of juvenile deliquency funds are used for upgrading resources, including construction.

(3) What proportion of the funds are expended specifically for construction? 3. See response to question B. (1) and (2); also page 76 of attachment referenced therein.

Your census of juvenile institutions, included with your testimony, indicates the 70 percent of females held in the institutions, and 28 percent of the males, are held for acts that would not be criminal if they were adults. These juveniles are clearly not a danger to the community, and could more appropriately be treated in community programs. Present institutions could then be adapted to current needs.

(4) In light of this fact, why is it necessary to spend any funds on construction? 4. There are several explanations for the need to spend funds on construction of juvenile facilities.

a. Antiquated institutions must, in some instances, be rennovated or replaced. b. Such construction does not necessarily relate to facilities for incarceration but may include community-based facilities, diagnostic facilities and other structures.

c. The block grant concept places the responsibility for determining needs at the state and local levels of government. To the extent that local priorities and the judgment of local officials dictate, the construction of facilities for juvenile offenders is appropriate.

The State of Massachusetts, for example, has shifted completely from the traditional forms of correctional facilities for juveniles in favor of communitybased programs. This effort is being extensively evaluated and we expect the knowledge gained from the evaluation will significantly influence future deci-

sions by state and local officials regarding juvenile rehabilitation programs, B. Despite persistent requests, I have been unable to obtain a breakdown by

state of LEAA juvenile delinquency block grant expenditures.

(1) Would you please supply the Subcommittee with the following information for each state:

a. The total amount of block grant funds allocated to each state under part C and part E for each fiscal year 1969-73.

b. The total expenditures on juvenile delinquency, by state, of part C and part E block grant funds.

c. The percentage, by state, of part C and part E block grant funds expended on juvenile delingency, i.e., "b" above as a percentage of "a" above.

d. The total block grant expenditures for corrections, by state, for each fiscal year 1969-1973.

e. The total block grant expenditures for juvenile corrections, by state, for each fiscal year 1969-1973.

f. The percentage, by state, of the total block grant corrections allocation which was expended on juvenile corrections, i.e., "e" above as a percentage of "d" above.

g. The percentage, by state, of the total juvenile delinquency block grant expenditures that was used for juvenile corrections, i.e., "e" above as a percentage of "b" above.

(2) How have you defined "corrections" in answering parts "d" through "g" abovet

1. and 2. In Mr. Santarelli's letter of June 19, 1973, in response to your letter of April 19, 1973, he said:

"As you know, 85 percent of LEAA action funds are allocated to the states in block grants. The funds are subsequently utilized by the states or subgranted to local units of government in accordance with the states' comprehensive law efforcement plans. Unlike categorical federal grant programs, therefore, data regarding state subgrants to county and municipal governments for juvenile delinquency programs reside at the state and local levels of governments rather than with LEAA, LEAA's Grants Management Information System, now in the initial stages of operation, will ultimately provide the capability of identifying state subgrants in various program categories based upon information supplied by the state criminal justice planning agencies."

LEAA's response in this matter remains unchanged. However, there are additional problems which preclude the availability of the information you have

requested.

First, because each state makes its own determinations with respect to funding categories, they also maintain program expenditure data in a number of different ways. For example, the State of New York records its funding activity on the basis of 96 different categories. Many of those categories relate to expenditures for juvenile delinquency prevention and control but may be included in activities relating to courts, corrections, and police. Other states maintain data on grant expenditures under other programmatic categories. To date. LEAA has been unable to reduce this information to a single, uniform system where it can be readily retrieved. The Grants Management Information System is gaining this capability.

There is also a problem with achieving a comfortable definition of "juvenile corrections" for purposes of measuring LEAA's involvement in this area. For example, with respect to your question B(2), the definition of "corrections" in the context of juvenile delinquency funding activity has been determined to be

the following:

We define "corrections" to include not only the research, planning and construction of new facilities, but the upgrading of systems, equipment, procedures and physical plans of existing institutions. Additionally, items such as personnel training and staffing fall within this general category: The term we use to denote all these areas is "upgrading resources."

Using this definition above, I would refer you to page 76 of the Law Enforcement Assistance Administration Juvenile Delinquency Project Summaries for Fiscal Year 1972 (see Attachment 1), which includes a listing of programs relating to juvenile corrections as we have defined them for purposes of

identification.

Until such time as the total block grant expenditures by category are supplied to LEAA by the states, we will be unable to supply the type of comprehensive information and data that you have requested.

(3) Are the above answers based on actual expenditures, or on figures submitted in state plans? If the latter, what follow-up is done to insure that the states follow the plans they submit?

3. See answer to B (1) and (2).

A request for deviation from an approved comprehensive plan must be submitted in writing to the appropriate LEAA Regional Office by the State Planning Agency. It is reviewed by the state representatives, fiscal officers and technical assistance specialist (if warranted), the Chief of Operation and/or Deputy Regional Administrator. The final decision rests with the Regional Administrator. If the decision is made to approve the request, a Grant Adjustment Notice is prepared and signed by the Regional Administrator and forwarded to the SPA. Copies of the adjustment are forwarded to the LEAA Washington office. However, if the decision is made not to approve the request, a letter of explanation is prepared, signed by the Regional Administrator and forwarded to the SPA. The SPA and LEAA audit process insures compliance with this procedure.

C. In your testimony and written statement, you omitted descriptions of the prevention programs and the juvenile delinquency component of the High Impact

program.

(1) Would you please supply those descriptions for the Subcommittee?

1. See Attachment No. 2.

D. In your testimony, you cited as an example of LEAA's diversionary programs the statewide Indiana Youth Services Bureau System. I understand that the Indiana Criminal Justice Planning Council has decided not to renew the grants for any of these youth service bureaus when the original two year funding expires.

(1) Is this accurate? If so, how many of these bureaus have located local funding sources?

(2) What is the rationale for discontinuing funding to programs such as these

which have proved their effectiveness?

1, and 2. It is not accurate that these bureaus are being discontinued. To the contrary, there are presently 23 bureaus in operation and two additional ones are expected to be funded in the immediate future. The total funding in support of this system is currently \$1,091,318 with LEAA providing \$773,991. In addition. Indiana has passed a law authorizing the continued funding of this program for another three years.

You also cited the Mississippi Statewide System of Juvenile Probation and

Aftercare Services,

(3) What is the cost of this project?

3. The cost of the above project is \$432,000.

(4) How many staff persons are directly engaged in the supervision of the 3,200 youths per month caseload?

4. There are 50 counselors, four regional supervisors, and 35 secretaries in-

volved on a statewide basis.

(5) Would you supply the Subcommittee with more information on this (Newarkfield) program, including any evaluations or assessments completed. 5. See Attachment No. 3.

E. (1) What evaluation is performed at the Federal, state and local levels to insure that ineffective programs are not refunded?

1. LEAA is placing considerable emphasis on program evaluation.

The responsibility for promoting evaluation of LEAA programs resides in the Office of Inspection and Review. I&R works with other divisions within the agency and with the SPAs through the Regional Offices to promote evaluation activity. Thus there are two kinds of evaluation activity being carried out, one at the national level involving both direct study and technical assistance to the states and another at the state and local level which focuses upon he evaluation of block grant programs and projects.

At the National level, most direct evaluation and technical assistance efforts

are conducted by the National Institute.

(1) The National Institute has primary responsibility for the evaluation component of the Impact Cities Program. Naturally, this is a major evaluation effort. The Impact Program will be evaluated from three perspectives. First, to discover if the overall objective of a five percent and 20 percent reduction of stranger-tostranger street crime and burglary has been achieved after two and five years. This will be done with the aid of three victimization surveys in each of the eight cities to be conducted in late-1972, early 1975 and early 1978. These surveys will provide information on victim rates for these crimes in the base year and for two and five years thereafter. Since the surveys will develop a sample of criminal events that will include both reported and unreported offenses, the data used to determine whether the program's overall objectives have been met will be accurate.

Second, the Impact Program will be evaluated by the eight cities themselves. LEAA has made about one million dollars available to each of the eight cities for planning and evaluation. The cities are responsible for evaluating the programs and projects that they put into effect. In addition to financial aid for this purpose, Institute staff provide extensive technical assistance to the cities.

Finally, the Impact Program has an evaluation component which is called the National Level Evaluation. Principal responsibility for this effort has been contracted to the Mitre Corporaton. Their work has four objectives.

(a) To perform a comparative analysis of the planning and implementa-

tion processes in each Impact City.

(b) To analyze the relative effectiveness of programs and projects in each city in an effort to discover what kinds of activity worked, and how results may have differed from place to place.

(c) To identify those programs and projects which may have wide utility. (d) To develop a comprehensive body of data concerning the Impact Pro-

gram and use it to prepare a complete program history.

(2) The Institute's Technology Transfer Division has developed a program that will gather information on successful criminal justice projects and disseminate it on a nationwide basis. The proposal called the "Exemplary Project" program, will identify, evaluate, and document those ". . . . individual block and discretionary projects which have demonstrated an outstanding degree of success over time and which are suitable for replication elsewhere."

In addition, a project manual will be developed for the criminal justice professional. It will include considerable detail on such matters as budget, staffing, training requirements, potential problems areas, and measures of effectiveness, ideally the detailed project description will present the experience of the particular community in such a way that it provides helpful guidance but does not rule out flexibility and experimentation by a potential imitator.

(3) The Pilot Cities Criminal Justice Program is another leading example of LEAA's efforts in the area of research, demonstration, and evaluation. Administered centrally by the National Institute, the Pilot Cities program was initiated in 1970 as a means of demonstrating the contribution that criminal justice research, planning, and evaluation can make to the operations of a local criminal

justice system.

In addition, the evaluation of the program includes an examination of the social, political and economic characteristics of each community along with an analysis of the manner in which each program is administered. A comparison of these environmental factors in the participating cities will assist in making judgments concerning why the achievement of overall program objectives varies among the cities.

With respect to the evaluation of block grant programs, LEAA, beginning with FY 1973, requires the evaluation of a certain proportion of each state's block grant. We encourage the evaluation of all block subgrants but have established

as a minimum requirement one of the following options:

(a) Evaluate fifteen percent of the total number of subgrants awarded.
(b) Or, evaluate fifteen percent of the total dollar value of subgrants

awarded.

(c) Or, evaluate all subgrants awarded in at least one significant program area.

The SPAs evaluation program each year is presented as a plan which accompanies the submission of their annual comprehensive State Law Enforcement Plan. Since the requirement for evaluation did not appear in our planning guidelines until FY 1973, only block grant projects awarded in this past year were subject to the provision. Thus we have not received and processed all project evaluation reports from the SPAs.

(2) What is the nature of any substantive review of proposed juvenile de-

linquency programs prior to their original funding?

2. LEAA does not perform a substantive review of individual programs prior to funding inasmuch as the emphasis on comprehensive planning and relevance to criminal justice needs, within the framework of the block grant concept, ensures the appropriateness of approved projects.

F. You testified that adequate coordination of juvenile delinquency programs can be achieved through existing mechanisms, such as the Interdepartmental

Council.

(1). What effort has the Council made to insure effective coordination other than the isuance of reports such as the "Analysis of Federal Juvenile Delinquency and Related Youth Development Programs"? Do you consider this effort

adcquate?

1. LEAA does not believe that the efforts of the Interdepartmental Council to date have been adequate. LEAA views the isuance of the reports of the Council as simply the first step in developing a coordinated federal effort in the area of juvenile delinquency prevention and control. Chapter 1 of the Report of the Programs sets forth the objectives of the Council and the initial steps it took to achieve the mandate of section 407 of the Juvenile Delinquency Prevention and Control Act Amendments of 1971. Although many of these objectives have been unfulfilled, there at least has been a recognition of the need for increased efforts and the resources to acomplish the objectives of the Council.

(2) What power and resources does the Council have to insure coordination?

2. Section 407 of the Juvenile Delinquency Prevention and Control Act Amendments of 1971 simply established the Interdepartmental Council and gave it a broad mandate to function as a coordinating body for all Federal juvenile delinquency programs. The Council was given no budget, no staff, and essentially no power to insure coordination. Under this handicap the Council was forced to draw upon any resources made available by the participating agencies. In spite of the lack of its own budget, staff, and any clear grant of authority the Council has managed to begin formulating mechanisms and criteria, which if accepted, could be implemented on an agency-wide basis. Thus, with the acquisition of the necessary resources needed to support the activities of the Council the broad mandate given to it by section 407 could be achieved.

Last year, the Subcommittee heard testimony that the Council was working to develop an integrated application form "which would allow a total youth development and delinquency prevention package to be approved or funded under one grant application."

(3) Has this been done? If not, why not?

3. The lack of resources necessary to implement this proposal has deterred its further implementation on a coordinated federal basis. LEAA would be in a position to assist in the promulgation of such a mechanism if it was developed to the extent it could be shown to be a feasible and workable method of providing Federal Juvenile Delinquency funds to states and local units of government.

The Subcommittee also received testimony that the Council was developing criteria for future Federal planning for juvenile delinquency programs. The Council "Task Force on Management" was also supposed to develop a model management structure for individual Federal delinquency programs and to evaluate existing agency management structures with recommendations for their improvement.

(4) What is the present status of these efforts?

4. The "Task Force on Management" of the Interdepartmental Council has formulated its recommendations to evaluate existing agency management structures and has presented them to the appropriate division of the Executive department for review and comment. The Council expects decisive action to be taken in the near future.

G. In your testimony, you stated that the study of the Juvenile Justice Standards project is in the drafting stage. The third phase of the project is to

be "implementing."

(1) What are the plans for the implementation of the study?

1. Recognizing that implementation must be a major goal of the Juvenile Justice Standards Project, a separate committee has been organized to consider ways to implement the standards. An initial assignment for this committee will be to produce a volume which will not include standards but rather will analyze the problem of trying to change the juvenile system, primarily through examples of states where change has been attempted or actually introduced.

Liaison will be established with the Council of State Governments. Since implementation will depend heavily on state legislatures, interested state legislatures will be involved early in the drafting process. State legislatures or legislative

committees will also be contacted.

Attempts will be made to involve major citizen and industrial organizations,

such as the AFL-CIO and the United Auto Workers.

H. The May 25, 1971, letter of agreement between the Secretary of HEW and the Attorney General gave HEW the responsibility for delinquency prevention and rehabilitation outside the juvenile correction system, and LEAA the responsibility for programs operating inside the system. Last year's extension of the Juvenile Delinquency Prevention and Control Act further clarified this division of responsibility, giving HEW primary responsibility for prevention programs. HEW's prepared statement for the June 27 hearings stated, "Since major support is available from LEAA for juvenile delinquency prevention and treatment programs . . . the DHEW budget for this purpose . . . can be held to \$10 million in 1974."

(1) What is the reason for this change of policy regarding the division of

responsibility between LEAA and HEW?

1. The agreement between DHEW and LEAA with respect to the division of responsibility for inventile delinquency programs has remained basically unchanged from the original exchange of letters in 1971. It would be somewhat inaccurate to infer the holding by DHEW of its budget to \$10 million as an indication that a significant policy change has occurred. Reasons for this decision might be attributable to budgetary priorities and activities as determined by DHEW or OMB. However, LEAA has not been privy to the basis for this policy, and would reluctantly venture any reasons for it.

It is-true that LEAA has significantly entered the prevention field in terms of increased funding activity. However, LEAA has always retained limited authority to fund those programs dealing with the prevention of juveniles from reentering the juvenile justice system, whether or not such funding is based on the traditional correctional system. However, as our juvenile delinquency efforts reflect, LEAA is striving to move away from the traditional notions of institutionalization of juvenile offenders within the correctional system, and towards community-based facilities and rehabilitation centers. This move necessarily involves in many cases the funding of prevention programs outside the

traditional correctional system and may be viewed by some as a departure from the agreement between HEW and LEAA. We do not subscribe to that view. We believe that the authority of LEAA to fund prevention programs involving youths who have come in formal contact with the juvenile justice system at some point prior is not only justifiable but necessary to the objectives of the Federal effort to attack the problem of juvenile delinquency prevention and control in this country. Therefore, LEAA does not view the HEW budget as a reflection of a change of the policy stated in the letters of agreement of 1971.

(2) What coordination has there been with HEW regarding this newly as-

sumed LEAA responsibility for prevention?

2. As mentioned above, LEAA does not believe it has been bequeathed any new responsibilities relating to the funding of juvenile delinquency prevention programs. The distinction drawn between LEAA and HEW involvement and responsibility in the juvenile justice system continues to exist. Coordination has evolved by adherence to the guidelines developed by LEAA and HEW respectively in the administration of their juvenile delinquency funds.

I. (1) What are LEAA's plans to see that these standards (from the report of the National Advisory Commission on Criminal Justice Standards and Goals)

are publicized and regularly updated?

)

1. LEAA has established a permanent staff at its headquarters to work with the states and local governments and assist them in implementing the standards. This staff will also evaluate programs which conform to the standards in an effort to determine their effectiveness in reducing crime. The staff will also gather material and information on implementation efforts of the various states and disseminate the results on a wide basis. Some of the dissemination may be achieved through the National Criminal Justice Reference Service and through the LEAA Newsletter, among other communications methods.

(2) When will the final report, including those sections omitted from the

draft released in January 15, 1973, be available?

2. The Working Papers for the National Conference on Criminal Justice were released on January 15, 1973. No draft report of the Commission has been issued, however, the summary volume of the report is expected to be available in August. The detailed report will be issued in additional separate volumes later this year, as soon as they are printed.

(3) How will LEAA insure that the standards are implemented?

3. LEAA is considering the establishment of an ongoing advisory group of citizens, government leaders, and criminal justice practitioners to advise it on implementation of standards. LEAA does not intend to mandate the standards but should expect each state in its comprehensive plan to discuss how the plan impacts on the standards and, where the standards are not employed by the states, to set out its reasons for not doing so.

J. 1. Can you offer the Subcommittee alternative methods of insuring that LEAA funds commensurate to the size of the problem will be spent at the state and local levels for juvenile delinquency prevention and treatment, and that the funds will be used for effective services, rather than merely for the

maintenance of cristing, archiac institutions and programs?

1. The present block grant funding system which preserves the right of state and local officials to identify priorities through the comprehensive criminal justice planning process, in our view, is the preferred alternative to imposing funding formulas on state and local governments. The present system will be further enhanced by the definition of "comprehensive" contained in the version of the new LEAA authorization recently adopted by both the Senate and the House of Representatives. Under the Omnibus Crime Control and Safe Streets Act, the states are required to develop and adopt comprehensive law enforcement and criminal justice plans as a basis for the expenditure of LEAA funds. The language approved by Congress during consideration of H.R. 8152 defines "comprehensive" to mean:

"... that the plan must be a total and integrated analysis of the problems regarding the law enforcement and criminal justice system within the state. Goals, priorities, and standards must be established in the plan. The plan must address methods, organization and operational performance; physical and human resources necessary to accomplish crime prevention, identification, detection, and apprehension of suspects: adjudication: custodial treatment of suspects and offenders; and institutional and non-institutional rehabilitative

measures."

In addition, the pending amendments to the Act define "law enforcement and criminal justice" to include "... programs relating to the prevention, control, or

reduction of juvenile delinquency or narcotic addiction." Compliance with the provisions of the Act, including the comprehensive planning requirement, will assure that funds commensurate to the size of the problem will be spent at the

state and local levels for juvenile delinquency prevention and treatment.

It should be recalled, morever, that under the current provisions of the Act, approximately \$140 million, or 21 percent of the total LEAA grant funds, were

allocated specifically to juvenile delinquency projects in fiscal year 1972.

2. Would you supply the Subcommittee with examples of instances where the tying of strings to federal grants, particularly in the law enforcement field,

has rendered the programs ineffective?

2. Inasmuch as LEAA has operated since its inception within the framework of the block grant award process which is comparatively free of "strings," the law enforcement field has been free of the type of obstacles referred to in the testimony. The observation referred to the fact that, among the hundreds of separate grant authorizations in the federal government, each has its own particular rules and administrative procedures, as well as differing fiscal and statutory requirements. As a result, state and local governments must cope with a plethora of red tape, which reduces efficiency and local initiative.

You also stated that the lack of matching funds "has sometimes channeled state and local efforts into less worthy projects."

3. "Would you please cite examples?"

3. The above comment refers to the frequently encountered situation wherein, for example, a municipality with a high priority law enforcement need is unable to provide the required matching funds to qualify for federal monies. Another municipality within the same state having a lower priority requirement for federal funds, but which is capable of providing "match." would therefore obtain the federal funds on the basis of the availability of matching funds rather than the highest priority of need.

K. The Department opposed the allocation of juvenile delinquency funds

according to crime rates.

1. In the context of S. 821, what formula would the Department suggest for

fund allocation?

1. The use of any formula for the allocation of juvenile delinquency funds within the context of S. 821 could not be supported by the Department. As was stated in my prepared testimony, there are significant problems with tying the allocation of funds to crime rates. If one were to accept the fact that 50 percent of all crime were committed by juveniles, then one might conclude that 50 percent of all LEAA funds should be directed to juvenile delinquency programs. This is basically a sound conclusion if one recognizes that all LEAA funds impact in varying degrees on the problem of "juvenile delinquency" in this country.

The method of allocating juvenile delinquency funds which best meets the planning and operational needs of the states and local units of government is based on the concept of comprehensive planning and the block grant system. Although juvenile delinquency funding is a priority within LEAA's overall program, it is still the responsibility of the states and local units of government to determine their juvenile delinquency prevention and control needs based on a number of criteria. For example, within the planning process relative populations, high law enforcement activity, existing resources, and recognized crime problems may all be used to determine the percentum of funds which should be directed at juvenile delinquency prevention and control in any given jurisdiction. LEAA has encouraged the states and local units of government to incorporate the approach of "crime specific planning" in determining their needs and goals. Juvenile delinquency expenditures are then projected on the basis of such a planning procedure. Priorities are developed and alternatives are suggested. However, such planning is always mindful of specific criteria incident to the existing criminal justice problems within each jurisdiction.

Where the allocation of block grant funds is determined by the states and localities, LEAA has authority to allocate discretionary funds for juvenile delinquency prevention and control. For the purposes of distributing these funds, LEAA utilizes a set of criteria geared primarily to objectives based on priorities and alternatives which reflect an attack on the problems of juvenile delinquency as they relate to the total crime problem on a national scope basis. Here, federal efforts can be coordinated, demonstration projects funded, and more importantly, the research and development of programs and the dissemination of information developed may be made available to the state and local units of government.

It is through this blend of the block grant system of allocating funds and the use of discretionary funds by LEAA to develop and research new and innovative programs that we believe a comprehensive allocation of funds can be made. It also provides the flexibility which a formula approach cannot provide.

(The following information in response to your questions "L" through "P," which relate to Title II of S. 821, was prepared by the Department of Justice.)
L. 1. In light of this case (Kent), how can the Department argue that a "full-

fledged proceeding" is not constitutionally mandated?

1. In earlier remarks on S. 821 we noted that the proposed S. 5032 "contemplates initiation of criminal prosecution by motion to transfer of the Attorney General in the appropriate district court if such court finds, after hearing, that there are no reasonable prospects for rehabilitating such juvenile before his twenty-first birthday." After noting our support for this concept we stated:

While we do not quarrel with the merit of the end sought to be achieved by this process, we note that such a hearing could well amount to a full-fledged proceeding closely resembling a trial, since the juvenile will be represented by counsel and would most probably challenge each of the listed factors: nature of the alleged offense, extent of the juvenile's prior delinquency record, juvenile's present mental condition, and the juvenile's response or lack of response to previous treatment efforts.

As indicated above, the Department was not arguing that a "full-fledged proceeding" is not constitutionally mandated, but merely called attention to probable complications which should be considered in providing for such a hearing.

These complications do not exist in the current Act. There is, furthermore, good authority that a waiver hearing is not required under the current Act. In Cox v. United States, 473 F.2d 334 (4th Cir. 1973) the United States Court of Appeals for the Fourth Circuit, sitting en banc, to vacate a decision by a division of that court which, relying on Kemplen v. Maryland, 428 F.2d 169 (4th Cir., 1970), had held that "a juvenile in federal proceedings should be entitled to the same procedural safe-guards which attach to waiver proceedings in state courts." This holding erroneously assumed that the federal and state juvenile proceedings must be equal, or that they deal with equal rights. The present Section 5032 of Title 18 does not provide for a waiver hearing. When the present Federal Juvenile Delinquency Act was signed into law it provided:

Whenever any juvenile is charged with the commission of any offense against the laws of the United States, other than offense purishable by death or life imprisonment, and such juvenile is not surrendered to the authorities of any state. . ., he shall be prosecuted as a juvenile delinquent if the Attorney General in his discretion so directs and the accused consents to such procedure. In such event such person shall be prosecuted by information on the charge of juvenile delinquency, and no proecution shall be instituted for the specific offense alleged to have been committed by him. (Emphasis supplied.) 52 Stat. 764 (1938),

18 U.S.C.A. 922 (Supp. 1938.) It is clear that the "right" to be proceeded against as a juvenile existed only if: (1) the juvenile was a person seventeen years of age or under, (2) not surrendered to state authorities. (3) not charged with the commission of an offense punishable by death or life imprisonment, (4) the Attorney General in his discretion had so directed and (5) the juvenile consented to such proceeding. The accused's counsel could not by motion compel the Attorney General to "so direct." Barnes v. Pescor, 68 F. Supp. 127 (W.D. Mo. 1946). The language of the statute as enacted carries forward without change the intent expressed in the Attorney General's letters to Congress, by providing a procedure against selected offenders as juvenile delinquents.

During the 1948 revision of Title 18, the language of former 18 U.S.C. 922 was changed slightly and codified as 18 U.S.C. 5032:

A juvenile alleged to have committed one or more acts in violation of a law of the United States not punishable by death or life imprisonment, and not surrendered to the authorities of a state, shall be proceeded against as a juvenile delinquent if he consents to such procedure, unless the Attorney General, in his discretion, has expressly directed otherwise.

Note that all of the conditions required to confer a "right" to be proceeded against as a juvenile, as enumerated in the original legislation, still must be found. The change from the former language of "if the Attorney General in his discretion so directs" to the current language of "unless the Attorney General, in

his discretion, has specifically directed otherwise" in no way reduces the Attorney General's discretion.

The panel's reliance, in Cox, on Kemplen v. Maryland, 428 F.2d 169 (4th Cir. 1970); Kent v. United States, 383 U.S. 541 (1966); and In re Gault, 387 U.S. 1 (1967), was misplaced. In Kent the Supreme Court found that the juvenile was by statute entitled to certain procedures and benefits as a consequence of his statutory right to the "exclusive" jurisdiction of the Juvenile Court (of the District of Columbia).

No such right is conferred on federal juveniles under the current Act. The Fourth Circuit, en bane, recognized that the Attorney General may decide to charge a juvenile with juvenile delinquency, or with the substantive transgression of the law, and that "this is a prosecutorial decision beyond the reach of the due process rights of counsel and a hearing." Cox, supra at p. 335. See also United States v. Bland 472 F.2d 1329 (D.C. Cir. 1972), and the line of cases there cited, holding that the courts are without power to overrule the exercise of the Attorney General's direction under the present Act. The Department has always carefully scrutinized these cases, and adult prosecution is directed only in aggravated cases.

Our comment, in a nut-shell, was intended only to call to the committee's attention the difficulties inherent in a hearing of the type here contemplated. The standard for criminal prosecution contemplated by the new Section 5032—"if such court finds, after hearing, that there are no reasonable prospects for rehabilitating such juvenile before his twenty-first birthday"—will undoubtedly create the same difficulties now experienced by the District Courts in sentencing under the Youth Corrections Act, 18 U.S.C. 5005, ct seq. Sec United States v. Waters, 437 F.2d 722 (D.C. Cir. 1970), United States v. Ward, 454 F.2d 992 (D.C. Cir. 1971), and the line of cases interpreting those decisions, culminating in United States v. Tillman, No. 71–1352 (D.C. Cir. June 6, 1973).

M. 1. To which specific part of the legislative history were you referring in your testimony?

1. In an address by Alexander Holtzoff, then Special Assistant to the Attorney General, on the Purposes and Constitutionality of the Juvenile Deliquency Act, published in the Congressional Record on July 17, 1939 (at Mr. Celler's request as an extension of his remarks in the Record). Judge Holtzoff explained that the Act, which was drafted in the Department of Justice, provided for a waiver of the juvenile's right to indictment and jury trial by requiring him to consent to juvenile proceedings. We have attached a copy for your inspection. (Attachment 4).

While the Senate Report (S. Rep. No. 1989, 75th Cong., 3rd Sess. (1938)) does not specifically mention the right to indictment by grand jury, the report, at page 2 of the letter from the Attorney General, does explain the need for the juvenile's consent to waive the constitutional right to a trial by jury. The same language is contained in the House Report (H.R. Rep. No. 2617, 75th Cong., 3rd Sess. (1938)).

2. Since juvenile proceedings are only considered quasi-criminal, and since juvenile facilities are not generally considered equivalent to penitentiaries, why does the Department believe a juvenile has a right to a grand jury indictment?

2. As indicated in the above discussion, it was apparently the consensus at the time the current Act was signed into law that a juvenile had a right to grand jury indictment and trial by jury which must be walved before a juvenile proceeding could be initiated. See also United States v. James. 464 F.2d 1228 (9th Cir. 1972) wherein the court seems to assume that a juvenile consenting to an FJDA proceeding must be fully informed of, and must expressly waive, his right to prosecution by indictment, to trial thereupon by jury, and of the consequences of his consent. See further Cotton v. United States, 446 F.2d 107 (1971), wherein the court found an intelligent waiver of the right to a jury.

The Department is not prepared to take the position that a juvenile has a constitutional right to a grand jury indictment prior to the institution of juvenile proceedings. Our earlier remarks were intended only to point out the possibility of constitutional challenge on this point.

We recognize that other recent cases, such as *In rc J. T., Jr.* (D.C. Ct. App., May 12, 1972) have interpreted Justice Blackmun's observation in *McKeiver v. Pennsylvania*, 403 U.S. 528 (1971) that the invenile proceeding has not yet been held to be a criminal trial, and have accordingly held that a invenile proceeding is not a criminal prosecution and that it follows that no right to a jury trial exists.

Harrin v. United States, 445 F.2d 675 (D.C. Cir. 1971) holds that a misdemeanant may be proceeded against on an information rather than by indictment.

As you point out, the majority rests its conclusion on alternative grounds: First, an infamous crime is determined by its statutory sentence, an indication of its seriousness. Second, the Youth Corrections Act does not permit sentencing to a penitentiary. The first of the holdings is insufficient in the case of a juvenile who is to be charged with an undeniably infamous crime, e.g., arson or bank robbery, which is punishable by statute for considerably more than the six month imprisonment authorized by the relevant statute in *Harvin*. As to the second

holding, the split was 6-4.

It has been the longstanding policy of the Bureau of Prisons to designate institutions which have been set aside for the treatment of young offenders for the initial confinement of committed youth offenders under 18 U.S.C. 5010. Such youth offenders are not placed directly into adult institutions or penitentiaries. However, because of their sophistication, aggressive behavior, or serious adjustment difficulties in younger or less secure institutions, it has been necesary to transfer a very small number of youth offenders to penitentiaries. Since it is done in only exceptional cases when it is necessary for the safekeeping of the individual or the safety of those around him, we believe it is essential to retain the authority to place young offenders in our most secure institutions. Keeping such a sophisticated or aggressive offender in a youthful environment can disrupt and endanger the entire institution, to the detriment of all the other young persons who properly classify for the environment and who benefit from the intensive treatment programs available there.

We recognize that there is some legal authority contrary to our position of placing selected youth offenders in penitentiaries. See the discussion in *Harvin v. United States*, 445 F.2d 675 (C.A. D.C., 1971) for arguments both pro and con. In addition to the arguments and cases discussed there, we rely on the following to support the transfer of youth offenders into adult institutions: *Robinson v. United States*, No. 72-1140, C.A. 10, March 9, 1973; Somenberg v. Markley, 289 F.2d 126 (C.A. 7, 1961); Coats v. Markley, 200 F. Supp. 686 (S.D. Ind., 1962).

We contend that the statutory authority of 18 U.S.C. 4082 and 5015 is broad enough to authorize transfer of a young offender to any appropriate institution. We disagree of course with Judge Fahy's analysis in *Harrin* that Section 5015 contemplates transfer only to a facility set aside for youth treatment under

Section 5011.

N.1. S. 821 gives a juvenile a statutory right to be proceeded against as a juvenile. Assuming for the purpose of this question that a juvenile has a right to an indictment by a grand jury, why does the Department believe it would be constitutionally permissible to condition the exercise of the right to juvenile proceedings on a waiver of the right to a grand jury indictment?

1. The only appellate case which has considered this question, Cotton v. United

States, 446 F.2d 107 (1971) held:

The federal statute, S. 5033, does not impair any right to a jury trial. It affords

a juvenile an opportunity to choose his forum.

Furthermore, as indicated above, the juvenile has no statutory *right* to be proceeded against as a juvenile under the current Act. The proposed legislation would go further than conditioning the exercise of his *right*, it would deprive him of the right to indictment and jury trial be now enjoys.

2. How does the Department distinguish juvenile proceedings in D.C. Courts,

where consent is not required?

2. The District of Columbia Court of Appeals has held that consent is not required because a juvenile proceeding is not a criminal prosecution. This holding is consistent with *In re J. T., Jr., supra*.

O.1. Why does the Department believe that information that a person, while a juvenile, was held by a court not to have committed a criminal act, would be useful for any purpose, including those specified in Section 5039(a)? If so, for what purpose?

1. The Department feels that the protections afforded the juvenile under the proposed Section 5039(a) are sufficient. We oppose expungement because, for reasons independent of the merits, such as non-appearance of witnesses or suppression of evidence, the court may not have entered an adjudication of delinquency. This information would, of course, be useful for all of the circumstances enumerated under subsection (a) above.

P.1. Why does the Department believe that district courts would find it particularly difficult to adjust their calendars to accommodate such a small number

of cases?

1. We defer to the judgment of the Administrative Office of the United States Courts on this question.

Q. 1. Why did the census (of juvenile institutions) exclude private and Federal

institutions?

1. The Juvenile Detention and Correctional Facility Census 1971 did not include federal institutions because Section 515 of the 1968 Safe Streets Act was interpreted as precluding LEAA from becoming involved with agencies of the federal criminal justice system.

Private facilities were excluded because most did not service adjudicated delinquents. Public facilities which were purely juvenile shelters were-not in-

cluded in the census either.

- R. In the conclusion to your prepared statement, you said, "LEAA is working to pull together existing resources to reduce juvenile delinquency and crime in the nation.
- 1. In order that the Subcommittee might evaluate this effort, would you please supply the Subcommittee with the number of projects LEAA is jointly funding with each of the following:

a. HUD/Model Citiesb. YDDPA

- c. HEW other than YDDPA

d. private industry

e. national youth organizations

1. The reduction of crime and delinquency through prevention, detection, apprehension and rehabilitation, is the primary objective of LEAA. In developing the comprehensive plan for addressing crime which each state must individually prepare, LEAA has insisted that all components of the crime problem, juvenile delinquency included, must be treated jointly and severally. The degree to which juvenile delinquency contributes to crime within a particular state determines the priority of funding which it will receive. It should be noted that the vast majority of LEAA funds are distributed by the states on the basis of their comprehensive plans.

The states have been advised to be aware of other resources available for combatting juvenile delinquency, offender rehabilitation ancillary crime problems when developing the comprehensive plans. The Comprehensive Offender Program Effort (COPE) is an example of how total resources can be brought to bear upon a particular problem. The Departments of HEW, Labor and Justice combined efforts and requested each state to develop a resource assessment and plans have just been received and reviewed. To identify specific projects which may have been jointly funded by the states (with LEAA block grant funds) and federal agencies would require extensive polling of the 55 states and jurisdictions.

2. Has LEAA prepared, and does it disseminate to its grantees and other organizations, compilations of all available resources for youth programs including private, state and local funding sources?

2. LEAA participates in federal projects which survey federally funded youth programs. It does not conduct an independent compilation of youth program re-

source data.

S. In your prepared testimony, you argued that the services to be performed by the National Institute for Juvenile Justice are already being performed by the National Criminal Justice Information and Statistics Service, the National Criminal Justice Reference Service, and the National Institute of Law Enforcement and Criminal Justice.

1. Are all these services presently operative?

2. What proportion of the work of these services is specifically devoted to juvenile delinquency?

3. What specifically is available from each service?

What types of statistics related to juvenile delinquency are available from the Information and Statistics Service?

1, 2, 3, and 4, National Criminal Justice Information and Statistics Service. NCJISS is functioning and collecting data. It has a total program of correctional statistics whose aim is to collect data on U.S. correctional facilities, adult and juvenile, and the individuals incarcerated in them. In addition, the NCJISS Crime Panel looks at juvenile offenders and juvenile victims and collects data on both.

Less than one percent of the NCJISS budget is earmarked specifically for juveile justice. However, 57 percent of the statistical budget (\$18 million in FY 73) is relevant to juvenile problems.

Data currently available from the Juvenile Detention and Correctional Fa-

cility Census 1971 include:

1. number of children held by sex and offense 2. number and type of admissions and releases

3. average length of stay

4. employment—number and type of employees

- 5. expenditures—amount spent on operating activities and on capital expenditures
- 6. type of counseling, educational, medical and recreational services available
 - 7. number of facilities by type

8. capacities of existing facilities

9. actual occupancy of existing facilities, i.e., how many are overcrowded

10. age of existing physical plan or facilities

A program currently in the developmental stage is the Juvenile Offender Based Transaction System. This national system would identify a youth at apprehension and would follow him through disposition. Some problems with such a system are being invesigated, especially the issues of security and privacy which would arise with the creation of such criminal records of juveniles.

National Institute of Law Enforcement and Criminal Justice

The National Institute was established in 1969, with the responsibility for encouraging research and development to improve and strengthen law enforcement,

The Institute conducts its research, development, test and evaluation programs through in-house research and through grants, contracts, fellowships, and demonstrates.

stration projects.

With a total budget of \$31 million for FY 1973, over \$4 million is allocable for research on juveniles. Examples include a national assessment of juvenile corrections, a project to develop standards for the juvenile justice system, and an evaluation of alternatives to incarceration for juveniles. Evaluation of the programs of the Pilot and Impact cities, including the juvenile justice components, is funded through the National Institute.

In addition, research in more general areas, such as drug use and abuse and crime prevention, also involve an investigation of the role of juveniles in the

criminal justice system.

National Criminal Justice Reference Service

The National Criminal Justice Reference Service was established in 1972 to provide information support to the nation's law enforcement and criminal justice community. It is organized as a broad-based collection of data covering all aspects of law enforcement and criminal justice to include LEAA research and development and action grant project reports and studies. The data base also includes publications, books, tape libraries, and other documentation materials from a wide variety of government and non-government sources. NCJRS maintains information exchange with other reference and documentation information services.

There are currently 12,000 users of the NCJRS; this number is expected to ,

increase to 20,000 by next May.

The NCJRS has more than 700 volumes on juveniles and the juvenile justice system in its collection. They provide references on a wide variety of topics, such as juvenile delinquency causes and prevention, juvenile courts, juvenile probation and parole, juvenile institutions, juvenile community-based corrections, juvenile diversion, and youth service bureaus.

In addition, the NCJRS has disseminated more than 10,000 publications specifically on juveniles through its Referral Service and its Selective Notification

of Information program (SNI).

The Referral Service provides information in response to specific requests. Information searches, conducted by experts in the field of corrections, police, and courts, provide data in the form of citations, referrals to other agencies, bibliographies, annotations and documents.

SNI distributes abstracts describing new research and literature for users who have indicated specific areas of interest. A user can indicate any of 64

different topics of interest on which he would like to receive the latest literature. Abstracts are distributed every two weeks.

The opportunity to provide the above additional information for the record of the Subcommittee hearings is appreciated.

Sincerely,

RICHARD W. VELDE. Associate Administrator.

[Attachments.]

)

Note: The following attachments to "Exhibit No. 18" may be found in the files of the Subcommittee:

1. "Law Enforcement Assistant Administration Juvenile Delinquency Project Summaries for Fiscal Year 1972;

2. Component breakdown of High Impact Cities Program:

3. Description of Newarkfields project; and, 4. "The Purposes and Constitutionality of the Juvenile Delinquency Act," Alexander Holtzoff.

Ехнівіт No. 14

JULY 25, 1973.

Mr. RICHARD VELDE

Associate Administrator, Law Enforcement Assistance Administration, Department of Justice, Washington, D.C.

DEAR MR. VELDE: Thank you for your reply to our questions submitted for inclusion in the record of your June 27 testimony before the Subcommittee. The Subcommittee, however, would appreciate clarification of three of your responses before the record is printed.

First, in response to question A(2) (b), you list the total juvenile delinquency expenditures of LEAA funds for fiscal 1971 as \$70 million, or 14% of the total expenditure of \$512.7 million. This figure coincides with the \$70 million figure appearing in the statement prepared for your testimony of June 27, which was delayed. In your testimony of June 27, you listed the 1971 expenditure as

\$100 million, or 19.5% of the total expenditure.

Second, you list the total 1972 juvenile delinquency expenditures as \$140 million, while the breakdown of figures in question A(1), even allowing for rounding off, totals less than \$137 million. Would you please correct these

discrepancies for the Subcommittee?

Third, in response to our request in question B(1) for a breakdown, by state, of block grant expenditures on juvenile delinquency, you stated that this data was available only at the state level, and that the varying categorization of expenditures by states made such data difficult to collect. The Subcommittee would appreciate this data when it becomes available through the Grants Management Information System. In the interim, the Subcommittee would appreciate your suplying us with data similar to that supplied by Dr. Ruby Yaryan in her March 14, 1972 letter: a breakdown, by state, of the amount and percentage of Part C block grant funds designated for juvenile deliquency programs. We would also appreciate similar statistics for Part E block grant funds designated for juvenile delinquency programs, Part C and E block grant funds designated for corrections, and Part C and E block grant funds designated for juvenile corrections—in other words, the requests in question B(1) in terms of designated. rather than expended, funds.

Sincerely,

BIRCH BAYH. Chairman.

EXHIBIT No. 15

U.S. DEPARTMENT OF JUSTICE, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION. Washington, D.C., August 17, 1973.

HON, BIRCH BAYH, Chairman, Senate Subcommittee to Investigate Juvenile Delinquency. U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for clarification of several of my responses before the Subcommittee and in my prepared testimony presented on June 27.

First, with respect to the discrepancy between the figure of \$70 million and \$100 million for FY 1971, it should be noted that the \$70 million figure as stated

in my letter of July 23 was inaccurate to the extent that it reflected only the expenditure of Part C action funds by the states. An additional \$30 million should be added to that figure to include those expenditures for Part C and Part E corrections funds, Institute funds, and other discretionary funds. As I stated in my oral testimony on June 27 and in my prepared statement, total LEAA funding for

juvenile delinquency in FY 1971 was \$100 million.

Second, the \$140 million figure for total 1972 juvenile delinquency expenditures includes some expenditures which have not been categorized or broken out for purposes of program identification such as "diversion," "prevention," and so forth. The remaining \$3 million that has been included in the \$140 million figure consists primarily of those program expenditures which either overlap or are tangential to the specific categories used for the other figures. These were expenditures which were identifiable to LEAA's juvenile delinquency programs in general, but were such that they did not justifiably fit into one specific category or the other. Thus, for purposes of reconciling the additional \$3 million expenditure with the total percentages, the individual percentums assigned to each category listed must be reduced accordingly to reflect the recognition of an added category of \$3 million.

Finally, your request for designated funds for various programs administered by the states and local governments in a form similiar to information supplied to the Subcommittee on a previous occasion cannot be answered at this time. The data supplied to the Subcommittee in March of last year was prepared for the Interdepartmental Council and with the recognition that there was no permanent or alternative system for compiling such data. However, as you have noted, we are now close to gaining this capability from the Grants Management Information System. As soon as the information you have requested is available it will be

provided promptly to the Subcommittee.

Sincerely,

RICHARD W. VELDE.

Deputy Administrator for Policy Development.

Senator BAYH. The next witness that we have is Stanley B. Thomas, Acting Assistant Secretary for Human Development, Department of Health. Education, and Welfare.

Mr. Thomas.

STATEMENT OF STANLEY B. THOMAS, ACTING ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, ACCOMPANIED BY ROBERT FOSTER, DEPUTY COMMISSIONER, OFFICE OF YOUTH DEVELOPMENT, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, AND WILLIAM SHERIDAN, ASSISTANT TO THE COMMISSIONER FOR LEGISLATION

Mr. Thomas. Mr. Chairman.

Senator BAYH. It's good to have you with us.

Mr. Thomas. It is a pleasure to be here, sir.

Mr. Chairman, I can only say that I am delighted to be here, the activities of the committee in the problems of juvenile delinquency have been of great interest and I express an appreciation on the part of the Department. In the interest of time, I would welcome an opportunity if agreeable, to move right into questions and answers.

Senator BAYH. Fine. Would you care to identify your two asso-

ciates for the record, please?

Mr. THOMAS. Mr. Robert Foster, who is Deputy Commissioner of the Office of Youth Development and Mr. Bill Sheridan who is in charge of legislation in O.Y.D.

Senator Bayn. I am glad to have both of you gentlemen here. The staff has looked at your testimony in some detail regarding the number

of youth services systems that are operative. Could you tell us specifically how many youth service systems were funded for fiscal 1971?

Mr. Thomas. The number of those, Mr. Chairman, were 20.

Senator Bayn. Fiscal 1971 was 20; how many in fiscal 1972?

Mr. Тномля. 26.

Senator BAYH, And 1973?

Mr. Thomas. We funded an additional 60, but I would defer to my

colleague, Mr. Foster.

Mr. FOSTER. Yes, sir, that included the re-funding of the 12 prior systems that came up for funding this year. That included the changes in legislation that were authorized so that now all we-fund is the youth service system. The 60 would represent in many States, the State reservation of \$100,000. It also represents the eight impact cities at a quarter of a million dollars of our funding and the refunding of the previous system that came up at approximately \$200,000 each.

Senator BAYH. I would like the staff to have a chance to sit down with you and iron this out. I want the record to be accurate and I fear that we're talking about different things—I am talking about apples and you are talking about bananas. I don't want to be unnecessarily harsh and accuse you, but could you make all these figures total up? You are talking about 60 new youth service systems. Are those youth service systems in the same sense that the original 20 and 26 were?

Mr. Foster. No, sir, they were not.

Senator Bayh. The whole movement, the whole new idea was to move to a total youth service system as a multi-component, comprehensive plan. If we limit the question to fiscal 1973, what would be the number?

Mr. Foster. As of June 30 of this year?

Senator Bayn. In fiscal 1973, how many did you fund? If you had 20 in 4971, 26 in 1972 and if you exclude other places where you said you spent money, now many youth services have you funded in 1973?

Mr. Foster. If you define or deduct the State reservations of the

\$100,000 ?

Senator Bayh. The State reservation is not used for a youth service system?

Mr. Thomas. Yes. it is, Mr. Chairman.

Mr. Foster. Yes, it is.

Mr. Thomas. In other words, \$100,000 per State is given to that state as an element in that State to develop and operate a youth service system.

Senator Bayn. Once again, in 1971 you had 20 youth service systems?

Mr. Thomas, Yes, sir.

Senator BAYH. In 1972 you had 26?

Mr. Thomas. Yes, sir.

Senator Bayn. How many of that same type of youth service systems did you fund in fiscal 1973?

Mr. Thomas. In 1973 there were 12 prior systems re-funded; in addition there were 8 major new systems developed in the 8 impact cities. That would give approximately 20 that were re-funded this fiscal year. They were re-funded or developed in this fiscal year at approximately \$250,000 per youth service system.

Senator BAYH. So then how many were operative? You had 20 in 1971, 26 in 1972, and 12 of that group were re-funded, is that correct?

Mr. Foster. That is right.

Mr. Thomas. Yes, sir.

Senator BAYH. Then you had eight new systems?

Mr. Foster. Right.

Senator Bayn. At \$250,000 per system?

Mr. Foster. Right.

Senator BAYH. Then in 1973 there were only 20 youth services operable of that original kind?

Mr. Foster. Excuse me, 20?

Senator Bayn. Yes.

Mr. Foster. There are about 25 that are operating. The others are in various stages of development based on the time of the year the funding was done. We are just completing the funding on the eight impact cities. The others are operating now or were funded late last fiscal year and would be added to the list of the 12 and 20.

Mr. Thomas. Mr. Chairman, perhaps we could have the staff prepare for the record a specific listing of those youth service systems that were begun in 1971, continued in 1972 and were perpetuated in 1973

and fully funded in 1973 for the record.

Senator Bayn, Mr. Thomas, you don't need to accept any responsibility for this, but there once was an agency, the YDDPA—Mr. Gemignani was in charge of that shop—and he and I had several interesting colloquies here. I think the last conversation I had with Mr. Gemignani was when he was in the process of being—well, let's say YDDPA was in the process of being relegated to extinction. Was that the reason—the reason you shouldn't be critical of the distinction of YDDPA centers? We have come up with a new formula—the youth services systems that were designed to deal with the same kind of problems with which YDDPA dealt, but in a more comprehensive manner and a greater organized fashion, devoting more resources to the area of juvenile problems. That is why I am concerned to see if there has been any real movement in this area. That is why I keep coming back to this same old question.

Twenty in 1971, 26 in 1972, and 12 plus 8 equals 20 in 1973. Where am I missing the boat? Are there any other youth service programs operative? How many young people are involved in the youth service

systems, are we now actually getting services of this kind?

Mr. Foster. If you exclude the State reservations. Senator BAYH. How many States does that involve?

Mr. Foster. That would be all States at \$100,000 per State plus a reservation for the Virgin Islands and the Territories of the Pacific at \$25,000.

Senator BAYH. What is done with the State reservation?

Mr. Foster. We have used the State reservation in developing programs in those areas that are under the same guidelines as the guidelines for the youth service system. They cannot be as comprehensive because we don't have enough funds to have built in the kinds of services that are lacking in those communities.

Senator BAYH. Isn't it fair to say that this \$100,000 per State is designed to get the States involved in planning? After all, \$100,000 for operating the youth service system in an entire State is not very much.

Mr. Thomas. No. sir.

Senator BAYH. If each State has \$100,000, you can't say that is operational money, can you?

Mr. Thomas. No, Mr. Chairman, you cannot, and one of the concerns we have about the present statute is the fact that the requirement for the \$100,000 earmarking. We believe that demonstrating the efficacy of the youth systems requires a concentration in a particular area. So as I say, as we look at the statute in the coming year, we will be concerned with that particular question.

Senator Bayh. In other words, this \$100,000 is just to get the pro-

gram started.

Mr. Thomas. We're certainly not sure of that, at least based on the preliminary impression. We would like to look at that particular question and determine if there should be any potential revision in this statute as to whether or not we should look at this and place it in a more specific area, that \$100,000 earmarking.

Senator Bayn. That is your honest appraisal, and I appreciate

that.

Let's go back to where I interrupted you. We characterized the 50-plus programs as something other than really functioning youth service programs since they are the type of which 20 were funded in 1971 and 26 in 1972.

Mr. Thomas. There are some in the States' earmarkings of the \$100,000 that are operable, but as to the preponderance and the num-

ber of them, I would like to have Mr. Foster speak on that.

Mr. Foster. Yes, I think, as to the \$100,000 in the State of Nevada, we have a system, but it is a system for runaways. It consists of diverting every single runaway from the juvenile justice system to a community-based program. It has linkages to runaways' families and to community agencies and continued counseling services or it has linkages through Traveler's Aid that have been contracted with and self-help groups back in their home communities.

Senator Bayn. That is one out of 50, and they have a Governor in

Nevada who is very interested in this kind of program.

Mr. Foster. This helps.

Senator BAYH. It certainly does.

Mr. Thomas. Mr. Chairman, if I may, I think your questions might get right to the heart of the youth service system concept. What we're trying to do is demonstrate that in this kind of a system one provides or could provide substantial services to those young people in danger

of becoming delinquents.

After we have sufficient information, we will be in a position to go to the Governors and mayors and executives of general purpose governments and say to them, we have found that this system is the most judicious way to use resources, help prevent the problem of delinquency. That is why we're paying attention, particular attention, to those systems that we have developed. We're concerned about evaluating their efficacy and we believe by the end of the fiscal year we will be in a strong position to determine whether those processes work. Our preliminary data suggest that in some instances the system works very effectively. As my testimony noted, in the San Antonio, Tex. area, where we developed a youth services system, the decline has been fairly substantial, over 40 some odd percent. On the other hand, to be perfectly candid, the decline in the delinquency rate, say in other places, is only 3 percent. What we're attempting to do is to determine why certain systems work better than others and therefore devise a package that will say to the Governors and Mayors you have a system, and you can approximate this, you may be in a position to help

prevent delinquency.

I think another important element is our interest in the diversion of young people away from the juvenile justice system, as you mentioned. The recidivism rate is fairly high. We are most interested in diverting particularly those involved in status offenses away from that system with the knowledge that there are appropriate services in the community to resolve the problem of the youngster before he gets into the criminal justice system.

Senator BAYH. Did we ever get a total of how many youth services

Mr. Thomas. We will total the youth services system from 1971, 1972, and 1973 with the original funding and the renewal funding for the record.

Senator BAYH. You can't do that now? All right then, submit it for the record.

[Materials subsequently submitted for the record are as follows:]

Stages of systems implementation:

| Number of YSS's-in initial stages | ¹ 63 |
|--|-----------------|
| Number of YSS's beginning to serve youth | * 5 |
| Number of YSS's in full operation | |
| - - | |

See listing A.
 See listing B.
 See listing C.

A-Number of YSS's in initial stages, 63.

Washington, D.C. (2) Newark, N.J. Pittsburgh, Pa. Opelika, Ala. Selma, Ala. Paterson, N.J. Fairbanks, Alaska Ketchikan, Alaska San Carlos, Ariz. Little Rock, Ark. San Francisco, Calif. Ventura, Calif. New London, Conn. Wilmington, Del. Tallahassee, Fla. Atlanta, Ga. Agana, Guam Hilo, Hawaii Honolulu, Hawaii Coeur d'Alene, Idaho Lewistown, Idaho Lapwai, Idaho Maywood, Ill. Indianapolis, Ind. Des Moines, Iowa Somerset, Ky. New Orleans, La. Saipan, Mariana Islands Baltimore, Md. Boston, Mass Ann Arbor, Mich.

Duluth, Minn. Gulfport, Miss. St. Louis, Mo. Omaha, Nebr. Lincoln, Nebr. Carson City, Nev. Elizabeth, N.J. Albuquerque, N.M. New York, N.Y. Winston-Salem, N.C. Bismarck, N. Dak. Cleveland, Ohio Portland, Oreg. Harrisburg, Pa. Santurce, P.R. Pago Pago, American Samoa Columbia, S.C. Pierre, S. Dak. Memphis, Tenn. San Angelo, Tex. Dallas, Tex. San Antonio, Tex. Middlebury, Vt. Burlington, Vt. Norfolk, Va. Lynchburg, Va. St. Thomas, V.I. Seattle, Wash. Seattle, Wash. Charleston, W. Va. Milwaukee, Wis.

95

| B—Number of YSS's beginning to se | erve youth, 5. | |
|---|--|--------|
| Denver, Colo. Chicago, Ill. Detroit, Mich. | Salt Lake City, Utah Phoenix, Ariz. | |
| C—Number of YSS's fully operation | nal. 27. | |
| Tucson, Ariz. | Providence, R.I. | |
| Los Angeles, Calif. | Nashville, Tenn. | |
| Santa Ana, Calif. | San Antonio, Tex. | |
| Boise, Idaho | Anchorage, Alaska | |
| Berwyn, Ill. | Sacramento, Calif. | |
| South Bend, Ind. | Louisville, Ky. | |
| Lansing, Mich. | Portsmouth, N.H. | |
| St. Paul, Minn. | Manchester, N.H. | |
| Kansas City, Mo. (2) | Syracuse, N.Y. | |
| Helena, Mont. | Oklahoma City, Okla. Las Vegas, Nev. | |
| Trenton, N.J. Brooklyn, N.Y. | Kansas (Garden City & Kansas Cit | f 10 1 |
| Philadelphia, Pa. | Ransas (Garden Oit) & Ransas Cit | (3) |
| OFFICE OF YO | UTH DEVELOPMENT | |
| Youth Services Systems funded: | | |
| | l in fiscal year 1971 | 1 23 |
| | in fiscal year 1972 | ³ 14 |
| | l year 1973 including renewals from | * 82 |
| | | |
| | _ | 119 |
| Total YSS's funded less 21 ren Boston, New Bedford, Mass., | newals and 3 discounted projects in & Miami, Fla.* | 24 |
| Total unduplicated YSS's funde | ed | 95 |
| 1 See listing A. | | |
| ² See listing B. ³ See listing C. | | |
| *These 3 projects failed to develop coord | linated Youth Services Systems. | |
| A-Number of YSS's initially funded | l in fiscal year 1971, 23.1 | |
| Tucson, Ariz. | Trenton, N.J. | |
| Los Angeles, Calif. | New York, N.Y. | |
| Santa Ana, Calif. | Philadelphiā, Pa. | |
| Boise, Idaho | Providence, R.I. | |
| Berwyn, Ill. | Nashville, Tenn. | |
| South Bend, Ind. | San Antonio, Tex. | |
| Lansing, Mich. | Denver, Colo. | |
| St. Paul, Minn. Kansas City, Mo. | Miami, Fla. Chicago, Ill. | |
| Helena, Mont. | New Bedford, Mass. | |
| Pittsburgh, Pa. | Boston, Mass. | |
| Newark, N.J. | = vacon, nauss. | |
| B-Number of YSS's initially funded | l in fiscal year 1972, 14 * | |
| Anchorage, Alaska | Portsmouth, N.H. | |
| Sacramento, Calif. | Manchester, N.H. | |
| Washington, D.C. | Paterson, N.J. | |
| Garden City, Kans. | Syracuse, N.Y. | |
| Kansas City, Kans. | Oklahoma City, Okla. | |
| Louisville, Ky. | Salt Lake City, Utah | |
| Detroit, Mich. | Las Vegas, Nev. | |
| | | |

C--Number of YSS's funded in fiscal year 1973 including renewals from prior years, 82.3

Opelika, Ala. Selma, Ala. Fairbanks, Alaska Ketchikan, Alaska Phoenix, Ariz. San Carlos, Ariz. Tucson, Ariz. Little Rock, Ark. San Francisco, Calif. Santa Ana, Calif. Ventura, Calif. Denver, Colo. New London, Conn. Wilmington, Del. Washington, D.C. Tallahassee, Fla. Atlanta. Ga. Agana, Guam Hilo, Hawaii Honolulu, Hawaii Coeur d'Alene, Idaho Lewiston, Idaho Lapwai, Idaho Boise, Idaho Maywood, Ill. Berwyn, Ill. Indianapolis, Ind. South Bend, Ind. Des Moines, Iowa Topeka, Kan. Somerset, Ky. New Orleans, La. Saipan, Mariana Islands Baltimore, Md. Boston, Mass. Ann Arbor, Mich. Lansing, Mich. Duluth, Minn. St. Paul, Minn. Gulfport, Miss. Kansas City, Mo.

St. Louis, Mo. Kansas City, Mo. Helena, Mont. Omaha, Nebr. Lincoln, Nebr. Carson City, Nev. Las Vegas, Nev. Manchester, N.H. Portsmouth, N.H. Elizabeth, N.J. Albuquerque, N.M. New York, N.Y. New York, N.Y. Winston-Salem, N.C. Bismarck, N.D. Cleveland, Ohio Oklahoma City, Okla. Portland, Oreg. Harrisburg, Pa. Philadelphia, Pa. Santurce, Puerto Rico Providence, R.I. - Pago Pago, American Samoa Columbia, S.C. Pierre, S. Dak. Memphis, Tenn. Nashville, Tenn. San Angelo, Tex. Dallas, Texas San Antonio, Tex. San Antonio, Tex. Salt Lake City, Utah Middlebury,Vt. Burlington, Vt. Norfolk, Va.

Lynchburg, Va.
St. Thomas, Virgin Islands
Seattle, Wash.
Seattle, Wash.
Charleston, W. Va.
Milwaukee. Wis.

Senator BAYH. One of the reasons we're trying to increase juvenile-delinquency expenditures in LEAA is for these youth service systems. We want to mandate that funds come into this kind of program. Frankly, I don't care whether it is through HEW or LEAA as long as it is designed to do the job and reach our desired result.

I notice that on page 4 of your statement you say these programs include those carried on under the Juvenile Delinquency Prevention Act. "We take this to be the intent of the Congress as evidenced in legislative mandates after the JDP Act project demonstrations and others which are of a formula type, continuing and supportive in nature." Could you tell me what that means? I did not, as one of the persons involved in putting together the legislation to restrict your authority to where you were limited to just demonstration projects. Would you explain that please?

Mr. Thomas. Mr. Chairman, the whole basis of the youth service system concept is a reflection of the fact that we in the Federal Govern-

ment have to admit that, we have not found the answer as to how Federal dollars should be spent for juvenile delinquency; in addition to that, I think we have felt that there haven't been sufficient dollars available.

So I think that the rationale for using this program as a demonstration program is to do two things.

One, is to find out the best way to prevent delinquency.

Two, is to more effectively coordinate the resources that are already in the communities which may, one way or another, have an impact

on the problems of preventing delinquency.

I might note at this point that the record of our ability to garner other resources, has been relatively impressive. For every \$1 we're putting into the youth service system we're able to get up to \$6 from other public or private sources. I think our interest in this is because we don't see just more money as the resolution of this issue.

As you know, Mr. Chairman, there are many instances where money only compounds the problem. What we're hoping to do with this demonstration program is to measure its efficacy and its success.

Senator Bayn. Can we make a distinction between having some doubt about what the right answer to the problem is on one hand, and knowing what the wrong answer is on the other?

Can we make an assessment of what causes the failure, what kinds

of programing fail?

Mr. Thomas. To some extent we can make the statement that there

Senator Bayn. For example, if you take 1,200 boys and put them in one overcrowded institution, which has no drug program, no vocational rehabilitation, and no skills training, can't we say that is going to fail?

Mr. Thomas. It has every potential for failure.

Senator BAYH. Do you have to qualify the answer that way?

Mr. Thomas. No. I don't think—

Senator-BAYH. You can't show me one institution that is running

that way and succeeding.

Mr. Thomas. I think in any institution that has overcrowding, no training, no supportive services, a staff which is not well trained or interested in the problems, you will have many problems.

Senator BAYH. Isn't it also true that too many institutions meet

that criteria?

Mr. Thomas. This is precisely the reason we have been trying to come up with this development of the new youth services system to prevent incarcerations and deter from the juvenile justice system young men and women who only are involved in status offenses. I think this is also the reason that, as you know, there has been a clear distinction in terms of responsibility between LEAA and the Department of HEW in that LEAA's primary mission has to do with working with those people that have been in some way adjudicated.

I might add, too. that we still do provide resources to institutions, particularly in the field of education, to try to insert into these institutions for at least those who are there, sufficient supportive education

services.

We spend \$23,000,000 a year and service 74,000 or 75,000 young men and women today.

Senator BAYH. I have been very critical of Mr. Gemignani although in fairness to him, perhaps the Manpower and Budget placed certain restrictions on him, but for what I would like to see done, the amount of money he and you and others are requesting is rather small. However, having said that, I concur that just asking for more resources is not the only answer. If you build a new modern expensive structure designed to perpetuate the same old programs, you're destined for another very expensive failure.

What is particularly upsetting is that the more resources you invest in that kind of institution, the more reason you have to continue to

promote that kind of program.

That is why I take great issue with those who want more institutions. I am chairman of another committee, the District of Columbia Appropriations Subcommittee. Someone from the District came before us and talked about a receiving center. They wanted us to appropriate \$6½ million for a brand new structure to incarcerate kids who don't need to be locked up. The tendency would be to just keep locking kids up in that structure, and that wouldn't solve anybody's problems.

Mr. Thomas. Mr. Chairman, we in HEW are sensitive to the comments you made. Our interest is to provide community-based services to try to divert young men and women from the juvenile justice system, and again we hope that the youth service concept will demonstrate the efficacy of that. We will be able to present Governors, mayors with information showing how they can most appropriately use the resources to not only reduce the number of delinquencies, but also to provide services to those who have already come in contact with the police.

Senator Bayn. I would be the first to say we don't know what the

answer is, but we do have a pretty good idea about what it isn't.

You should be more familiar with the problem than I am, because you have talked about programs like the one in San Antonio, Tex., you have studied them. You have been part of the life of these programs.

We should be able to tell these Governors and mayors what won't

work.

Let me ask your opinion on the validity of this approach to the problems of young people: the community based programs and services for the prevention of juvenile delinquency through foster care and shelter care homes, halfway houses, and other designated community-based diagnostic, treatment and rehabilitative centers.

Mr. Thomas. Mr. Chairman, your bill certainly reflects in many instances, the kind of services we're hoping to provide for in the youth

service system.

Senator Bayn. Then why can't you say yes?

Mr. Thomas. Yes, those kinds of services are important and those are the kinds that we are trying to provide for the youth services

system

Senator Bayn. Fine. Would community-based programs and services to work with parents and other members of the family to maintain an essential family unit so an appropriate base may be retained and rehabilitated in the home, would that make sense from your experience?

Mr. Thomas. From my experience and again consistent with the youth services system concept, we were attempting to do these kinds of

things.

Senator BAYH. I am not talking about sending that 17-year-old to an elderly lady holding an ax in her hand. I am talking about the

average kid that comes into our juvenile justice system.

Mr. Thomas. Mr. Chairman, again, we are trying, through the youth services system, to divert in appropriate cases those young men and women from the criminal justice system. In many instances I think we're being successful.

Senator BAYH. I am not asking what you are doing. I just want to know your professional judgment of the validity of this kind of pro-

gram in treating the problems of juveniles.

Mr. Thomas. As to that concept, Mr. Chairman, it is not the availability of the services which is important. It is also the quality of the services and interrelationship between those services and other services that exist within that community. What we're saying is that services are available, they should be more readily available, and they should be more coordinated. Indeed there may be some instances when those services may need to be revised.

While I agree with the basic intent of the community-based services, I think we have to look at each one of those in particular to determine the kind of service it is, the kind of people who are involved in it, the

linkage with other services in the community.

Senator BAYH. We have no disagreement there.

Another question, what about community-based programs to support, cousel, and provide work and recreational opportunities for delinquent youth.

Mr. Thomas. Again, Mr. Chairman, consistent with the youth-services concept, we involve those kinds of elements in the youth serv-

ice system.

Senator BAYII. But what about comprehensive programs for drug abuse education and the rehabilitation of drug-addicted and drug-

dependent youths?

Mr. Thomas. Again, Mr. Chairman, consistent with the youth services system, we do have or encourage those systems to include drug services. Perhaps I could read a list of the kinds of services we look forward to having.

Senator BAYII. Let me finish my list first.

I am familiar with yours, I am not sure you are familiar with mine.

I think your list is a good one.

What about educational programs or supportive services designed to keep delinquents or youths in elementary and secondary schools or in alternative learning situations?

Mr. Thomas. Again, Mr. Chairman, if appropriately linked with other services in the community as a result of coordinated planning, and if consistent with the youth services system concept and, again, assuming qualified staff and qualified service, this can be very impor-

tant in resolving or helping to resolve the problem.

Senator BAYH. What about programs designed to study and, if feasible, to expand the use of probation as an alternative to institutional commitment and to lessen the probation caseload in those areas where it is now so large that it denies the juvenile any personal attention? What about the programs that are designed to recruit and train probation officers and to provide counseling services to the delinquent youths?

Mr. Thomas. Mr. Chairman, we think that is good. I should mention that probation-related activities are a responsibility of the LEAA.

Senator Bayh. What about the need for training court and correc-

tional personnel?

Mr. Thomas. Again, the responsibility lies with LEAA. From my judgment, Mr. Chairman, the thing that I think is consistently important to note is that these services must be linked and again be consistent with the youth services system. We see these kinds of services as appropriate to and significant in preventing delinquency. But, again, the linkage is very significant and the quality of that linkage is significant.

What I am saying, if we independently initiate all of these things without appropriate linkages and without appropriate planning, you

again may not be resolving the problem.

Senator BAYH. Is it a fair assessment that many of these services

are not adequately linked in the Federal approach?

Mr. Thomas. I would say, Mr. Chairman, the answer to that is "Yes." That is precisely why we are utilizing the youth services system. Indeed, we're saying these kinds of services, in one form or another, are there; the quality of the service may not be there. Frequently they are not appropriately linked. The solution to this problem may not be additional resources, but it may be appropriate linking and good planning and, at the same time, working with those who can improve those services:

The solution does not necessarily require additional resources as

much as it requires additional coordination.

Senator BAYH. You're asking for \$10 million. You have in the neighborhood of 20 youth services centers operating right now. Is that a fair statement?

Mr. Thomas. Yes, sir.

Senator Bayii. Considering the experience that you have had to date in the development of the youth service systems, how many youth service systems do you think you could really use in the country?

Suppose money were no question. Suppose you were given the mandate to go out and do the job the best you could, to find a way to bring the youth services systems to all of the youth or the young people that need it. How many youth services programs would you need?

Mr. Thomas. Again, and first, Mr. Chairman, I would like to state while we have some preliminary data that this kind of concept is good. As you may know, this whole legislation action was initially amended just this past year and after 1 year's experience I would not be in a position to suggest how many there should be and I would not be in the position to suggest the exact kind of services that should be included in this system. Until we're in the position of recognizing what are the appropriate services, I think, it behooves us not to say this should be the method used everywhere.

Indeed, we may find that the system demands flexibility.

Senator BAYH. It is fair to say that, given all of the caveats and statements that you have just made, it is going to take significantly more than \$10 million?

Mr. Thomas. No, Mr. Chairman. One of the basic aspects of that system is that it should be designed to more effectively coordinate the

services that are already there. At the same time, we have received \$6 raised for every dollar that we have put in.

Senator BAYH. I don't want to go through my six- or seven-point list again, but are you satisfied with the degree to which services are

available in all those areas that you and I went through?

-Mr. Thomas. I am not satisfied that they are appropriately coordinated. I do not in every instance suggest that in every community in this country that the services that are provided are consistent. Indeed I am sure you would agree that there are places where they are far more effective than others.

Some States have utilized more of their own State resources and the revenue sharing resources and tax levy funds. They use these also,

Mr. Chairman.

)

Senator Bayh. I can be very specific on that. All of the organizations and experts that have appeared before this committee in the last year—I won't go down that list of organizations, which includes National Council of Juvenile Delinquency, National Association of Social Workers, and others, the people that have given their lives to treating juveniles—whatever representations they made in this area, brought home one fact. Is it not a fact that there is not a single States that begins to exert the kind of effort, coordination and resources that ought to be invested in this area, that deals with all of these problems.

Mr. CHAIRMAN. Mr. Chairman, I would say the solution to that is

not again in the increasing the allocation of dollars.

Senator Bayh. Mr. Thomas, that is not the only answer. You can reorganize the structure. You can reduce the caseload. You can get institutionalization down 10 times below where it is now. You have juvenile detention homes and other places that have 10 times the capacity that they ought to have, while you have kids going to a classroom that has got twice as many people than there is room for. You can find the resources and the coordination, but it just takes a little gasoline in that well-tuned vehicle to make it function.

Mr. Thomas. Again, Mr. Chairman, the point I should make is that to merely look at the Department activities in the juvenile delinquency prevention area on the basis of the \$10 million figure, I think, would

misconstrue the system.

I can remember being asked by a number of young people about the Department of HEW youth program. I used to point to the Office of Education and say that we begin our programs there. I don't mean by any stretch of the imagination to demean the significant and difficult problem that we are faced with in the area of juvenile delinquency. I think the fact should also be noted that 92 to 93 percent of the population do not become delinquents.

So I would say that we could say that our Departments must be doing something to provide people with an opportunity to grow and

that in the vast majority of those instances, we're doing that.

That is to say, in those instances where we're not successful, we're trying to more efficiently use the taxpayers' money. Before we make any valid judgment about the necessity for more money, we ought to look at how we are using the resources we have and indeed how we could use them more effectively. The sources may not be a problem when it comes to institutionalization because we can find when you don't institutionalize, you save money.

So if we can develop the community-based services more efficiently and effectively, we can divert these people away from the juvenile justice system. We might find that the problem would be resolved by preventing youth from getting into that system, from getting into that process, and we may save resources in the process.

Senator BAYH. I am for saving resources, and spending tax dollars wisely, but we're kidding ourselvs if we think we're going to economize our way out of the problem of our young people being involved in crimes. We have to get them out of the unemployment and other

situations that lead to delinquency.

I don't know whether there is some other kind of action that we have to take down there, or if it's just a sort of hesitancy that causes this difficulty you have in saying "You're darn right, Senator, we're going to have to have more money to do that job, to do a job that is

this big."

For some reason, you folks that have this responsibility won't even give us the evidence we need to help you do a better job. Year after year you come in here and ask for \$10 million while the recidivism rate increases or stays the same, and those kids go right back out on the streets, and right back into the institutions. I commend you for the effort that you are making in the youth service area, but a comprehensive approach is necessary and it requires money.

I think you recognize that just giving the States \$100,000 to do this

is like throwing it out here in the Potomac.

Mr. Thomas. Mr. Chairman, as you note, there are a lot of other Federal agencies. You heard testimony from Mr. Velde. There are the Department of Housing and Urban Development and the HEW family; we are all pouring many resources into this community project.

Senator BAYH. There is a remarkable consistency between your testi-

mony and his.

This year was the same—this year, the last year, and the year before that. You just say, "Senator, we're on top of it, don't shake our boat, don't urge us to do more, we think we have it under control, we're coordinating the systems." These services have been funded since 1971 and here we are in 1973 getting ready for fiscal 1974 and we don't have any more services available right now than we did then.

Mr. Thomas. The legislation which was designed to encourage us

to spend all of our resources was only passed last year.

Senator Bayn. That may be so, but in 1971 there were 20 youth services systems, and now that you have been urged to use all of your resources, you still have only 20.

I have no more questions.

Senator Mathias. I have one or two questions.

I am wondering if you have had occasion to observe the youth services in the District of Columbia. In the past year, sir, operationally in the District of Columbia.

Mr. Thomas. I have not personally; maybe Mr. Foster has, but I haven't.

Mr. FOSTER. Yes, we have and we were involved with the Division of Youth Services in the District in making a major grant to the District.

It was to open a comprehensive youth service in Anacostia that was coordinated with major funding-from LEAA so that in critical areas throughout the District, you would have the youth services system.

The District was successful in implementing and operating the youth services funded by LEAA, but despite receiving our funds first, decided that they had problems in finding a facility, staffing, and the kinds of services involved in funding the Anacostia center. So it is not operational. But those funds are still available and because of the situation we gave the funds available to a private agency to carry out the services.

Senator Matinas. What suggested this line of questioning to me was your colloquy with the chairman a minute ago on the subject of

coordination.

The coordination problem in the District of Columbia, is, I think, acute. There are, at last count, several hundred different public and private agencies that attempt to do this job. Leaving the level of funding aside, it is certainly a hodgepodge. I guess the question goes to whether there is any accountability mechanism to review the program as a whole. You answered my question, that you couldn't even find a public vehicle to carry out the program and you turned to the private vehicle. I suggest again, the inadequacy of the whole effort in this area is acute.

Mr. Thomas. Senator, there is no question that there is inappropriate coordination. A resolution of this problem not impossible. At least I think, again, this gets back to important aspects of the Federal role which is to be able to provide general purpose government with a model so that it can select the services most effectively, whether those sources will be utilized by Federal or local agencies. Again, this is what we're hoping we are developing, not a service delivery program. In many instances we're funding an order for the kind of apparatus in a community—all of these apparatuses are present. I think we just need to draw them together.

Senator Mathias. But it isn't happening. Nobody knew what was around until I started to ask some questions about a year or so ago. Then they published a little booklet that had the names of each one of these services in it, and as far as I know, the publication of that booklet is about the last step that has been taken toward coordinating the services. That isn't very much coordination. If you happen to have one of the booklets, if you happen to have a case and if you need to contact someone along the line, you can match numbers up that way.

There is not much functional coordination that has been achieved. I may be doing them an injustice, that is why I am asking you if you have any kinds of improvements. If they have made any improve-

ments, they haven't come to my attention.

Mr. Thomas. Mr. Foster, I think, would be able to talk specifically about the coordination in Washington, but we have seen areas where the system has provided coordination, and the coordination has clearly improved.

Certainly in the impact cities that has occurred. We think it is our role, the Federal role, to provide general purpose government. State government, the models on how they can best be served. We hope that it will be an incentive to coordinate. We hope with that kind of information and with the recognition of the resources that are available that they will make wise judgments.

Senator BAYH. In the youth services systems, do you provide coordination with those services that are now in LEAA. Are you going to point out that probation services, incarceration programs, training for court and correctional personnel, are under the auspices of LEAA? Do your youth services programs coordinate those?

Mr. Thomas. I think Mr. Foster would be able to give you a better answer to that. The answer is yes. Particularly in the impact cities, there is a substantial amount of LEAA funds and we're working with

those funds in conjunction with the youth services systems.

Senator BAYH. Can you tell me why all of these services should not be included under one administrator or in one area? There are about 40 different areas that deal with this youth problem, so why should we not try to put them all together? Is there any reason that we should not put all of those things together in one package? Isn't that what you're trying to do out in the field? So shouldn't we try to do that in Washington?

Mr. Thomas. I think, Mr. Chairman, that the provision of services that are involved with these kinds of things not only relate to the people who are in danger of becoming delinquents, but to young men and women throughout a community. We relate to people who need health services or mental health services as well as to those who need

the education and social services.

I think we would be mixing apples and oranges if we try just to create one focal point for everything because it would confuse the

specific target group that we are trying to serve.

What is important, and appropriate, is coordination. I think I might take this moment to take a slight exception to your comment in your conclusion about the location of the youth development program in the Office of Human Development. The Office of Youth Development is a program agency, but at the same time is a corporate agency of the Office of the Secretary and particularly in the area of delinquency. We will have from the Secretary's Office the leverage to exert influence over other programs that are intended to serve this particular target group. YDDPA, from its former position in the social and rehabilitative services, was unable to exert the leverage that was necessary for systems development. The Office of Human Development provided the opportunity for YDDPA, now OYD, to exert more influence over these programs. I don't think it would be appropriate, however, for everything that goes on in the Office of Education or in the National Institute of Mental Health, or other agencies to be brought in, because they serve broader targets and different groups. This gets to a problem with respect to S. 821. We don't think it would be judicious in the field to create a national office, because we think that there are elements that should be reposed in other appropriate agencies and that the Interdepartmental Council can provide coordination.

Senator BAYH. You think you ought to have that very coordinated, reorganized structure in the field, but you don't need anyone on top of it here in Washington?

Mr. Thomas, I don't know if that is what I said.

Senator BAYII. Well, what you are saying is. "Don't reorganize in Washington; don't set up a national coordinating agency to do the job under one head; don't put it under Justice or HEW. Keep us like we are now." You know darn well that you present a very good argument concurring wholeheartedly that we need a comprehensive, well-organized approach in the field. Now, how are you going to do that in the field without doing it in Washington?

Mr. Thomas. What I was really saying, Mr. Chairman, is that we don't create a new agency as a result of the youth services system.

There is just an entity that has the coordinating responsibility.

Senator Bayh. What is an entity, Mr. Thomas? Isn't it something pulled together.

Mr. Thomas. Just like we would try to do in our Office of Human

Development with HEW without-

Senator BAYH. You have 40 bureaucrats competing for a piece of that Federal pie, with each responsible to a different cause. If you wanted to get this all under one national system, you would have to have a magic wand.

Mr. Thomas. We do agree that additional categorical programs

might only compound the problems.

Senator Bayir. I think we're going to have to go vote on the Di-

rector of the FBI right now.

We will keep the record open for any rebuttal, or for any questions that we might have. I appreciate your coming today, Mr. Thomas.

Mr. Thomas. It was a pleasure to be here.

[Mr. Thomas' prepared statement is as follows:]

PREPABED STATEMENT BY STANLEY B. THOMAS, JR., ACTING ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

I. INTRODUCTION

I am pleased to appear before this Subcommittee to discuss DHEW's programs relating to juvenile delinquency and specifically those carried on under the Juvenile Delinquency Prevention Act, as well as to present our views in S. 821.

For almost two decades, this Subcommittee and the Department of Health, Education, and Welfare have been seriously concerned about juvenile crime, which continues to be a major problem facing this country. We may take encouragement, however, from recent reports which seem to indicate that the problem is levelling off. Preliminary information for 1972 on offenses known to the police, reported to the Department of Justice, indicates that although some specific crimes rose in 1972, the overall result was a decrease of 3% in 1972 from the 1971 level, a decrease for the first time since 1955. We do not know exactly how much of this decrease is reflected in the juvenile delinquency field. Since the previous yearly increase for offenses known to police (which include both juvenile and adult) has always been greater than the police arrests of juveniles, it is reasonable to assume that police arrests for juveniles may be at least comparable.

A preliminary report on juvenile delinquency cases disposed of by juvenile courts, as reported to DHEW, is also encouraging. In 1969 there was a 10% increase in the rate of delinquency over 1968. In 1971 the rate of increase over 1970 was 7%. In 1972 the rate of increase was 3.4%, or about one-half of the

rate in 1971.

We do not seek credit for this decrease; however, we do hope that it reflects the efforts of the Federal, State, and local governments to combat this problem.

If this trend continues it may well indicate that we are moving in the right direction.

II. DHEW ROLE IN THE FIELD OF JUVENILE DELINQUENCY

I would now like to describe for the Subcommittee DHEW's role in the juvenile delinquency field.

The programs of this Department by and large are concerned primarily with the *prevention* of juvenile delinquency rather than with its treatment or correction.

These programs include those carried on under the Juvenile Delinquency Prevention Act. We take this to be the intent of the Congress as evidenced in legislative mandates after the JDP Act project demonstrations and others which are of a formula type, continuing and supportive in nature.

The Department serves delinquent youth and youth in danger of becoming delinquent, directly or indirectly, through almost all of its programs. Most of this aid is in formula grants to States, and in projects grants to communities and nonprofit organizations, and through technical assistance related to these grants. The major programs directly concerned with youth development and

delinquency prevention are located in the newly established Office of Youth Development, the Health Services and Mental Health Administration, the Office of Education, and the Social and Rehabilitation Service.

The DHEW has recently taken a significant step in the direction of strengthening and coordinating its programs for delinquency prevention and youth

The Office of the Assistant Secretary for Human Development (ASHD) has recently been established. Among the units in the new Office are the Office of Child Development, Office of Youth Development and Delinquency Prevention Administration, and the Office of Youth and Student Affairs. The placement of these agencies in this new Office will give their programs greater visibility, facilitate coordination, and most of all impact upon the totality of DHEW programs to insure that such programs give special attention to the problems of youth within their specific program target groups.

Regional HEW organization will parallel the central office, having an Office of the Assistant Regional Director for Human Development. The present field staff of the respective agencies in OHD will be placed in this new regional unit which will have delegated authority for programs operation. This mechanism will help to assure program coordination and total program impact at the State

and local levels.

The Law Enforcement Assistance Administration, in the Department of Justice, is the lead Government agency in juvenile justice and corrections, using formula grants continuing and supportive in nature, with a funding level higher than that for DHEW's demonstration program. Its legislative authority in delinquency prevention generally equivalent to HEW's.

LEAA grants in juvenile delinquency prevention are also grants at a high

funding level.

Since major support is available from LEAA for juvenile delinquency prevention and treatment programs on a continuing basis and since DHEW programs under the Juvenile Delinquency Prevention Act are project demonstration type, with planned phase-out for individuals projects, the DHEW budget for this purpose can be held to \$10 million in 1974 without jeopardizing the program's effectiveness.

At this point, before commenting on S. 821, I would like to respond to the questions and requests for information in the Chairman's letter of April 19 to Secretary Weinberger, which relate to Departmental activities in juvenile delinquency and specifically to the program carried on under the Juvenile

Delinquency Prevention Act.

(a) Questions numbered 1, 2, 7, and 8 request a summary of the total dollars expended by DHEW broken down in the categories of prevention, research, and training, with a description of the projects.

Answer, See below.

Summary of Federal dollars obligated in fiscal year 1972 by the Department of Health, Education, and Welfare for programs on juvenile delinquency 1

| Agency: | Amount |
|---|---------------------------|
| Office of Education | \$25, 219, 999 |
| National Institute of Mental Health | 6, 914, 000 |
| Social and Rehabilitation Service : | |
| Rehabilitation Services Administration | ² 16, 252, 000 |
| Research and Demonstration | ³ 999, 000 |
| Youth Development and Delinquency Prevention Adminis- | • |
| tration 4 | 9, 987, 461 |
| Total | 59, 373, 460 |

¹ Categorical breakdown for prevention, research, and training not available.

² This statement is primarily formula grant funds; i.e., the basic State grant program authorized by sec. 2 of the Vocational Rehabilitation Act. More specifically, \$15,800,000 is estimated for 1972 from sec. 2 funds. This figure is based on the fact that about 7 percent of all those rehabilitated came from correctional institutions, and 40 percent of those from correctional institutions are under 20 years of age. Also included is about \$450,000 for developing programs for youthful offenders through the expansion grant program.

³ This activity funded domestic and international research primarily almed at the rehabilitation of juvenile offenders.

4 Obligations incurred under the authority of the expired Juvenile Delinquency Prevention and Control Act of 1968.

tion and Control Act of 1968.

Descriptive material relating to projects will be supplied for the record.

(b) Question No. 3. The actual expenditures under the Juvenile Delinquency Prevention Act for Fiscal Year 1973 to date.

Answer. See below.

1973 Commitments from July 1, 1972, to May 1, 1973

| | Amount |
|--|---------------|
| 60 new youth service systems | \$5, 367, 816 |
| 20 youth service systems continuations | |
| Training | 99, 919 |
| Technical assistance | |
| Information services | 117, 552 |
| Evaluation | 7, 659 |
| Total | 0.510.050 |
| T0181 | 9, 713, 973 |

(c) Question No. 4. The breakdown of all expenditures under the Juvenile Delinquency Prevention Act for Fiscal Year 1973, including that for youth service systems, construction, training, technical assistance, information services, and

evaluation.
Answer. See below.

JUVENILE DELINQUENCY PREVENTION ACT, LEVEL OF FUNDING

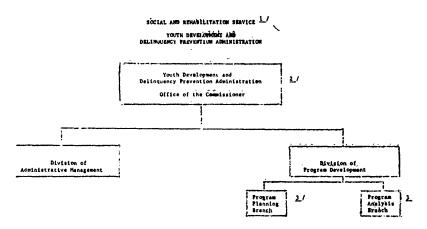
| ~ | 1973 | 1974 | | |
|-----------------------|---------------|---------|---------------|--------|
| Activity | Amount | Percent | Amount | Percen |
| Youth service systems | \$8, 937, 000 | 89. 4 | \$9, 400, 000 | 94 |
| Construction | 0 | Ō | 0 | Ó |
| Training | 100,000 | 1.0 | 100,000 | 1 |
| Technical assistance | 731, 000 | 7.3 | 300,000 | 3 |
| Information services | 132, 000 | 1. 3 | 100, 000 | ı |
| Evaluation | 100, 000 | 1.0 | 100, 000 | 1 |
| Total | 10, 000, 000 | 100.0 | 10, 000, 000 | 100 |

(d) Question No. 5. The administration, structure, operation, and location of YDDPA and the program plans and level of funding for the Juvenile Delinquency Prevention Act for Fiscal Year 1974.

Answer. The YDDPA, which administers the Juvenile Delinquency Prevention Act, has been located organizationally within the Social and Rehabilitation Service, DHEW. On April 1, 1973, YDDPA was relocated within the newly established Office of Human Development in the Office of the Secretary and will be the Office of Youth Development.

The present structure of YDDPA includes the Commissioner's Office, the Division of Program Development, and the Division of Administrative Management. The Office of the Commissioner is composed of the Information Office, Office of Standards and Policies and Legislation, and the Special Assistant for Technical Assistance. The Division of Program Development is composed of the Program Planning Branch and the Program Analysis Branch. The Division of Administrative Management is responsible for general administration and budget. In addition, there are YDDPA program representatives in each of the DHEW regional Offices.

The budget request to administer the Juvenile Delinquency Prevention Act in FY 1974 is \$10 million. The program plan for FY 1974 is to provide for the continuance of coordinated youth service systems funded under Title I and the development of two new systems; training and technical assistance resources will be directed to resolving obstacles which are present or may arise which prevent projects from reaching their highest level of success. In FY 1974, evaluation will continue to assess the impact of coordinated youth service systems, the key program, on youth served and upon youth-serving agencies (see attached organizational chart).



- 1/ Does not reflect recent reorganization and establishment of the Office of the Assistant Secretary for Ruman Development.
- 2/ Amendment of 78 of the Statement of Organizations, Functions and Delegations of Authority DREM, dated June 1, 1970
- 2/ Approved by the Administrator, SRS, 12/10/70.

(e) Question No. 6. The number of youth service systems operating in calendar years 1972 and 1973, including the location, description, date and period of original funding and of renewed funding and the new systems started in 1973.

Answer. There are 26 youth service systems operational during 1972 and 1973. An additional 60 new systems were recently funded from the State reservation and discretionary funds under Title I of the Juvenile Delinquency Prevention Act of 1972. A description of the 26 programs and a list of the 60 grantees, the sites, and funding level will be inserted in the record.

The fifteen original youth service systems, funded in FY 1971 and operated in FY 1972, have served an average of 842 youth per system per year, for a grand total of 12,630 youth per year based on the first year's operation.

Preliminary figures after a year's operation (FY 1972) of a number of systems also indicate progress is being made in the attainment of objectives. Six major jurisdictions reported decreases ranging from 3.6% to 49.3% in the number of youths sent to juvenile court during a nine-month period, ending June 30, 1972. The sharpest drop in the court referral rate, 49.3%, was shown by San Antonio. Other declines were registered by the State of Rhode Island, 30.2%; Tucson, Arz., 28%; St. Joseph County. Ind., 14.5%.

In FY 1972, YDDPA funding for 34 systems (includes impact cities) was

In FY 1972, YDDPA funding for 34 systems (includes impact cities) was \$7,165,694. Funds from other sources totaled \$16,377,375 or a matter of two dollars for every one YDDPA dollar. In FY 1973, funding for these systems totaled \$4,254,181 while funds from other sources totaled \$27,162,884 or a match of six dollars for every one YDDPA dollar. In other words, during the period of one fiscal year, the match accelerated from \$2 for \$1 to \$6 for \$1. A breakdown of figures by system will be inserted in the record.

(f) (Questions 9 and 10 will be addressed later in specific comments on the bill.)

Question No. 11. What is the role of DHEW in the Interdepartmental Council to Coordinate All Federal Juvenile Delinquency Programs?

Answer, Membership on the Council, as designated by the President, has included the Departments of Justice, HEW, Labor, HUD, Transportation, In-

terior, Agriculture, the Office of Economic Opportunity, the Office of Management and Budget, and the Special Action Office for Drug Abuse Prevention. In addition, the following offices and special agencies have been invited to be exofficio members of the Council: The White House, Action, the National Institute of Mental Health, the Office of Child Development of DHEW, the Bureau of Prisons, the Veterans Administration, the Department of Defense, and the District of Columbia City Council.

The President designated the Attorney General as Chairman of the Council,

who in turn named the Administrator of the Law Enforcement Assistance Ad-

ministration as Chairman-Designate.

The Secretary named the Commissioner of YDDPA as DHEW's voting representative to the Council. A YDDPA staff member was also assigned full time to the professional core staff of the Council for a period of one year.

For further information on the Council's activities, we defer to the Department of Justice since they now are providing the leadership for the Council.

(g) Question No. 12. What is the juvenile delinquency component in LEAA's impact cities program and HEW's participation in that component?

Answer. Departmental regional staff, the Federal Regional Councils, related

State agencies such as vocational rehabilitation, and social services as well as the State Criminal Justice Planning Agencies, have been involved in the Impact City Program.

The group at the local level is composed of the city and/or county elected officials, agencies and Departments or their designated representatives, the private

sector as well as youth.

The activities of these local groups are directed at the development of youth service systems. All of the systems have now either been funded or in the process of being funded. Detailed descriptions of some of the Impact City programs will be inserted in the record.

(h) Question No. 13. What is the DHEW role in criminal justice planning at

the State and local level?

Answer. The DHEW has no specific criminal justice planning role at the State or local level. However, the YDDPA coordinates planning on the development of youth services with the State criminal justice planning agencies to insure the complementary nature of programs funded by YDDPA with programs funded by the criminal planning agency which receives block grants from LEAA. Under Section 270.18 of the proposed regulations governing the Juvenile Delinquency Prevention and Control Act, youth service systems proposals are submitted for review and comment to—(1) the Governor or his designee, and (2) the State Law Enforcement Planning Agency. This insures appropriate coordination and linkages with other planned or operationalized programs for delinquency prevention. State and local criminal justice planners participate with other State and local agencies in planning youth service systems.

III. 8. 821 "JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1973"

The remainder of my statement deals with S. 821, the "Juvenile Justice and Delinquency Prevention Act of 1973." We are in general agreement with the objectives of this bill; however, we believe the same objective can be attained through the ongoing programs of DHEW and other departments. In fact, real progress has been already made in this direction. I will comment in turn on specific provisions of the bill by title.

(a) Title II amends certain sections of Title 18 of the U.S. Criminal Code by providing for certain procedural and constitutional safeguards for juveniles alleged to be delinquent and coming within the jurisdiction of the Federal courts. This Department has, for some years, through its program for the development of standards and guides, long espoused the need for these safeguards in State courts. In fact, many of them, as a result of recent decisions, are now required and have been incorporated in State statutes and those of the District of Columbia. We believe that an alleged delinquent youth appearing in the Federal courts is entitled to no less protection than those coming before State courts. We also suggest that consideration be given to further limiting Federal court jurisdiction in Section 5032. We believe the care and treatment of individual delinquent children should be the responsibility of the States and local communities and not the Federal Government. From a program standpoint, delinquent youth should be cared for or treated in their local community if possible. We believe, therefore, that Federal jurisdiction over these cases should be limited to the greatest extent possible.

To summarize, we approve, in general, the objectives and provisions of this Title but defer to the Department of Justice for a fuller exposition of the Admin-

istration's position on Title II.

(b) Title III establishes a National Office of Juvenile Justice and Delinquency Prevention in the Executive Office of the President. One of the major functions of this new Office is to coordinate all Federal juvenile delinquency programs, including those for neglected, abandoned or dependent youth. The implementation of this Title would add another organizational layer to a wide variety of Federal programs, when mechanisms already exist to accomplish its objective.

The implementation of this Title would be contrary to the accepted concept of separation of programs for neglected and dependent youth from those for the delinquent youth by placing certain controls over programs for neglected and

dependent youth in an Office primarily concerned with delinquency.

Although we do agree that coordination is necessary, we do not believe the setting up of a Special Action Office, such as proposed in Title III, is the appropriate approach. The factors leading to juvenile delinquency are multi-dimensional in nature, as are those leading to neglect, abandonment and dependency of youth. Furthermore, youth exposed to these forces are not an easily identified group. To place controls in a Special Action Office concerned with delinquency, over programs for such a heterogeneous group, would in effect extend control to numerous programs in DHEW and other Departments which are far removed from juvenile delinquency, a result which we believe to be undesirable and a responsibility completely beyond any single office's capacity to discharge.

Plans are now being made for coordinating the mechanisms or activities. One such mechanism is the Interdepartmental Council, which was mentioned

earlier.

Other coordinating mechanisms are the Federal Regional Councils (one in each DHEW Region), which are composed of Regional Directors from all of the Federal agencies within the Government. Federal Regional Directors, or their designees, attend Council meetings, and render whatever assistance possible to State, local and other Federal agencies seeking combined Federal support. In nine of the regions, the Assistant Regional Commissioners for the Youth Development and Delinquency Prevention Administration have been designated as the Secretariat for juvenile delinquency programs, and has been charged with the responsibility of bringing before the Council matters of inter-departmental concern in the juvenile delinquency program field. In this manner, the Assistant Regional Commissioners of YDDPA have been able to link into Federal agencies and programs by direct contact at the Federal Regional Councils' level.

The coordinated youth service systems for the prevention of juvenile delinquency, developed by the Youth Development and Delinquency Prevention Administration are also proving effective in bringing about program coordination at the Federal, State, and local levels as well as the utilization of diverse sources of

funds for serving youth.

(c) Title IV establishes two grant programs—one a formula grant with single-State agency and State plan requirements, the other a direct grant program, both of which would relate to the prevention and treatment of juvenile delinquency. Such programs would duplicate a number of existing ones. Also, the establishment of more categorical grants conflicts with the Administration's revenue-sharing approach, further increases Federal control which is counter to the trend of de-

centralization and returning more decision making to the States and local communities.

We believe existing appropriations are more than adequate for both the demonstration projects of HEW's juvenile delinquency programs and for the broader prevention and control support programs of LEAA.

broader prevention and control support programs of LEAA.

(d) Title V would establish a National Institute for Juvenile Justice. This Title is similar to other bills introduced in the past, which this Department has

opposed.

The Institute's primary function would be to conduct training, to provide public information concerning the problem of juvenile delinquency; to conduct research, demonstration and evaluation projects; to develop standards for juvenile

court administration.

We believe the objectives of this Title are now being carried out by the Department of Health, Education, and Welfare, and the Department of Justice. Under Title II of the Juvenile Delinquency Prevention Act of 1972, training support may be provided in the form of grants or contracts to any Federal, State or local public or nonprofit private agency or organization.

The Office of Education, the Rehabilitation Services Administration, and the National Institute of Mental Health, also have training programs related to

the juvenile delinquency field.

Under Title III of the Delinquency Prevention Act, the Secretary is authorized to collect, evaluate, publish and disseminate information and materials relating to research and programs and projects conducted under the Act. The National Institute of Mental Health, through the National Clearinghouse of Mental Health Information, is also involved in information dissemination through the compilation of bibliographical references to assist those involved in research, training, law enforcement and correctional work. One such reference source is the Crime and Delinquency Abstracts, which is printed by the U. S. Government Printing Office. In addition, the Center also distributes relevant research reports and

monographs in the areas of delinquency and crime.

During recent years material in the form of standards and guides in the juvenile justice and corrections field has been developed under the auspices of Federal agencies, national private organizations, as well as joint auspices under both groups. The National Commissioners on Uniform State Laws have developed a Uniform Juvenile Court Act and the National Council on Crime and Delinquency and the National Council of Juvenile Court Judges are presently involved in such a project. Through a grant from LEAA, the Institute of Judicial Administration and the American Bar Association have established a National Commission to develop comprehensive standards and guides for the juvenile justice field. Recently, the American Bar Association established a joint committee representing the Family and Criminal Law Sections to represent the Section in standards development activities. The American Correctional Association has also been actively engaged in such activities.

We believe that ample authority now exists in DHEW and in the Department

of Justice to carry out the objectives of Title V.

SUMMARY

The DHEW will continue its efforts to assure that service to youth, particularly those most vulnerable to delinquency, will be stressed in all of its basic programs. We will continue our efforts to marshall all of our resources, financial and technical, in order to assist States and local communities to increase their own capacity to deal with the problem of juvenile delinquency.

We pledge our continuing cooperation with all other departments and with this Subcommittee, in this common effort. We also firmly believe that our programs are moving in the right direction and that ample authority and resources al-

ready exist to do the job.

We therefore oppose S. 821.

MULTIPLE FUNDING YOUTH SERVICES SYSTEMS

| Youth services system | OYD funds, fiscal years 1971 and 1972 | Other sources | OYD funds, fascal year 1973 | - | CYD funds, fiscal year 1974 (estimate) |
|----------------------------------|---|--|-----------------------------------|--|---|
| Rhode Island | \$229, 229 225, 000 | \$14,000, child and family services; \$7,000, youth services; \$29,000, New Hampshire Office of Youth services; \$88,100, LEAA. | \$145,060 218,000 | \$510,390 | \$100,000 191,250 |
| Brooklyn, N.Y | 292 , 000 | \$57,888, DOL: \$262,366, SPA: \$172,125, foundations; | 291, 947 | \$2,000,080 IGA (NHMH, OE, title IV-A) | 219, 000 |
| Syracuse, N.Y | 200,000 | \$147,710, State; \$185,000 city Dr. Ab. Prev. \$900, County youth board; \$5,000, St. James Women Group; \$6,666, Peace, Inc.; \$1,500, New York St. Co. on the arts; \$3,201, school district; \$99,253, other private; \$850,000, LEAA State bloc youth employment. | | \$750,000 | 170, 0 0 0 |
| Trenton, N.J | 242, 683 200, 000 | \$86,935 HUD; \$40,000 YMCA | •••••• | | 182, 012 170, 0 0 0 |
| Nashville, Tenn | 317, 445 22 4, 9 86 | \$50,000 LEAA Staté bloc grant. \$6,094 title IV-A. \$80,000 LEAA: \$37,500 city | 182, 471 | \$80,622 \$80,000 LEAA; \$37,500, city | 149, 966 191, 250 |
| Philadelphia, Pa | 288, 542 | \$80,000 LEAA; \$37,500 city \$154,000 State; \$57,460 private | 199, 425 | \$800,000, State Department of welfare; \$150,000, private sources; other Federal, HUB, Labor, HEW; \$58,000 city. | |
| Pittsburgh, Pa Louisville, Ky | 191, 040 320, 000 | \$188,240 LEAA; \$118,804 RSA; \$250,000 HUD \$10,000,000, LEAA, DOL, OE, city, State | | 4-aless mil. | 272, 000 |

| Berwyn-Cicero, III | 246, 006 334, 829 | Match only MacNeal Memorial Hospital. \$120,000, city; \$18,120, Urban Coalition; \$50,000, Urban League; \$135,000, Federal; \$646,845, private. | 118, 098 165, 157 | \$39,366 | 184, 504 187, 500 |
|--|-------------------------------|---|----------------------|---|----------------------------------|
| Lansing, Mich Detroit, Mich | 200, 000 325, 000 | \$75,000, LEAA | | \$136,667 | 150, 000 276, 250 187, 500 |
| St. Paul, Minn | 382, 000 265, 000 | \$42,200, State; 539,310, city; \$82,500, Federal \$31,161, city; \$12,512, private | 200, 000 | TAXABLE PROPERTY. | 187 500 150, 000 |
| Oktahoma City, Okta Kansas City and Garden City, Kans | 250, 000 212, 278 | \$84,804, private; \$200,000, tGA \$45,000 LEAA \$25,000, LEAA; \$3,500, AFL-C10; \$66,000, public and | 100,000 | sharing, \$200,000, State appropriation | 212, 500 1 80, 43 6 |
| Kansas City, Mo | 399, 965 | private; \$50,000, estimated revenue sharing. | | *************************************** | 1 191, 250 |
| Salt Lake City, Utah Tucson, Ariz | 100,000 325,000 200,000 | \$65,730, private \$108,334, private \$360, Federal; \$26,000, State; \$307, private | | \$166,667 | 225, 000 276, 250 276, 250 |
| Los Angeles, Calif | 200,000 | \$111,000, Federal; \$36,000, State; \$208,000, local; | | \$254,000 | 150, 000 |
| Orange County, Calif | | | | \$19,124, city of Fountain Valley; \$74,053, com- munity of Fountain Valley; \$31,484, city of Pta- ceptia; \$27,180, companies of Recentific 3 | 187, 475 |
| Sacramento, Calif Las Vegas, Nev.! | 225, 000 159, 724 | \$7,209, State; \$7,100, local; \$25,000, private. | | | 191, 250 135, 7 65 |
| Boise, Idaho | 190,000 | \$12,000, public defender; \$4,900, United Fund; \$10,000, YM & YW; \$4,000, Salvation Army; \$116,650, founda- tions; \$173,000, State; \$6,000, OEO; \$44,000, city school district. | 200,000 | \$217,667 | 150, 000 |

¹ Changed with St. Louis.

^{*} Fiscal years 1971, 1972, and 1973.

IMPACT CITIES

| | OYD funds, fiscal year | | | OYD funds, fiscal year 1974 |
|-----------------------|---------------------------|---------------------------------------|---------------------|-----------------------------------|
| Youth services system | | Program | , Amount | (actimate) |
| Newark, N.J | 1 \$216,000 | | | \$191, 250 |
| Baltimore, Md | 225, 000 | RSA | \$200,000 | 191, 250 |
| | | Target city youth program | 758, 000 | |
| | | Job Corp. services, DOL | 104, 000 91, 473 | |
| | | DOL, Recruitment and screening | 30, 000 | |
| | | NAB R. & D | 118,000 | |
| | | Maryland residential program. | 2. 400. 000 | |
| | | State Department of Juvenile services | 100,000 | |
| Atlanta, Ga | 225, 000 | OF-ESEA | 4, 407, 317 | 191, 250 |
| | 220,000 | OE-ESEA State Department of Education | 623, 318 | 200, 200 |
| | | OE-nigher Education Act | 807, 576 | |
| | | OE, miscellaneous | 1, 760, 727 | |
| | | OE Vocational Education Act | 2, 721, 776 | |
| | | OEO. Urban institutions | 1, 431, 118 | |
| | | Urban institutions | 171, 464 | |
| | | Ford Foundation | 4, 525 | |
| | | Sears Roebuck Foundation | 4, 720 40, 000 | |
| | | Strauss Broadcasting Corp | 67, 970 | |
| | | DOL | 790, 115 | |
| Cleveland, Ohio | 225, 000 | | 750, 115 | 191, 250 |
| Dallas, Tex | 204, 000 | LEAAGirls' adventure trails | 15,000 | 191, 250 |
| Danas, Tox | 204, 000 | Dallas Crime Foundation | 11,000 | , |
| | | Zale Foundation | 25. OCO | |
| St. Louis, Mo | 125,000 | Department of Agriculture | 800,000 | 3 150, 000 3 150, 000 |
| , | , | DOL | 254, 000 | • |
| | | LEAA | 301,000 | |
| | | DOT | 25, 700 | |
| Denver, Colo | 225, 000 | R. & D | 120,000 | 191, 250 |
| | | DOL | 200, 000 | |
| Deather & Ocean | 005 000 | State and local | 56, 250 | 101 250 |
| Portland, Oreg | 225, 000 | R. & D | 159, 300 | 191, 250 |
| | | LEAA (3 yrs.) | 450,000 | |

I. ST. LOUIS, MO. YSS: GRANTEE AGENCY: MAYOR'S COUNCIL ON YOUTH

II. FUNDING

- A. FY 72—Title III—\$200,000.
- B. FY 73—Title I—\$125,000 (Pending).
- C. FY 74—Title I—\$150,000 (Anticipated).

III. PURPOSE OF PROJECT

This project has a two fold purpose:

A. Develop administrative system linkages between YSSA and major public/

private youth service agencies;

B. Develop and implement, through affiliation agreement and purchase of service contracts, a pilot youth services center which will put administrative linkages into program operation. The center will focus on the public school system and attempt to impact upon dropouts, truants and classroom behavior problems, who will be referred to the center for placement in and followed within the wide array of systematized community programs.

Overall, YSSA (a) maintains a capacity building function which, in addition to obtaining affiliation and contractual agreements with youth serving agencies, also attempts to bring about institutional policy changes and provide a vehicle for youth mobilization and involvement via the "St. Louis Metropolitan Youth

Task Force".

IV. COORDINATION

Region VII is utilizing a strategy of supporting and assisting local planning. coordination to the maximum extent possible. As the YSSA becomes more firmly established and the demonstration target center becomes operational, those issues

Reallocation fiscal year 1971 funds.
 Originally \$191,250, but changed priority to Kansas City, Mo.

and/or problems which are identified will be resolved at the lowest possible level, i.e. local, State, Region and Central.

A. Federal-Coordination

1. Two meetings were held between St. Louis YSSA and Federal Regional Coordinating Committee which was established per directive from Inter-Departmental Council. The August and October 1972 meetings were primarily informational for council members. It was accepted that the Council would support local planning efforts and would not convene until significant problems and/or program actions could be identified for Council resolution.

2. Actions within joint RSA, CSA, YDDP objectives A-3 resulted in Central Office Representatives of Regional counterparts joint planning for support of YSSA through the State and local Division of Welfare and vocational Rehabilitation Agencies. Regional staff have had follow-up conferences with State and

local counterparts.

3. Regional YDDP and LEAA have met bi-monthly for a progress report on YSS developments.

4. Regional Directors Staff, SRS, DOL, OE, HSMHA have met regarding a joint drug objective in St. Louis, which the YSS may become a youth component,

B. State Coordination

State Departments of Welfare, Vocational Rehabilitation, JEAA, and the Governor's Committee on Children and Youth have been involved or reviewed the YSS development. In coordination with Regional counterparts, State Welfare and Vocational Rehabilitation have been very supportive to their local St. Louis Offices for participation in the YSS.

C. Local Coordination

The following represents nearly 100% coordination efforts per regional strategy emphasizing local development.

- Public Agencies—Written Agreements:

 (a) Board of Education—Referral & Pupil Personnel Services.
 - (b) Vocation Rehabilitation—Diagnosis, training, education.

- (c) State Employment Service—employment.
 (d) City Welfare Department—Referral & Social Services.
- (e) Missouri State Welfare—Referral & Social Services.

(f) City Health Department—Health Services.

- (g) Manpower Planning Administration—employment.
- (h) Department of Interior—Recreation, Cultural, Employment.

(i) OEO-Variety of youth programs.

- (j) HUD/Model Cities-Variety of youth programs.
- (k) Mayor's Council on Crime & Law Enforcement.

2. Private Agencies-Written Agreements:

- (a) Urban League—Counseling & Family Services.
- (b) Women's Crusade Against Crime-Volunteers.
- (c) Health & Welfare Council—Systems analysis.

(d) YMCA—employment, shelter.

- (c) Legal Aid Society—legal services.
- (f) St. Louis University—evaluation.
 (g) St. Louis Alliance for Staging a safer community.
- (h) Creative Community Consultants—Technical assistance.

(i) Help Other Men Emerge—Youth Development.

- (j) Consolidated Neighborhood Services, Inc.—Counseling.
- (k) Jewish Vocational Services—Training and job development.
 Inter-Departmental Council Agency Involvement:

- (a) HUD—Planning with Model Cities.
- (b) DOL—Participation in Employment/Manpower program.

(c) DOA—Special Road Service for Children.
 (d) DOT—Summer Transportation.

(e) Summer cultural, recreational & employment programs.

(f) OEO-Planning with HDC.

- (a) ACTION-Volunteers thru "Cost-Shared" program.
- (h) HEW-Social Services support thru CSA, RSA.

(i) SADDAP-None.

(j) LEAA-Sponsoring "Student Work Assistance Program" for first offenders but no resources for prevention efforts within YSSA to date.

V. JOINT FUNDING

- A. Multiple funding within Mayor's Council on Youth to be utilized by YSS.
 - 1. DOA-\$800,000.

 - 2. DOT-\$25,700. 3. DOL-\$254,000. 4. LEAA-\$301,000.
- B. Resources to be utilized, but unable to be costed-out this time:
 - 1. DOT.
 - 2. CSA.
 - 3. RSA. 4. ACTION.
 - 5. HUD.
 - 6. OEO.
 - 7. HSMHA.
 - 8. Private.
- C. Expected Additional Monies:
 - 1. Revenue Sharing.
 - 2. LEAA.

DENVER IMPACT CITIES

Nore.—The Denver Youth Services System is designed around the concept of Inter-agency Involvement. If you plan to use it as a model please read the proposal. Give particular attention to pages, 34 and appendix 53a through 53bb which systematically describe inter-agency involvement with diagrams and narrative.

- A. INTER-AGENCY INVOLVEMENT IN PLANNING AND APPLICATION DEVELOPMENT
- 1. As page 16 points out, the application was prepared jointly by a team consisting of:
 - 1. State Youth Development and Delinquency Office, Department of Institutions.
 - 2. Denver's Mayor's Commission,
 - 3. Denver Public Welfare.
 - 4. Denver Public Schools.
 - 5. Denver Police Department.
 - Denver Juvenile Courts.

Other key agencies were involved in the planning effort via the Mayor's ad-hoc planning committee for the Y.S.S. they included: (See page 54a)

- (a) Denver United Way.
 (b) Parks and Recreation.
 (c) Denver Model Cities.
 (d) LEAA Denver Anti-Crime Council.
- (e) Denver Health and Hospitals.
- (f) Denver Manpower Administration.

- (g) Au par Youth Center.
 (h) Denver Public Library.
 (i) Denver Regional Council of Governments.
- (j) League of Women Voters.
- (k) Youth Representatives.
- (1) Others (see page 54a).
- B. COMPOSITION OF YOUTH SERVICES SYSTEM YOUTH COMMISSION
- (a) Seven youth representatives.
- (b) Seven community representatives.
- (c) Seven public agency representatives.

See page 34 for Systems diagram of Denver Y.S.S.

C. STATE-LEVEL Y.S.S.

A fundamental component of any Y.S.S. is the development of a State corresponding mechanism for the local Y.S.S.'s. See page 14-18 for description. Multi-agency representation of the State Y.S.S. will mirror local representation.

D. FEDERAL REGIONAL Y.S.S. COMPONENT

The Federal Regional Council has created a committee to coordinate Federal programing for Delinquency Prevention. Thus far the Committee has created a Regional Compendium outlining potential Federal resources. When the Denver Y.S.S. and State-level Y.S.S. become operational, we expect this committee to assist the Denver project.

PORTLAND IMPACT CITIES

1. LEAD PARTICIPANTS

- (a) Central Office OYD. (b) Regional Office OYD.
- (c) State Children's Services Division.
- (d) State Law Enforcement Planning Office.
- (e) State Human Resources Department.
- (f) Portland City Bureau of Human Resources.
- (g) Portland Office of Youth Services. Special R&D Diversionary Project, R&D Research Institute, Commissions of Youth.

2. DESCRIPTION

Project will develop a network for the provisions of comprehensive services to youth and their families when need is first identified by child, family or community to determine unmet needs for services, to advocate for and provide services currently not available, to develop working agreements and coordination among existing social services agencies for the delivery of said services.

3. COORDINATION-REGIONAL

The plan for the Youth Services System has been coordinated with two R&D projects which have over-lapping interests. This is an indication of the Regional-Central offices coordinations.

State agency coordination in developing the plan were carried out by:

- 1. State Law Enforcement Planning Office.
- 2. Human Resources Department.
- 3. Children's Services Division.
- 4. Governor's Commission on Youth.

Portland City coordination began with the Mayor's commitment:

- 1. Mayor's commitment.
- 2. Commissioner of Public Affairs.
- 3. Bureau of Human Resources (also relates to State agency).
- 4. Office of Youth Development.
- 5. Portland UGN (United Good Neighbors),
- 6. Portland Police.
- 7. Portland School District.
- 8. Mayor Commission on Youth.

Multnomath County Coordination:

- 1. Juvenile Court.
- 2. Sheriff's Office.
- 3. County Commissioners.
- 4. Multnomath County Youth Commission,

Local and Private Coordination:

- UGN.
- 2. YWCA.
- 3. YMCA.
- 4. Etc.

4. GRANTEE 18

Bureau of Human Resources, City of Portland Oregon, 824 S.W. Fifth, Portland, Oreg.

5. AMOUNT OF YOD/DPA OR OYD FUNDS

\$225,000.00 LEAA (\$400,000)? R&D (\$250,000)?

6. FUNDING LINKAGES

1. Main funding linkage is the City Bureau of Human Resources as it relates to the State Human Resources Department which has the Childrens' Services Division which is a state counterpart of CSA, APA, MSA, OE, LEAA.

2. Volunteer Services and moneys

7. OBJECTIVES OF Y.S.S.

1. Effect more economical use of existing services.

2. Act with and on behalf of youth to develop needed, but unavailable or inaccessible services.

3. Promote change in local youth serving agencies to make them more responsive to the clients they serve.

1. Divert youth from the courts

2. Reduce youth-adult alienation
3. Reduce labeling

4. Provide for acceptable and gratifying roles for youth.

8. PROGRAM COMPONENTS

- 1. Crisis Intervention.
- 2. Recreation.
- 3. Mental Health.
- 4. Physical Health. 5. Shelter Care.
- 6. Alternative Education.

7. Job Development and Placement.

NEWARK IMPACT CITIES

Development of a city-wide youth services coordinating unit in the Office of the Mayor with an agency-parent-youth advisory board that will recommend priorities and criteria for services to the Mayor and City Council. All federal. state and local funds for use on behalf of youth will then flow through or be coordinated by this structure and the structure itself will have some program funds for filling service gaps, but it will not implement programs itself. Our grant is about \$216,000.

The grantee is Model Cities which will sub-contract to the Office of the Mayor. In addition to Model Cities funds, money will flow through this structure from Planned Variations, Impact Cities, LEAA State Block Grant Funds, other related

state funds and, if we can manage it, private agency funds, as well as services. I expect an acceptable proposal will be negotiated before the end of this fiscal

year.

DALLAS IMPACT CITIES

The grantee is the YMCA of Dallas Metropolitan Area. Project Name: "Common Concern".

| Total amount YDDPA funds | \$256, 882.00 |
|---|---------------|
| Matching funds from grantee agency | 116, 384. 00 |
| Committed from private agency (G.A.T.) | 15, 000. 00 |
| Projected support (applications pending): | |
| 4.1 Hoblitzelle foundation | 200, 000. 00 |
| 4.2 Zala foundation | |

Local participation has been secured on ground level of planning and development of "Common Concern" from: (1) Dallas County Juvenile Department: (2) Dallas Independent School District; and (3) Dallas Police Department, Youth Division.

A Citizen Movement is under way to organize the Citizen's Commission for Children and Youth with endorsement of the City Council and the Community Council of Greater Dallas. The grantee agency has been assured support and cooperation.

The Social Services Division of the State Department of Public Welfare has offered full cooperation of its services and participated in planning and imple-

menting the youth services system.

Negotiations are now in progress to obtain counseling services from State Department of Rehabilitation.

The J.D. Task Force of the Southwest Federal Regional Council has participated in planning and development of "Common Concern" (Federal agencies).

The Dallas Area Criminal Justice Council (LEAA Impact Cities) has contributed to developments of "Common Cause" and assigned a staff member to pursue "our mutual goals and objectives". This may lead to an LEAA funded component in "Common Cause" that will deal with youth released from institutions.

. The applicant agency has working relationships with 52 youth agencies (church affiliated, public, private). Also, with ten institutions of higher education in Dallas. Also works closely with the Greater Dallas Council of Churches, Community Council of Greater Dallas, Dallas Urban League, Dallas Volunteer Action Center and the Community Relations Commissions as a catalyst to bring about special programs to meet social and economic need.

CLEVELAND IMPACT CITIES

The Cleveland Impact Cities Program has submitted an application for \$300,000 of which \$225,000 will be YDDPA funds and the remaining \$75,000 is local match.

The primary objective of the program is to divert youth from the official juvenile justice system and it will be concentreated on the west side of Cleveland. The basic design calls for small neighborhood teams consisting of social workers, an attorney, and a neighborhood resident who will attempt to negotiate an informal resolution of the situations which have or would have brought the youth into the juvenile justice system. The juvenile court (county) has agreed to refer to the program. The team will have access to a wide range of alternative community based services funded by LEAA's Impact Cities, the city and by local private agencies.

ATLANTA IMPACT CITIES

Atlanta public school system proposal submitted for \$224,950 which includes the \$125,000 allocated for Impact Cities. The project is not strictly tied in with Impact City efforts in Atlanta although many meetings were held with Regional LEAA personnel, state law enforcement agency, and the Atlanta Regional Commissioner (ARC) through which all programs must be signed off in the Atlanta area. Efforts were also made to the into Impact Cities through regular meetings of the Public Safety Task Force in Region IV which consists of key people from agencies such as HEW LEAA, DOL, HUD, state law enforcement agency, etc. The Public Safety Task Force reports directly to the federal regional council which is made up of the key federal agencies in the region. While the public safety task force does not address itself specifically to Impact Cities programs, the Impact Cities do receive much attention by virtue of the fact that they do specifically address themselves to the coordination of federal efforts in combating crime and delinquency. YDDPA and Impact Cities personnel were key members of the task force. Efforts were made in the beginning (at on-set of Impact Cities designation to tie the YDDPA program into the programs through a coordinated approach by establishing a youth service system in the Atlanta Metro-area. Numerous conferences with LEAA personnel, state law enforcement personnel, local, state, and other federal agencies failed to bring about coordinated efforts in the Impact Cities program primarily because Impact Cities guidelines and desenses itself to the reduction of stranger to stranger streets crimes and burglary. Atlanta Impact Cities personnel interpretation of these guidelines are so narrow that they are unable to see the relationship between a reduction in delinquency and youth crime through a diversionary and preventive process and street crimes as set forth in LEAA guidelines.

While Atlanta YDDPA efforts to tie in specifically with Impact Cities efforts have not met with success, the Atlanta Public School System to which the Impact Cities funds were allocated (in addition to the state reservation) does have multiple funding by federal, state, and local resources including LEAA, IIEW, DOL and others in the amount of approximately \$6,000,000.

BALTIMORE IMPACT CITIES

GOALS

- 1. Coordination of services and improved delivery of services.
- 2. Reduction of institutionalization.

3. Reduction of youth-adult alienation.

4. Diversion of status offenders.

5. Improve accessibility to social institutions.

6. Development of appropriate community resources to meet needs manifested.

ORGANIZATIONAL STRUCTURE

Mayor's Office (Director of Manpower Resources) Special Ass't, to Mayor for Youth Services.

Automated I. & R. System will be sub-contracted to Baltimore Health and Welfare Council.

City Department of Parks and Recreation will assist in administering some services of Y.S.S.

LINKAGES AND FUNDING

Baltimore City Department of Parks and Recreation—will provide services. Health and Welfare Council—will develop automated I. & R. and contribute \$25,000 each.

Addict Referral and Counseling Center Inc.—will provide counseling services plus \$12,000 cash.

Bureau of Management Information System (City)—services.

Mayor's Office of Manpower Resources—services, will serve approximately 11,700 clients through eight programs with a funding base of \$5.2 million with Dept. of Labor providing funds (job development and placement, remedial education, etc.).

Woman in Community Services Inc. (pvt.)—will provide volunteer services plus some funds.

SRS, R&D, CIMS—project with award of \$118,000 will be integrated into Y.S.S.

RSA, R.O.—will provide approximately \$125,000 to \$175,000 expansion grant for rehabilitation case services.

State Department of Juvenile Services—approximately \$100,000 via staff services and facilities, and purchase of care services.

DEPARTMENT OF URBAN RESOURCE COORDINATION, TUCSON, ARIZ.

Original Funding: June 30, 1971 to September 30, 1972, \$200,000. Renewed Funding: October 1, 1972 to September 30, 1973, \$200,000.

The Tucson Youth Bureau operates as a service middleman between youth in the target area and local institutions and agencies. Through the efforts of young indigenous para-professional "youth workers", who utilize extensive outreach and active casefinding methods, area youth are encouraged to avail themselves of YSB services. The Bureau provides a number of services including counseling, job placement, recreational programs, educational activities, health services, field trips and advocacy.

ORANGE COUNTY PROBATION DEPARTMENT, SANTA ANA, CALIF.

Original Funding: June 30, 1971 to October 31, 1972, \$292,411. Renewed Funding: November 1, 1972 to June 30, 1973, \$207,556.

The Community Services Project is an outgrowth of the efforts of the Probation Department to develop a more comprehensive approach to the problems of youthful deviance and to shift the intervention back to the community. Local agencies and organizations as well as adults and youth is the cities of Placentia and Fountain Valley are involved in an on-going process of community needs analysis and program planniz ad developmet. Major action programs operating under this multi-funded project include: Alternate Routes, a diversion program sponsored by the probation department, police and schools in which community youth counselors provide direct crisis intervention and delinquency prevention counseling to youth. VISA (Volunteers Influencing Student Achievement) which is designed to provide 4th, 5th and 6th grades in Placentia Schools with academic assistance and personal support by matching each child with a community volunteer.

A number of mini-action grants are also operative in Placentia and Fountain Valley. Among these are YMCA Community Program; a National Mini-Bike Project; a Mexican-American Boy Scouting Program; a Family Counseling

Project; a Volunteers program; the Save-a-Mothers Clinic, which includes three cancer detection clinics; the placement of two school resource officers in the Placentia School System in an effort to reduce crimes and delinquency; the Casa Placentia, which provides a wide range of services for youth and their parents in the La Jolla barrio; a Childrens' Theatre in Fountain Valley and a Youth Service Center which provides a variety of formal and informal services to youth in the Fountain Valley area.

BOISE CITY DEMONSTRATION AGENCY, BOISE, IDAHO

.. Original Funding: June 30, 1971 to November 30, 1972, \$190,000. Renewed Funding: December 1, 1972 to November 30, 1973, \$200,000.

The Youth Service Bureau of Boise provides needed services which are not available in the community, serves as a source of information regarding services for youth and coordinates community services institutions. Major service components provided by the project include a comprehensive family counseling service; two crisis shelter facilities for boys and girls; an information and referral service; a Borah High School Demonstration project which provides a staff outreach counselor stationed at the school to work with youth on their personal problems; a job development program, operative during the summer of 1972; and a youth conference, held in April of 1972, designed to ascertain the needs

MAC NEAL MEMORIAL HOSPITAL, BERWYN, ILL.

Original Funding: June 29, 1971 to June 28, 1972, \$246,006.

and desires of youth and youth serving agencies.

Renewed Funding: July 1, 1972 to June 30, 1973, \$118,098.

The Youth in Crisis Project, based near Mac Neal Memorial Hospital, operates a round-the-clock crisis intervention program, providing services to client youth either directly or through cooperative referral to other agencies. The Poject focuses on several important institutional structures in an effort to eliminate negative leveling of youth and provide them more socially acceptable roles. In so doing, the Project has stationed five liaison outreach workers in schools to work with "troubled" youth; has established a police referral and feedback system which makes counselors available to police and apprehended youth immediately to assist both in making decisions, and has established an encompassing Community Outreach program which focuses on developing new community-based resocialization experiences for client youth.

URBAN COALITION OF ST. JOSEPH COUNTY, IND., SOUTH BEND, IND.

Original Funding: June 80, 1971 to October 31, 1972, \$334,829. Renewed Funding: November 1, 1972 to June 80, 1973. \$165,167.

The Youth Advocacy program operates an as independent public agency established to strengthen youth involvement and to divert youth from the juvenile fusitive system. The program has stationed service agents in the school system. recreation department, city government, model cities projects and the Family and Children's Center in an effort to make these institutions more responsive to the needs of youth. They also operate a counseling center which provides information, direct service and referrals to other agencies. Their Street Academy provides quality education designed to meet the needs of those high school students who were unable to succeed in a typical school setting. The program maintains a full time staff lawyer as an advocate on behalf of youth who also provides legal counseling and education for youth.

CITY DEMONSTRATION AGENCY, LANSING, MICH.

Original Funding: June 30, 1971 to October 1, 1972, \$200.000. Renewed Funding: October 2, 1972 to October 1, 1973, \$186.083.

The Youth Development Corporation program's personnel encourage existing youth serving agencies and youth employment agencies to engage in cooperative and coordinated program planning, in an effort to prevent area youth from entering the juvenile justice system. The program has developed and maintains an elected youth council that surfaces problems confronting youth and formulates strategies in conjunction with existing agencies. The program also provides cultural enrichment experiences, serves as an advocate for youth, provides outreach services and sponsors a work-intern program with local businesses.

MINNESOTA DEPARTMENT OF EDUCATION, ST. PAUL, MINN.

Original Funding: June 30, 1971 to October 31, 1972, \$302,000. Renewed Funding: November 1, 1972 to October 31, 1973, \$178,000.

The Roseville Youth Development Project (YDP) incorporate a number of experimental school programs which are designed to counter features of a suburban school system that impede and obstruct favorable youth development. The Contact Program, operating in Alexander Ramsey High School, essentially is an alternative educational program designed to meet the educational and emotional needs of a group of "emerging delinquents." The program includes two main components—a daily group involvement, encounter process and a contingency contracting educational experience.

process and a contingency contracting educational experience.

The Focus Program is a school within a school for 10, 11, and 12th grade students who cannot succeed in a typical classroom. The students are involved in encounter sessions, individualized as well as group instruction and projects and; if interested, in occupational relations classes and work experience.

Recovery is an evening school provided for students who have dropped out or have been forced out of Roseville's two high schools. The program encourages a student's involvement in his own curriculum planning and promotes a good student/teacher relationship, curriculum relevance and student participation in his evaluation. They have also initiated a work-study program in the 9th grade in one junior high and a creative dramatics class in an elementary school. They developed a program at one elementary school based upon principles of behavior modification, stressing individualized instruction and using students in the Focus program as tutors. They also initiated a program in a junior high designed to provide negative youth leaders with access to more positive roles.

GREATER KANSAS CITY MENTAL HEALTH FOUNDATION, KANSAS CITY, MO.

Original Funding: June 30, 1971 to November 30, 1972, \$399,965. Renewed Funding: December 1, 1972 to November 30, 1973, \$200,000.

The Intercept Project is designed to identify inner-city youth whose adjustment is such that they are in danger of becoming delinquent and to intervene in this process at a point prior to a youth's being legally classified as a delinquent. The project considers truancy as a reliable symptom of an emerging delinquent pattern of adjustment and as such, accepts referrals from 15 area schools. Intercept Action Teams screen the youth and develop a treatment plan designed to meet the individual needs of each client, utilizing resources made available by other youth serving agencies. In addition to these specific prevention efforts, staff members have undertaken a number of other activities including a sickle-cell anemia clinic, a week-end recreational/tutorial program, charm classes and art classes.

The United Community Services received \$200,000 to develop a coordinated network of services for youth in the Kansas City Metropolitan area. A Youth Service Center is being developed to serve as a central intake, diagnostic and referral resource for the diversion of minor offenders into community-based treatment programs. This project is being integrated with Intercept to provide a coordinated youth services system approach.

SOCIAL AND REHABILITATION SERVICES, REHABILITATION SERVICES DIVISION, HELENA, MONT.

Original Funding: June 30, 1971 to June 30, 1972, \$400,000. Renewed Funding: June 30, 1973 to June 30, 1973, \$200,000.

The Rural American Project is designed to help youth serving agencies in five target areas (Shelby, Glendive, Lewiston, Polson, and Wolf Point) to alter existing programs or develop new services to meet the needs of area youth. Youth Workers have established a number of programs and projects in such areas as education, recreation, counseling, health services, etc. Each Youth Worker has had some success in effecting changes in established institutional practices and procedures. For example, there now exists a small residential facility which serves as an alternative to state correctional care and several student-interest courses have been introduced into the curriculum of local high schools.

TRENTON CITY DEMONSTRATION AGENCY, TRENTON, N.J.

Original Funding: June 25, 1971 to June 24, 1972, \$242,683.

This Youth Center makes available a number of legal, rehabilitative, counseling and referral services. Its detached workers meet with natural peer groups away from the Center in an atmosphere which, hopefully, is more conducive to constructive contact. Liaison workers stationed in various juvenile justice agencies, accept referrals from these agencies and attempt to mediate between juvenile justice officials and youth.

WILTWYCK SCHOOL FOR BOYS, INC., NEW YORK, N.Y.

Original Funding: June 25, 1971 to June 24, 1972, \$292.000. Renewed Funding: August 15, 1972 to August 14, 1973. \$291.947.

Basically, the Brooklyn Project is an attempt to identify and service those youth whose behavior and attitudes seem to propel them towards the juvenile justice system. Several major program components provide the needed supportive services. An All-Day Supervision Program provides a full range of services, including group and individual counseling, tutorial services, academic instruction, recreation, remedial reading and drug education, to youth who have been unable to succeed in regular public schools. Similar services also are provided after-school for youth who do attend public schools but have need for such service. An After-Care Program is designed to help children who have been institutionalized re-adjust to their communities. An Adolescent Program is designed to attract and interest youth ages 15-17 by providing services specific to their needs, such as high school equivalency and job training.

PHILADELPHIA MODEL CITIES PROGRAM, PHILADELPHIA, PA.

Original Funding: June 30, 1971 to November 30, 1972, \$288,542. Renewed Funding: December 1, 1972 to November 30, 1973, \$199,425.

Two Neighborhood Youth Resources Centers located in the Philadelphia Model Neighborhood area, act as service brokerages between available services and youth in need through the provision of referral and follow-up by locating existing resources and developing new resources when needed. The Centers also seek to modify the attitudes and practices of existing agencies and institutions which discriminate against troublesome youth and thereby contribute to anti-social behavior. Services provided through contractual arrangements with . the Model Cities Program and other community resources or through demonstration projects conducted at the Centers include school-age day care, tutoring, self-awareness classes, cultural, educational and recreational trips and experiences, pyschological counseling and medical services.

GOVERNOR'S COMMITTEE ON CRIME, PROVIDENCE, R.I.

Original Funding: June 30, 1971 to June 29, 1973, \$229,229. Renewed Funding: June 30, 1973 to June 29, 1974, \$145.514.

The Youth Service Bureau is designed to service pre-delinquent and troubled youth and their families with guidance and counseling of a pre-judicial nature and to coordinate other community resources in anti-delinquency activities. Thirteen young indigenous youth service aides are primarily responsible for receiving youth referrals, providing them access to service resources and following-up on these referrals. They also work in close contact with police and court officials, supplying them with follow-up reports as requested.

TENNESSEE DEPARTMENT OF MENTAL HEALTH, NASHVILLE, TENN.

Original Funding: June 30, 1971 to September 30, 1972, \$317,445.

Renewed Funding: October 1, 1972 to June 30, 1972, \$182,471.

The primary objective of the Child Advocacy Project is to coordinate services—educational, legal, medical, etc. in order to more effectively deal with children and their families in the West Park area of Nashville, Primarily through the efforts of the child advocates, community agencies have been persuaded to make their resources more accessible to client youth. The program also reaches into the community to families as well as other formal child development/socialization programs to increase their effectiveness-in the early identification

of children exhibiting behavior and learning problems. The project which began in the West Park area of Nashwille, has been expanded to Napler Park and Wayerly-Belmont neighborhoods.

CITY OF SAN ANTONIO, HUMAN RESOURCES DEPARTMENT, SAN ANTONIO, TEX.

Original Funding: June 1, 1971 to August 31, 1972, \$265,000. Renewed Funding: September 1, 1973 to August 31, 1973, \$200,000.

The Youth Services Project provides services aimed at the social redirection of the misdemeanor juvenile offender and also serves troubled youth who may not come into contact with the law, but are in need of some services. Four neighborhood-based Services Centers receive youth referrals from the police and probation department. Social work services are provided the youth and his family by the appropriate agencies cooperating in the Y.S.S. The Youth Workers also organize a number of recreational and other group activities.

ALASKA CHILDREN'S SERVICES, ANCHORAGE, ALASKA

Original Funding: June 30, 1972, to June 29, 1973, \$225,000.

The YES' Program seeks to develop'a Y.S.S. in Anchorage which will provide youth with alternatives to the juvenile justice system. The attainment of this objective will be sought through the following components: A Youth Service Center operating on a 24 hour basis; A Youth Advocacy Program designed to bring about changes in youth serving agencies; a Human Development Center which serves as a multi-purpose training center; a Youth Community Development Program and the Youth Services Development Fund which will financially assist needed youth serving programs.

DEPARTMENT OF YOUTH AUTHORITY, SACRAMENTO, CALIF

Original Funding: July 1, 1972, to August 31, 1973, 225,000.

The Comprehensive Youth Development Prevention Project provides for a comprehensive delivery of services to children and youth in three separate geographic areas. The common service delivery mechanism for each area is a community Youth Service Center, the general components of which include information and referral services, youth advocacy, community involvement, prevention and re-habilitation. Each Center is involved in establishing a network of coordinated services involving both structural and contractual arrangements between Federal. State and local authorities to insure an improved delivery of services.

OFFICE OF YOUTH OPPORTUNITY SERVICES, WASHINGTON, D.C.

Original Funding: March 1, 1972, to December 15, 1973, \$224,986.

The program involves a series of Youth Assistance Service Centers, located in high delinquency areas, which will provide 24 hour intake analysis, diagnosis and evaluation of individual youth-related problems to both walk-in and referrals. (This grant supports such a center in the Anacostia Section of Washington.) The services provided directly by the Center or through referrals to community agencies on the basis of cooperative arrangements, include remedial education, counseling, diagnostic services, phsychiatric treatment, job development and placement, medical treatment, and leisure-time programs. The Center bridges the gap between available services and youth in need and act as advocates to insure that youth receive needed services.

STATEMENT DEPARTMENT OF SOCIAL WELFARE, TOPEKA, KANSAS

Original Funding: June 30, 1972 to June 29, 1973, \$212,278.

The project provides for the development of a rural and an urban model providing comprehensive and integrated services for youth designed to divert them from the juvenile justice system. The nine-county Wheatlands Juvenile Services Agency in Garden City serves an area-wide Youth Services Center, providing coordination of existing service agencies and the development of new services based upon identified needs and gaps. A 24-hour intake and referral center operates under the supervision of the local department of social welfare. Specific services provide in this model are counseling, job placement, medical services, vocational treament, educational an recreational services. For each youth referred to the center, a complete program will be developed utilizing various community resources.

LOUISVILLE BOARD OF EDUCATION, LOUISVILLE, KY.

Original Funding: June 15, 1972 to May 31, 1973, \$320,000.

The project seeks to divert youth from the juvenile justice system by providing an individualized and realistic program of education and supportive services. Within the Dept. of Institutions, the newly created Division of Alternative Programs develops programs and special schools for students not being reached by the traditional school systems. These special schools emphasize and promote individual instruction, programmed learning, work experience, counseling, homeschool coordination, direct services and cooperation with local and State youth serving agencies. Special training is provided teacher aides and para-professional staff as well as to parents who may then serve as volunteer-tutors in their community schools.

WAYNE COUNTY BOARD OF COMMISSIONERS, DETROIT, MICH.

Original Funding: June 30, 1972 to June 29, 1973, \$325,000.

This project seeks to develop a common approach to juvenile crime prevention and to establish linkages among the various social service agencies so as to provide a more effective mobilization of resources and eliminate service gaps. The project is comprised of two major functional companies—The Juvenile Facilities Network program which performs planning, policy development and coordinative activities and the Youth Service Delivery Program which assures that needed services are provided, often in neighborhood service centers.

FOCUS, INC., LAS VEGAS, NEV.

Original Funding: June 1, 1972 to May 31, 1973, \$99,724.

This project provides a system of coordinated youth services for local and outof-state runaway youth. They operate a Youth Hostel which provides in addition to the adult supervision required by State law, short-term lodging, counseling, transportation, recreational activities, short-term employment and referrals
to supportive and medical services as necessary. In addition, liaison with the
families is established as soon as possible, and efforts are made to involve the
parents in the solution of problem situation.

GOVERNOR'S OFFICE, CONCORD, N.H., SEACOAST REGIONAL COUNSELING CENTER, PORTS-MOUTH, MANCHESTER SCHOOL DEPARTMENT, MANCHESTER, N.H., MANCHESTER REGIONAL OFFICE, MANCHESTER, OFFICE OF YOUTH SERVICES, MANCHESTER, N.H.

Original Funding: June 30, 1972 to June 29, 1973, \$225,000. Renewed Funding: June 30, 1973 to June 29, 1974, \$217,555.

A total of five grants were awarded to the State of New Hampshire to develop a coordinated network of youth services. The Seacoast Regional Counseling Center supports a Youth Resource Center which provides a wide range of counseling services, information and referral to community agencies, a school counselor in the junior high to work with potential drop-outs, a detached worker in the Police Department to work with youth, diagnostic testing and evaluation, a summer youth services program and attempts to further coordination and cooperation among community agencies. The Manchester School Department employs a team of behaviorial specialists who are working within the local junior high schools studying their processes of schooling and their consequences on youth development. The Manchester Office of Child and Family Services sponsors a runaway program which encourages youth to turn to a Youth Services Crisis Center for help rather than running away. The Office of Youth Services provides a program which incorporates a youth-operated Job Clearing House, a Recreational Advisory Committee, a volunteer service program, a Youth Agency Council which seeks to expand and develop community resources for youth and four indigenous detached workers who work with both youth and adults in high delinquency neighborhoods.

CITY OF SYRACUSE, SYRACUSE, N.Y.

Original Funding: June 30, 1972 to June 29, 1973, \$200,000.

The Community-Wide Action Plan for Youth seeks to provide an integrated planning and service delivery program for youth in Syracuse. The service com-

ponents are provided both through youth centers designed to meet the needs of youth in specific areas which were not being served and through programs designed to fill identified high priority service gaps. Youth Center programs include the expansion of a theater program, the expansion of a comprehensive neighborhood program providing recreation, tutoring, job preparation and other services and the expansion of three teen centers providing a vairety of services to youth. Programs supported under the service gap component include three recreation programs for the mentally handicapped, a program designed for inner-city girls aged 12-18, the provision of a liaison social worker to deal with the problems of Spanish-speaking students and several educationally orlented programs.

OKLAHOMA DEPARTMENT OF INSTITUTIONS, SOCIAL AND REHABILITATION SERVICES, OKLAHOMA CITY, OKLA.

Original Funding: April 1, 1972 to March 3, 1973, \$250,000. Renewed Funding: April 1, 1973 to March 31, 1974, \$100,000.

The Statewide Systems Model for Delinquency Prevention seeks to demonstrate a 2% reduction in the formal adjudication of delinquency youth within an eleven county area composed of urban, rurban, and rural populations. Emphasis is placed on the coordination of existing resources to focus on identified problems and to strengthen the institutional ties of problemed children. Different techniques for program coordination have been implemented commensurate with the type of community, the level of services currently being provided and the incidence of juvenile delinquency. In the urban areas citizen-unanaged youth service bureaus maintain primary responsibility for program coordination, while the urban and rural areas citizen advisory groups perform this function.

DEPARTMENT OF SOCIAL SERVICES, SALT LAKE CITY, UTAH

Original Funding: June 30, 1972 to June 29, 1973, \$325,000. Renewed Funding: June 30, 1973 to June 29, 1974, \$100,000.

Youth Services Systems, established in Salt Lake City and in Weber County represent the first phase in the development of a statewide juvenile delinquency prevention services network. The project is designed to coordinate and focus the services of existing agencies toward the prevention of juvenile delinquency, to modify existing programs and to establish or expand other programs when needs or gaps are identified. Members of the Advisory Council ensure participation of State and local agencies in this endeavor and suggest future program direction. Program emphasis is placed on strengthening the ties between the school and the family.

NEW YOUTH SERVICES SYSTEMS, FISCAL YEAR 1973

REGION I

Family Services of New London and Vicinity, New London, Conn.. \$100,000 Addison County Youth Services, Inc., Middlebury, Vt., \$25,000. University of Vermont, Burlington, Vt., \$74,994. New England Medical Center Hospital, Boston, Mass., \$89,937.

REGION II

Sisters of the Good Shepard Residences, New York, N.Y., \$150,000. Union County Board of Chosen Freeholders, Elizabeth, N.J., \$100,000. Puerto Rico Planning Board, Santurce, Puerto Rico, \$175,000.

REGION III

Office of the Mayor, Wilmington, Del., \$64,668.
United Fund and Council, Inc., Wilmington, Del., \$35,332.
Mission of Community Concern, Washington, D.C., \$100,000.
City of Norfolk, Norfolk, Va., \$50,829.
Kanawha County Board of Education, Charleston, W. Va., \$100,000.
City Hall, City of Lynchburg, Lynchburg, Va., \$49,171.

Mayor and City Council or Baltimore, Baltimore, Md., \$225,000.

REGION IV

Somerset County College, Somerset, Ky., \$100,000.
Tennessee Council of Governments, Memphis, Tenn., \$100,000.
Atlanta Public Schools, Atlanta, Ga., \$224,950.
Leon County Board of Commissioners, Tallahassee, Fla., \$100,000.
Lee County Youth Development Center, Inc., Opelika, Ala., \$50,000.
South Carolina Department of Youth Services, Columbia, S.C., \$100,000.
Winston-Salem/Forsyth County Board, Winston-Salem, N.C., \$100,000.
Dallas County Commission, Selma, Ala., \$50,000.
Gulfport Municipal Separate School, Gulfport, Miss., \$100,000.

REGION V

Washterau School District, Ann Arbor, Mich., \$100,000, Mayor's Commission of Youth, Indianapolis, Ind., \$100,000, Duluth Indian Action Council, Duluth, Minn., \$100,000, Proviso Y, Proviso III., \$100,000, Milwaukee, Wis., \$100,000, Cleveland Impact Cities, Cleveland, Ohio, \$225,000.

REGION VI

Mayor's Criminal Justice Council, New Orleans, La., \$69.935. Bernalillo County Commission, Albuquerque, N. Mex., \$50,000. San Angelo Youth Services Bureau, San Angelo, Tex., \$20,193. YMCA of Dallas Metropolitan Area, Dallas, Tex., \$256,882. National Conference of Christians and Jews, Little Rock, Ark., \$77,925.

REGION VII

State Youth Coordinator, Des Moines, Iowa, \$100,000. State Department of Social Welfare, Topeka, Kans., \$100,000. Mayor's Council on Youth, St. Louis, Mo., \$125,000. Douglas County Department of Mental Health. Omaha, Nebr., \$80,000. Lancaster County Board of Commissioners, Lincoln, Nebr., \$20,000.

REGION VIII

Colorado Department of Institutions, Denver, Colo., \$225,000. South Dakota Department of Public Information, Pierre, S. Dak., \$100,000. Social Service Board of North Dakota, Bismarck, N. Dak., \$100,000.

REGION IX -

Maricopa County Youth Service Bureau, Phoenix, Ariz., \$60,000. San Carlos Apache Tribe, \$40,000. Youth Advocates. Inc., San Francisco. Calif.. \$20,000. Youth Advocates. Inc., San Francisco. Calif.. \$20,000. Wentura County Delinquency Prevention Commission, Ventura, Calif., \$97,000. Mayor's Office, Hilo, Hawaii, \$75,500. City and County of Honolulu, Honolulu. Hawaii. \$75,500. Department of Health, Welfare and Rehabilitation, Carson City, Nev., \$100,000. Sanctuary, Inc., Agana, Guam, \$10,000. Governor's Office, Pago Pago, American Samoa, \$25,000. Division of Community Development, Saipan, Marianna Islands, \$25,000.

REGION X

Ketchikan Community Council, Ketchikan, Alaska, \$50,000.

Nez Perce Tribe, Lapwai, Idaho, \$33,333.

Lewis-Clark Valey Youth Bureau, Lewiston, Idaho, \$33,333.

Bureau of Human Resources, Portland, Oreg., \$225,000.

Department of Community Development, King County, Seattle, Wash., \$50,000.

City of Seattle, Seattle, Wash., \$50,000.

Hillcrest Home for Boys, Fairbanks, Alaska, \$50,000.

Kootenai County Coordinating Council, Coeur d'Alene, Idaho, \$33,334.

[Additional questions submitted to HEW and responses supplied for the record are marked "Exhibit Nos. 16-18" and are as follows:]

EXHIBIT No. 16

APRIL 19, 1973.

Hon. Caspar Weinberger, Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: The juvenile delinquency crisis and the role of the Federal government in the prevention and control of juvenile delinquency are among the serious issues facing our nation and are matters of continuing concern to this Subcommittee. During the last session of Congress the Subcommittee has held hearings on the Juvenile Justice and Delinquency Prevention Act, S. 3148, which I reintroduced along with Senator Marlow Cook as S. 821 on February 8, 1973. We have continued the hearings and our investigation.

Because of your responsibilities in the area of juvenile delinquency, I am inviting you to testify before the Subcommittee at 10:00 a.m., on May 15, in Room 2228, Dirksen Senate Office Building, Washington, D.C. In accordance with Subcommittee rule, I would appreciate your sending us 100 copies of your prepared statement 72 hours in advance of your scheduled appearance. A preliminary copy of your statement should be received in this office no later than May 10, 1973, I am enclosing a copy of S. 821.

The Subcommittee would appreciate hearing your views and receiving data on questions which have been raised regarding the need for S. 821, including

but not limited to the following:

1. Summary of Federal dollars obligated in Fiscal Year 1972 by the Department of Health, Education, and Welfare to programs directly related to juvenile delinquency.

2. Summary of Federal dollars obligated in Fiscal 1972 by the Department of Health, Education, and Welfare directly relating to the prevention of juvenile delinquency including a brief description of the programs included.

3. The actual expenditures under the Juvenile Delinquency Prevention Act for

Fiscal 1973 to date.

4. A breakdown of all expenditures for the Juvenile Delinquency Prevention Act for Fiscal 1973, including the following particular information.

(a) amount for coordinated youth services and the percentage of total budget this represents:

(b) amount for construction;

(c) amount for training;

- (d) amount for technical assistance;
- (e) amount for information services;

(f) amount for evaluation.

- 5. The administration, structure, operation, and location of the YDDPA, and program plans and level of funding for the Juvenile Delinquency Prevention Act for Fiscal 1974.
- 6. The number of youth service systems operating in calendar years 1972 and 1973, including the following particular information:

(a) location and description of each such system;

- (b) date, amount, and period of time of original funding;
- (c) date, amount, and period of time of renewed funding if any;

(d) number of completely new systems started in 1973.

- 7. The expenditures for research in juvenile delinquency by the Department of HEW, including a brief description of each research project and the source of its funding.
- 8. The expenditures for training in the field of juvenile delinquency by the Department of HEW, including a brief description of the source of funds, type of training and the personnel included.
- 9. The coordination of juvenile delinquency programs within the Department of HEW at the Federal, regional, state and local level.
- 10. The coordination of Federal juvenile delinquency programs at the Federal, regional, state and local level.

11. The role of HEW in the Interdepartmental Council to Coordinate All Fed-

eral Juvenile Delinquency Programs.

12. The juvenile delinquency component in LEAA's Impact Cities program and HEW's participation in that component.

13. The role of HEW in criminal justice planning at the state and local level. I look forward to your appearance before the Subcommittee, If you have any questions regarding your testimony, please feel free to contact Ms. Mathea Falco, Staff Director and Chief Counsel of the Subcommittee at 225-2951.

Sincerely,

BIRCH BAYH, Chairman.

EXHIBIT No. 17

JULY 13, 1973.

STANLEY B. THOMAS, Jr., Acting Assistant Secretary for Human Development, Department of Health, Education, and Welfare. Washington, D.C.

DEAR Mr. THOMAS: On behalf of the members of the Senate Judiciary Subcommittee to Investigate Juvenile Delinquency, I would like to take this opportunity to express my appreciation for your appearance before us on June 27, 1973.

Your testimony on the proposed legislation, S. 821, the Juvenile Justice and Delinquency Prevention Act of 1973 is a valuable contribution to our efforts to learn more about effective approaches to the problems of juvenile delinquency. When the hearings which contain your testimony are printed, I shall forward copies to you.

I would appreciate receiving your written responses to the questions set forth below no later than July 25, 1973. These questions and your responses will be included in the final printed copy of the hearings.

1. Your data submitted to the Subcommittee subsequent to the hearings states

that 61 new youth services systems were funded in Fiscal 1973.

(a) The Juvenile Delinquency Prevention Act requires that HEW provide services where none exist. Will any of these new systems provide direct services to youth?

(b) With other sources of funds within HEW and other Federal agencies being cut back, how does YDDPA foresee communities establishing effective youth services systems with YDDPA funds for direct services?

2. In your prepared testimony, you stated that the 1974 budget can again be

limited to \$10 million for YDDPA.

(a) Does this mean that YDDPA funding of some of the presently operating youth services systems will be phased out in 1974?

(b) How many of these programs have commitments for continuing support

at the same level from state and local sources?

3. The May 25, 1971, letter of agreement between the Secretary of HEW and the Attorney General gave HEW the responsibility for delinquency prevention and rehabilitation outside the juvenile justice system and LEAA the responsibility for programs operating inside the juvenile justice system. Last year's extension of the Juvenile Delinquency Prevention and Control Act further clarified this division of responsibility for prevention programs. In justifying the \$10 million budget, however, you refer to the "demonstration projects of HEW's juvenile delinquency programs and . . . the broader prevention and control support programs of LEAA."

(a) Why has YDDPA relinquished its responsibilities for prevention to LEAA?
(b) LEAA funds juvenile delinquency prevention programs for a total of \$21 million. Why does YDDPA feel that \$31 million (\$10 million from YDDPA and \$21 million from LEAA) is a sufficient Federal investment in juvenile delinquency prevention?

4. You stated in your prepared testimony that YDDPA has been placed in the Office of Human Development. You made inconsistent statements about the new title of the office with the responsibility for administering the Juvenile Delinquency Prevention Act.

(a) What will the new office be called?

(b) What will be the title and GS level of the director of this new office?

(c) Will this office administer programs other than those under the Juvenile Delinquency Prevention Act? If so, what will be the title and GS level of the person directly responsible for the programs under the Juvenile Delinquency Prevention Act?

(d) Why specifically does the move of YDDPA from an Administration within the Social and Rehabilitation Service to an office within the Office of the Assistant Secretary for Human Development strengthen and coordinate programs for delinquency prevention and youth development?

5. In your prepared testimony, you listed various HEW programs as expending

a total of \$59,373,460 on juvenile delinquency.

(a) Would you please describe how the Office of Education, the National Institute of Mental Health, the Rehabilitation Services Administration and the Research and Development arm of the Social and Rehabilitation Service are directly addressing the problem of juvenile delinquency, rather than indirectly through youth related programs?

(b) Last year, HEW submitted a similar list, totalling \$83.4 million. Why has there been such a substantial decrease in HEW spending in this area?

(c) How does the Department determine which funds are spent on juvenile delinquency when, according to your prepared testimony, you cannot break these funds down into prevention, research and training?

6. According to your prepared testimony, YDDPA expected \$729,735 on tech-

nical assistance through May 1, 1973.

- (a) What part of them was expended for direct technical assistance under Section 301?
- (b) What part provided technical assistance through the states, under Section 302?

(c) Would you please describe the grants?

7. Although your prepared statement shows a funding level of \$100,000 for evaluation, as of May 1, 1973. YDDPA expended only \$7.659 on evaluation.

(a) Why was so little expended?

(b) What program(s) was evaluated?

- (c) Has any evaluation of youth services systems been completed? If so, what were the results?
- 8. In your prepared statement, you show an expenditure of \$117,552 on information services. Please describe the information services provided by these funds
- 9. Mr. Twiname testified last year at length about the Oklahoma system and entered into the hearing record a memorandum of agreement among the participating agencies. What is the present status of that system?

10. Mr. Twiname also testified that in Fiscal 1972 YDDPA had stimulated a youth development program in New York which was to involve \$100 million from

Title IV-A funds. What is the status of that program?

11. You testified that the objectives of S. 821 can be obtained through existing agencies. The Subcommittee, however, has been contacted by organizations throughout the country complaining that funds are not available for communitybased services for delinquent and potentially delinquent youth. Where, in HEW, can a private non-profit organization find funds to operate a halfway house, or a crisis intervention program?

12. You opposed the creation of a new National Office of Juvenile Justice and Delinquency Prevention. Where do you think a program such as the one envisioned by S. S21 should be located? Would HEW be able to administer this

program.

13. In your prepared statement, you referred to the decrease in the rate of increase of juvenile delinquency cases disposed of by juvenile courts: 10% in 1968-69; 7% 1970-71; 3.4% 1971-72. Has YDDPA done any research, or is it aware of any research, to determine what proportion of the decrease is due to states lowering the maximum age for delinquency proceedings and/or increasing the use of transfers to adult court?

Thank you for your assistance.

Sincerely.

BIRCH BAYH, Chairman.

Exhibit No. 18

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE. OFFICE OF THE SECRETARY, Washington, D.C., August 29, 1973.

Hon. BIRCH BAYH,

Chairman, Subcommittee to Investigate Juvenile Delinquency, U.S. Senate, Washington, D.C.

Dear Senator Bayn: This is in answer to your letter, dated July 13, in which you set forth thirteen questions relating to the program carried on under the Juvenile Delinquency Prevention Act.

I hope the following material clears up any questions the Subcommittee may have. Under separate cover, we are sending copies of our publications and reprints, which were developed by our information service. We will also be sending you a final evaluation report on those systems that were studied last year. We expect this report will be available sometime in August.

Question No. 1(a) .- The Juvenile Delinquency Prevention Act requires that HEW provide services where none exist. Will any of these new systems provide

direct services to youth?

)

Answer.—To "provide services where none exist" is not a primary mandate of the Juvenile Delinquency Prevention Act. In most communities some services already exist and in many of the major communities a great variety of services exist. Although direct services can be, and are, provided through the Delenquency Prevention Act, its emphasis is on the development of "coordinated youth services" which means a comprehensive service delivery system, so designed that it will be particularly geared to serve a specific target group, namely, youth in danger of becoming delinquent who often go unserved under the uncoordinated piecemeal community programs as they exist today.

Question No. 1(b).—With other sources of funds within HEW and other Federal agencies being cut back, how does YDDPA foresee communities establishing effective youth services systems without YDDPA funds for direct services?

Answer.—OYD funds are initially used in the youth services systems both for the coordination of youth services and to fill identified gaps in the youth service network and to provide innovative services not available through other funding sources. Support is provided with the understanding that it is temporary and that other sources must be found, i.e., revenue sharing, State, foundation support, to provide ongoing support for these services,

The Act also requires that the application show the strategy for phasing out support under the Act and the continuance of the program through other sources. Question No. 2(a).—Does this mean that YDDPA funding of some of the pres-

ently operating youth services systems will be phased out in 1974?

Answer.—Yes. Those youth services systems begun in FY '71 and which have received 15% less in FY '73 will receive 25% less in FY '74 as final support. Thereafter local and State support will sustain the programs.

Question No. 2(b).—How many of these programs have commitments for con-

tinuing support at the same level from state and local sources?

Answer.—A number of these programs, including Orange County, Calif., San Antonio, Tex., and Brooklyn, N.Y., will be continued via local tax support, revenue sharing and other types of Federal pass-through funding.

Question No. 3(a).—Why has YDDPA relinquished its responsibilities for pre-

vention to LEAA?

Answer.—From the inception of the Omnibus Crime Control and Safe Streets Act, a variety of programs in the field of juvenile delinquency were funded under the Act. Later amendments provided specific authorization for a broad program in the prevention and treatment of juvenile delinquency under the LEAA program. This fact coupled with an increasingly substantial funding level placed LEAA in the position of being the lead agency in the Federal Government in this field. The gist of the exchange of letters, dated May 25, 1971, between the Attorney General and the Secretary of HEW was that HEW would not fund prevention or rehabilitation programs within the juvenile justice system. The agreement did not limit LEAA to funding prevention and rehabilitation programs within the system. In fact, substantal programs have been funded both in and out of the system by LEAA since that time.

YDDPA did not relinquish its responsibility for prevention to LEAA since these were shared responsibilities between the two Departments rather than mutually exclusive. It did, however, redirect its program to meet a major weakness-lack of program coordination-through the systems development approach which is-

the primary emphasis of the Juvenile Delinquency Prevention Act.

Question No. 3(b).—LEAA funds juvenile delinquency prevention programs for a total of \$21 million. Why does YDDPA feel that \$31 million (\$10 million from YDDPA and \$21 million from LEAA) is a sufficient Federal investment in juvenile delinquency prevention?

Answer.—YDDPA does not feel that \$31 million is a sufficient Federal investment in juvenile delinquency prevention. In fact, the Federal investment in delinquency prevention is much larger than this amount when other programs in HEW and other Departments are included.

Question No. 4(a).—What will the new office be called?

Answer.—The Office responsible for administering the Juvenile Delinquency Act will be the Office of Youth Development. This Office is located in the Office of Human Development and its director will report directly to the Assistant Secretary for Human Development.

Question No. 4(b).—What will be the title and GS level of the director of this

new office?

Answer.—The director will have the title of Commissioner and will be a GS-16. Question No. 4(c).—Will the office administer programs other than those under the Juvenile Delinquency Prevention Act? If so, what will be the title and GS level of the person directly responsible for the programs under the Juvenile Delinguency Prevention Act?

Answer.—The Office of Youth Development will administer other programs in addition to those under the Juvenile Delinquency Prevention Act, Direct responsibility for the programs under the Juvenile Delinquency Prevention Act will rest with the Director, Division of Youth Services Systems, The Director

will be a GS-15.

Question No. 4(d).-Why specifically does the move of YDDPA from an Administration within the Social and Rehabilitation Service to an office within the Office of the Assistant Secretary for Human Development strengthen and coordi-

nate programs for delinquency prevention and youth development?

Answer.—The placement of YDDPA along with other human development functions in a single entity will correct a number of problems, including the low program visibility and the domination of human development offices by larger officers, layering and diffusion of human development expertise which have prevented access to policy development, and the lack of a recognizable unit con-cerned with the impact of the totality of HEW programs on certain specific target groups, such as potentially delinquent youth.

Question No. 5(a).-Would you please describe how the Office of Education, the National Institute of Mental Health, the Rehabilitation Services Administration and the Research and Development arm of the Social and Rehabilitation Service are directly addressing the problem of juvenille delinquency, rather than

indirectly through youth related programs?

Answer.-Determining whether a program is directly or indirectly related to delinquency can be a somewhat subjective decision. Generally those programs which serve delinquent children or a target youth group particularly vulnerable to delinquency are considered directly related. On the other hand, those programs that are established to improve a particular service for all youth would be considered indirect; in other words, youth development. For example, OE funds which are available for improving educational programs in institutions for delinguent children would be considered directly related. On the other hand, funds which would be used for the purpose of developing and improving education for all youth would be considered indirect or for youth development. In a number of situations, a particular project could include both.

Question No. 5(b).—Last year, HEW submitted a similar list, totalling \$83.4 million. Why has there been such a substantial decrease in HEW spending in

this area?

Answer.—Last year, the figure submitted (\$83,368,982) included, as the title of the table shows, youth development projects as well as specific delinquency projects. In the figures submitted to you on page 7 of the testimony, we were more selective thereby limiting the figures as much as possible to programs directly related to juvenile delinquency rather than overall youth development. You will note that some of the footnotes are more specific in describing the use of these funds.

Question No. 5(c).—How does the Department determine which funds are spent on Juvenile delinquency when, according to your prepared testimony, you cannot

break these funds down into prevention, research and training?

Answer.—The Department can determine which funds are spent on juvenile delinquency since there is a general category on juvenile delinquency. This category, however, may include prevention, research and training. The fact that many projects include elements of all three is the reason why it is extremely difficult to establish categorical dollar costs.

Question No. 6.—According to your prepared testimony, YDDPA expended \$729.735 on technical assistance through May 1, 1973.

No. 6(a).—What part of this was expended for direct technical assistance under Section 301?

Answer.—All funds were expended for this purpose.

No. 6(b).—What part provided technical assistance through the states, under Section 302?

Answer .-- None.

No. $\theta(c)$.—Would you please describe the grants?

Answer.—1. National Urban Coalition, Washington, D.C., \$99,824: To provide technical assistance to initiate the process of developing a youth service system in five cities (to be selected) which will serve to heighten the private sector consciousness of the needs of youth, increase the sensitivity to the local institutional barriers to youth development and pull them together in a cooperative action.

2. Children's Hospital of Los Angeles, California, \$23,000: To provide technical and planning assistance to States, counties, cities, and qualified representatives of the private sector requesting assistance around the arena of increasing the level of youth and private sector participation in the development, imple-

mentation, coordination, and evaluation of youth services.

3. University of Colorado, Boulder, \$275.000: To provide a wide range of technical assistance directly related to juvenile delinquency prevention and youth development. Assistance is provided for the planning, development, monitoring and evaluation of youth service systems. Other technical assistance activities being conducted include the provision of support in the implementation of the Montana Rural America Project; the development of youth components of the LEAA Impact Cities program: and the development of State-supported youth service systems to be funded in each region.

4. University of Minnesota, Minneapolis, \$60,000: To provide technical assistance aimed at supporting the processes of bringing the fragmented elements of services to youth and to better coordinate and focus these services by strengthening leadership structure at the State level and with particular reference to State

committees for children and youth.

5. Educational Systems Corporation, Washington, D.C. \$250,000: To provide technical assistance to those communities which are operating and/or developing youth service systems. Staff will respond to requests for specialized assistance from the ten regional offices on a consultant basis, utilizing its extensive experience in management, training, and the provision of such assistance.

6. National Board of YMCA's, New York, N.Y., \$21.911: To provide technical assistance to assist agencies to develop and improve the staff capacities and abilities required to deal effectively with contemporary youth needs and problems, and to develop ongoing programs to increase organizational responsiveness to the needs and problems of youth in their communities.

Question No. 7.—Although your prepared statement shows a funding level of \$100,000 for evaluation, as of May 1, 1973, YDDPA expended only \$7.659 on

evaluation.

No. 7(a). - Why was so little expended?

Answer.—In June of 1973, the full amount of evaluation funds was obligated to the Behavioral Research and Evaluation Corporation of Boulder, Colorado. The contract was awarded to conduct an in-depth assessment of youth services in locales indicated below.

No. 7(b).—What program(s) was evaluated?

Answer.—Tentatively selected for inclusion in the study are: Syracuse, N.Y.; Nashville, Tenn.: Portsmouth and Manchester, N.H.; Kansas City, Missouri; Denver. Colo.; and Las Vegas, Nev.

No. 7(c).—Has any evaluation of youth services systems been completed?

If so, what were the results?

Answer.—The FY '72 evaluation of five sites is nearing completion. When the final report of the evaluation is received next month, a copy will be sent to you.

The criteria used in evaluating the projects were the integration and coordination of youth services in the target community; institutional changes effected; the degree of youth involvement; the penetration of youth into the juvenile justice system; diversion from the juvenile justice system; and, the impact of the project on the youth served.

The projects included in the FY '72 study represent three distinct program development models; the diversion model (San Antonio), the youth development model (Orange County, Boise, and Philadelphia), and the youth advocacy model

(South Bend).

The preliminary findings from the evaluation are encouraging. The diversion model in San Antonio focuses largely on the juvenile justice system and on the

establishment of formal relationships for the diversion of youth out of that system. The impact in this area has been quite high, with approximately ninety percent of all target area youth arrested being referred to the project. The institutional changes realized by the project are also substantial, relating primarily to changes in police and probation practices. The project was highly successful in diverting status offenders from the juvenile justice system, with only five percent of those arrested being certified by the prosecuting attorney for a court hearing.

The youth development projects in Orange County. Boise and Philadelphia adopted a clear systems development strategy. The programs in Orange County and Boise have included youth in meaningful roles at both the planning and decision-making levels and at the direct service level, and have been successful in effecting institutional change in their communities—one through cooperation and joint planning, the other utilizing the same vehicles as well as a youth advocacy or a confrontation approach where necessary. In two of the projects, a decrease was noted in the number of youth processed by law enforcement agencies for misdemennant and status offenses. An increased diversion rate was similarly noted, although it was lower than in the diversion model. The impact analysis, conducted in only two of the three project areas, provided evidence that the projects are a positive alternative to probation. In one project substantial improvement was noted in the perceived access of youth to community organizations and to the project itself.

The youth advocacy model in South Bend has institutional change as its primary objective, with confrontation being the primary tactic. These changes which have been substantial, cutting right to the basic institutional processes; moreover, they have been dramatic and have been achieved in a relatively short period of time. Negative consequences have been noted, however, due to the confrontation approach utilized and the long-range effect of these changes is questionable. Significant youth involvement existed throughout the project from decision-making to service roles. The penetration analysis revealed a substantial reduction in the rates of entry into the juvenile justice system for serious male

offenses, but no significant change noted for females.

Question No. 8.—In your prepared statement, you show an expenditure of \$117,552 on information services. Please describe the information services provided by these funds.

Answer.—The following information services were provided during FY '73:

1. Ten issues of the DELINQUENCY PREVENTION REPORTER. These were designed to disseminate information on various programs and efforts to prevent delinquency. Among the issues were: "The Massachusetts Experience", "Perspectives on Delinquency Prevention Strategy", "Youth Involvement", "Volunteers Help Youth", "Local Advocacy Against Delinquency", "New Delinquency Bill", "Youth Services Systems", "Rrural America Project—The Montana Youth Services."

ices System", and "Children Needing Help".

2. The following publications were developed and distributed: Toward a Political Definition of Juvenile Delinquency, Volunteers in Court: A Manual, First National Workshop for State Committees for Children and Youth (no copies available), Diverting Youth from the Correctional System, The Challenge of Youth Service Bureaus, Better Ways to Help Youth, Volunteers in Court: Collected Papers, Delinquency Prevention Through Youth Development, Youth Service Bureaus and Delinquency Prevention, Hotline for Youth, Volunteers Help Youth, A Quiet Revolution, Juvenile and Family Courts—A Legal Bibliography, Legislative Guide for Drafting State-Local Programs on Juvenile Delinquency, and Youth Service Bureaus—A National Study.

3. Articles and reprints included: "Beyond Control of the Juvenile Court", "Juvenile Statutes and Noncriminal Delinquents—Applying the Void for Vague-

ness Doctrine."

4. A public service television spot advocating the total involvement of the community as a means of delinquency prevention was produced for distribution to approximately 700 TV stations, Also, several films on delinquency prevention were distributed (previously produced) on a free-loan basis. Also, several posters dramatizing the concept of youth involvement and the use of volunteers were produced and distributed nationally.

(Note: Copies of all material listed above have been sent to the Committee.) Question No. 9.—Mr. Twiname testified last year at length about the Oklahoma

system and entered into the hearing record a memorandum of agreement among

the participating agencies. What is the present status of that system?

Answer.—The State of Oklahoma Youth Services System, granted to the Oklahoma Department of Institutions, Social and Rehabilitative Services, has entered into participatory agreements with 14 communities. Multi-disciplinary Citizen Boards have been established in each community and Directors have been hired by the Boards. Together with the Boards, the Directors have the responsibility to assess community needs, fulfill program gaps, and develop new programs. Title IV, Parts A and B of the Social Security Act, moneys are extensively used in these communities and are readily available since the grantee is the State umbrella agency for dispersal of these resources.

While the program is continuing with marked success, some handicaps have

evolved:

1. Many youth clients are ineligible for Title IV, Part A, funds since they do not represent families on welfare rolls.

2. LEAA funds for some communities are being withdrawn because they have

already received funding for three years (LEAA's limit).

nIterest in the State YSS is growing slowly, and some private youth-serving agencies, albeit in short supply in the State, are beginning to get involved in the YSS operations. There are positive signs of increasing support from the private sector, and these resources will be further explored during the current project year. Technical assistance is being provided to other communities evincing an interest in starting a youth services system, and if funds permit, there will be new starts for next fiscal year.

Question No. 10.—Mr. Twiname also testified that in FY '72 YDDPA had stimulated a youth development program in New York which was to involve \$100

million from Title IV-A funds. What is the status of that program?

Answer.—The youth development program in New York was to involve \$1 million not \$100 million as stated earlier. The New York State Department of Social Services had originally pledged that \$1 million from Title IV-A funds to the Wiltwyck School for Boys, Inc., in Brooklyn for a coordinated youth services system. When formula grants under Title IV-A were curtailed through a new ceiling on funds for social services the pledge could not be fulfilled. However, support from other sources was secured and the program is now completing its second year of operation. In addition to the grantee's \$194,000 and OYD's \$584,000, other sources of assistance were as follows:

| Department of Labor | \$57, 888 |
|------------------------------------|-----------|
| State Planning Agency (LEAA funds) | |
| Foundations | 172, 125 |
| State, New York | |
| · - | |

Question No. 11.—You testified that the objectives of S. 821 can be obtained through existing agencies. The Subcommittee, however, has been contacted by organizations throughout the country complaining that funds are not available for community-based services for delinquent and potentially delinquent youth. Where, in HEW, can a private non-profit organization find funds to operate a half-way house, or a crisis intervention program?

Answer.—Under Title IV-A and IV-B of the Social Security Act, half-way houses and crisis intervention programs are supported by State Departments of Social Services through formula grants by HEW. Funds can also be made available to private agencies for those services on a contract or purchase of care basis.

The LEAA makes bloc grants to designated State law enforcement planning agencies for a wide range of prevention and treatment programs in the criminal and juvenile justice system. These State agencies support a variety of community facilities including half-way houses and crisis intervention programs. Private agencies can be sub-grantees of local public agencies. They can be direct grantees of the LEAA Institue. The proposed amendments to the Omnibus Crime Bill permit direct grants to private agencies from the State Planning Agency.

Private non-profit organizations should contact their State and local Departments of Social Services or their State Law Enforcement Planning Agencies for

specific information on program assistance.

Question No. 12.—You opposed the creation of a new National Office of Juvenile Justice and Delniquency Prevention. Where do you think a program such as the

one envisioned by S. 821 should be located? Would HEW be able to administer

this program?

Answer.—We opposed the creation of a new National Office because mechanisms for coordination already exist, namely, the Interdepartmental Council on Juvenile Delinquency and the Federal Regional Councils discussed in my testimony. In addition program coordination at the Federal, State and local levels is a major goal under the Youth Services Systems developed under Title I of the Delinquency Prevention Act.

We did more than oppose the creation of a new National Office of Juvenile Justice and Delinquency Prevention. We also opposed specific programs established

within that Office.

In other words, we question both program and organization; therefore, we do not suggest any location for such a program. We do not believe it is a question of HEW's ability or for that matter the ability of any other Department. In our testimony, we indicated we believed that the inherent program responsibilities were of such a nature that they were "beyond any single office's capacity to discharge."

Question No. 13.—In your prepared statement, you referred to the decrease in the rate of increase of juvenile delinquency cases disposed of by juvenile courts; 10% in 1968-69; 7% 1970-71; 3.4% 1971-72. Has YDDPA done any research, or it aware of any research, to determine what proportion of the decrease is due to states lowering the minimum age for delinquency proceedings and/or increas-

ing the use of transfers to adult court?

Answer.—YDDPA has not done any research nor is it aware of any research to determine what proportion of the decrease is due to States lowering the maximum age for delinquency proceedings and/or increasing the use of transfers to adult courts. We know of no significant trend in either of these areas. We believe a few jurisdictions may have raised the age and a few may have lowered the age but we are not aware of any activity which would indicate any major trend in either direction. The same applies to transfer to the criminal court.

If we can be of any further service or assistance, please do not hesitate to call

upon us,

Sincerely yours,

Development.

Stanley B. Thomas, Jr.,
Assistant Secretary-Designate for Human Development, Office of Human

Senator BAYII. Because of the tight schedule of votes on the Senate floor, I have asked our final witness, Mr. Justus Freimund, Executive Director of the National Capital Office of the National Council on Crime and Delinquency, to submit his statement for the record. I appreciate his understanding of the difficulties we are facing with time pressures this morning.

[Mr. Freimund's prepared statement is as follows:]

STATEMENT OF JUSTUS FREIMUND, DIRECTOR NATIONAL CAPITAL OFFICE NATIONAL COUNCIL ON CRIME AND DELINQUENCY

Mr. Chairman, NCCD is grateful for the opportunity to discuss the Juvenile

Justice and Delinquency Prevention Act of 1973 (S. 821).

As you know, Mr. Chairman, we have been deeply involved in the evolution of this bill. In the last several years, we have presented testimony to this subcommittee concerning juvenile delinquency and the need for responsible federal action.

We do not see any need for reiterating this nation's appalling juvenile crime statistics, the anomalous conditions in our juvenile justice system, or the low priority accorded delinquency prevention and control. During hearings on this bill, you have heard the details over and over again. You are well aware of them. Professionals know the facts. Citizens are awakening to them. How much longer can the Congress avoid facing them?

For several years, we have carefully analyzed the federal effort in the area of juvenile delinquency prevention and rehabilitation. At no time has the juvenile justice system, let alone delinquency prevention efforts, received any

more than the most paltry fiscal support.

There are those who argue that juvenile delinquency needs no special agent beyond LEAA. Do they know that of \$835,258,706 available to the states through

LEAA in 1970 and 1971, only \$128,956,325, or 16% was allocated to juvenile delinquency programs. While LEAA may never be able to ascertain accurate figures, it is clear that even less than that amount was actually expended in the juvenile field.

As long as juvenile delinquency is treated as a secondary appendage to the rest of the nation's problems, there is no reason to believe that the past pattern of concern and funding for it will change in the foreseeable future. Unfortunately, juveniles have no constituency. It is therefore, incumbent upon us to do what is mandatory: take appropriate measures to allocate sufficient resources specifically for this purpose.

The 93rd Congress can start by implementing the Juvenile Justice and Delin-

quency Prevention Act of 1973.

S. 821 is the result of years of constructive work, modification and improvement. Its durability is testimony both to the continuing—and increasing—need for such a bill and to the perserverance of those responsible for drafting it. Happily, S. 821, like good wine, has gotten progressively better with age.

In its present form, E. 821 contains the three elements critical for reforming the juvenile justice system and stimulating innovative programming for delin-

quency prevention and control:

(1) A strong federal leadership role;

(2) A mandated authority to address the entire spectrum of juvenile de-

linquency from primary prevention to aftercare; and

(3) A built-in capacity for research, training, planning and evaluation, NCCD, therefore, supports this legislation as a significant step toward overcoming the most glaring weaknesses in the present system.

We would also like to make some comments which we believe will enhance the

impact of this bill.

It is generally recognized that prevention and control of crime and delinquency are local problems; that the focal point for criminal justice planning is at the state level; but that the federal government must provide both leadership and assistance. S. 821 recognizes and provides for these considerations.

Ultimately, however, programmatic success is dependent upon the quality of planning and accountability at all levels. Planning and accountability can be fully achieved if the following factors are required as an integral part of the program. These factors are important enough to dwell on in some detail.

They are

(1) Citizen Control.—Since citizens are both the ultimate providers and consumers of the juvenile justice system, they must participate in the decision-making process, particularly where those decisions influence or determine the values of the system. Citizen-controlled planning and review boards can carry out this function.

(2) Professional Input.—Because of their technical expertise, professionals in the field should be enmeshed in the planning system not only to provide tools for identifying needs, priorities and goals, but also to provide experienced manpower to direct and monitor implementation of the plans, e.g. auditing, management, research, evaluation. However, delinquency prevention, like war, is too important to be left to the professionals alone.

(3) Balanced Political and Economic Power.—Checks and balances reside in equitable apportionment of power among the vested interests at all levels. Hopefully, such safeguards will also serve to reduce political strug-

gles, jurisdictional disputes and conflicts of interest.

(4) Continuous Monitoring and Evaluation.—Comprehensive planning requires continuous and complete feedback of information, publicly disseminated and objectively evaluated. This not only assures accountability of program managers but also stimulates a high level of responsiveness of planning personnel. It is equally important that a method of evaluation be outlined and funds for this purpose be reserved at the inception of every program.

(5) Resource Coordination.—All elements of the system must be integrated to ensure coherent, well-balanced and effective delivery of all the necessary services. Close coordination of local, state, regional and federal efforts must be specified for this purpose. To achieve this coordination the decision making power and the funding power must be sufficiently centralized to prevent

dissipation of funds and effort as well as internecine warfare.

S. 821 is a strong bill because it incorporates all of these factors.

The argument has been made that these complex planning and accountability structures serve only to produce tangles of red tape and delay. It is true that adhering to a planned, accountable process is more complex and time-consuming than the simple transmission of virtually unrestricted funds.

A trade-off must be made, however, between the easy access to federal funds and planned accountability in the use of funds. It is our belief that the advantages of the comprehensive, planned approach outweigh the disadvantages of a rep-

resentative planning process.

My final, brief comments address two specific items in S. 821. The first deals with the formula for fund allocation under Title IV, part A. We have learned from experience that granting monies on the basis of delinquency (or crime) rates is counter-productive. It invariably encourages "crime-wave" planning to reflect qualifying conditions. We recommend that the base for fund allocation should be

formulated on the ratio of juveniles to the general population.

Finally, NCCD heartily applauds the main thrust of S. 821 toward communitybased alternatives to juvenile detention and correctional facilities. This is reflected in the emphasis on advanced techniques, innovative programming and expansion of community services. In order to maintain the integrity of this policy, however, we strongly recommend that tight limits be placed on all construction funds. These limits should prohibit all new construction until adequate provisions have been made for community alternatives.

Mr. Chairman, members of the committee, S. 821 is a good bill. The National Council on Crime and Delinquency is prepared to support this bill in every pos-

sible way.

Senator Bayit. These hearings on the Juvenile Justice and Delinquency Prevention Act have been a major subcommittee activity over the past 2 years. In January 1972 I first introduced this act as S. 3148. We have held 5 days of hearings on this act, hearing testimony from over 45 witnesses. On February 8, 1973, incorporating the suggestions made by various witnesses. I reintroduced this legislation as S. 821. The subcommittee has now completed 4 days of hearings on

this bill, hearing testimony from over 25 witnesses.

This measure could provide the leadership and resources necessary to weld a powerful partnership of Federal, State, and local governments, as well as private agencies devoted to helping young people in trouble. The bill, which strongly emphasizes the need for prevention, would provide resources for local counseling services and programs. By seeking to develop alternatives to traditional juvenile institutionsfoster or group homes and temporary shelter-care facilities—this bill would help to keep children out of the courts. In addition, the measure would incorporate into Federal law basic protections for juveniles. including many of the due process rights guaranteed to adults, And it would establish a long overdue institute which would serve as a national clearinghouse for delinquency prevention and treatment, and would also provide research, training, and assistance to workers in the field. Finally, the measure would provide for the development of national standards for juvenile justice, including minimal conditions of confinement for the young.

It is my hope that this measure will be reported to the Senate in 1974 and that that body will move swiftly and favorably in passing this vitally needed program which will assist our Nation in combatting the present scattered and uncoordinated Federal approach to

the problems of juvenile delinquency.

We will conclude these hearings, pending the call of the Chair. Whereupon, the hearing was recessed subject to the call of the Chair.]

APPENDIX

[Additional materials submitted for the record]

(A) STATEMENTS RECEIVED BY THE SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY IN SUPPORT OF S. 821, 93D CONGRESS

APPENDIX 1

STATEMENT OF VINCENT DE FRANCS, DIRECTOR, CHILDREN'S DIVISION, THE AMERICAN HUMANE ASSOCIATION TO THE SENATE SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY, APRIL 11, 1973

The following statement is offered in response to an invitation from Senator Bayh to comment on the proposed Juvenile Justice and Delinquency Prevention Act. We welcome Senator Bayh's invitation both as an opportunity to have substantive input into this Subcommittee's deliberations, and to formally express

our strong and unqualified support for the bill.

For many years formal recognition has been given to the concept of specialized treatment for juveniles who allegedly violate our criminal codes. Officially, we have accepted the precept that because children are particularly impressionable and unusually susceptible to influences, they should not be subjected to the rigors and trauma of trial in criminal courts. Moreover, since children lack the capacity to form mature judgments, we have chosen to treat them as being less culpable, both in a legal and moral sense, and thus deserving of dispositions consistent with the lesser degree of culpability. And, since we regard children as possessing characters and personalities which are yet malleable, they are viewed as having greater potential for rehabilitation and, thus, as a matter of policy, it is advantageous to provide them with treatment rather than subject them to punishment.

Unfortunately, our efforts in translating the concept of specialized treatment for juvenile offenders into a workable program have failed miserably and dramatically. As former Justice Fortas noted: "There is evidence, in fact, that there may be grounds for concern that the child receives the worst of both worlds: that he gets neither the protections accorded to adults nor the solicitous care and regenerative treatment postulated for children." Kent v. U.S., 383 U.S.

541, at 556 (1965).

Our failures over the past seventy-four years to establish a viable juvenile court system on a national basis are not evidence of a faulty and ill-conceived underlying philosophy, however. Rather, the failures serve to point up the fact that we have not fulfilled the obligation to protect our children. The promise of rehabilitative treatment contained in the juvenile court philosophy is an affirmative obligation which has never been fully honored. The potential of the juvenile court system has never been realized because, as a society, we have been unwilling to commit ourselves and our resources to the full implementation of the concept of juvenile justice.

We welcome the Juvenile Justice and Delinquency Prevention Act as a reaffirmation at a national level of a commitment to the philosophy and objectives of the juvenile court system. Further, it demonstrates a readiness to honor a collective responsibility to our children. But, just as important, it represents a will-

ingness to create structures and provide resources sufficient to give meaning to the heretofore empty ring of "juvenile justice."

If we may, we would like to address ourselves briefly to the prevention of delinquency. It is this aspect of the bill which we consider to be of overriding

importance.

)

The very fact that a child becomes the subject of a juvenile court proceeding indicates a failure somewhere in our system. Regardless of how enlightened the approach may be, any program constructed to deal only with the fact of juvenile delinquency is clearly incomplete. By definition, it is a program designed to deal with failure. The failures must, of course, be properly dealt with, but we must place appropriate emphasis on programs having as their objective the prevention of delinquency. Our real success is measured in terms of the children who never reach a juvenile court room. Preventative programs—measures designed to deal with the causes of serious juvenile deviance—must receive official recognition and support. We are hopeful that the Juvenile Justice and Delinquency Prevention Act will intinte a shifting of priorities to sufficiently reflect the imperative need for preventative approaches.

Without question, stimulation from the federal level is badly needed in the area of delinquency prevention. More knowledge must be generated concerning delinquency, its cause and its treatment. New and creative aproaches must be developed and implemented. But, it must not be overlooked that there are approaches and programs currently available. Their failure to have the expected impact on delinquency can largely be explained by the lack of direct support available to them. As the National Association of Child Protective Agencies, we have long believed that services to children and families are fundamental in any

effort to effectively prevent delinquent behavior.

No child is born delinquent. A child's behavior is largely determined by the nature of the pressures and influences which surround him. The emotional and physical environment of the family has a profound impact on the conduct of the child. There is no question that there is a strong and direct relationship between abuse and neglect suffered by a child, and his later disposition toward delinquent behavior. In families characterized by instability, insecurity, disorganization and neglect, it is imperative that services be extended before the child is seriously affected by the physical and emotional traumas and stresses in the home. This is precisely what Child Protective Services are designed to do. Child Protective Services are uniquely equipped to interrupt the development of delinquency at the earliest possible point by helping to eliminate the sources of emotional trauma and stress within the family.

Child Protective Service programs "reach out" to families in which problems are manifest in the form of child abuse or neglect. In order to protect the child victims, services are extended on an involuntary basis and are continued as long as needed. It is perhaps this fact which gives protective services their particular value in delinquency prevention. Child Protective Services don't wait until sufficient motivation is developed by the family. Nor are such services withdrawn if resistance is encountered. Child Protective Service programs maintain their involvement with the family until a satisfactory resolution of the situation has been reached. In some cases this may involve termination of the parent-child relationship. But, in the vast majority of cases, child protective workers can successfully treat the factors which brought about the neglect and abuse, and thereby stabilize the family situation. We firmly believe that by converting a bad home into a good one, and by making irresponsible people into responsible parents, a significant step has been taken in the direction of delinquency prevention.

Presently, each of the states has the legal framework and an on-going program of child protection housed in the state and county department of social services. While there are many good programs, no state or community has developed an adequate Child Protective Service program. We are aware of the great need for protective ser ices, and we have proven techniques available for successful intervention. And yet, we are unable to help thousands of children needing protective services. This is the real tragedy of our present situation.

We desperately need intervention at the federal level. The protection of neglected, abused and exploited children must receive the highest national priority. Congressional action is needed to require that Child Protective Services be a mandated program in every state. This requirement should be unequivocal and

without possibility for evasion by the states. To make the mandate more visible and, more importantly, to make its practice a reality, Congress must allocate sufficient funds specifically designated to fund Child Protective Services in each state. Other complimentary programs, aimed at delinquency prevention, similarly suffer from the lack of stimulation and funding. We sincerely hope that the present bill is the first step in instituting a rational and effective solution to the problem of juvenile delinquency.

Once again, as an organization which has been involved with the welfare of our nation's children for nearly a century, we enthusiastically lend our support to the Juvenile Justice and Delinquency Act.

to the Juvenile Justice and Delinquency Act.

APPENDIX 2

THE AMERICAN LEGION. · Washington, D.C., May 17, 1973.

Hon. Birch Bayn.

Chairman, Subcommittee to Investigate Juvenile Delinquency, Senate Committee on Judiciary, Washington, D.C.

DEAR CHAIRMAN BAYH: Enclosed is a statement expressing the views of The American Legion on 8, 821, to improve the quality of juvenile justice in the United States and to provide a comprehensive, coordinated approach to the problems of juvenile delinquency.

I would appreciate your including this statement in the record of the hearings

on this legislation just concluded by your Subcommittee.

Bincerely yours,

HERALD E. STRINGER. Director, National Legislative Commission.

STATEMENT OF EARL D. FRANKLIN, JR., (COLORADO), CHAIRMAN, NATIONAL COM-MIBBION ON CHILDREN AND YOUTH, THE AMERICAN LEGION BEFORE THE SUB-COMMITTEE TO INVESTIGATE JUVENILE DELIQUENCY, BENATE COMMITTEE ON JUDICIARY

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTER, The American Legion appreciates this opportunity to present its views in support of 8, 821, to improve the quality of juvenile justice in the United States and to provide a compre-hensive, coordinated approach to the problems of juvenile delinquency. Since 1924 The American Legion has conducted a National Children & Youth

program. Our program is community centered, and is conducted for the most part by an estimated 50,000 volunteer workers of The American Legion and the American Legion Auxiliary. These workers are located in the approximately 10,000 local American Legion Posts and nearly 14,000 local Units of the American Legion Auxiliary. Because of the fact our program is community based, we have an excellent vantage point from which to learn of the various like affecting our nation's children including those young people who must by their personal

behavior become involved in the juvenile justice system.

The Children & Youth program of The American Legion has a two-fold purpose. One, to provide a setting so that every veteran's child will have an adequate opportunity to realize his full potential and, secondly, to insure every American child a similar opportunity. Today, over one-half of our nation's children are born to war-time veterans, and in order to accomplish our primary

purpose, we must endeavor to improve conditions for all children.

For the past four decades, The American Legion has been concerned with the problems of the juvenile delinquent. As early as 1931, The American Legion urged that states deal more realistically with the needs of juvenile offenders by making every effort to achieve adequate standards for state juvenile court administrations, juvenile detention homes and juvenile correctional care. From this starting point, a brief review follows of the actions and recommendations

made by The American Legion to correct the problem of juvenile delinquency: that community coordinating councils should be formed and supported, designed to promote adequate child welfare services in an effort to prevent

juvenile delinquency (1986);

that only by proper training and rehabilitation can juvenile delinquents be

expected to become productive citizens (1940);

encourage and cooperate with the United States Department of Justice in the organization and development of regional institutes to investigate means of preventing juvenile delinquency (1946);

that adequate physical equipment, personnel and programs be instituted in the detention homes and training institutions (1982);

that grants should be given to states by the Federal Government for the support of programs of public and nonprofit agencies designed to prevent juvenile delinquency, with particular emphasis on training of corrections personnel (1955);

that efforts be continued and intensified to inform the general public about fivenile delinquency and to stimulate or initiate sound community efforts

for its prevention and treatment (1955);

state legislators urged to revise state laws on juvenile delinquency to bring the laws more nearly into line with the needs of the day (1955); and support wholeheartedly the activities of the Joint Commission on Correc-

support wholeheartedly the activities of the Joint Commission on Correctional Manpower and Training and urge that findings of this commission be implemented after the formal activities of the Joint Commission have been officially terminated (1968).

The American Legion Child Welfare Foundation, Inc. is an independent non-profit organization, housed and attached to the National Americanism and Children & Youth Division of The American Legion in Indianapolis, Indiana, This Foundation has two purposes.

1. To add to the sum total of man's knowledge about children and youth

through research and study.

)

2. To help distribute information society already possesses about children to

the end that such information is more adequately used.

The Foundation, organized in 1954, has supported several projects since its founding aimed at improving juvenile justice, and preventing juvenile delinquency.

Sluce 1955, ten grants have been made to the Delinquency Control Institute of the University of Southern California, These funds were used to provide

expense grants for juvenile police officers attending this institute.

In 1966, and again in 1961, a grant was given to the Louisiana Youth Commission to defrny the cost of an institute held at Louisiana State University. This institute was designed to provide in-service training for invenile probation officials. The University of Louisville, Kent's School of Social Work, was a recipient of a grant. This grant was used to finance the 16 state institutes on the use of foster care in the treatment of delinquency. In 1965 the Foundation made an initial grant to the Joint Commission on Manpower and Training, Washington, D.C. To further the work of this independent organization, a second grant was given in 1967 and a third in 1968 to assist and continue the work of this commission.

Because of the magnitude of the activities sponsored by local American Legion Posts and its Departments and the American Legion Auxiliary Units and its Departments, it is impossible to give a detailed report on the activities conducted locally under the guidance and support of these organizations. However, during these four decades, many of our Posts and Units have been actively involved in initiating or cooperating with other community groups in developing

local programs aimed at preventing juvenile delinquency.

All of this information is presented to give the subcommittee a brief picture of the activities of The American Legion and the American Legion Auxiliary. This should indicate that these organizations are not "Johnny-come-latelles" to the promotion of juvenile justice and the prevention of juvenile delinquency. At a recent meeting of its National Executive Committee held in Indianapolis. Indiana, May 2-3, 1973, The American Legion recognized the urgency of our juvenile crime situation and the need to voice its concern and recommendations on this most serious juvenile problem.

Our Organization is most concerned with the apparent ineffective manner in which our society is attempting to meet the needs of young people who become embroiled in our Juvenile justice system. As an organization, we are alarmed by the most recent FBI Annual Crime Report which indicated that juveniles are accounting for practically one-half of the serious crimes in the United States.

accounting for practically one-half of the serious crimes in the United States.
We are alarmed because the recidivism rate continues to run as high as 70 to 75 percent among youthful offenders. This would indicate that the rehabilitation programs designed to help those involved with the juvenile justice system are

woefully inadequate.

Our review of "The Report of the Interdepartmental Council to Coordinate All Federal Juvenile Delinquency Programs" revealing that so many different Federal departments and agencies are involved in programs attempting to meet the problems of juvenile delinquency on the Federal level seemingly creates con-

fusion and duplicity of effort. It would be extremely difficult for any one of these programs to provide the necessary direction, coordination and leadership

required to meet the delinquency crisis,

required to meet the definquency crisis.

It was for these and other reasons that Resolution No. 38 (See Appendix A) entitled "Combat Juvenile Delinquency" was adopted by the National Executive Committee of The American Legion. After reviewing Senate Bill No. 821, it is our judgment that the proposals set forth in this bill, if adopted, should provide the opportunity for an improvement in the leadership capability of the Federal Committee our function system. Small public S. 821 should apublic Government for our juvenile justice system. Specifically, S. 821 should enable more effective implementation of programs designed to prevent and treat juvenile. delinquency. It is evident that the Federal Government must provide more effective leadership and better coordination to the areas of juvenile crime prevention if this Nation is to reverse the ever mounting toll of broken young lives and spiraling costs of juvenile crime to the United States taxpayer.

We urge the Subcommittee's favorable action on S. 821,

APPENDIX 8

STATEMENT OF MAYOR ROBERT A. PASTRICK EAST CHICAGO, INDIANA (June 26, 1078)

Mr. Chairman, members of the Senate Juvenile Delinquency Subcommittee, thank you for the opportunity and priviledge of appearing before this committee and allowing me to share with you some of my thoughts on one of the most serious problems facing our country, namely, the failure of our juvenile justice system.

As a mayor of a city of approximately 50,000 residents, I'm confronted often with police department, judicial system and social service problems concerning

an increasingly large segment of our juvenile population.

Our police department has taken progressive steps towards building a better community spirit among our young people, as well as promoting more respect for law enforcement agencies. This has been accomplished, in part, by the creation of a Junior Police Pairol involving approximately 500 local young people; by introducing a police apprentice program designed to attract young high school graduates into a future with our police department; and by conducting drug seminars at the school level. These programs are designed to help prevent a javenile from taking a wrong turn toward a life of crime as an adult.

But, before any group or committee can act in a responsible manner in this troublesome field. I believe an extremely important distinction must be made between juvenile delinquency versus juvenile crime. In my opinion juvenile delinquency includes such things as truancy, minor vandalism, runaways and curfew violations. These problems have been with us for decades and I suspect will continue on for many more years to come. The above violations of the law, however, are not my main concerns, Those delinquent acts for the most part have been and will continue to be adequately handled by local school and law enforcement agencies. In addition, family counseling with the parents has been and must continue to be a strong force to mitigate such acts of delinquency.

have been and will continue to be adequately handled by local school and law enforcement agencies. In addition, family counseling with the parents has been and must continue to be a strong force to mitigate such acts of delinquency.

My concern as mayor and as a father of 7 children is basically with juvenile crime. This category consists of theft, arson, violent sex crimes, armed robbery, burglary, possession of weapons, murder and underlying many of the above, the use of hard drugs. This is the area where I believe Senate Bill 821 should concentrate. Many of our urban areas need a concentrated and coordinated federal effort as outlined in S.B. 821 to deal with the 193% increase in violent crime among juveniles during the last ten years. I believe S.B. 821 in part, with its proposed comprehensive drug education provisions can finally turn around these alarming violent crime statistics I just mentioned. In addition, the proposed National Institute for Juvenile Justice, Article V of the above bill, could act as a vital information clearing house for the critics nationwide. Such a facility through its critical evaluation and analysis of various programs would be a great service to localities such as ours which simply cannot finance such an Institute on its own. But again, I must emphasize that the Institutes' concentrated efforts should be directed toward juvenile orime and not toward juvenile delinquenop as it is generally thought of. For it is the violent, often senseless crims that is turning society against young people and for which society will pay a high price when these juveniles reach adulthood and continue their violent ways.

is turning society against young people and for which society will pay a high price when these juveniles reach adulthood and continue their violent ways. Mussive federal funding will be necessary to win the battle against juvenile crime, but we best start now or it may be too late in the future. Only the infusion of great sums of money as envisioned by this bill will enable the cities to adequately develope and implement juvenile crime prevention, rehabilitation, and treatment facilities. We in East Chicago, Indiana, are doing the best job possible with available manpower and funds, but in the long run our efforts will not be good enough to rid our city of juvenile crime. Just as Congress has seen fit to create a National Institute of Health to fight deadly disease and sickness, I

believe Congress should see fit to rid our nation of the cancerous growth of violent juvenile crime, lest this malignacy eventually say, our national spirit and

Durnose

If administrators of juvenile justice programs can clearly delineate and separate the two distinct areas of juvenile concern, namely, juvenile delinquency versus juvenile crime, the first solid progress can be made. Unless this is done initially on a case by case method, valuable time and money will be wasted and society will suffer. How often have we heard of a truant child being sent to an institution where hardened, experienced juvenile criminals reside, only to have the original truant come home six months later as an expert car thief of locksmith. And haven't we just as often heard of the repeated violent violator who has been immediately returned to the streets because he is "just a child." Thus, an experts evaluation of each case is necessary before potential harm can be done. It is only in this manner that true justice can be given the juvenile offender.

Another very special problem which should be considered by this committee is the factor of adult provocators who intentionally and with premeditation, stir juveniles into an emotional frenzy to achieve the adult's purposes. This experience has taken place in various parts of the country with the juvenile taking the "heat", and consequently confusing the true nature of the offense. The difficulty of the problem is compounded since juvenile offenses resulting from such a situation arise-from emotional rather than rational roots. The mob violence attendant thereto often springs from an appeal to highly nationalistic or ethnic pride. Certainly different standards must be maintained to deal with this type of juvenile offense. But, because of its increasing use in our society by adult provocators. I believe this committee should take cognizance of it and attempt to deal with this phenomena. I suggest that Article V, Sec. 503, may be the appropriate vehicle for such research.

Finally, it is my sincere belief that our attention and efforts in the area of dealing with Juenvile crime must not lessen our commitment to eliminate the root causes of this crime. The enormity of funding necessary to solve these problems

must not be diminished in anyway.

I respectfully submit that all levels of government have tragically failed to meet their responsibilities in the area of invenile justice. Local units of government have been severely weakened by a lack of funds, facilities and trained manpower.

I believe Senate Bill 821 will be the first step in providing the cities with the necessary tools to do the job. I urge its passage by this committee and ultimately by the Congress, to insure justice to juvenile offenders and their victims and thereby make our country a better place for all.

APPENDIX 4

NATIONAL LEAGUE OF CITIES, U.S. CONFERENCE OF MAYORS, September 14, 1073.

Hon, BIRCH BAYR.

Tion, Buck BAYR, Chairman, Schale Committee of the Judiciary, Subcommittee on Juvenile Delinquency, Washington, D.C.

DEAR SENATOR BAYH: The National League of Cities and U.S. Conference of Mayors support the proposed Juvenile Justice and Delinquency Prevention Act

of 1973, S. 821.

Local officials are concerned about the proliferation of juvenile delinquency programs without the assignment of central coordination to a single federal agency. Your proposed legislation comes at a time in the mation's history when the cost of juvenile crime to our cities has taken a dreadful toll on the stability of our communities. For the last several years the path from juvenile crimes to adult incarceration has been swept by the failure of legislation to allocate sufficient resources and to provide the proper channel to combat this growing problem. In this connection, we appland your efforts in the introduction of legislation which adequately addresses these problems.

We believe that 8, 821 would be, however, strengthened through the addition of

several amendments which we would like to offer for your consideration.

Section 408(7) provides for "an equitable distribution" of assistance to localities. We believe that this phrase should be clarified with a specific proviso for the allocation of funds to general local governments. Our experience with the Law Enforcement Assistance program during the past five years has taught us the tragic lesson that state interpretation of "equitable distribution", often runs counter to the interpretation of local needs.

Second, the process by which state plans are generated in your bill does not lead itself to a definable role for local units of government. Section 403(4) which states that state plans shall "provide for the active consultation with and participation of local governments in the development of a state plan which adequately takes into account the needs and requests of local governments" does not

ease the concern of local officials.

Finally, while there are other concerns that local officials have about 8, 821, none are so great that we are not supportive of your proposed legislation.

We welcome the opportunity to present in greater detail any additional observations that we might have and urge the Congress to move forward in adopting this most important legislation.

(781)

Sincerely,

ALLEN E. PRITCHARD, Jr., Executive Vice President, National League of Cities, JOHN J. GUNTHER, Executive Director, U.S. Conference of Mayors,

APPENDIX 5

RE S. 821-JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1978.

(A statement in support of the Bill by Dr. Raymond Bell, Director, Social Restoration Program, and Chairman, Task Force on Juvenile Delinquency, Lehigh University, Bethiehem, Pennsylvania)

MR. CHAIRMAN, HONORABLE MEMBERS OF THE COMMITTEE: Three years ago the Graduate School of Education at Lehigh University began a program to train teachers to work directly with delinquent and potentially delinquent youth. In preparing for this program we made several observations upon which the rationnie for the program was based. Many, if not all, these conditions are present or implied in the Bill which you have before you. These observations are not the insights of unusually wise or gifted men, but the views that anyone remotely connected with the juvenile justice system or anyone coming in contact with the des linquent or with the juvenile justice system or anyone coming in contact with the delinquent or potentially delinquent must have if they are reasonable perceptive and possess a modicum of common sense. These observations listed in no hierarchy of preference were the following:

1. The juvenile justice system in general is weefully inadequate and in most

cases an administrative anachronism.

2. The system has broken down at all levels; prevention, adjudication, treatment, rehabilitation are all miserably ineffective in spite of the work of some dedicated and highly competent individuals.

3. Institutions are ill-equipped to cope with the adjudicated youth in terms of trained personnel, of appropriate rehabilative and educative programs, of fa-cilities and in amount of funds available.

4. All too often juveniles are placed in adult facilities in close proximity or in direct contact with hardened adult criminals. This is particularly detrimental to the rehabilitative process,

5. The recidivism rate is so incredibly high that a failure rate in any other system would raise such a public hue and cry that changes would have been in-

stituted at least a generation ago.

6. The alternatives open to judges dealing with adjudicated delinquents are severly limited and the choices he makes are often accompanied by remarks of regret that he is placing the youth into a setting against his better judgment and with the recognition that such a placement may do more harm than good. Legally, however, he has no other choice.

7. The quality of justice for delinquents varies so greatly and the rationale for it so conflicting from court-to-court, region-to-region, and state-to-state that the system itself is often the cause of frustration and resentment within the individual. For example, the rural youth may spend years in jail for the same crime

for which his counterpart in the city received a short term of probation.

8. In most larger institutions the concern for security, administrative trivia, and the staffing of institutional work forces (innitorial, kitchen, industries, farms) takes precedence over any rehabilitative or educational efforts and too often those most likely to benefit from these efforts were least likely to be enrolled in such programs. This situation seemed to be compounded by the fact that the administrator of treatment and education lack the power or the initiative to change this state of affairs.

D. While the potentially delinquent could be identified at a reasonably early age particularly in the school setting little is done by the sectory in general and the school in particular to intervene in the process evident to the teacher, the street

worker and the parent,

10. With the breakdown of the traditional support systems, the family and the church, the social problems of the community particularly those manifested in allenated youth, were being laid on the doorstep of the school to be solved.

On the basis of these observations it was concluded that the school was the most obvious stable and common institution to whom the individual and the community could turn for help or, in the opinion of some, to abdicate its responsibility to. While this has become more obvious as the years have passed, it is still also true that the schools are ill-equipped and their faculties are not trained to cope with the problem presented to it for solution and they are most particularly ill-equipped to deal with crises involving alienated and disturbed youth who are

"rushing toward delinquency."

It was further observed that while the schools were asked, both consciously and unconsciously to cope with the problem they do contribute to the problem. For the most part de-personalized institutions, particularly in the large metropolitan conurbations, they were viewed as alien places by those youths, who, in their turbulent minds, saw little to attract them, solve their academic and emotional problems or prepare them for a career. The teachers concerned with their academic discipline have little time or preparation to assume a "pastoral" role; the guidance counsellor too overburdened to devote adequate time to the "withdrawn youth" or to "the discipline problem" who by consensus has been identified as potentially delinquent; the administrators too busy with budget, curricula, state and federal reports to examine the role of the school as an intervener in obvious patterns of delinquency.

"On the basis of the observations listed above, the School of Education at Lehigh University began an experimental program to train "Social Restoration" teachers who could more adequately meet the needs of delinquent youth airendy in detention/correctional facilities or who was as yet functioning within the school setting and the community, in roles more appropriate to the needs of alienated youth and which would intervene in the victous cycle which leads to the adjudi-

ented delinquency.

Sponsored by the Pennsylvania Department of Education on an experimental basis, this new graduate program leads to certification as a "Social Restoration Specialist" after a 15-month "action internship." The rationale behind the program suggests that in order to deal with the problems facing pre-delinquent and delinquent youth, the teacher must be competent in coping with students in crisis situations and in areas of diagnostic and remedial teaching. He must also have a knowledge of the community from which the student comes and the social and judicial agencies which serve that community. The intern is also concerned with the nature of the learning environment.

It is felt that competence can best be gained in direct involvement with youth in institutions and the community rather than in the theory courses of a traditional teacher-preparation program. Appropriate theoretical knowledge is given in tutorials, informal, on-site seminars either where the intern works, or at Lehigh University on weekends. In this way, theory can be directly related to the

experience of the intern in his particular teaching role.

The positions which the social restoration teachers fill during and after their internship require an unusual degree of emotional stability, flexibility and patience. All interns in the program are graduate students—varying in age between twenty-three and thirty-three—with academic degrees in accounting, enclucering, languages, humanities and social sciences, Each training cycle is composed of 15 students who stay together as a group for the majority of their program. This "homogenized" grouping seems to foster a spirit, or clan, which carries them through some anxious, high-pressure periods during their internship.

Preparation: The 15-month program is in three phases. During the 15-week pre-service period, the teacher divides his time between a practicum in which he teaches the "turned-off" youth in either a school or detention facility, and working with the police and probation departments in Bethlehem or with community and welfare agencies. These experiences are supported by seminars given by faculty of the School of Education, the Department of Social Relations, and the Urban Studies Program. Much of the instructional time is devoted to case study.

problem-solving and role-playing.

In-Service: The second, or in-service phase entails an internship as a full-time employee of a school or a correctional facility under the supervision of both Lehigh and the employer. In urban schools the intern is a crisis teacher dealing with the student who normally would be excluded from school for social or behavioral reasons, or, in some cases, a teacher in an "alternative learning center" outside the traditional mubile school. He or she may teach within a state correctional institution or detention home or serves as an "ombudsman" within a high school.

During this in-service phase, the interns are visited regularly by School of Education faculty with expertise in diagnostic and remedial teaching, curriculum development, and counseling.

Evaluation: The third and final phase is an integrating experience spent on campus where, for 12 weeks, the students meet to evaluate the program and their experiences and add theoretical structure to the practical experience of their

action-internality

The implications of this type of innovative training program are obvious. The students become deeply involved in their own professional preparation and consequently appear to be more concerned with acquiring additional competencies and knowledge in the field. The instructor, too, has more flexibility in scheduling appropriate learning experiences and can individualize material to meet the professional needs of his students.

It would seem from this experience that the monitoring of the teachers' effectiveness during the infernship lends to the avoidance or correction of poor teaching methods. Finally, the reintionships between the training institution and the school and correctional systems and other agencies is strengthened; each becomes

more understanding of the other's problems.

There are some practical indications that the School of Education's model is meeting with success. Several other institutions, including a group at the University of Pittsburgh, have expressed a desire to use Lahigh's training model. The teachers completing the program have little difficulty finding appropriate positions, and, in fact, the Educational Placement Office cannot meet all demands for their services

In November 1972, the Pennsylvania Department of Education cited the Social Restoration Program as the model teacher preparation program in the state and in February 1973, the American Association for Colleges of Teacher Education awarded the program one of its annual Distinguished Achievement Awards.

The evidence and experience gained from this program directly support many of the findings of your committee and emphasizes the argent necessity of the

passage of 8, 821.

Specifically we have found that :

1. Our Social Restoration teachers work most effectively in those roles which require them to move freely between the school or the institution, the community and the home. This indicates that the community based programs and services for the prevention and treatment of juvenile delinquency suggested in S. 821 are strongly supported Sec. (403) (1) (A.B.C.)

2. The development of specific programs in elementary and secondary schools particularly the development of alternate learning centers has proved effective in increasing attendance, reducing drop-out rates and preventing or intervening in patterns of academic and social behavior which result in delinquency. See

(403) (10) (15)

3. The hiring of additional staff and the development of such programs are a heavy burden for most school districts and communities. Where social restoration teachers have been placed external funds have usually been used, particularly those provided under appropriations of the Law Enforcement Assistance Act (L.E.A.A.). However, while funded under the terms of 8, 821 would be most beneficial, our experience would indicate that the fiscal responsibility for such programs begun as a result of this funding should, if they are to be long term, be assumed by state and/or focal agencies. Funding provided by 8, 821 could be used to begin such programs, and most importantly, be used to objectively evaluate their effectiveness with te utmost rigor, before further funds, regardless of source, be applied to their continuation, Sec (402) (10) (3) and (402) (18).

4. Where juveniles are pinced in community-based facilities which are operated by teams consisting of probation officers, teachers, counselors, streetworkers, and their effectiveness with the utmost rigor, begore further funds, regardless of

the program, regardless of its design, is enhanced considerably.

5. 8. 821's provision to force each state to provide for the development of an adequate research, training and evaluation capacity is most haddble. See (402) (11). Any academic analysis of delinquency and its prevention indicates that there is a wacful lack of consolidated research on the effectiveness of prevention and rehabilitation programs. So often it is found that the program designs are less than sound and the measures of their success absent or, where present, only subjective justification for further expenditures and the instruments chosen to measure this success often lack reliability or validity. It is of particular concern

that the Institute referred to in Title V of S, 821 be established in order that a central agency may serve as a clearing house for information and to provide support and coordinate research and evaluation efforts. It is suggested, however, that to be effective in its demonstration and training function the institute establish regional centers. These centers would be more able to meet local needs and act also as a "feeder-system" to the central office or headquarters of the Institute. It is hoped that the percentage of funds allocated for the administration of such an Institute be kept at a minimum with the largest possible amount being spent on direct research and training projects.

While this statement is necessarily concerned with my own efforts in regard to the study of delinquency and what I feel has been a successful attempt to directly intervene in the problem it should not be construed as a narrow or shallow view of the needs, implications, and recommendations contained in S. 821. The vital argency of the situation, as you have portrayed it, is evident to many and is becoming evident to most. I offer my comments in support of your efforts and

stand ready to help further in whatever way possible.

)

Blank Page (B) SELECTED CORRESPONDENCE RECEIVED BY THE SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY IN SUPPORT OF S. 3148, 92d Congress and S. 821, 93d Congress

STATE

APPENDIX 1

(Iovernment of the Ditrict of Columbia, Executive Office, Washington, D.C., February 27, 1973.

Hon. Senator Birch E. Bayn, U.S. Sonate, Washington, D.O.

DEAR SENATOR BAYH: The Office of Youth Opportunity Services enthusiastically welcomed your introduction of the "Juvenile Justice and Delinquency Prevention Act of 1978" (S. 821). We are grateful for the efforts extended by yourself and your colleagues toward a comprehensive and coordinated program to impact on the problem of juvenile delinquency. The youth of the District of Columbia would be indebted to you for the imaginative and creative benefits to be derived from the expedient passage of this legislative package. This Office, therefore, would be available to provide testimony in support of S. 821 as the Subcommittee to investigate Juvenile Delinquency continues its hearings in the 93rd Congress.

would be available to provide testimony in support of S. 821 as the Subcommittee to investigate Juvenile Delinquency continues its hearings in the 93rd Congress. As you are undoubtedly aware, The Office of Youth Opportunity Services has consistently advocated a multifaceted approach to reduce and hopefully cradicate juvenile delinquency. The Mayor-Commissioner, in keeping with the 1968 Juvenile Delinquency Act, established this Office as the State Planning Agency under the provisions of that Act. Subsequently a comprehensive plan entitled "Youth Assistance Service System" was published in August 1971 suggesting an all-embracing approach to the realistic dispensation of services for the benefit and well being of our youthful citizens. Consequently, numerous programs and services for youth have become operational throughout the city, impacting on the previously escalating vate of youth crime and delinquency. We were pleased to witness the wisdom of Congress in its passage of the 1972 Juvenile Delinquency Prevention Act, as it embodied many of the concepts espoused in our plan.

In reviewing the proposed Juvenile Justice and Delinquency Prevention Act of 1978, we have noted sections that could yield meaningful resources to assist this Office in fulfilling its commitment and mandate to youth. We would identify and elaborate on these in our written and verbal testimony, suffice for the

present to indicate a zealous endorsement in your behalf.

Your kind consideration and response to our request will be gratefully appreciated.

Sincerely,

JAMES L. JONES, Ed. D.,
Special Assistant to the Mayor for Youth Opportunity Services.

STATE OF KANSAS, STATE DEPARTMENT OF SOCIAL WELFARE, Topeka, Kans., March 23, 1973.

Scuntor Bircit Bayit. Old Senate Office Building, Washington, D.C.

DEAR SENATOR BAYH: I am writing you in support of Senate 821, the Juvenile Justice and Delinquency Prevention Act of 1073, which was introduced by you

and Senator Marlow Cook on February 8, 1973.

Establishment of the National Office of Juvenile Justice and Delinquency Prevention in the Executive Office of the President is especially good. One of the problems with previous legislation has been that the delinquency office got lost in the maze of bureaucracy in the Department of Health, Education and Welfare or the Department of Justice, both of which were not primarily interested in the delinquency problem. With this special office, the buck will stop there and its full efforts can be devoted to beginning to move the nation toward halting the upward trend of delinquency.

The amounts authorized under the various titles for the coming four fiscal years is also a strong point. It is going to take a great amount of money to divert children from the juvenile justice system effectively. Amounts previously spent and currently being spent are mere drops in the bucket when you look at the overall problem. I sincerely hope the leadership of the Congress will be followed by the various state and local governments, so we can develop truly effective pro-

The National Institute for Juvenile Justice should be a great help in the development and evaluation of programs and methods that are effective and may be

used in other areas of the nation.

I am a member of the executive committee of the National Association of State Juvenile Delinquency Program Administrators, Mr. Robert D. Cain, Jr., director of the Division of Juvenile Corrections, Department of Health and Social Services, State of Delaware, appeared before the United States Senate Committee on the Judiciary, Subcommittee to Investigate Juvenile Delinquency, on February 22, 1978 to lend his support and the support of the Association to the bill. He also presented a statement propared by our president, Mr. Allen F. Breed, director of the California Youth Authority.

It is my sincere hope that this bill will move through the Congress with dis-

patch so we may begin to utilize the benefits of the bill as soon as possible.

Very truly yours.

ROBERT A. HAINER, M.D., Director of Institutions. JACK C. PULLIAM, Coordinator of Children's Services.

STATE OF MAINE, DEPARTMENT OF MENTAL HEALTH AND CORRECTIONS, DIVISION OF PROBATION AND PAROLE, Augusta, Maine, April 2, 1973.

Hon. Birch Bayn, Chairman, Senate Subcommittee on Juvenile Delinquency, U.S. Schate,

Washington, D.C.

DEAR SENATOR BAYII: I would like to take this opportunity to go on record as supporting 8, 821, the Juvenile Justice and Delinquency Prevention Act of 1973, Juvenile delinquency prevention has been far too long neglected by both the states and the federal government. Your bill would do much to assist both the public and private sector in establishing innovative plans to treat this growing problem through both long term funding and the national leadership which will be provided by the Act.

I strongly urge passage of S. 821. Very truly yours,

G. RAYMOND NICHOLS, Director, State Probation and Parole.

(789)

STATE OF TENNESSEE, DEPARTMENT OF CORRECTION, Nashville, Tenn., April 12, 1973.

Hon. BIRCH BAYH, Chairman of the Senate Subcommittee on Juvenile Delinquency, Council of State Governments, Eastern Regional Office, 36 West 44th Street, Room 1201, New

DEAR SENATOR BAYH: After having read your bill, S. 821, we in Tennessee would like to pledge our support and continued interest on the behalf of the proposed legislation. This bill should prove of great value to those who would be

affected by it.

The fact that a majority of the funds coming from the Juvenile Justice and Delinquency Act must be spent to prevent children from entering state correctional systems makes the bill of greatest importance. The best hope for a juvenile headed for trouble is prevention of that trouble and not commitment to an institution.

Sincerely,

C. Douglas Cluck, Assistant Commissioner Youth Services,

(790)

COMMONWEALTH OF PENNSYLVANIA. OFFICE OF THE ATTORNEY GENERAL, Harrisburg, Pa., May 7, 1973.

Hon. Hugh Scott. U.S. Senator. Russell Senate Office Building, Washington, D.C.

DEAR SENATOR SCOTT: The juvenile justice "system" in Pennsylvania is in near disarray as it is in every other state. There is no longer a debate on the need for reform of this system (or non-system as some assert) for there is documented evidence everywhere you look that the system is inhumane and ineffective. The experience of policemen on the best, from social service workers in the field, from juvenile court judges and probation officers and from the Chief Justice of the United States Supreme Court, in sum from everyone who has had experience with juvenile justice throughout the nation, provide proof of the system's drawbacks.

One of the classic problems facing the field of juvenile justice in Pennsylvania today is the utter and complete fragmentation of responsibility in the field. In plain fact, the responsibility of dealing with various aspects of juvenile delinquency within the state is divided between a host of agencies: 157 locally based sychile police units, the 67 county-based juvenile courts and probation units, the 12 privately operated delinquency institutions, and the nine state operated youth development facilities. Frequently, there is little communication between the various agencies in the field; at times there is open hostility. The result is too many children arrested, detained, taken to court, and far too many insti-tutionalized. This same lack of coordinated effort is reflected and perpetrated on the federal level.

Furthermore, the field of juvenile delinquency in Pennsylvania today betrays a glaring lack of alternatives. As the system grinds on, its only choices are to place a youngster on probation (which, because of caseloads, often involves very little more than token contact) or to send the child hundreds of miles from home to an institution. These institutions are geared for holding hundreds of youngsters and, frankly, for meeting the needs of at best a small number of them.

A recent survey of the staffs of Pennsylvania Youth Development Centers indicated that at least 50% of the youngsters incarcerated did not need to be in the institution if appropriate alternatives existed in their home communities. The age of institutionalization of juveniles is past. If we would survive as a viable life giving community, we must stop warehousing our children, we must recognize that crime is a symptom of failure of the community as well as the individual.

This lack of alternatives and primary reliance on institutionalization is a corollary of the system's inability to divert juveniles from even entering the system. Once a youngster has the misfortune of, perhaps by pure chance, to become involved in the juvenile system, the bureaucratic mill will grind and will force both the youngster and his family through a trying and perhaps quite destructive process. The more seriously involved the justice system becomes with the youngster, the greater are the chances that the youngster will be directed relentlessly on the road to adult crime. A simple clear cut intervention on the part of a non-authoritarian agency at the very beginning could very well keep youngsters from becoming involved in any further trouble. We desperately need youth services bureaus to divert people from the juvenile justice system altogether. Youth services bureau can offer incentives and opportunities for local agencies (both public and private) to pool their resources and develop innovative programs to divert young people from entering the juvenile justice system in the first instance.

With this in mind. I whole-heartedly support, and urge you to support on the floor of the Senate, the newly introduced Juvenile Justice and Delinquency Prevention Act of 1973. This bill will provide a comprehensive, coordinated program to prevent juvenile delinquency, rehabilitate juvenile delinquents and improve the quality of juvenile justice in this country. In addition, it authorizes substantial resources to assist state and local governments as well as public and private agencies in developing an effective approach to the multi-faceted problems of juvenile delinquency. The bill provides strong incentives for state and local governments to develop community based programs and services as alternatives to institutionalization. It will provide for effective, coordinated federal funding to assist the states in carrying out their efforts to treat juveniles in the community. The Juvenile Justice and Delinquency Prevention Act will provide the comprehensive, coordinated federal effort combined with the massive resources that have so long been needed to deal effectively with the crisis of delinquency.

that have so long been needed to deal effectively with the crisis of delinquency. The bill creates a new National Office of Juvenile Justice and Delinquency Prevention to insure national coordination of federally assisted delinquency programs and provides substantial new resources for delinquency prevention, treatment, and rehabilitation programs. It creates a centralized research, training, data collection and evaluation effort in a new institute of juvenile justice. It provides for the development of model uniform standards for the administration of the juvenile justice system, including conditions of confinement in detention and correctional institutions. In addition, it establishes basic procedural rights

for juveniles who come under federal jurisdiction.

The federal effort to combat delinquency has failed not only because of lack of direction and coordination but also because we simply have not allocated resources sufficient to the size of the problem. This bill authorizes substantial appropriations, one and a half billion dollars over the next four years, so that resources would be available at the state and local level for developing and implementing delinquency prevention, rehabilitation, and treatment programs. The bill provides that at least three quarters of the funds a state planning agency receives must be spent on the development of the programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, and to provide community based alternatives to traditional detention and correctional facilities used for the confinement of juveniles.

The Juvenile Justice and Delinquency Prevention Act provides an effective new approach to the problems of juvenile delinquency. We have failed too long to respond in any meaningful way to the crisis of delinquency facing our state and nation. We cannot afford to delay any longer. I hope that you will actively

support this new bill and help insure its passage.

Very truly yours,

ROBERT P. VOGEL,
Assistant Attorney General.

STATE OF MONTANA. OFFICE OF THE GOVERNOR. Helena, June 8, 1973.

Hon. Birch Bayn, Chairman, Senate Subcommittee on Juvenile Delinquency, Old Senate Office Building, Washington, D.C.

DEAR SENATOR BAYH: As the Governor of the State of Montana, I wholeheartedly urge you to support Senate Bill 821, "The Juvenile Justice and Delinquency Prevention Act of 1973."

This bill comes at a crucial time when funding cutbacks have left the amount of resources available for dealing with juvenile delinquency entirely dispropor-

tionate to the problem.

It is vital in Montana, as elsewhere, that the youth are taken from the present juvenile justice system and resulting institutionalization and are brought into community-based youth services such as group homes, foster homes and counseling on the local level. Montana has made a good beginning in these areas, but it will take more funds, more understanding laws and continuing support to insure the ultimate success of the nation's youth programs.

The problem of juvenile delinquency prevention has long been recognized in Montana. The first state agency dealing exclusively with youth-related problems was the federally-funded Rural America Project, which served as a national model for other agencies serving youth. From this base has developed the Youth Development Bureau and Youth Service Systems, funded both by Montana and the Federal Government. These projects are currently operating in seven Montana and the Federal Government. tana towns: Helena, Billings, Missoula, Shelby, Great Falls, Butte and Wolf

Point.

Prior to the organization of the Youth Development Bureau in Montana, there was no single entity primarily responsible for developing and coordinating youth programs to prevent delinquency in the state.

The proposed bill, S. 821, would put much of the responsibility for dealing with juvenile delinquency prevention and treatment programs on the state and local level, as well as update and coordinate federal efforts to deal with juvenile delinquency. It would set aside a significant portion of discretionary funds to be used by private agencies engaged in youth services and would also provide money to form community-based alternatives to institutionalization and to set up court diversion programs.

Feeling that juvenile delinquency must be dealt with before the problem becomes even greater, I again urge you to support S. 821, "The Juvenile Justice

and Delinquency Prevention Act of 1973.'

Best personal regards. Sincerely,

THOMAS L. JUDGE. Governor.

(793)

UNIVERSITIES

APPENDIX 7

University of Kentucky, College of Social Professions, Lexington, Ky., February 9, 1973.

Hon, Birch Bayh, Chairman, Subcommittee To Investigate Juvenile Delinquency, U.S. Senate, Washington, D.C.

My Dear Senator: We have now had an opportunity to study S-3148 entitled Juvenite Justice and Delinquency Prevention Act of 1972, originally introduced in the 02nd Congress and which we understand is likely to be reintroduced in the 93rd session.

We wish to register our support for this proposed legislation because it proposes a comprehensive, rational, and potentially constructive Federal action for dealing with the problem of delinquency. It appears to incorporate carefully designed, well constructed, and understandable legislative proposals. Our support of this bill is based upon the following observations:

of this bill is based upon the following observations:

1. Local responses to delinquency have been fragmented and have tended to emphasize a punitive approach to the management of youthful misconduct. There is, therefore, a pressing need for a comprehensive Federal approach which will help focus attention on the critical issue of prevention, authorize additional urgently needed resources, provide for centralized research, training, technical assistance and evaluation activities.

2: Federal delinquency statutes generally have led to the processing of juveniles by Federal agencies which have lacked suitable treatment resources, especially at the local level. This has resulted in damaging dislocation of children away from their home communities where greater opportunities for treatment and reintegration into society exist than those available through Federal programs and facilities. Federal statutes have heretofore failed to spell out the conditions and the rationale for transferring juvenile court jurisdiction to adult criminal courts and have not incorporated necessary procedural safeguards, including the right to counsel and the protection of the juvenile from being confined with adult criminals. Title II, "Amendments to the Federal Juvenile Delinquency Act" should remedy these defects.

3. To date, no Federal agency has the responsibility to study the administration of juvenile court procedure and conditions of confinement in juvenile detention and correctional facilities. Title III of this Act provides for the establishment of a national commission with broad representation and the wherewithal to undertake such necessary studies and to make recommendations for improvements to the director.

4. Federal efforts to date have been fragmented and lacking direction and have had too little impact in reducing the spiraling rate of juvenile delinquency. To try to deal with this problem, Title IV establishes a National Office of Juvenile Justice and Delinquency Prevention which will be patterned after the new Special Action Office for Drug Abuse Prevention and will have more effective supervisory and coordinating authority over all Federal juvenile delinquency programs.

and coordinating authority over all Federal juvenile delinquency programs.

5. To date, state planning in juvenile delinquency prevention has lacked effective planning and emphasis on the important areas of diversion of juveniles from the juvenile justice system, development of community based services and programs, and other alternatives to incarceration. This Title offers promise that grants to the state will require greater emphasis on planning and accountability for programs and procedures which will increase both the rationality, effectiveness, and the humanity of efforts by states to control and prevent delinquency and will build accountability into the administration of these programs at the state levels.

6. There is lacking a national research, training, and technical assistance effort in the area of delinquency prevention. Title VI provides for the establishment of a National Institute for Juvenile Justice which will be responsible for technical assistance, research and demonstration programs, training, and an advisory coun-

cil to provide coordinated and comprehensive planning in these three important areas.

In summary, we support the reintroduction and passage of the Juvenile Justice and Delinquency Prevention Act of 1972, 8-3148, because it offers a rational and comprehensive plan which is addressed to those factors which appear to underlie the delinquency problem as we understand it and will undertake to do this in a manner which will humanize the adimnistration of juvenile justice and will focus more efforts on prevention.

We sincerely hope Congress will take favorable action on this legislation at an

early date.

Please understand that this letter represents our personal opinions since we have no authority to speak for the institution in which we are faculty.

Sincerely,

RICHARD K. BRAUGTIGAM, CHARLES E. HORMANN. ERNEST F. WITTE.

INDIANA UNIVERSITY-PUBDUE UNIVERSITY AT INDIANAPOLIS, Indianapolis, Ind., March 28, 1973.

Hon. BIRCH BAYH, U.S. Schator, Washington, D.C.

DEAR BIRCH: Sorry I am late in answering your request for comments on the Juvenile Justice and Delinquency Prevention Act, S.B. 821. In general, I would repeat what I said a year ago to Mathea, it is the most comprehensive and timely piece of legislation I have ever reviewed in the delinquency field. Historically, legislation claiming to address the issues of crime and delinquency have had confusing and contradictory implications for the justice system. It often has been piecemeal, and on a number of occasions recently, it has resulted in more, not less, deviancy, S.B. 821, in my view, has none of these characteristics.

Being fully aware of the long arduous road yet to be traveled by this bill, I would argue that the important immediate need in the entire field of youth services is standards. The juvenile justice system is ineffective and worn out primarily because standards for intake, probation practice, court procedure, dispositional alternatives, etc., were never agreed to or consistently applied. As I am sure you have found during the hearings, the quality of information gathered in juvenile court records is of such variation that most research and evaluation is invalid. The same can be said for education and training of staff It will take, as the bill provides, a strong Institute of Juvenile Justice, acting independently from programs and organizations with vested interests in the

delinquency field to provide answers and strategies for the future.

In connection with this, I want to raise a very specific question that probably should not be dealt with in legislation, but should in my view be intended or at least a goal of legislation in this area. I am speaking, of course, about diversion of those great numbers of youngsters who are now being harmed by their referral to the court for non-crime behaviors. This group makes up from forty to fifty percent of the intake in most juvenile courts. Detention homes, fails and institutions are full of these youngsters whose only misbehavior was truanting from school, running away from home, being out after curfew, or being labeled "ungovernable." These are the youngsters that schools, psychologists, probation officers and others call "character disorders." However, a closer look—documented in the past few years by research—reveals their primary problem to be simply "loneliness." An immediate goal must be the diversion of these youngsters from the juvenile court system.

To do this implies a new definition of delinquency. A definition simply stated, that only a child under a certain age who involves himself in a behavior that would be a crime if the child were adult, could warrant referral to the court and

subsequent adjudication of delinquency.

The implications for the existing systems if such were to happen are enormous. Large detention homes, group homes, institutions, juvenile court rooms, and probation offices would be empty. The opposition from traditional organizations of judges and probation officers would be extreme. Being serious about this for a minute though, one sees that now in large juvenile courts the policy more and more is to waive (transfer) to adult jurisdictions those older adolescents who are committing index or part one crimes. This leaves then—the primary work load of the juvenile court system—those youngsters who are there for noncriminal behavior. This has to change.

One answer—long range I will admit—might be the elimination of a separate juvenile court. There will always be a need for some type of family and childrens court, but only for resolving issues like dependency, neglect and enancipation. Those older adolescents committing serious crimes would go into adult courts where guarantees of rights and due process is publically monitored. Here, after adjudication they could receive help through community-based corrections which

would be non-institutional.

The large group of youngsters now going through the court would instead be cared for by a well designed, non-labeling youth services system. One of the primary functions of such a system would be to help local and state government, as well as existing private agencies, recognize service gaps through which children are now falling, and to develop better ways of helping problem families with problem children.

Back to your legislation. Reading through it, plus the comments you made when it was introduced, gave me some hope that the future may be brighter. Good luck. Don't hesitate to ask if there is something you think I can do here.

I am sending a copy directly to Mathea.

Warmest regards to all,

DAVID F. METEGER, Instructor in Corrections.

SOUTHERN ILLINOIS UNIVERSITY AT CARBONDALE, Carbondale, 111., April 23, 1973.

Hon. Bircii Bayii, Senator from Indiana, Senate Office Building, Washington, D.C.

DEAR SENATOR BAYH: I have read a summary of proposed legislation (Senate Bill No. 821), "The Juvenile Justice and Delinquency Prevention Act of 1973." I wish to express my wholehearted approval of legislation following the general lines of this proposed bill.

My enthusiasm stems, in large measure, from the extreme neglect that has characterized federal action programs through aid, demonstration, research, and training in the juvenile delinquency area since the demise of the O.E.O. and the original office of Juvenile Delinquency and Youth Development. Efforts to improve conditions surrounding the arrest, processing, and correction of juvenile delinquents remain, under the present Law Enforcement Assistance Administration, the most neglected area. Juvenile delinquency prevention offers the single greatest hope for reducing juvenile and adult crime and has likewise been neglected.

Such conditions must not continue; and legislation of the type being proposed, as well as perhaps additional legislation, is needed in order to place national efforts in line with rational knowledge of the origins of crime.

I urge you to report this bill out of committee and to pass it in a form designed to produce the maximum focus on crime problems among juveniles.

Very sincerely yours,

CHARLES V. MATTHEWS,

Director.

(798)

PRIVATĘ Appendix 10

Boys' Clubs of America, New York, N.Y., March 22, 1973.

Hon, Birch Bayn, U.S. Senate, Washington, D.C.

DEAR SENATOR BAYH: We have very carefully looked over the Juvenile Justice Delinquency Prevention Act, 8, 821 which was introduced by you and Senator Cook in February. The most appropriate comment we can think of is that Bill 8, 821 is the most comprehensive piece of legislation on juvenile delinquency that we have seen.

We feel that if properly funded, it can make a significant impact on juvenile delinquency in this nation. We are particularly delighted to see emphasis on prevention with the involvement of both the public and private sector and on the needed revisions of the juvenile justice system. We are, of course, in agreement with the other features of the Bill.

Boys' Clubs of America is in support of this Bill and would be happy to testify at any hearings related to this piece of legislation, if needed.

Thank you very much for sharing this important Bill with us and for including us in your introductory remarks.

Sincerely yours,

WILLIAM R. BRICKER, National Director.

(799)

LEAGUE OF WOMEN VOTERS OF KANSAS, Shaunce Mission, April 10, 1973.

Hon. BIRCH BAYH, Senate Office Building, Washington, D.C.

DEAR SENATOR BAYH: Mrs. John Chalmers, president of the League of Women Voters of Kansas, has referred your letter of March 20, 1973 to me. Since I have been asked to comment on the Juvenile Justice and Delinquency Prevention Act,

8821, I shall attempt to do so.

The following can only suggest an urgent need for the legislation that you and Senator Cook are proposing. There seems to be no other way of providing the kinds of services that the Kansas League feels are necessary for our youth in Kansas. Without federal help to provide leadership and money, there probably won't be any real co-ordinated effort of the magnitude we have in mind for several years to come. An example, is in a message sent by the Governor recently to the Legislature in which he recommends that his budget be amended to include \$202,533 of state funds to provide two community-based homes, intensive work with a select number of young persons and a program for evaluation. No criticism of the Governor is intended. This is only meant to show that we have a long way to go without federal assistance.

The League of Women Voters of Kansas (representing 15 cities and counties with a membership of over 1000) has conducted a study of the Juvenile Justice system in Kansas. (Enclosed, please find position paper as a result of this study.) The task has been almost impossible to do at the state level, as we are dealing 105 juvenile justice systems. In other words, one for each county. Many of these juvenile judges do not have a law degree, and with the exception of three counties, the juvenile courts are lower courts combined with at least one other court. Probate, with the majority of judges occupying a third, and in some cases.

a fourth judgeship.

These are no state guide-lines for anything including probation officers. These people are hired and fired at the discretion of the judges. Some are well-qualified;

others are not.

There are also gaps in services to youth in trouble. Agencies that provide these services co-operate only if they feel like it, and in some areas of the state, there are no services. The results have been high admissions to the Boy's Industrial School and the Girl's Industrial School particularly from areas where no services

are provided.

Because of the fragmentation of the system the Kansas League feels that the state does not guarantee every child equal protection under the law, and therefore supports a state-integrated system that provides services and care on a uniform basis for all children and youth and that puts emphasis on community involvement. The problems of implementing this support position are insurmountable at this time. Even though there is willingness to provide leadership at the state level, there is no one who has the technical expertise to develop programs and services. This is also becoming apparent at the local level as citizens' groups are joining together to try to establish community-based services, Again, the major concern seems to be not only what services, but how to implement them.

Another area of concern in our state has been whether or not new regional facilities are needed to lock children up. The real issue seems to be in the philosophy of treatment. The League in Kansas, as well as other citizens' groups, have been successful in convincing the Governor and the Legislature that the need for services is much greater than the need for three facilities, previously planned for costing 1.3 million dollars each. Unfortunately, the Governor's Committee On Criminal Administration (LEAA) is providing 1.3 million dollars to the City of Wichita to build one of these buildings. The juvenile judge has stated publicly

that there are no funds for staff or treatment, but the city would worry about that later. Obviously, no one has read the report of the National Advisory Commission on Criminal Justice Standards and Goals. This really points up the need

for a clearinghouse both on the federal and state levels.

There is one section in S. 821, page S2807, that might be a hinderance to the rights of juveniles. In Kansas, some juvenile judges in the past have automatically bound boys of 16 and 17 over to district court, by claiming that the juvenile was not amenable to juvenile treatment. The judges' reasoning was based on a state statute that said, in essence, that the Director of State Institutions did not have to provide for 16 and 17 year old boys because of age, the nature of the crime or whether amenable or not. The State Supreme Court ruled In Rc Patterson, 210 Kansas, P. 245, Vol. I, Advanced Sheets, that there was not enough concern with the youth's welfare, only concern with the offense. The Court also said that a juvenile proceeding is protective, not punitive; that gravity of misconduct alleged is not a controlling factor; and that disposition should be tailored to the offender and not the offense. I would assume that "amenable" or "that there are not reasonable prospects for rehabilitation" would mean about the same thing? At this time, legislation has passed the Kansas Senate and is in a House Committee saying, in effect, that a child of 16 or 17 may only be sent to a state institution if the Director says that space is available. This is, of course, reasonable but in the light of past experience, and as understood by some legislators, this is another legal attempt to remove 16 and 17 year olds from the Kansas Juvenile Justice System, as the only alternatives provided are probation or being bound over to the district court. I would hope that Federal judges would not shirk their responsibility to provide individual treatment for juvenile offenders unless all available resources have been "exhausted" rather that the wording you now have which is "reasonable prospects". I personally have seen 15, 16 and 17 year old boys in our State prisons, and I think it is tragle.

Finally, funding is of vital importance. If there were a real guarantee that funds would come from the Federal government, it would enable citizens' groups and local governments to provide for means of diverting more children from the juvenile system, arrange for better methods for those in need of prevention services and implement community-based services. There have been some attempts in the area of pre-delinquency treatment with elementary school counselors, but funds are about to run out, and so are the programs. Probation subsidy is one area that no one in our State government is even willing to discuss. There are a few programs that YDDPA has funded, but because of the amount of money needed, these funds now have to go through a state agency, and with the constant threat of funds being withdrawn by the Federal government, these programs,

local in nature, are in jeopardy.

I hope these comments have helped to show the need for S. 821. If I can be of further assistance, please don't hesitate to ask.

Sincerely,

Ann Bebberger, Chairwoman,

[Pre-State Convention material]

JUVENILE PORTION OF KANEAS PENAL STUDY

POSITION ADOPTED FEBRUARY 8, 1973 RY THE LEAGUE OF WOMEN VOTERS OF KANSAS

The League of Women Voters of Kansas supports a juvenile court system that guarantees every child equal protection under the law. The League supports a state-integrated system of corrections for juvenile offenders through a humane program that provides services and care on a uniform basis for all children and youth and that puts emphasis on community involvement.

In order to accomplish these ends, the League believes:

1. In the basic philosophy of the Juvenile Code which provides that each child should receive, preferably in his own home, the care, custody, guidance, control, and discipline which is to his own advantage as well as to the advantage of the state.

2. That "juvenile" should refer to a person under 18 years of age.

8. That until alternatives are provided, provisions of the Juvenile Code should be retained which deal with such problems as trunncy; with wayward, abused, dependent and neglected juveniles; and with traffic violations.

4. The juvenile court system should include:

a. Probation services with well-qualified and adequately paid personnel, operating under standardized state guidelines.

b. Provision for coordinated handling of related family matters.

c. Citizens' councils, with emphasis on providing innovative programs, delivery of services, and community education.

d. A non-institutional approach to the care and treatment of juvenile

offenders through:

(1) Development of a Youth Service program at the community level. (Identification of pre-delinquent behavior through parents, churches, service organizations, social agencies, and especially schools; follow-up services after identification; programs for parent education.)
(2) Establishment of additional local services and facilities; e.g.,

day-care centers, group homes, volunteer programs, foster care, mental

and physical health care when needed.

(8) State Funding and guidelines for communities.

(4) Requirement of a law degree for juvenile judges with specialized training in handling juveniles.

Youth Counseling Center, Chattanooga, Tenn., May 3, 1973.

Hon, Birch Bayn, U.S. Schate, Washington, D.C.

DEAR SENATOR BAYH: This letter is to express my appreciation to you for the information you have shared with us on your work in connection with juvenile delinquency. It has been informative to me as Director; perhaps some day it will

be useful to this community.

We just received notice this week that our Project will close June 30. This is another result of the federal cutbacks and the local use of revenue sharing. We were the first and only agency in this funded to try to prevent delinquency and rehabilitate youthful first-time offenders. We had no professional guidance from any source—local, state, or federal—in setting up the program and monitoring and evaluating it as strusgled through our first and only year of operation. We did negotiate on our own for professional PhD, level training and evaluation of the Project. I felt, and still do, that our major goal for a young and inexperienced staff was to secure for them the best training we could find in our area.

Unfortunately the Project has been treated like a "red-headed" step child by

our community leaders.

Currently they are holding special meetings in reaction to rape-robbery tragedy committed by teenagers in another inner-cly project area. I have not even been invited to the meetings, although I have written the group and pleaded with them: #1- not to overreact to a very unfortunate incident by "patch-work" endeavors, #2—to roll up the sleeves of the best minds in our community and begin to develop a master strategy for combating delinquency over a long-range period, of course, including short-range objectives in the planning. I have said that I believe that the technical advice for the planning group is available somewhere in this bureaucratic maze (actually it was only through reading your reports that I found out that the Youth Development and Delinquency Prevention Committee of HEW was the group charged with this function—LEAA provided us no guidance or interest).

Paradoxically, I just learned within the last week that one of our local drug programs is in the process of developing a proposal to secure an additional \$200,000 to use specifically in the area of drugs. Drug programs are already recelving in the neighborhood of \$750,000 to \$1,000,000 in this community. (I certainly am not opposed to their efforts. However, in my opinion drugs are only one symptom of the total problem of juvenile delinquency in this country. And, realistically and thankfully we are beginning to see a lessening of the problem in this community, although I am sure it is still a sizeable problem. I do believe that drugs has had some kinship to fadism among our youth and as all fads among youth I think the signs point to a lessening of this manifestation of teenage curiosity

and experimentation.)

But, in my opinion, your idea of giving the whole problem of juvenile delinquency major emphasis and top-level priority seems even more appropriate to me at this point. Adolescence is a difficult age for all youth, Delinquency is a manifestation of poor preparation for this period and poor guidance through it. Drug usage is just one manifestation of the total problem which includes truancy, drop-out, adjustment to authority, sexual experimentation, petty thievery, etc. Again I believe we are in error to treat the problems separately, although if we took a more general approach to the problem we would inevitably have to set priorities which might well shift from time to time.

In conclusion I would like to list what I believe are the major findings from

our project;

1. Young black and white workers in their early 20's to bridge the gap to teenagers. Their ability to communicate and their dedication is primary in their

selection. Training is essential. They need structure in their work schedules—Our Project would have been more successful with more structure.

2. Our greatest service and most success has been in helping youth secure parttime and full-time employment. Money is the greatest motivator for the deprived youth. We have been least successful in getting truants and drop-outs back in

school on a regular basis.

3. The greatest need is to help deprived mothers do a better job in guiding their own children. Obviously we cannot avoid the question of the development of basic moral values. Why does one youth steal and lie and another tell the truth? Can we help the very young child develop the inner strength to stand up for basic honesty under situations of overcrowdiness, poverty, no good father images, etc.? I would recommend we pay deprvied mothers to receive training in raising their children. We might also have to pay good male "father" images—black and white to be substitute dads for these children. It shouldn't have to be, but money "talks" in the ghetto (and to the rest of us). We probably would get more mileage out of our dollars by this method than any other provided we had dedicated, trained workers to guide the mothers and substitute dads. In this whole area of character development I would mention the 40 year work of Dr. Ernest Ligon of the Character Research Project, Schenectady, N.Y. His Project has been funded by the Lilly Foundation of your home state. I had hoped that we might initiate some experimentation in this direction with the younger children in this community.

4. Your emphasis on comprehensive, overall strategy must be brought to bear on the local level. Fragmented approaches can never really turn the tide in this.

important battle.

Again thank you for your interest in our Project. Hopefully, we have helped some youth in this community towards happier, more productive lives.

Cordially.

JAMES E. ENSIGN, Director.

NATIONAL COUNCIL FOR HOMEMAKER-HOME HEALTH AIDE SERVICES, INC., New York, N.Y., May 4, 1973.

Hon. Birch Bayn, Chairman, Subcommittee to Investigate Juvenite Delinquency, U.S. Senate, Washington, D.C.

DEAR SENATOR BAYH: On behalf of the National Council for Homemaker-Home Health Aide Services, I am writing to indicate our organization's support for \$821.

We support the objectives of the bill. Homemaker-home health aide services can assist in the achievement of a number of these objectives. For example, they can help to provide a community-based prevention and treatment program for juvenile delinquents and their families. A paper (copy enclosed), by T. eGorge Silcott, describes one agency's use of homemaker-home health aide services directed specifically to this end.

Frequently, social problems such as juvenile delinquency occur when the parenting capabilities of the mother and/or father are impaired or inadequate. Honemaker home health aide services, through placing an aide in the home and providing professional help to the parents often result in the strengthening of the child rearing capabilities of the parents to the point that they can handle the situation alone: Sometimes they need continuing or intermittent help, but the child (ren) are able to remain at home and in the community.

In addition to strengthening parenting capabilities (skills not inate in anyone), homemaker-home health aide services can also assist when problems of daily life are overwhelming. The aides can help to teach the mother and other family members new household management skills, better fiscal planning techniques, how to prepare more nutritious meals, and how to utilize community education, health and social resources. They can, in effect, help integrate the family as a unit and help integrate the family unit into the community.

We are sure you will agree that more organized and wholesome family life is a major positive force in the prevention and treatment of juvenile delinquency. Homemaker-home health aide service, a team service which combines professional and paraprofessional efforts, has an enormous potential for effecting change in family situations which give rise to juvenile delinquency and other

maladaptive patterns of living.

We do hope SS21 passes, is signed into law, and that among many other constructive measures it will make use of homemaker-home health aide services in the prevention and treatment of juvenile delinquency.

Sincererly,

(Mrs.) Florence Moore, Executive Director.

AN ALTERNATE TO PLACEMENT OF CHILDREN, THE HOMEMAKER/ORGANIZER

(A paper presented by T. George Silcott, Director, Wiltwyck School for Boys, at the National Conference on Social Welfare, Chicago, Ill., June 1972)

INTRODUCTION

"Innovation" is a term that, upon rediscovery in the lexicon of social welfare, acquired free and not always accurate usage. It is tempting to introduce Mr. Slicott's paper as a documentation of the rationale for and the process of a truly significant innovation in a social service program for children. However, appreciation of the innovation or change in the established approach and methodology

must be based upon perception of the philosophical and attitudinal changes which

preceded and accompanied change in the institution's approach.

When a residential institution for children sees its primary responsibility to be working with the children, their families and their communities in order to prevent the removal of children from home and community into the institution, we have a concept which demands attention.

Wiltwyck examined its program, its service process, the children it served, their families, and the communities in which they lived. Several important conclusions emerged from this assessment, notable one being that "the degree at which a community is impelled to remove individuals from its environment is the degree at which that community is incompetent to deal with its social problems." In redesigning a program which would provide services directed toward helping build community competence, the key elements were those already in existence but utilizable in new and different ways.

The Wiltwyck concept of a homemaker/organizer program is an exciting example of a sound and logical extension of the use of a service component which too often has been limited in scepe. The expanded role of the homemaker/organizer is a vital part of the changed direction of the institution's approach to children with problems. What Wiltwyck is doing and how it is being done will benefit other communities and institutions which seek new perspectives in design and provision of services.

AN ALTERNATE TO PLACEMENT OF CHILDREN: THE HOMEMAKER/ORGANIZER

(By T. George Silcott)

Background

. .

Wiltwyck was founded in 1937 to serve Black Protestant boys under 12 who were then not being served by any private agency in New York City. As a matter of fact, in those days, all Black Protestant youngsters who came to the attention of the courts or public agencies as individuals needing placement, were referred either to state training schools or state hospitals. In 1952, as a number of the barriers to accepting Black youngsters were lowered, the agency's charter was changed and Kiltwyck became non-4cctarian, serving children without regard to race, color or creed. The early founders of Wiltwyck found themselves pioneering in removing some of the barriers to placing minority-group youngsters in private agencies. Recently, the Wiltwyck campus moved from Esopus, New York, which was two and one half hours from New York City, to Yorktown, New York, which is within an hour of New York City, in order to make it possible to build a program with greater involvement and contact with the community from which the boys come.

Client population

We serve boys who, at intake, are between the ages of 8 and 10. They are not psychotic but are described as being seriously emotionally disturbed. They have no gross physical abnormalities. Although acting-out, agressive and educationally retarded, they are described as being educable and available to treatment. By and burge, if they did not come to Wiltwyck they would probably go to state training school or state hospital.

Developing a community-based service program

We looked closely at our program over a six-month period to decide upon a phasing-in process for moving it closer to the community, and a number of things became very clear to us. One was that our aftercare program, which was many of our youngsters who had made significant gains were beginning to lose ground as they moved back to their communities. We also realized that there were a number of children in placement who really didn't need a residential treatment program, but who, if other programs and facilities were available in the community, could be very well in some alternate community-based programs. Further, we rediscovered the rigid barriers erected by many institutions which excluded our youngsters from their programs. Therefore, we felt it was important for us to work with our families and their neighbors in an effort to bring about changes in the institutions with which they were involved; and concluded that in order to do that, we needed to do something about our own institution first. Perhaps the best experience we could have, and the best

proving ground for institutional change, would be to change our own institution and to make it more relevant and more responsive to the needs of our families.

A careful reexamination of our service process led us to a few immediate conclusions. The first was that we need to institute what we called a "continuity of treatment and care" program. We were concerned about the cultural shook that our youngsters experienced—first, when they came from a city environment to a country sitting and second, moving back to the city after having made the adjustment to that quiet, more tranquil environment. Moving back to the pressures and problems of urban life without adequate preparation and continuous support was for most children, a prescription for failure. We saw children losing gound in front of our eyes.

Another fact that became clear to us was that a number of children were being referred and accepted for placement basically as a result of the underlying factor of family disorganization, when what was really needed in such cases was to help the family pull themselves together in order to make use of their strengths. We also found that, to a large extent we were not really providing services based on what our children needed. We were providing only a residential program (including foster care) and needed to offer other services in order to meet the comprehensive needs of our children and their families, We analyzed, discussed, consulted and wrote, and came up with a document which is called

"A Blueprint of Services for the Future."

In this document we outlined a network of services that would be totally integrated into the communities of our children and linked organically with our residential facility in the country. We talked about having three Parents' Associations, (one for each geographical area in which we would work) and, indeed, organized three. We talked about having a number of group homes, a half-wily house program, about expanding our community clinic program so that we would serve youngsters coming not only from our residential program, but directly from the streets. We talked about the need for leisure time services for our children and their families, drug prevention services, family life services, community action programs, special education services, and the need for a new kind of program to us that we called a Homemaker/Organizer Program.

Target areas

We then defined three specific neighborhoods in the New York City area in which we would work, the communities chosen being those from which the majority of our youngsters came. These neighborhoods are the South Bronx, Bedford-Stuyvesant and Central Harlem. We reorganized our residential facility into three units, grouping all of the children from one borough in the same unit. Our campus became three communities relating to their city counterpart. The staff was reorganized and administrative support built in so that each of these units could function as if it were a separate institution and could relate directly to its community counterpart. Among other things, such an arrangement makes it easier for/our staff to become familiar with the children's neighborhoods in that they have to study the resources, dynamics, intricacles and ethos of one rather than of five boroughs.

Goals of community program

We were interested in prevention; prevention of placement of children. We were concerned about the practice of "negative labeling,"—labeling children who come to us through the courts as "delinquent" or "PINS" ("Persons In Need of Supervision"), or their parents as "neglectful" or "abusive." We felt it was important to eliminate the practice of placing these kinds of labels upon children and parents. We wanted to increase parental prerogatives, which were being diminished by a number of private, as well as public, programs that moved in and took over the kinds of roles and functions that parents should have, and traditionally have had. We were concerned about the often-encountered poor self-preceptions of our children and their families, who had been adjudicated "delinquent," "neglectful" and "in need of supervision." Whatever negative self-images they had were confirmed by the official act of the court or other agencies, We knew that it was very difficult to instill a sense of worth in an individual once he or she was officially defined as being unworthy. We wished, moreover, to set up our program so that we might enter the family system early enough to help in the development of positive family relationships.

Lastly, we were concerned about helping youngsters avoid what we call the "juvenile justice system." this being a continuum that starts with kids playing truant from school, then their recognition by the police department and then

their move into the courts—first through probation, then before a judge, and finally into institutional placement. We felt that one of the first priorities of our community program was to begin to work with children at an early point, prior

to any official designation or labeling.

We were also concerned about one other aspect of our program thrust. We call it developing "community competence." We spun a theme which went something like this: the degree to which a community is impelled to remove individuals from its environment is the degree to which that community is incompetent to deal with its social problems; and, conversely, the degree to which it can provide treatment and care for its members within the community context, is the degree to which it is competent. With a view towards participating in the process of building community competence, we were determined to involve the community in every phase and on every level of our program as well as help them gain access to the power within agencies and other power structures in the community.

Objectives of homemaker/organizer program

The Homemaker/Organizer Program is one of many programs in our network of integrated services. The same theme runs through this program as does through all the others—its overall aims are threefold; to prevent placement, to provide effective programs to facilitate the return of children to their families and into the community, and to effect institutional change both within our agency and within the institutions utilized by our children and families.

We see the Homemaker/Organizer Program as directly affecting the first two: preventiton of placement and making it possible for us to return children to their families. We knew that in many cases, children from the same family were split up and families were rent asunder by the placement practices of various agencies. Often an agency didn't even bother to find out where the siblings of a child were placed, before recommending placement for him at a residential institution. Worse, some of these children were from families where there was a male head of household and it was assumed, since he was out to work and the children were fending for themselves and having difficulty in the community, that there was no choice but to place the children. We also realized that there was considerable latent talent available in many of the families that we worked with and that the only way to build on this was to have a person working in the home who could provide knowledgeable assistance on a day-to-day basis. Some special inputs into the family life, we believed, could improve the quality of functioning of the parents as well as make it possible for the children to make positive developmental growth.

Our goals, then, were: One—to keep the family intact: Two—to prevent placement of children: Three—to expedite return of the child to his family; Four—to help the referred child; Five—to maintain community orientation on the part of the family and the child by utilization of community resources; Six—to provide services related to the child and the family's need; Seven—to help bring about institutional change; Eight—to provide quality service at less cost than

other service options.

Comparative cost

It costs approximately \$18,000 to keep a child in residential treatment facilities for a year. We estimate that foster care between \$6,000 and \$7,000 a year per child and that a homemaker/organizer will cost somewhere between \$13,000 and \$14,000 yearly, taking into account the supportive staff and structures needed. We estimate that a homemaker/organizer can work with between one and three families per year, with three to five children in each family. A comparison of these figures indicates clearly that the homemaker/organizer program is a less expensive service option than the others even on a unit cost basis.

Role of the homemaker/organizer

We saw that the homemaker/organizer would have to be prepared to perform a wide range of tasks with skill and sensitivity. What we really expected of this person was the ability to do any and everything to help the families—not just shopping and cooking, but whatever was needed—making the imput 24 hours a day if indicated, or one hour a day if that was all that was required. Organizing and assisting the family in the actual day-to-day running of the home would include childrearing, counseling the parents, getting involved in school and recreational programs, assisting the family in the use of com-

munity resources, helping and supporting the parent to make use of his or her options, which sometimes go unexercised because the parent is not even aware that they exist. It is essential that the homemaker/organizer not be an intruder in the family but, in all ways, an enabler and supporter of the family. This was an important issue with us because we were aware that if we assigned someone to a family who "took over," we would be violating one of our most important tenets which is to maintain parental prerogatives.

Families accding homemaker/organizer services

We envisioned this program as opening a number of options for parents. They would be free to go to work if that was their choice; to be involved in training programs if that was where their interest lay; or they might just be relieved of some of the parental functions for a period of time, affording them the opportunity to be involved in community programs.

We looked at some of the options available to middle-class families. In situations where parents don't have the capacity to provide the mothering or purturance needed by their children, they hire aides or substitutes to take on those functions. Poor people, however, unable to afford such luxuries, were expected

to function at a higher level than their middle-class counterparts.

Certainly, lower-class families, like middle-class people, could utilize their strengths best if they had substitutes to fill in those gaps where they had weak-

nesses, an option which such people ordinarily just do not have.

Take, for example, the not uncommon example of a poor mother who really doesn't have the capacity to "mother" 24 hours a day. If, in the process of attempting to take on that responsibility she becomes neglectful, resentful, or unable to provide all that her children need, it seems logical to provide some special input to this family that can take on some of those functions especially if in the process, we are able to preclude placement and improve the life chances of the children as well.

Recruitment and screening of trainces

We thought that this concept, these goals, and the kinds of services to be provided, were needed and would be seen as useful even more from a parental point of view than from an agency point of view. Our task, then, was to find people with personalities suited to the job and to provide special training for them. This was no small order. At times we felt we were looking for God himself

to fulfill the role of a competent homemaker/organizer.

We had a two-month screening period in which 20 persons who had been selected through a process of group and individual interviews participated, Each person was paid a stipend of \$50.00 per week to participate in a series of training programs and exposures to various parts of the agency in an effort to reach a mutual decision as to their sulfability for the job of homemaker/organizer. We planned to select 10 who would continue in an 8-month training program. During this initial 2-month screening period they spent time on our campus, in our group home, at our storefronts, went on field trips, participated in group counseling sessions, and participated in a training program at the local American Red Cross. As it worked out, nearly all of those not selected, de-selected themselves. People really had a chance to see what was going to be expected of them and those who weren't interested just dropped out. One individual who was particularly experienced and skilled was moved into a full-time position in the agency in another department. We ended up as planned with 10 persons who are now in an 8-month training program.

Homemaker/organizer training program

The trainees are organized in two units of five, each with a training supervisor. Others on the staff include a project coordinator and a small clerical crew. The staff responsible for training are essentially the two trainers, who are parttime, and the coordinator. However, they call upon the entire agency staff as back-stop and support for specific program content and have also reached out into the community to bring in the expertise of other agencies. They have used the Mental Health Clinic, the Red Cross, the Board of Education, Court Probation Department, etc., not only as a way of augmenting their own skills and knowledge, but of helping the trainees begin to understand something about the resources in the community. This approach also gave the community a sense of

involvement in our program.

There are 10 major thrusts to the training program and a number of sub-

divisions that could be developed from these.

First, there is the placement on our campus to get a "group-life" experience. which means working with a counselor and a group of boys on our campus and really getting to know what our kids are like, learning to understand their problems, to perceive their acting-out behavior, and to sense the exasperation that staff can feel working with extremely demanding, hyperactive children on a day-to-day basis.

Secondly, trainees have the opportunity to work with our parents by participating in Parents' Association activities. This gives them a chance to see what the parents of our boys are like, and what the family constellations are, and

what some of their problems are.

Trainces are then involved with our therapeutic team, which gives them the experience of working with pacents in a different context- of meeting with them

in conference and attending family sessions.

A series of discussions, readings, and lectures are being held, designed to give the trainees a firm grounding in the theories of child development. Here, a number of our agency staff have already participated; psychiatrists, social workers, educators—giving theoretical information and backing up the presentations with case illustrations.

We are providing encounter-group buzz sessions -- what we call a self-awareness experience-in an effort to help our trainees gain Insight Into themselves. What we want and hope for is that the trainees will develop sufficient awareness of themselves so that when they intervene in a family situation they will know whether such intervention comes out of their own need or out of a desire to meet a real need in the family.

Sixth, we provide individual and group supervision on a weekly basis for each

tralnec.

>

Short-term assignments are made to specific projects related to schools, hospitals, courts or police stations. These give the trainces a chance to learn about the various institutions we relate to and will enable them, hopefully, when they are working with a family that has a problem with one of these agencies, to be more knowledgeable and comfortable in helping the family work it through,

Special attention is paid to the area of home economics, health and first aid.

Training for these areas was provided by the Red Cross.

A series on drug abuse is being conducted by members of our staff who are

working on a drug prevention project.

Lastly, we provide what we call a feed-back opportunity where periodically the trainees have the opportunity to feed back what has happened and to give their reaction to and evaluation of the training.

We intend to award a Certificate of Completion of the Homemaker/Organizer

Training Program at the end of the training period.

Assignment of homemaker organizer to elient families

Shortly before the completion of the 8-month training program, we will begin to look for families to whom we will assign homemaker/organizers.

Our first priority will be assignment to families that have children on our campus whose return to the community might otherwise be delayed. If the assignment of a homemaker will speed up the return of a child to his family, this situation will get the highest priority. Families in the community, faced with the possibility of placement of the children, but for the intervention of a homemaker/ organizer, would also receive preference in the order of assignments.

We plan to discuss this program with various community groups in an effort to build community awareness and support for the program. We are aware of the importance of proceeding carefully and prudently in the selection and matching of families and homemaker/organizers so that the service potential in this

arrangement can be realized with maximum effectiveness.

Each family will participate in an orientation program designed to give them an opportunity to share in both the choosing of a homemaker/organizer and the working out of an arrangement for a smooth presentation and acceptability of the service.

Consumer-provider interrelatedness

Although we originally saw this program as essentially a service for our clients, we now realize that it also functions as a service program for the homemaker/organizers themselves, enabling them, as they develop capacities and strengths to serve, to also develop capacity and strength to deal with some of their own problems.

With this in mind, we decided to recruit from among some of the parents of our children for participants in the homemaker/organizer training program. Why should they not be encouraged to join such a program? Workers on the highest echelons of employment (psychiatrists, psychologists, social workers, etc.), are often in treatment themselves for a wide range of personal and interpersonal problems. The critical difference between their situation and the situation of the parents of our children can be defined, basically, in terms of money and education. Parents in poor families, whose children may be in trouble or who may be receiving counseling and help with their own problems, should likewise be entitled to have the option, if they wish, to learn skills, to provide services to others and to develop careers.

EVALUATION

An outside evaluator has been engaged to assess all the components of our community program, including our homemaker/organizer service. We will look to this evaluation to help us accurately assess the effectiveness of this program in achieving its stated goals.

CONCLUSION

We don't see our homemaker/organizer program as a new program, nor do we care to label it "innovative." We like to think of it as an example of a good, quality, practical service, a service delivered to families and children who, in our experience, are usually not in a position to réceive good service or who, too often, simply go unserved.

REFLECTIONS OF A JUVENILE COURT JUDGE

(By Nochem S. Winnet 1)

I should like to tell you at the outset what prompted me to accept your kind invitation to be with you today. I acknowledge the urging of my old friends, Elizabeth and David Bouterse, had something to do with it. But essentially it was the fact that ever since I resigned from the Bench some seventeen years ago I have been haunted by the memory of a case.

I was sitting in what is known as our "Dependent and Neglected Children's Division," and there appeared before me for placement three children, ages 4, 6, and 8. They were temporary wards of the SPCC (The Society for the Prevention of Cruelty to Children), which took custody on complaints of neighbors that the children were neglected by a drunken mother—they were ill-fed and abused. The few weeks short stay at the Society had not erased their emaciated appearance—the evidence of mistreatment of the past, the signs of undernourishment. I heard the story of neglect and cruelty. I cannot say that the children understood what was going on, but I do recall most vividly how they clung to their mother. As a result of an investigation report before me I had decided to place them with relatives in the country. When the children realized what I was about to do, a cry went up in unison: "We want to stay with mother." They clung to her dress and had to be physically separated from her. I had no alternative then but to take these children away from the mother—on temporary basis. There was no homemaker service available at that time.

Over a period of eleven years I must have sat in at least 7,000 cases involving children. It is true that most of them involved delinquent children and not too many were serious delinquencies. What was large, including dependency and neglect cases, was the percentage which involved disorganization of family life as a fundamental cause.

I recall the "latch key" children during the war years when there was pressure for women to work in industry. There really was no need for outside pressure. Many women for economic reasons were eager, then as they are now, for an opportunity to add to the limited family income. These children wearing around their neeks keys on chains rouned about until their parents got home. They got into difficulties. As they appeared before me in the delinquency division, I was troubled by the fact that they did not belong there. They were really neglected or dependent children. And what could the Juvenile Court Judge do for them?

¹ Former judge, County Court of Philadelphia.

Did it solve the total family problem to persuade the mother to give up the job and be at home when the children came from school?

We committed children to institutions and placed them in foster homes, but we also knew, with a deep sense of frustration, that this did not solve the basic

problem of the disturbed and disorganized family.

Indeed, the experience of a judge in Juvenile Court is a most frustrating one. He does not have the necessary tools to-deal with the children who appear before him. He lacks a variety of treatment resources. There are too few qualified probation officers, psychologists and psychiatrists. The institutions for rehabilitation and education are too few and for the most part inadequate. The judge cannot reach into the community and remove the causes of dependency, and neglect, and delinquency; nor can be make available the tools which he should have to deal effectively with the children before him. As a result, the rate of recidivism is high and children come back to the court over and over again.

I am reminded of the story about the individual walking along the river bank who suddenly heard a scream for help from a drowning man. He immediately plunged in and rescued him. A minute later, however, he heard another scream for help. He again rescued the drowning man, After an interval, the incident was repeated and he rescued a third. After this, he said, "I'm going upstream to

see who's pushing these fellows in."

I suppose in a way "I did go upstream." I joined many social and welfare organizations whose objectives were the betterment of the life of children in disadvantaged areas from where they largely come. I became active in the Crime Prevention Association, The Philadelphia Housing Association, The University of Pennsylvania School of Social Work, The Association for Jewish Children, The Public Chariffes Association, and many others. I joined many committees, which were organized for community betterment. If I felt that my contribution to these many agencies and committees was a great success. I would not be so immodest as to regite the list. For the most part the experience led to further frustration and only the comradeship of many devoted men and women, like those of you assembled here, struggling to fashion a better community in spite of discouragement and the immensity of the task, kept me at it, now as then, hopeful rather than optimistic. If there is one thing I have learned, it is that the primary solution for our urban problem, the cause of so much of disorganized family life. is first and foremost in massive social change and improvement.

It is not my purpose to recite chapter and verse from the report of the Crises in our Cities. We do know that some 10,000,000 families live on less than \$0.00 a week, and are trapped in a cycle of poor housing, inferior education, unemploy-

ment, and inadequate jobs.

Some 15.000,000 children, or 23% of all our children under 18, have working mothers. There are 70,000,000 children in this country, most of them living in urban areas with attendant strain on family life. As against this figure our public and private child care agencies served about 700,000 in 1905, of which 30% were in foster care: 10% in institutions; 10% in adoptive homes; and 42% with parents and relatives. We have thus to face a fundamental fact that the organized system of child welfare serves only 1% of the children of the country. Of that number, more than 50% are cared for outside of their homes.

We know, too, that separation from home, no matter how necessary, is a very sad business. I recall that during the bombing of Britain, children de-

veloped problems only when they were separated from their parents.

We know also that there is a serious shortage of trained personnel, declining number of placement opportunities, growing waiting lists and, therefore, an intensification of the problem.

We are therefore faced with a social situation in which there must be a

coordinated attack on causes—a program which includes:

(1) Full employment for all who are willing and able to work, including those who need education or training to make them willing and able.

(2) Decent and adequate wages to all who work.

- (3)A decent living standard to those who cannot or should not work.
- (4) Elimination of the slum ghettos and provision for decent homes for all Americans.
- (5) Decent medical care and adequate educational opportunities to all Americans, at a cost they can afford.
- (6) Extension of the social services for children and families and full reimbursement to voluntary agencies for the cost of these services.

These are the basic, mass impacts which must be made if the major problems are to be solved. But we all know that these mass approaches, vital and primary as they are, do not reach into families as they are now. They do not immediately change patterns of thinking, feeling, and living. They do not immediately solve the problems of family disorganization that are here now, and which have to be dealt with now.

What is the implication of all of this for a national organization primarily concerned with homemaker services? What is the relationship of your effort

to the effort of government and non-public social work?

The answer I would give is this—homemaker service is presented with a historic challenge and opportunity. This will require a readiness to discard or modify outworn traditions and approaches; to develop new, dynamic and creative ways of thinking; of crystallizing realistic plans; and mobilizing resources to implement these plans.

It seems to me that the first tradition which must be changed is the one which thinks of homemaker service as a minor kind of supplementary aid, rather than as

a major preventive service in its own right.

I was very impressed recently by an article I read in CHHLDREN which discussed a school experiment in Michigan which used a "teaching homemaker." That is, the homemaker had the special job of instructing the family in homemaking. I was also intrigued by the fact that the project was sponsored by a school system, which took responsibility for improving conditions in homes of socially maindjusted children.

It was also of great interest that the school used special educational methods with the children and included casework and group work approaches. Thus, the specialized homemaker was coordinated as part of a total approach to the

family.

I think of the tremendous "Get Set" and "Head Start" programs in our cities and of the thousands of children being reached, also, of the dramatic evidence in these children of social and cultural deprivation. Most of the families of these children do not and will not use the services of established agencies, Many of them would probably not be eligible for service under existing policies and methods of referral.

One wonders what would happen if homemaker services, especially teaching homemaker services, were an integral part of these programs. I think of the hundreds of families where overburdened mothers would welcome help with a hundred problems of diet, nutrition, and home management. It would not be a substitute for employment or housing, but it would be a significant added dimension. And yet, I have seen no suggestion that homemakers be part of these

programs

I talked recently with a family agency executive, who told me that his home-maker service was invaluable where the mother was hospitalized for mental illness. I then learned that the homemaker was rarely used as a continuing support to help prevent further breakdown, or to retrain disorganized mothers who, to begin with, were very inadequate housekeepers. There was a time when we underestimated cottage parents in children's institutions and they were seen as very minor elements in treatment plans but, today they are considered crucial elements in the treatment program. Communities have not as yet realized the full potential of homemaker services.

I was intrigued by the fact that, in the same community, old people were applying to institutions because it was difficult for them to continue to shop, to cook, and to care for their homes. Homemaker services were available for emergencies, but not on a long-term basis to old people to prevent institutionaliza-

tion.

Some communities are creative and are recognizing the full potential of home-maker services. I read of the emergency home-maker program instituted in Cleveland by the County Welfare Department which in its first six-months experience was able to keep over 500 children from being placed in county institutions for the neglected child.

I read, too, of the extraordinary usefulness of homemakers employed by The Mercer Street Friends Center in Trenton in helping families from the slums dislocated by massive urban renewal programs, to adjust in a middle class community.

Perhaps the time has come when we have to give reality to the words of Ellen Winston, the former United States Commissioner of Welfare, who stated it very

well when she referred to homemaker services as the "first line of defense for parents and children and old people against family breakdown. If this is so, then the creation and organization of homemaker services must take on new dimensions. Perhaps we have to think of them as being an essential ingredient in the public welfare apparatus, as is the case in certain Scandinavian countries, There is nothing revolutionary about this idea, particularly as the country increasingly realizes that our traditional welfare programs have failed to rehabilitate and prevent social problems and disorganization.

Just increasing present social welfare programs will not do. The tremendous shortage of social workers exists in almost every field; family agencies, child care agencies, departments of public assistance, hospitals, old age homes, in mental health. There is no immediate prospect of supplying the great demand.

Trained homemakers and their use in the many welfare programs is a ready answer to this shortage. They need not be college graduates. The period of training need not be as long and as demanding as that of social workers, Homemakers, too, can serve as aides to social workers and under their guidance. I have the great optimism that dedicated and intelligent women can be found for this task--and in great numbers.

And if I sense the mood of the country, since the tragedy of recent days and the violence and destruction which followed and which can only be ascribed to deprivations and mistakes we have too long tolerated, we are ready to go

forward.

In the first instance, I have the feeling that Congress will cradicate the restrictive and punitive amendments to the Social Security Act of 1967. I refer to the provisions making it compulsory for a mother to work in support of dependent children, and those freezing Federal support for children. As if we can freeze a growing need! The Bill introduced by Senators Fred Harris and Robert Kennedy and supported by 25 co-sponsoring Senators—which removes the backward provisions of the amendments of 1967—deserves the active support of every one of us.

If the keynote of the future is to be more concerned with the essential concepts of decency and dignity and if our intention to obliterate the injustices of the past is to mean more than glib lip service, then specific programs must be

created which do realize these objectives.

We are already talking about guaranteed annual income; we are beginning to be concerned with hard core families and individuals; we are emphasizing rehabilitation and mental health. In every one of these efforts homemaker serv-

ices can play an effective role.

There will be those who will tend to dismiss such ideas as pipedreams. They will talk about how expensive homemaker services are, and will tell us that it is unrealistic to think of homemaker service as a major element in the welfare scheme of this country. The same things were said about social security, aid to dependent children, and medicare. They are now being said about the guaranteed annual income and that, too, will be here in the not too distant future.

All of these great programs came about because there were people with dreams, and with visions of this world as a better place in which to live. They had their heads in the clouds, but their feet on the ground. They gave leadership, time,

effort, know-how, and money. Most of all, they gave leadership.

This, it seems to me, is the challenge and the opportunity.

Boy's Town Homes of Maryland, Baltimore, Md., May 24, 1973.

Hon. Birch Bayn, U.S. Senate, Senate Office Building, Washington, D.C.

Dear Senator Bayn: * * * After a thorough study by our Executive Committee, I was asked to relay their comments to you along the same lines as Bill Ryan's shout.: "Alleluia, somebody has finally developed a comprehensive piece of legislation that makes sense".

As you review our past correspondence you will see that as far back as May 1971 Jack Cohen, Vice President of Boys' Town Homes of Maryland, testified before the Senate Judiciary Subcomittee to investigate Juvenile Delinquency, at which time he said, "It is time to look toward a preventive program because a

preventive program that works is the biggest bargain of all"

Our Board agrees with your comment that the present juvenile correction system only produces more sophisticated offenders. That is why we at Boys' Town Homes are struggling to prove that community-based group homes will reduce juvenile delinquency with resultant crime and recidivism. We are encouraged that your bill recognizes and provides for a partnership between government and the private sector, since we already have the facilities, professional staff and volunteers necessary to develop prevention and treatment alternatives. Our greatest need is for financial assistance which your bill would provide.

Our progress since we opened our first Home for twelve boys in 1970 has gone steadily forward. Our second Home opened last June, and we are ambitiously planning for a third Home as soon as our financial support is more definite. LEAA furnished three years' funding on both Homes, and this support terminates in June 1974. It is vitally important for government not to waste

the vast experience that facilities such as ours can furnish.

We wish there was opportunity to comment on every section of your comprehensive bill. We wish to point out the similarity between proposed provisions of your bill and accepted practices at Boys Town Homes in the areas of truuncy, school attendance, proximity to their own homes, special education and tutorial services, and a data clearing house.

We particularly congratulate you for providing for extra technical expertise to further develop and implement delinquency prevention programs. Our own concept has been developing more than three years. We are great record keepers, knowing that one day our experiences will be shared to help other facilities.

We look with favor on your proposed National Institute for Juvenile Justice. The Institute's juvenile justice training programs for government officials,

especially at the state level, would be of great value to all concerned.

Our Officers and Board Members are imminently qualified to assist you and the Sub-Committee both now for experience and expertise, and later to serve on newly appointed advisory Councils. Please call on us for whatever assistance you think we can offer. . . .

It is of vital importance to the community that juvenile delinquency programs such as Boys' Town Homes of Maryland be encouraged to expand. Your bill S. 821 would provide much needed resources to further our goals. Please call on us at any time.

Yours for better boys.

Margaret K. Clark,
Director of Administration and Public Relations.

(815)

Boy's Town Homes of Maryland, Baltimore, Md., May 24, 1973.

Hon. Charles McC. Mathias, Jr., U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR MATHIAS: We are writing to encourage you to support the efforts of Senator Birch Bayh to get S. 821 out of Sub-Committee so that hear-

ings can be scheduled before the full Judiciary Committee.

The successful passage of this bill is of vital importance to existing facilities such as Boys' Town Homes of Maryland. In our letter to you dated August 18, 1972 (copy attached), we cited our problems due to the lack of adequate governmental funding. While LEAA funds cover a portion of our costs, these funds are only awarded for the first three years of a program such as ours. We are presently on our third round, and this source of income will terminate entirely in June 1974.

Our Board of Directors is presently planning a fund raising campaign to "kick-off" in September. If this campaign is successful it should take care of 1974-1975 expenses. Actually, juvenile delinquency prevention is everybodys responsibility, including government, and government should be willing to pick up

its' share.

Enclosed is a copy of our letter to Senator Bayh, and a copy of the Prospectus which will be used this fall during our empaign. We know you and Dan Zaccagnini have first-hand knowledge of our program of juvenile delinquency prevention and our invitation to you to visit both of our Homes is a sincere one.

We will appreciate hearing from you as to what else you recommend we do to

help S. 821 become reality.

Yours for better boys-Respectfully,

MARGARET K. CLARK, Director.

P.S. We appreciate your recent reply to our letter concerning your views on "truth in government" and have circulated among our staff a copy of your Congressional Reform Initiatives and James Reston's column in the Evening Sun.

August 18, 1972.

Hon. CHARLES McC. MATHIAS, Jr., U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR MATHIAS: We read with deep interest, excerpts from the speech you gave last week at the National Conference of Bar Presidents and the American Judicature Society.

We know you are familiar with Boys' Town Homes of Maryland, our achieve-

ments, our goals, and our problems.

Our continuing problem is diminishing income. We rely on "drives", money-making activities and purchase of care for much of our needs . . . but governmental funding still is necessary to do the quality of treatment we provide and this income is dwindling steadily.

this income is dwindling stendily.

We received from H.E.W. (Y.D.D.P.A.) for two Homes, \$90,000 for June 1971–1972—but this fiscal year H.E.W. informed us they are not funding "group Homes" at all. They referred us to the Governor's Commission on Law Enforce-

ment and LEAA cut us back drastically for 1972-1978.

Most important to us is the fact that LEAA only funds three years—and we

must look to the future when LEAA funding terminates.

We are extremely interested in proposed legislation . . . S. 3148, "The Juvenile

Justice and Delinquency Prevention Act of 1972".

Enclosed is a copy of our letter to Senator Birch Bayh offering whatever support we can give. We were very interested in your statement that "programs are doomed unless in a mobile society, we can learn how to bring children and parents back together". One of our primary services is working with the boys' families—seeking to improve the boy-family relationship, returning the reeducated boy to his family in 12-18 months.

We realize what a busy Senator you are (especially at Convention time), but, when you are in the Baltimore area, we would consider it an honor to give you a tour of one of our Homes to show you what one group of concerned citizens is doing about juvenile delinquency prevention. If any of our Directors or staff can assist you by giving testimony on our experiences, or in any other way, we would consider it a privilege.

Yours for better boys,

COUNCIL ON SOCIAL WORK EDUCATION. New York, N.Y., June 1, 1973.

Att: Ms. Mathea K. Falco, Staff Director and Chief Counsel

Hon. BIRCH BAYR.

Chairman, Senate Subcommittee on Juvenile Delinquency,

Washington, D.C.

DEAR SENATOR BAYH: The Council on Social Work Education, a national organization representing 81 graduate schools of social work and 200 undergraduate social work programs, endorses S. 821, "The Juvenile Justice and Deliquency Prevention Act of 1973". We commend you and Senator Cook for your efforts in support of this bill. While we did not testify before your Sub-Committee, we would like to have this letter of support introduced in the record of proceedings on S. 821.

Our support is based upon a recognition of the need for greater federal support for the development of human service programs to prevent delinquency and to rehabilitate those who have become delinquents. We also support programs for the training of professional personnel who work, or are preparing to work, with juvenile delinquents and juvenile offenders. As we have testified before various committees of the Congress, there is a substantial manpower shortage in the whole field of social services, not least in those areas to which S. 821 is addressed.

We strongly endorse the emphasis in the Title IV program on delinquency prevention and community based service programs as a means of strengthening the family unit. We believe that prevention activities are presently unfocused and underfinanced. We also believe that community based treatment is preferable generally to institutional treatment. Finally, we believe that both treatment and prevention services can be most effective where the total family unit is the focus of attention.

We would be happy to assist you in your further consideration of this bill. If you desire information or other assistance from us, please contact our Washington, counsel, Richard E. Verville at White, Fine & Abrogne, 1156 15th Street, N.W. Sincerely,

JAMES R. DUMPSON. President.

(817)

Family Service Society, New Orleans, La., June 12, 1973.

Hon. Birch Bayh, Chairman, Subcommittee to Investigate Juvenile Delinquency, U.S. Senate, Washington, D.C.

Deal Senator Bayh: Family Service Society of New Orleans, a non-profit social service agency supported through voluntary dollars, wishes to express its vigorous support for Bill S 821, The Juvenile Justice and Delinquency Prevention Act. We consider it eminently sound and enlightened and particularly appland its strong emphasis on prevention and research, the development of community-based programs and services as alternatives to incarceration in large custodial institutions, the involvement of both public and private agencies in preventive and corrective programs, and the use of counselling among other techniques as a major tool both in prvention and rehabilitation of delinquency.

We urge that every effort be made to bring this Bill to the floor of the Senate as soon as possible, and that it be introduced into the House of Representatives at the earliest possible time.

Very truly yours,

>

Mrs. Thomas B. Lemann.
President, Board of Directors.

(818)

1.7

Posey Circuit Court, Mt. Vernon, Indiana, June 15, 1973.

Re: S. 821

Hon, Birch Bayn, Russell Senate Office Building, Washington, D.C.

DEAR SENATOR BAYH: I would like to express my support of the above listed bill. From my experience on the bench, I feel that if there is going to be a significant decline in crime in the United States through the Courts, this will have to be effected by strenuous efforts in the field of juvenile delinquency. We have discussed this before, and I know that you share these sentiments.

I wish to commend you for being in the forefront of this drive to improve our juvenile programs in this country. I cannot foresee the states raising the funds necessary to institute effective programs. If there is to be real progress, it will be necessary for the Federal Government to furnish the money and the leadership.

If I can be of any assistance in supporting this worthwhile program, I will be

happy to do so.

Very truly yours,

Steve C. Bach, Judge, Posey Circuit Court.

(819)

FAMILY SERVICE ASSOCIATION OF AMERICA, New York, N.Y., June 26, 1973.

Hon, Birch Bayn, Chairman, Subcommittee to Investigate Juvenile Delinquency, 302 Senate Annex, U.S. Senate, Washington, D.C. 20150.

DEAR SENATOR BAYH: Family Service Association of America supports your effort to develop a comprehensive program, adequately financed, to attack the long standing problems of juvenile delinquency. We are pleased to give our specific support to the Juvenile Justice and Delinquency Prevention Act, S. 821, that you and Senator Cook introduced earlier this year.

FSAA approves the Bill's strong emphasis on prevention and research, the plan for community-based programs as alternatives to incarceration in custodial institutions, and the involvement of voluntary agencies with government in planning

services as well as delivering them.

FSAA is the national federation of voluntary Family Service agencies in some 300 communities throughout the country. Our Members have through the years been concerned with the fragmentation and inadequacy of the present juvenile correction systems. We have become increasingly concerned with the lack of procedural protections and the inequities of "juvenile justice." We are well aware that the causes of delinquency are deeply rooted in the complex problems of our society: racism, poverty in an affluent nation, urbanization, and war, and it is urgent for the total society to understand and accept the need for dealing with all that formidable array of ills. We also believe from our experience through many years that a wide array of services to families and young people before there are law violations is one effective preventive measure that must accompany fundamental changes, not only in the corrections system but in all the systems that are not working well for people. It is gratifying to us to have this concept made visible in your Bill, and we hope you and your Committee will persist in your effort to get passage of this important proposal.

Cordially yours,

CLARK W. BLACKBURN, General Director.

(820)

FAMILY SERVICE OF YORK AND YORK COUNTY, York, Pa., August 2, 1973.

Hon. Birch Bayn, Chairman, Subcommittee to Investigate Juvenile Delinquency, U.S. Senate, Washington, D.C.

DEAR SENATOR BAYH: I am writing on behalf of the family service of York and York County, a private, non-sectarian family counseling agency, to encourage your effort to develop a more comprehensive program to improve to this country's attack on juvenile delinquency. We would especially like to state our interest in the "Juvenile Justice and Delinquency Prevention Act," S. 821, which you introduced this year.

Family Service of York and York County has been serving the needs of families in York County for almost 60 years. We are well aware of the grief and pain, of the stress and turmoil, of the loss and waste, that delinquent behavior brings to the family and to the community. We have been willing to work along side our public agencies and our courts in doing what we could to reduce juvenile de-

linquency. We have been troubled that we could not do more.

Recently, we met in conference with some other social agencies, the schools, the police and the juvenile probation office in our city to see what could be done about a problem ten-year old boy. He had been in trouble and it was continuing. He had been known to set arsonous fires. He had assaulted younger boys and girls in his neighborhood. He had used a knife in taking money from other children. The father tended to downplay the seriousness of his son's behavior and avoided facing the problem. The mother felt her son was beyond her and didn't know what to do about it. Efforts by the police and the community services to work with the family had met with failure. The Court was reluctant to take a delinquency complaint against the boy because of his age. If it did, it would be faced with little alternative other than to commit him to a reform school where he would be in association with older, hardened youth, or to leave him with his parents and the unsolved problem. The community conference showed that we did not actually have enough in our community resources to work with this family, although an intensive effort could show the promise of correcting the problem and re-directing the boy. All present agreed to do what they could, but all of us recognized that we would be working under a handicap. Without correction, this boy is surely headed for more serious crimes and future incarceration. What a cost that will be to him, to his family, and to this community!

We need increased Federal leadership and support in combatting these local community situations. We need increased Federal partnership in mounting all of our resources to attack and reduce juvenile delinquency. We urge your attention

and encourage your support in this matter.

Sincerely yours,

WILLIAM B. SABEY, ACSW, Executive Director.

P.S.—We understand that House Bill #6265 also addresses to this problem. We would hope that any legislation would contain the essential provisions for Juvenile Justice as agreed upon by the National Council for Organizations for Children and Youth in June of this year.

Young Men's Christian Association, Flint, Mich., September 11, 1973.

Birch Bayn, Chairman, U.S. Senate Subcommittee to Investigate Juvenile Delinquency, U.S. Senate, Washington, D.C.

DEAR SENATOR BAYH: As an interested voter, I have been very interested in the Juvenile Justice and Delinquency Prevention Act. of 1973 (8821), co-authored by Sen. Cook (R., Ky) and Sen. Bayh (D., Ind.).

It is my firm belief that this bill deserves your utmost attention as it can provide the resources to local agencies necessary for those agencies to go about the

work of diverting youth from the adjudication process.

We, in our society, have spent far too many tax dollars on the incurceration of youthful offenders whereas too little emphasis and resources have been utilized to stem the rising tide of juvenile delinquency.

I urge your vote on behalf of the many youth who cry out to us for help. Let us spend our time and effort, on preventive maintenance rather than band-aid approaches to a serious problem.

Sincerely,

CHABLES H. CLYBURN, Youth Director.

(822)

HAMMONTON, N.J., JUNE 19, 1972.

Ms. MATHEA FALCO.

Staff Director and Chief Counsel, Subcommittee to Investigate Juvenile Delinquency, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. FALCO: Enclosed you will find a report prepared by me entitled: Juvenilo Delinquency and Juvenilo Justice: A National Disgraco. I will sincerely appreciate, it if you will have it published in June 27-28, 1972 hearings on "S. 3148, the Juvenile Justice and Delinquency Prevention Act of 1972." Please acknowledge reception of this letter and my report and that my report will be published in S. 3148 hearings printed record. Please send me a copy of S. 3148

and the hearings when they are published.

I would like to let you know about my background, education and experiences. I was born on November 26, 1948. I attended Saint Joseph Grammar School and Saint Joseph High School, 133 North Third Street, Hammonton, New Jersey, 08037. I graduated on June 10, 1962 and June 11, 1966, I won the 1966 Saint Joseph High School History Award. I also won the 1965 Time magazine Current Events Contest First Place Certificate of Excellence. The 1965 Time Magazine Current Events Contest was given to all Saint Joseph High School history students. I attended the Levitan School, Inc., 1516 Spruce Street, Philadelphia, Pennsylvania, 19102 during the 1967-1969 ácademic years.

I studied business and I received a general business diploma being graduated on June 19, 1969. I was a member of Lambda Beta Psi Fraternity during the 1968-1969 academic years. I was also a member of the Levitan School, Inc.'s newspaper, "The Levitan Leader" during the 1967-1969 academic years. I was a reporter, columnist and associate editor. I interviewed Philadelphia District

Attorney Arlen Specter on April 24, 1968.

I am currently employed as an office clerk and I work in the news department of WRD-Radio, Inc., 182 North White Horse Pike, Hammonton, New Jersey, 08037. I am not a radio broadcaster. I am a member of the National Geographic Society. I might mention the fact that the United States House of Representatives Committee on Foreign Affairs Subcommittee on Europe is publishing my report entitled "The New Europe" in its current series of hearings on "Conference on European Security and Cooperation." Thank you for your cooperation in these matters.

Sincerely yours,

FRANK RODIO, JR.

[Enclosure.]

JUVENILE DELINQUENCY AND JUVENILE JUSTICE: A NATIONAL DISGRACE—A REARCH REPORT BY FRANK RODIO, JR.

Mr. Chairman and distinguished members of the Subcommittee To Investigate Juvenile Delinquency, the Book of Genesis records the activities of Cain, son of Adam and Eve and the first juvenile delinquent. Genesis reports: . . . "Cain said to his brother Abel, "Let us go out into the field." Now when they were in the field, Cain turned against his brother and slew him. On an urban street a many was welking with his companion and remarked about the way a group of teenagers approaching them looked. This man said to his friend: "What is this society coming to? Look at those juvenile delinquents with their long hair and unkempt clothes." The speaker was the philosopher Aristotle, the place was the ancient Greek city-state of Athens, and the time was millions of years ago.

Aristotle's comments about the youth of ancient Athens could have been made

Aristotle's comments about the youth of ancient Athens could have been made by any man'or woman about the youth of today's twentieth century United States of America, I recommend United States Senate and House of Representatives approval of S. 3148—"The Juvenile Justice and Delinquency Prevention Act of 1972." The United States of America urgently needs a national strategy to improve juvenile justice and combat juvenile delinquency. Juvenile delinquency in my opinion is reaching epidemic proportions. The legislation being considered by your subcommittee—S. 3248—will be the first step in adopting that long overdue national strategy. Very often, the United States Government reacts to a crisis only when that crisis reaches the epidemic proportions as did the crisis of juvenile

delinquency reached.

CBS News recently telecast a CBS REPORTS program entitled "A Night in Jail, a Day in Court" from 10:00-11:00 p.m. EST, on Thursday, January 27, 1972. CBS News Reporter John Shornik analyzed the arrests, trials and convictions of two men, a black and white suspects, a juvenile delinquent and an older man. CBS News Commentator Eric Sevareid analyzed the cases. He reported: . . "American justice, as it works in innumerable cases; not a bit majestic; both systemized and improvised. In large part, it comes down to the character of the judge and the defendant. Obviously, a government of laws, not men, still leaves men. The lot of the leverage. The black man, Bennett, and the white man, Simmons, are familiar characters in any city court's daily cast of characters. They did what they did pretty much on impulse, not premeditation.

But both were in trouble before this; neither required prison and association with hardened criminals to become a repeater. Both had been drinking. We all think of crime and drugs these days, and rightly. But alcohol and crime to still a big chapter in the sad story. It's hard to sympathize too much with either defendant here, but also hard to believe they should have been punished more severely. At a guess, a long sentence would have had no effect on Bennett's future behavior and would just embitter Simmons. In both cases, the judge took liberties, but entirely within the law and within their jurisdictions. The black man, Bennett, could have got six months in juil. The white man, Simmons, could have

got 25 years, his life ruined.

All along the way there were threats of injustice; from the high bail; the months of delay that Simmons could have spent behind bars waiting for trial on a faulty police charge; from the reliance of the system on a deal between prosecution and defense lawyers; and in Bennett's case, from the lack of a lawyer to make a deal on his behalf. It looks like a game of dice with men's lives. Not quite; not normally. Because the idea of the system—for all the delays, the shortages, the archaic procedures—the idea of the system is still justice, and because most judges are very human human beings. This glimpse of justice in action demonstrates that we cannot afford to compromise on the quality of judges, even in the lower courts. Because it's on the judges, with their great powers, that the quality of justice finally depends. This is Eric Sevareid."

Those were Eric Sevareid's comments regarding the imperfect American judicial system and two different court cases, one involving a "juvenile delinquent" and a black man. What is a "juvenile delinquent?" The Federal Bureau of Investigation has provided us with a statistical profile of the "juvenile delinquent." In my opinion there is no such thing as an "average juvenile delinquent." The "juvenile delinquent" is more probably male and between the ages of 14 and 18. Girls do not become "juvenile delinquents" very often because girls are more closely supervised by parents than boys. Boys are charged with arson, possession of weapons, stealing and narcotics. Girls are more likely to be arrested for

narcotics and sexual delinquency.

In many large urban areas, more Negroes are arrested for delinquency than whites. More delinquents come from poor families. More delinquents are found in urban areas. Younger delinquents will probably commit more than one delinquent act. What are the causes of "juvenile delinquency?" They have been debated for centuries and centuries by professionals and nonprofessionals alike. Poverty, slum neighborhoods, disorganized family life, crime caused by victims, sensational news media coverage of criminal activity and organized crime have been listed as the leading contributors to "juvenile delinquency." I would like to analyze the causes, one by one, take poverty. In my opinion, the overwhelming majority of poor youths do not turn to crime, statistics prove my point.

Just look at the roster of businessmen, educators, federal, state and local government officials as well as scientists and just plain average Mr. and Mrs. America. Their backgrounds may have been in poverty, yet they did not turn to "juvenile delinquency" or crime. In the final analysis, poverty may be an indirect, and very remote contributor to "juvenile delinquency," our large urban area ghetto districts contain most of the "juvenile delinquents," these young

people live in fear on a day to day basis either from rats or gangs. These young people also have a disorganized family life with only the mother living on wel-

fare to provide for them. The father is unknown to them.

Slum neighborhoods, coupled with the disorganized family life, force the young people in black and white ghettos to turn to gangs for their security who practice "juvenile delinquency" as a way of life. I would place slum neighborhoods and disorganized family life as the number one and number two causes of "juvenile delinquency." Crime caused by victims is a more remote indirect cause, a classic example of this cause is urban gangs snatching purses from women and demanding money from mainly elderly pedestrians who refuse and are injured. Sensational news media coverage of criminal activities speaks for itself. Juvenile gangs as well as "juvenile delinquents" read magazines and newspapers, listen to radio and watch television coverage of adult criminal offenders,

These juvenile gangs as well as "juvenile delinquents" want to get into the act and envy the publicity which adult criminal offenders receive. These juvenile gangs and "juvenile delinquents" go on deliberate crime sprees and compete against each other to see who can gain the most publicity and make a name for themselves. I am sure you have seen the television commercial with a parked car, the doors unlocked, and the keys still inside. The moral of the story is don't let'a "good boy" turn bad. Pocket your car keys. Lock your car door. This type of commercial, while well intentioned, gives the "good boy" bad ideas.

It is time for the printed news media as well as broadcast journalism to curtail their use of senational publicity. Organized crime uses both black and white ghetto "juvenile delinquents" and juvenile gangs for the purpose of helping the narcotics traffic element of organized crime. Organized crime's contribution to "juvenile delinquency" is thus self-evident, the 1967 report of the President's Commission on Law Enforcement and Administration of Justice devoted chapter 3 to an analysis and study of "juvenile delinquency," "The Challenge of Crime in a Free Society" observed; . . . "The juvenile population has been rising and at a faster rate than the adult population, and an increasing proportion of our society is living in the cities where delinquency rates have always been highest.

These trends and the increase in the total volume of crime that they appear to foretell are testimony enough that programs for the prevention and control of delinquency deserve our full attention." What has been the result of this inquiry into "juvenile delinquency" by the President's Commission on Law Enforcement and Administration of Justice? Take Philadelphia, Pennsylvania as a case history. Philadelphia has a 1970 census population of 1,948,609. The Federal Bureau of Investigation compiles for its uniform crime statistics an annual 52 city standard metropolitan statistical areas analysis with a population of

250.000 or more. Philadelphia ranks 5 out of 52 on the analysis.

In Philadelphia, "juvenile delinquency" and juvenile gang warfare is almost a way of life and has become quite rampant. During the past three summer seasons, juvenile gang warfare resulted in death for certain gang member participants. These gang member deaths averaged one a night for a seven day period every three or four weeks during the summer season. Arien Specter has been District Attorney of Philadelphia since January 3, 1966. During 1967 the Office of District Attorney prepared a fifty-page document entitled "Proposed Youth Development and Delinquency Prevention Code" for Pennsylvania, During the 1968 summer season the Office of District Attorney established a "pilot program" to hire two North Philadelphia juvenile gang members to work in the office.

The office accelerated other existing gang control programs, Certain Philadelphia high schools allowed juvenile gang members to serve as teachers' aides. Several Philadelphia college and university law schools are training assistant district attorneys in the behavorial sciences. The office negotiated a "peace treaty" between two warring juvenile gangs. The Philadelphia Inquirer editorialized on August 15, 1969: . . . "Juvenile gangs many of them led by adult-size hoodlums, are litterally getting away with murder and robbery and assault on the streets of Philadelphia . . . Police Commissioner Rizzo and District Attorney Specter are acting in the public interest, and should have wholehearted public support in their latest moves to hear down even harder than ever on gang violence." Arlen Spector is also chairman of the board of a nonprofit corporation totally apart from the District Attorney Office aptly titled Safe Streets, Inc.

Finally Radio Station WCAU editorialized on May 29, 1969.... "Philadelphia is sending the Federal Government four different proposals for crime lighting in the hopes of one being accepted to qualify for a 100-thousand dollar grant. All four proposals have merit... But one by the District Attorney's Office appeals to us most at this time with a number of teen-age boys shot or stabbed to death in recent days in gang wars. Specter wants to use the money to support a gang control program. He would use the cash to encourage juveniles to join constructive programs. A positive program to fight juvenile crime is just about the most important item we can think of in reducing crime in the streets.

Young people commit most of the crimes in Philadelphia. It has to be stopped and we believe the beginning of its end must come through work on streets with gangs." The above paragraphs show how just one city deals with the problem of "juvenile delinquency." Arien Specter has instituted impressive programs to deal with the national epidemic on a local level. But no one man or one city or the Nation should rest on their laurels. Much more needs to be done. I recommend the following steps to deal with the national epidemic of juvenile delinquency:

1. Enact into law S. 3148 and similar legislation.

2. Provide for establishment of Reverend Leon Sullivan's Philadelphia, Pennsylvania-based Opportunities Industrialization Center on a national level.

3. Provide for a Philadelphia, Pennsylvania-type Safe Streets, Inc. Corporation

on a national level.

4. Provide for meaningful black capitalism.

5. Establish a National Urban Development Bank, a National Urban Affairs Corporation which would rebuild the entire U.S.A. urban areas.

6. Enact into law H.R. 1, which contains the President's Family Assistance

Program

7. Provide "juvenile delinquents" and juvenile gangs with athletic activities under supervision of municipal police departments, similar to Philadelphia's Police Athletic League. Enlist juvenile gangs into municipal police departments as an auxiliary unit to give them responsibility and combat crime.

8. Enlist the cooperation and participation of amateur, major league and pro-

fessional sports franchises in gang control programs.

JUNE 29, 1972.

MR. FRANK RODIO, Jr., Hammonton, N.J.

DEAR MR. RODIO: Thank you for your recent letter in which you enclosed "Juvenile Delinquency and Juvenile Justice: A National Disgrace," a statement supporting S. 3148, the "Juvenile Justice and Delinquency Prevention Act of 1972." I am pleased to inform you that this statement will be inserted in the record of the June 27-28 hearings of the Subcommittee to Investigate Juvenile Delinquency.

Your interest is much appreciated. A copy of the hearings will be sent to you

as soon as they are printed.

With warm regards, Sincerely.

MATHEA FALCO, Staff Director and Chief Counsel.

(E) SUPPLEMENTAL STUDY

APPENDIX 1

Institute of Judicial Administration,
American Bar Association,
Juvenile Justice Standards Project,
New York, N.Y., July 26, 1973.

Hon. Birch Bayh, Chairman, Subcommittee to Investigate Juvenile Delinquency, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR SENATOR BAYH: Pursuant to a discussion with Mathea Falco, Esq., Staff Director and Chief Counsel to the Subcommittee, I am submitting a document prepared by the staff of the IJA-ABA Juvenile Justice Standards Project,

The document is entitled "Summary and Parallel Tuble of Model Codes and Recommendations Concerning Juvenile and Family Justice Systems." It sets side-by-side, to permit convenient comparison, comparable provisions from four major efforts—by the Council of Judges of the National Council on Crime and Delinquency, the Children's Bureau of the U.S. Department of Health, Education, and Welfare, and the National Conference of Commissioners on Uniform State Laws—to formulate model statutes, rules, and guidelines governing the operation of the nation's juvenile courts and related institutions. A narrative which precedes the table-summarizes the key points of comparison and contrast. In addition, the Table sets forth the central recommendations from the 1007 report of the President's Commission on Law Enforcement and Administration of Justice.

I hope that the table and summary will contribute significantly to your analysis of juvenile justice in the United States, and in particular to your consideration of 8, 821. I also hope that this document will help the many legislators, planners, judges, lawyers, and others who are today engaged in trying to remedy the defects in our juvenile justice system to draw more effectively on recent proposals from groups of nationally recognized stature.

Sincerely,

J. LAWRENCE SCHULTZ,

Project Director.

SUMMARY AND PARALLEL TABLE OF MODEL CODES AND RECOMMENDATIONS CON-CERNING JUVENILE AND FAMILY COURT SYSTEMS

(J. Lawrence Schultz Project Director Institute of Judicial Administration—American Bar Association Juvenile Justice Standards Project Institute of Judicial Administration New York University School of Law)

INTRODUCTION

The purpose of this publication is to permit convenient comparison of five previously published model codes concerning juvenile and family court systems.

The provisions of three model statutes and one set of model rules—each a recent effort to define a model juvenile or family court system—are arranged by subject matter and listed side-by-side in Part I of the "Parallel Table." The arrangement of the table enables the reader to compare, in detail, provisions of the various codes which cover similar subjects.

Part II of the table lists separately 18 of the recommendations that appear in bold-face type in Chapter 8, "Juvenile Delinquency and Youth Crime," of the report, The Challenge of Crime in a Free Society (1967) by the President's Commission on Law Enforcement and Administration of Justice. These 18 recommendations are topically-related to various provisions of the model codes. They are therefore arranged by the same subject headings used in Part I. Suggestions and conclusions set forth in the Crime Commission's report that were not set out in bold type have not been included.

Part I of the Parallel Table consists of four columns. The heading of the first column, "Subject," refers to the topics by which the parallel provisions of the

model codes have been arranged in the other three columns.

The heading, "Legislative Guide," for the second column refers to the Legislative Guide for Drafting Family and Juvenile Court Acts, published by the Children's Bureau of the Social and Rehabilitation Service, U.S. Department of Health, Education and Welfare. The "Guide" was prepared in 1969 by William H. Sheridan, Assistant Director, Division of Juvenile Delinquency Service.

The heading, "Uniform Act." for the third column refers to the Uniform Juvenile Court Act, drafted in 1968 by the National Conference on Uniform State Laws. The Uniform Act was approved by the American Bar Association later that year. The chairman of the drafting committee was Professor Maynard E.

Pirsig of the University of Minnesota Law School.

The Fourth column contains the provisions of two complementary publications of the National Council on Crime and Delinquency (NCCD). The heading, "Standard Act," refers to the sixth edition of the Standard Juvenile Court Act,

published in 1959.1 under the direction of Will C. Turnbladh.

The National Probation and Parole Association, predecessor of the NCCD, compiled this most recent in a series of Standard Juvenile Court Acts, dating back to 1925. The Act was published in cooperation with the National Council of Juvenile Court Judges and the U.S. Children's Bureau. The second heading, "Model Rules," of the fourth column refers to the Model Rules for Juvenile Courts, published in 1969 by the Council of Judges of the NCCD in cooperation with the National Council of Juvenile Court Judges, Judge William S. Fort was the chairman of the drafting committee, Provisions of the "Model Rules" follow those provisions of the "Standard Act" which they supplement.

Commentary supporting and explaining the model codes and rules have been excluded from the table. Similarly, footnotes have generally been omitted, but those used by the Children's Bureau to explain the meaning of the blanks in the provisions of the Legislative Guide have been reproduced at the end of the provision to which they apply, as have similar footnotes in the Standard Act.

provision to which they apply, as have similar footnotes in the Standard Act.

The "Index of Provisions," which follows the chart, shows the page number of the chart where each provisions of the model codes begins. Since the code provisions are identified by their titles, they can be readily located without the aid of the subject headings which appear in the left-hand margin of the chart itself. Therefore, those subject headings have not been used in the index.

The purpose of the Summary of the Parallel Table (Part I) is to bring into focus the most significant differences and similarities among the various codes—key comparisons and contrasts that are sometimes obscured by insignificant variations in language and structure in the texts of the codes.

The same subject headings used to order the provisions of the table are also used to order the discussion in the Summary. Thus, the reader can conveniently alternate between the texts of the provisions and their corresponding interpreta-

tions in the Summary.

In preparing the table, every provisions of each model code was reproduced, and every effort was made to respect the integrity of each code by not separating subdivisions of individual sections or rules, and by maintaining the original order. However, these considerations were, at times, overridden when it became necessary to adhere to the primary goal of arranging provisions covering similar subjects side-by-side, so long as disrupting the original order of the model codes and rules did not distort their meaning.

The parallel table was compiled with the aid of Miss Janet Hand, research

assistant for the Juvenile Justice Standards Project.

. The Juvenile Justice Standards Project is cosponsored by the Institute of Judicial Administration at the New York University Law School and by the American Bar Association. The project is supported by grants from the National Institute of Law Enforcement and Criminal Justice, the Andrew W. Mellon Foundation, the American Bar Endowment and the Vincent Astor Foundation. This, however, is entirely a staff product, prepared for the use of the project as well as for others concerned with juvenile justice. In particular, it has not been reviewed in any form by the Joint Commission on Juvenile Justice Standards, which is the project's governing body.

¹ NCCD's Council of Judges is currently revising the Standard Act. Judge Henry A. Reiderer is chairman of the committee responsible for preparing the revisions.

SUMMARY OF PARALLEL TABLE

Part I of the Parallel Table provides a single reference source to the model codes (these are identified in the introduction) and a convenient means for comparing their provisions. The table—by arranging similar provisions of model codes side-by-side—is designed to provide convenient comparisons of

their provisions.

But simply setting next to each other the comparable provisions of the model codes reproduced in Part I of the chart does not permit immediate comparison to be made by the reader. Relatively slight differences in drafting may be inconsequential details, or they may represent basic policy decisions. Sometimes a provision cannot fully be interpreted in isolation from other language outside that provision. For example, the jurisdictional provisions can only be understood by referring back to the "definitions" sections. Also, because of their varying lengths, some related provisions of the codes are not exactly "side-by-side, but rather are located on different pages.

. The main purpose of this summary is to help the reader locate related provisions of the various codes and to suggest interpretations of some provisions and similarities or differences between them. Since selecting useful comparisons and relationships requires judgment and interpretation, this "summary" is more subjective than a precis. But it should be understood that no attempt has been made to assess the merits or demerits of the provisions of these model codes or to relate them to the large and growing body of case law, new legislation, and commentary about the problems in juvenile justice that the codes

In the discussion that follows, the term "model codes" is used to refer generically to the Guide, the Model Rules, and the Uniform and Standard Acts. The discussion is arranged according to the subject headings used in the Parallel Table for grouping relevant topics addressed by the model codes.

A. Purposes

Each of the three purpose clauses of the model codes professes primary concern for the full development and welfare of the child. Each also expresses a preference that the child remain in his home or with his family. In addition, Gulde § 1(c) and Uniform Act § 1(3) attempt to state in general terms justifications that overcome this presumption, permitting a child to be removed from his home "when necessary for his (the child's) welfare or in the interest(s) of public safety." Notther code further defines explicitly the key concepts of the child's "welfare" and "interests of public safety." The unique reference in Standard Act \$1 to advancing the "best interests of the state"—a phrase bronder on its face than "public safety"—is also undefined. Only the Standard bronder on its face than "public safety —is also undernied, only the standard Act expressly applies the idea of preserving a home environment whenever possible to the kind of treatment given to children following their removal from the family. It does so by providing that the government should still attempt to give children taken from their homes "as nearly as possible" ideal parental care. Finally, reflecting recent concern with procedural due process in juvenile and the family of the standard of the sta courts, both the Uniform Act § 1(4) and Guide § 1(a), unlike the 1958 Standard Act, include "fair" procedures as a major purpose of the Acts.

B. The Court's Role

1. Characteristics of the Juvenile or Family Court.—Guide § 3 and Standard Act § 3 agree that the "juvenile court" (Standard Act) or "family court" (Guide) should be a division of a state's highest court of general trial jurisdiction. The Uniform Act definitional section, § 2(9), does not specify the relationship between the "juvenile court" and the remainder of the state's judicial

Standard Act Alternative § 3 vests state juvenile court judges with powers and salaries equivalent to those of judges of the state's highest court of general

trial jurisdiction. The other two codes are silent on this point.

2. Jurisdiction.—a. Delinquency. All three model acts give juvenile or family courts jurisdiction over children under the age of 18 alleged to have violated a state or federal criminal law. Guide § 2(0) and Uniform Act § 2(3), however, deny the court jurisdiction over such a child unless he is also "in need of care"

(Gilde) or "treatment" (Uniform Act) or "rehabilitation" (both codes).

Uniform Act §§ 2(2), 3(a) (1) and Standard Act § 8.1 explicitly add violations of local ordinances as grounds for jurisdiction, but the broad term "law of this

state" in Guide § 2(n) might reasonably be interpreted to include laws enacted

by local authorities.

All three acts also provide for retention of jurisdiction over delinquents until they become 21 (however, the Standard Act and Rules both avoid the terms "delinquent" and "delinquency"). Guide § 2(a) (2) and Uniform Act § 2(1) (ii) do this somewhat ambiguously through their identical definitions of "child" to include someone "under the age 21 years who committed an act of delinquency before reaching the age of 18." Guide § 7(a) (1) and Uniform Act § 8(a) (1), both of which use the term "child," are subject to the apparently unintended construction that anyone between the ages of 18 and 21 who at any time had committed any juvenile offense before his eighteenth birthday would be subject to juvenile court jurisdiction if he later committed another and different offense, even if he was not otherwise under the court's jurisdiction at the time of the later offense. The meaning of Standard Act § 10 and Guide § 9 are clearer, and broader, providing straightforwardly that, once obtained, jurisdiction generally is retained until the child becomes 21 unless it is terminated sooner.

b. Predelinquency and Children's Offenses. The Uniform Act and Guide pro-

vide for jurisdiction over persons in need of supervision (Guide § 2(p), 7(a) (1)) or a child alleged to be "unruly" (Uniform Act § 2(4), 3(1)).

These "PINS," as they have come to be widely known, are defined in nearly identical terms as (1) habitual truants; (2) children who habitually disobey reasonable and lawful parental demands and who are "ungovernable" (and beyond parental control-Guide); (3) children who commit a non-criminal "offense" (an undefined term), including offenses "applicable only" to children (presumably meaning those offenses which can only be committed by children since the law defining the offense is applicable only to children). Jurisdiction over PINS or unruly children, like that over delinquents, is confined to those "in need of care" (Guide) or "treatment" (Uniform Act) or "rehabilitation" (both).

In addition, however, Guide § 2(p) (4) and Uniform Act § 4(iv) seem to require that there must be some relationship between whatever act element of the PINS and unruly definitions is relied on for jurisdiction and the "need" element. This is at least a possible interpretation of the phrase "in any of the foregoing"—i.c., the foregoing definitions of PINS and of unruly children—that qualifies the "need" provision of each code. If such a relationship between the basis for finding PINS or unruliness and "need" is intended, the nature of the

relationship is not further defined in either code.

The parallel provision of the Standard Act confers juvenile court jurisdiction over children who are "beyond" parental "control" (§ 8.2(g)). Although the Standard Act does not specify truancy or non-criminal offenses as separate bases of jurisdiction, it is doubtful whether the juvenile court's jurisdiction under the Standard Act is for that reason any narrower than under the Uniform Act and Guide. A truant subject to compulsory education laws presumably has violated a state law, and thus comes within Standard Act § 8.1. Similarly, a child who commits an "offense" within the meaning of the Uniform Act or Guide presumably also will have violated some "federal, state, or local ordinance" (there is no requirement that these be "criminal" laws or ordinances), and thus will also come within Section 8.1. Indeed, the Standard Act's scope seems, if anything, marginally broader, since repeated truancy or failure to obey parertal commands is not required.

c. Traffic Offenses. Unlike the Standard Act which is silent on the question and thus gives juvenile courts jurisdiction over all traffic offenses (sections 12 and 19, see pages 22 and 40 of the parallel chart, establish somewhat modified procedures in traffic cases), and Legislative Guide and Uniform Act both single out traffic violations for special jurisdictional treatment. Guide § 2 (n) fn.4 (see page 3 of the chart) would remove traffic offenses from juvenile courts altogether, except for those "likely to need the specialized handling of the juvenile court." Mentioned as examples of the latter category are negligent homicide, driving while intoxicated or under the influence of narcotics, and driving

without a valid license.

Unlike the Guide, the Uniform Act § 44, an optional provision, would give juvenile courts jurisdiction over all kinds of traffic violation. "Juvenile traffic offenses," however, would be heard "separately from other proceedings," while major violations would be treated as delinquent acts. Juvenile "traffic offenses" are defined to exclude the same kinds of more serious violations that the Guide identifies as the only ground for juvenile court intervention.

If a traffic violation were handled under the special juvenile traffic offense procedure the court would hold "an informal hearing" (which nonetheless would include provisions for written notice, subpoena of witnesses, cross-examination and representation by counsel). Following this hearing, the court's range of dispositions would be confined to (1) measures relating specifically to the driving privilege (suspension of license, compulsory attendance at driving classes); (2) a simple reprimand or counseling; or (3) a fine of \$50 or less, but no greater than that an adult could required to pay for the same offense. Finally, the court would have discretion to convert any traffic offense proceeding into a delinquency proceeding. In such an event, the normal procedures in delinquency cases would be followed and the judge who transferred the case would be barred

from adjudicating the same child delinquent.
d. Jurisdictional Bases other than Juvenile Misbehavior. (1) "Neglected" and "Deprived" Children. The Guide and Uniform Act provide, within the same clause conferring jurisdiction over misbehaving juveniles, that the juvenile or family court would have jurisdiction over "neglected" (Guide § 7(1)) or "deprived" (Uniform Act § 3(a) (1)) children. The relevant definitions in both codes (Guide § 2(9)) and Uniform Act § 2(5)) are virtually identical in specifying three kinds of neglect or deprivation: (1) abandonment; (2) illegal placement for adoption; and (3) failure to provide "proper" care "necessary for his (the child's) well-being." In each code, the third definition of neglect or deprivation is qualified, but in somewhat different terms. (The Uniform Act requires only that the deprivation not be "due primarily to the lack of financial means"). The Guide requires that the failure to provide care be due to parental "faults or habits" and that the neglecting parent or other custodian be "unable" to provide proper care. But the Guide also provides a fourth category of neglect covering parents who are unable to provide proper care for other specified reasons. Financial incapacity is not expressly mentioned in the Guide as one of those reasons, although physical incapacity is included. In sum, the key difference between the two codes seems to be that the Uniform Act specifically excludes the two codes seems to be that the Chiffin Act specifically exchange financial incapacity as a basis for neglect jurisdiction, while the Guide seems to do the same thing implicitly. More important, with specified exceptions the Legislative Guide expressly prohibits a finding of "neglect" without fault while the Uniform Act permits finding neglect without fault except for financial

In a clause separate from those defining the court's jurisdiction over misbehaving juveniles, Standard Act § 8.2 provides for jurisdiction over children "neglected as to proper or necessary support . . . necessary for his well-heing," and over "abaudoned" children. Thus, of the parallel jurisdictional bases specified in the other two codes, the Standard Act omits express mention only of illegal placement of a child, but that category could well be included by inference in the Standard Act's broad definition of neglect in § 8.2. (The commentary to this section of the Standard Act expressly excludes "dependent" children who are not "neglected" from court jurisdiction—consistent with the Uniform Act as to lack of financial means and contrary to the Guide's fourth category of neglect

covering parents' incapacity to provide care.)

(2) Family-problem Jurisdictional Bases. All three codes give juvenile or family courts jurisdiction over a range of family problems. Each code provides for jurisdiction over proceedings for the termination of parental rights, for adoption, for the determination of custody, for the commitment of mentally retarded or mentally ill children, and over proceedings brought under the Interstate Compact on Juveniles. In addition, the Uniform and Standard Acts give the juvenile court authority to-hear proceedings involving children who are required to obtain court permission to marry, become employed, or enter the armed services. The *Guide* and *Uniform Act* also provide for jurisdiction over proceedings under the Interstate Compact on the Placement of Juveniles.

Guide \$10 provides that the family court have original jurisdiction over intra-family offenses; over adults charged with unlawful desertion, abandonment, or nonsupport of any person; in support, alimony, divorce, separation, annulment, and paternity cases; in proceedings under the Uniform Reciprocal Enforcement of Support Act; and in proceedings to commit any adult as mentally retarded or mentally ill. Of these, the parallel provision of Standard Act § 11 includes only proceedings involving offenses committed by an adult against a child; desertion, abandonment, and non-support cases; and support and paternity action. The Uniform Act has no similar provisions.

3. Venue, Unlike the Standard Act, which is silent, Uniform Act § 11 and Guide § 11 include indistinguishable provisions establishing the county of the child's residence as the proper venue in all cases. Delinquency and PINS (unruly) cases may also be brought in the county where the child's misbehavior occurred. Neglect (deprivation) proceedings may be brought in the county where the child is present.

4. Transfer Between Courts.—a. From Juvenile or Family to Criminal Courts ("Walver"). (1) Prerequisites. All three codes permit the juvenile or family court to transfer for criminal prosecution as an adult cases involving children who were at least 16 years old when they allegedly violated a criminal law—commonly called a "waiver" procedure. Unlike either the Uniform Act or Standard Act, Guide § 31(a)(2) also permits transfer for criminal prosecution of juveniles who are at least 16 years of age—regardless of how old they were when the alleged crime was committed—who are "under commitment" as a delinquent.

Guide § 31 and Standard Act § 13 both limit waivers to cases involving alleged felonies. Again, however, the Guide does not apply this limitation to previously committed delinquents "inder commitment" who are at least 16 at the time of the waiver. These juveniles may be transferred regardless of the nature of the alleged offense. Uniform Act § 34(a) permits waiver for any "crime or public offense."

(2) Other Criteria. Standard Act § 13 requires only that a court find "it contrary to the best interest of the child or the public to retain jurisdiction" before transferring a delinquency case for criminal prosecution. Uniform Act § 34(4) is more complex, requiring that the court find "reasonable grounds to believe that" (1) the child committed the alleged offense; (2) he is not amenable to treatment or rehabilitation as a juvenile through available facilities; (3) he is not committable as mentally retarded or mentally ill; and (4) "the interests of the community require that the child be placed under legal restraint or discipline." Even if these findings are made, the transfer is still within the discretion of the court, as under the Standard Act.

By contrast, the Guide § 13 by its terms makes transfer mandatory ("the court...shall order the case transferred") if the requisite findings are made. Those findings include "reasonable grounds to believe" the child is not committable as mentally retarded or mentally ill and "that there are not reasonable prospects for rehabilitating the child prior to his majority." Thus, the Guide omits two findings required by the Uniform Act involving (1) the fact of the commission of the alleged crime, and (2) the need for restraint or discipline. The requisite findings in the Guide and Uniform Act involving possible civil commitment for mental illness or retardation are identical, and those involving prospects for treatment of reliabilitation virtually indistinguishable, although couched in somewhat different terms.

(8) Initiation of Transfer Proceeding. Legislative Guide § 31(b) fn.28 vests the prosecutor with discretion to initiate a waiver proceeding by motion, leaving the court with no discretion to deny a hearing on the motion. Model Rule 9 leaves the decision to conduct a waiver hearing to the court's discretion, permitting it to conduct a hearing whenever it has reason to believe waiver may be appropriate. The Uniform Act does not specifically address the problems of initiating waiver proceedings, by inference apparently leaving the decision with the court.

(4) Notice and Summons. Only Uniform Act § 34(a) (3) contains a special notice provision for waiver hearings, requiring a 3-day advance written notice of the time, place, and purpose of the livering. Both Guide § 31 and Rule 10 incorporate by reference provisions governing summonses and notice applicable to juvenile court adjudicative hearings generally. The relevant Guide provisions (§§ 15, 16) provide for a minimum 24-hours notice if the party can be found in the state, and 5-days notice otherwise. The applicable Rules (20 and 21) require 48-hour notice.

(5) Other Procedures. Both the Guide and Rules provide for a pre-hearing investigation. The Rules alone (Rule 11) guarantee access to the report to counsel for all parties before or at the beginning of the hearing. Both the Guide and Rules provide for counsel at the hearing. Rule 11 guarantees counsel expressly, while the Guide accomplishes this in a roundabount way by incorporating in Section 31 the normal summons provisions. These provisions include Section 15, which requires notice of the right to counsel (guaranteed in Section 25 of the Act).

Apart from the right to counsel, only Uniform Act § 34(a) (2) prescribes detailed requirements for the conduct of the waiver hearing, incorporating by reference procedures applicable to other hearings under the Act (§§ 24, 26, and 27). These incorporated sections provide for the right to counsel, the right to present evidence and cross-examination, a guarantee against self-incrimination, exclusion of illegal confessions and illegally-selzed evidence, the taking of minutes or a transcript on demand, the presentation of evidence by the prosecutor, and the exclusion of the public from the hearing.

The Rules require specific written findings supporting any decision to transfer for criminal prosecution (Rule 11). Similarly, Guide § 31(g) requires written "reasons" in support of its requisite finding that there are no reasonable prospects for juvenile rehabilitation. The Uniform Act includes no requirement of written

indings.

(6) Subsequent Procedures. Guide § 31(h) contains a unique "one-way rachet" provision, excluding a transferred juvenile 16 or older from subsequent family court jurisdiction for subsequent delinquent acts. Similarly, the Guide omits guarantees contained in the Uniform and Standard Acts prohibiting later criminal prosecutions for delinquent acts that were not transferred from the juvenile court for prosecution. Standard Act § 13, unlike Uniform Act § 34(c), requires that such immune acts have been the subject of a transfer petition.

Guide § 31(i) and Uniform Act § 34(e) bar a judge who presides at a transfer proceeding from later participating in delinquency proceedings involving the same child over objection of the child (Guide) or an interested party (Uniform

Act).

Uniform Act § 34(d), alone among the codes, prohibits admitting over his objection in subsequent criminal proceedings, statements made by the child at the hearing which resulted in his transfer.

Each code requires transfer from criminal courts of cases within the juvenile or family courts' original delinquency jurisdiction (Legislative Guide § 8(a);

Uniform Act § 9; Standard Act § 9).

Only Guide §8(b) discusses criminal convictions of children who were, unknown to the criminal court, within family court jurisdiction. In such cases, the criminal court would have discretion whether (1) to transfer the case to the family court for new proceedings; (2) to let the criminal conviction stand; or (3) to retain jurisdiction but dispose of the case as a juvenile proceeding.

Legislative Guide § 12, Uniform Act § 12, and Standard Act § 13(2) contain substantially similar provisions governing transfers between different juvenile

and family courts.

5. Personnel. a. Judges. Only the Standard Act includes provisions governing selection (Section 4) and administrative organization (Section 5) of juvenile courts. County juvenile court judges would be selected in the same manner as judges of the highest court of general trial jurisdiction, unless there were only one such judge, who would then serve as the juvenile court judge. State juvenile court judges would be appointed to staggered six-year terms by the governor from a list of candidates submitted by a special commission. These judges would be required to have been admitted to the practice of law in the state, as well as have special experience and understanding of juvenile problems.

A Board composed of all juvenile court judges would set policy for the juvenile courts, promulate rules and forms, publish an annual report, and approve the presiding judge's appointment of a court director responsible for various

administrative duties.

b. Administrative Officers. Only the Standard Act (Section 6) provides a chief administrative officer who would appoint and supervise a staff sufficient "to

carry on the professional, clerical, and other work of the court."

c. Referees. All three model codes provide for appointment of referees. Each of the codes also would require that referees be lawyers. However, Standard Act § 7 and Uniform Act § 7(a) would have the referees appointed by and serving at the pleasure of the judge" of the juvenile court, while Legislative Guide § 4(a) In. 8 would require that referees be appointed by the chief judge of the court of highest general trial jurisdiction, who would also fix their compensation. The Guide also gives the same chief judge power to determine which hearings would be conducted in the first instance by a referee, while both the Uniform and Standard Acts would delegate this power to the juvenile court judge.

The duties of the referee are most circumscribed in Guide § 4(b), which forbids referees from presiding at "contested" hearings and hearings concerning waiver

for criminal prosecution. Both Uniform Act § 7(a) and Standard Act § 7 would permit referees to conduct any hearing in the first instance. All three codes permit any "party" to demand a hearing before a judge, but only the Uniform Act expressly provides that the parties must be told in advance by the referee of their right to an initial judicial hearing.

All of the codes require that the referee transmit written findings and recommendations at the conclusion of a hearing, both to the judge and to parties to the proceeding (but the Standard Act limits this notice requirement to "parties in

interest," an undefined term).

All three codes confer essentially the same legal status on the findings and recommendations of the referee: they become the decree of the court when confirmed by judicial order unless a party demands a rehearing, or the judge orders a hearing on his own motion. The Standard Act and Legislative Guide, unlike the Uniform Act, distinguish between (1) a hearing on the evidence before the referee, plus additional evidence admitted at the judge's discretion; and (2) a hearing dc novo. Only the latter must be specifically requested by a party or ordered by the court.

d. Probation. Uniform Act § 5 and Guide § 5 expressly contemplate establishing a system of probation services. But while the Guide would require that the system be established by a state agency responsible for services to delinquent chitdren under the state's merit system, the Uniform Act requires that the system be established by a state agency only in counties larger than some unspecified population. In smaller counties, probation officers could be appointed by and serve at the pleasure of the court, which would also fix their salaries.

Uniform Act § 5 and Legislative Guide § 5 define the powers and duties of probation officers. Broadly, these provisions identify four kinds of functions: (1) fact-finding; (2) intake (deciding which delinquency, PINS or unruly, and neglect or deprived cases should be referred to court); (3) recommending dispositions to the court; and (4) supervising and treating children following court ad-Indication. The Standard Act and Rules also provide for each of these functions to be performed by probation, but do so in describing the function itself rather than by separately defining the probation officer's role.

e. Guardians, Legislative Guide § 41 and Uniform Act (§§ 51, 38) govern the appointment and role of guardians. Guardians ad litem are to be appointed at any stage when it appears to the court that a child who is a party to a proceeding has no parent or guardian or when their interests conflict with his. The third sentence of *Rule* 39, titled "Notice to Children," is substantially equivalent. However, Rule 39, by its terms, permits appointment of a guardian ad litem in lieu of counsel, as does Uniform Act § 26(a). By contrast, Guide § 25 contemplates representation by counsel, regardless of whether a child also requires appoint-

ment of a guardian ad litem.

C. Prehearing Procedures

1. Police Procedures, a. Custody. Each of the codes permits law enforcement officers to take a child into custody without court order if he (1) commits an

offense, (2) runs away from home, or (3) is in danger of harm.

With respect to the first of these grounds for assuming custody, the Uniform 4ct § 13(a)/(2) and Guide § 18(2) incorporate by reference the "laws of arrest." The Standard Act takes a different but similar route, specifically distinguishing between felonious acts and other offenses (as does the common law of arrest): acts other than felonies must be committed in the presence of an officer, but "reasonable grounds" to believe a child committed a felonious act will justify taking him into custody. All three codes also would permit taking a child into custody on the strength of "reasonable grounds" to believe he had run-away from home. Finally, each of the codes permits police to take a child into custody if he is ill. injured, or endangered. In this last case, both the Guide and Uniform Act incorporate the "reasonable grounds" standard, while the Standard Act is silent on the standard of proof or belief to be applied when a child is taken into custody for his own good. The Uniform and Standard Act add as further requirement under this third category that removal be "necessary" to protect the child.

Each code also provides for taking a child into custody by court order. Grounds for such an order under each code may include: (1) the failure of a parent or guardian to bring the child before the court when requested by the court to do so (Guide § 21(c); Uniform Act § 15(b); Standard Act §§ 15.1, 16.2) and (2) the protection of the child (Guide §§ 15(d), 20; Uniform Act § 22(c); Standard Act § 14. The Guide and Uniform Act add (3) protection of others from the child, and (4) danger that the child will not appear in court, as grounds for issuing such an order.

Only Standard Act \$ 16 requires that parents of the child be notified immediately whenever a child is taken into custody, regardless of whether the child is

subsequently detained or released.

However, if the child is not detained by police, Guide § 21(a) (1) and Uniform Act § 15(a) (1) require that he be released to parental custody with all reasonable speed." Guide § 21 specifically contemplates releasing a child to parental or other appropriate custody with only "verbal counsel or warning." This section thus explicitly endorses (without providing guidelines) use of discretion by police (or by someone else assuming custody of a child) not to refer to court a child within the jurisdiction of the court if it is believed that an informal sanction is sufficient. The Uniform Act apparently recognizes no permissible discretion of this kind, requiring either detention of a child or his release to parental custody "upon their [the parents'] promise to bring the child before the court when requested by the court...." Like the Guide, the Standard Act § 16, expressly delegates the decision whether to issue such a directive to police, or others assuming custody, but does not include the possibility of informal adjustment of a case by a warning or counsel.

b. Police Detention. (1) Criteria. All three codes permit the detention of a child taken into custody for a brief period without court order. Under Guide § 20(a), this may be justified (1) "to protect the person or property of others or of the child;" (2) if the child lacks anyone able to supervise and care for him; or (3) "to secure his presence at the next hearing." The criteria under Uniform Act § 14 are substantially the same. Standard Act § 16, on the other hand, refers only to the child's "immediate welfare" or "the protection of the community" as permissible grounds for detention without a court order, although, as often seems the case when the language of the codes differs, these terms seem broad enough to permit a construction that would encompass each of the specific grounds

mentioned in the other codes.

(2) Notice. Under Guide § 21(a)(3), if a child is referred to a detention or shelter care facility, or to a probation intake office, the person taking custody of the child must give prompt written notice of the referral, "together with a statement of the reasons" for the assumption of custody, to both the parents and the court. Uniform Aôt § 15(a)(2) is substantially the name. Standard Act § 17 is somewhat different, requiring that the policeman or other person taking a child into custody (the person assuming custody has already notified parents of his assuming custody under Section 16) notify only the court, stating both the legal basis for his action and the reasons why the child was not released. (The latter requirement is not duplicated in the other codes.) It is then the obligation of the person in charge of the detention or shelter facility to give further notice to the court that he is holding the child. Under Section 17, the parents must also be informed in writing that "they may have a prompt hearing regarding release or detention." (Such a hearing is mandatory in any event under Rules 16-17.)

detention." (Such a hearing is mandatory in any event under Rules 16-17.)

Rule 12; furthermore, requires that the referring person give a signed report to the intake officer explaining why the child was not released, a copy of which (together with reasons why the child was admitted to detention) must promptly be given to the court. Finally, under Rule 13, it is the duty of the intake officer to notify the child (a) of the reasons for his detention; (b) of his rights to counsel and to remain silent; and (c) that a court hearing will be held to determine whether detention should continue. This officer must also notify the parents of the child's detention, request that they come to the facility, and at a meeting with them give them in writing the same information as he was pre-

viously required to give the child.

(8) Administrative Review. All of the codes, including the Rules, provide for immediate "review" (Guide § 21(b)) or "investigation" (Uniform Act § 17; Standard Act § 17) of the need for detention, either by an intake officer (all codes), another court officer (Uniform and Standard Acts § 17), or the supervisor of the detention or shelter facility (Rule 12). The reviewing or investigating authority is required to release the child to parental custody "if possible" (Standard Act § 17; Rule 12) if detention is not "required" (Guide § 21(b); Uniform Act § 17) or "warranted" (Uniform Act § 17).

Only Guide § 21(b) requires review prior to a child's admission to a detention or shelter facility. In addition, Rule 16 is unique among the codes in expressly

4* *22 0 79 4

permitting release by the supervisor of the facility or an intake officer any time

prior to a court detention hearing.
(u) Time Limitations. Each of the codes also sets specific limitations to the time a child may be detained (a) without an adequate petition being filed invoking the court's jurisdiction, and (b) without a court order or detention hearing. Under each of the codes, however, these requirements are stated somewhat differently:

Legislative Guide:

a) Petition filed within 24 hours of admission to detention (\$28(a)(1)).

(b) Court detention hearing within 24 hours from filing of petition (\$28) (a)(2)).

Uniform Act:

(a) Petition filed "promptly" (§ 17(b)).

(b) Hearing "promptly," at least within 72 hours from admission to detention (§ 17(b)).

Standard Act:

(a) Petition filed within 24 hours of admission to detention (§ 17.2).

(b) Court order within 24 hours from filing of petition (§ 17.2).

Model Rules:

(a) Petition filed prior to detention hearing (Rule 16).
(b) Hearing within 48 hours from admission to detention or on next day following admission that court is sitting (Rule 15).
c. Fingerprints, photograph, and searches.
(1) Fingerprints, Guide § 47, University form Act \$ 58, and Rule 48 all limit the authority of police to maintain permanent files of children's fingerprints. The Guide gives police authority to maintain such files only on children at least 14 years old who are found by the court to have committed a felony. Similarly, the Uniform Act limits permanent fingerprint files to children at least 14 years of age found to have committed enumerated serious crimes to be specified by state law. Rule 48 is more restrictive, requiring that all records of children's fingerprints be destroyed after court disposition of every case unless the court orders otherwise.

Rule 43 is also unique among the codes in requiring a court finding a probable cause before any fingerprints may be taken. The Rule supplements the more general requirement of Standard Act § 88 that fingerprinting requires judicial consent in all cases. Guide \$47(a) and Uniform Act \$58(a) permit taking fingerprints during the investigation of any child referred to court for committing an alleged felony (Guide) or an enumerated serious crime (Uniform Act). All three provisions permit temporary use of fingerprints for the investigation, adjudica-

tion, and disposition of any offense.

Guide § 47(c) and Uniform Act § 56(b) require that children's fingerprints be filed separately from adults'. Guide § 47(c) strictly limits access to children's fingerprint records to law enforcement investigators, while Uniform Act \$ 58(c) permits access also "in individual cases upon a showing that it is necessary in the public interest." Apart from these special limitations, access to fingerprint files is governed by provisions restricting access to children's law enforcement records generally (Guide § 45; Uniform Act § 54; Standard Act § 88. See p. 77, infra.).

The Uniform Act alone requires that children's fingerprint files be destroyed when the child becomes 21 years old and "there is no record that he committed

a criminal offense after reaching 16 years of age.

(2) Photographs. All of the codes require the consent of the court before a child may be photographed. Otherwise the Guide and Uniform Act contain no special restriction or guidelines governing the retention or use of children's photographs (but see general restrictions on access to law enforcement records. p. 77, infra.). The Standard Act, by contrast, treats photographs as it does fingerprints, permitting preservation only by court order.

(8) Search warrants. The other codes have no provision comparable to Rule 44's mandate that "[a]pplication for a search warrant in connection with a

juvenile court proceeding shall be made to the juvenile court."

Penalties. Only the Guide establishes a misdemeanor the violation of any of the restrictions on the taking and use of photographs and fingerprints of children.

2. Petition. Filing. Under all of the model acts, the document which initiates the court process is the "petition," not to be confused with the "complaint," which is in effect only an application for the filing of a petition. Anyone may file a

complaint, requesting that a petition be fited. Only the court, a probation officer, or some other court official may authorize the filing of a petition.

Within this common framework, the Uniform Act is the least specific and restrictive, requiring only that filing of a petition be approved by the court, probation officer, or other person authorized by the court as "in the best interest of the public and the child." (§ 10). Apart from this anyone may "make" a petition so long as it is verified as based either on direct knowledge or informed belief.

By contrast, Guide § 13 requires that every complaint in delinquency, PINS, or neglect cases be referred initially to the intake office of probation, which must make an investigation and recommend whether a petition should be filed. If the recommendation is positive, the proposed petition must be approved by the prosecutor. If the intake recommendation is negative, the complainant may appeal to the prosecutor. In either event, the prosecutor's recommendation then becomes final. The prosecutor is required to file a petition if he believes that action to be "necessary to protect the community or interests of the child," substantially the same criteria as defind in the Uniform Act. Finally, in PINS cases under the Guide, only a school official or an official of a child welfare, social service, or law enforcement agency may sign a petition (thus giving these officers a veto over the decision to file) while in other cases anyone may sign based on information or belief.

Standard Act \$12.1 and Rule 2 also apply the standard of "the best interests of the public or the child." To this, however, the Rule adds, unlike the other codes, that the acts alleged must be legally sufficient. Also, the procedures in the Rules and Standard Act differ somewhat from each other and from the other codes. The Standard Act provides only that the "court" must make a preliminary investigation prior to deciding whether to authorize a petition. The Rules require (like the Guide, supra) that probation make an initial investigation and then decide whether to file a petition. If probation refuses to do so, however, the complainant's redress is to the court (rather than the prosecutor, as under the

Guide), which may authorize a petition following consultation with intake.

Contents. Guide § 14(e), Uniform Act § 21 and Rule 6 each require that the petition state the facts which bring the child within the jurisdiction of the court. In addition, the Guide and Uniform Act specify that the petition give the child's name, residence, and birthdate; the names and residents of his parents and spouse, if known; and the place, if any, of the child's detention and the time he was taken into custory. Unlike the other codes, Rule 6 requires the petition to identify "the law or standard of conduct allegedy violated by the acts" alleged.

Rule 5 is unique in requiring that the intake officer explain to the parties the

reasons for his decision to file a petition.
3. Intake. Guide \$18(d), Uniform Act \$10(b), Standard Act \$12 and Rule 8 all permit the probation "intake" unit informally to adjust any case either through referrals to agencies other than courts or through conferences and counselling, instead of by filing a petition. Each of these provisions also prohibits probation from exercising coercion to effect informal adjustment. In addition to requiring the consent of each "party," the *Uniform* and *Stadnard Acts* forbid informal adjustment with respect to a child without his parents' consent. Moreover, the Guide permits only 30 days for conferences and investigation following a complaint, and gives a child, or anyone acting on his behalf, power to require that a PINS or delinquency petition be dismissed if not filed within 10 days. The Uniform and Standard Acts are less restrictive of intake, forbidding probation to give "counsel and advice" (Uniform Act) or otherwise pursue informal adjustment (Standard Act) after three months—a period which may be extended under the Uniform Act for an additional three-month period.

Unlike the Guide, the Standard and Uniform Acts both permit attempts at informal adjustment only if the admitted facts "establish prima facie jurisdiction" (Standard Act) or "bring the case within the jurisdiction of the court" (Uniform Act). Rule 3 similarly requires that the alleged facts "appear to be legally sufficient for the filing of a petition," and Rule 4 requires that intake notify parties that no informal adjustment will be attempted if they wish the alleged facts to be

determined by the court.

Only Rule 3 specifies that the parties be informed of their rights to counsel and against self-incrimination, as defined in Rules 38 and 39, prior to an intake interview, which must precede any attempt at informal adjustment. If any party wishes to be represented by counsel, the interview may not proceed further in the absence of counsel, unless the right to counsel is later waived. The *Uniform Act* restricts the use of incriminating statements made by participants during the intake process. Section 10(c) provides that they "not be used against the declarant over objection in any hearing except in "(1) juvenile disposition hearings and (2) criminal presentence investigations. *Rule 4* more narrowly prohibits information obtained during intake to be admitted in the juvenile adjudicatory

hearing. The Standard Act includes no similar protection.

4. Summons. Guide § 15 and Uniform Act § 22 contain similar requirements for the issuance of summonses. (1) Service must be made upon the parents and custodian of the child, as well as upon children who are either older than 18 years of age of alleged to be delinquent, PINS, or unruly. (2) The summons must include notice of the right to counsel. In a third respect the two sections differ: while the Guide prohibits a child from waiving his right to be served with a summons, the Uniform Act permits waiver on his behalf by his counsel with the consent of his parents.

On each of these points, the Standard Act and Rules vary somewhat: (1) Under Section 14, service need be made only on the child's custodian and his parents, not on the child himself. (2) Under Rule 21, the summons must include notice of both the right to counsel and the right to remain silent defined in Rules 38 and 39. (3) There is of course no special waiver provision for children, since they need not be served. Anyone may waive service simply by appearing volun-

tarily in court.

Guide § 16 and Uniform Act § 23 both permit service by personal delivery, mail, or publication (in that order of preference). Both also require 24 hours advance notice of a hearing if a party is served personally in the state, and a five day advance notice in notice in other cases.

Guide § 36 and Uniform Act § 25 prescribe substantially identical procedures permitting the entry of orders following an "interlocutory" hearing when service is made by publication. Interlocutory orders become final if the party served

by publication fails to appear at the final hearing.

5. Time Limitations. Guide § 17(a) contains a unique guarantee of a speedy hearing, requiring the court to dismiss a PINS or delinquency petition with prejudice upon motion by the child or on his behalf, if a hearing on the petition is not conducted within (a) 10 days from the filing of the petition if the child was not released unconditionally at the detention hearing; or (b) 20 days in other instances. Section 17(b), however, in measuring the time allowed before a hearing must be held, excludes seven enumerated kinds of delay, including any attributable to "good cause."

6. Subpoenas. Guide \$24 and Uniform Act \$18 expressly grant a party of invenile court power to issue subpoenas to compel the presence and testimony of

witnesses or the production of papers.

The Standard Act and Rules lack any provisions comparable to those in the other two codes covering method of service, interlocutory orders, and subpoena

powers.

7. Detention Hearing. Within specified time limits following the taking of a child into custody, (see above, pp. 33-34) Guide § 23, Uniform Act § 17, and Rules 15-17 prescribe that the court conduct a hearing to determine whether a child held in detention or shelter care facilities should continue to be detained. The codes differ somewhat, however, in describing six aspects of the detention hearing process.

(a) Notice of Hearing. The Guide and Uniform Act require written or oral notice to children alleged to be delinquent, PINS, or unruly, as well as to parents. Rule 15 requires "expeditious" notification only of the detaining facility and

the child's parents.

(b) Procedural Rights. The Guide and Uniform Act mandate that the court tell the parties at the hearing of their right to counsel. The Guide adds that counsel should actually be appointed at the hearing "as required." Rule 17 omits any reference to notification of rights (but see the notification requirement of Rules 12 and 13, discussed above, pp. 31-32), but requires that counsel or a guardian ad litem be appointed to represent the child if his parents do not appear at the hearing. The Guide and Uniform Act specify that parties be told of the child's right to remain silent as well.

(c) Evidence. The Guide would permit the introduction in evidence at a detention hearing of any proof that is "helpful," "relevant," and "material." Rule 17 is similar, permitting the admission of any "relevant" evidence. The Uniform Act says nothing specifically about evidence, but § 17(b) characterizes the hearing as

"informal."

(d) Disclosure. Rule 17 grants to parties access to "written reports of social records made available to the court at the (detention) hearing." Legislative Guide § 45(b) more comprehensively guarantees to parties and their counsel access to all social, medical, and psychological records used by the judge in any

proceeding under the act.

)

(e) Disposition. Both the Uniform Act and Rules permit release or continued detention as the only dispositional alternatives available to the court. The Guide, by contrast, includes a list of permissible kinds of conditional release. Proper conditions that the court may impose include restrictions on the child's freedom of movement and association, provision for special supervision, and "any other condition deemed reasonably necessary and consistent with the criteria for detaining children. . . ."

Under Guide \$28(e) if a child violates a condition of his release, the order releasing him may be revoked and the child refurned to custody. The revocation

procedure is not defined further.

(1) Bail. The Guide does not specifically provide for release on bail. Standard Act § 17.6 expressly limits use of bail to children who should not be detained liv-

ing outside the court's jurisdiction.

8. Detention and Shelter Care Facilities. Guide § 19 and Standard Act § 18 and contain closely similar requirements for the establishment of a system of detention centers by a statewide authority, which would also be responsible for inspecting these facilities at least annually and requiring them to file reports at unspecified intervals. The Guide would require that the authority responsible for detention facilities be an administrative agency, while the Act would permit the Board of Juvenile Court Judges to assume this function. The Guide, unlike the Act, also provides for a program of "shelter care facilities," to be developed and inspected by a state child welfare agency. The Guide requires that private child detention facilities, other than those developed and inspected by state agencies, file an annual report with the agency responsible for public facilities. Standard Act § 18 omits this provision but does require, in terms identical to Guide § 19(c), that the inspecting authority "shall require reports from " "all facilities in which children are detained." It is not clear in either code whether these reports must be annual.

In addition to placement in facilities specifically designed and administered for detention and shelter care, Guide § 22 and Uniform Act § 16 permit a child awaiting further hearings to be detained in a licensed foster home, a facility operated by a licensed welfare agency, or another "suitable" facility designed by the court. There is one difference between the two provisions. The Uniform Act prohibits placing an allegedly "unruly" or neglected child in a facility used to detain alleged delinquents or adults charged with crimes. The Guide confines this safeguard to the neglected children and treats PINS and delinquent children alike.

On the other hand, the Guide would establish more obstacles to the use of jalls or other adult criminal detention facilities than the Uniform Act. Both codes condition the use of such facilities for a child on the unavailability of a child detention facility, on the separation of children's rooms in the facility from those used for adults, and on a judicial finding "that public safety and protection reasonably require" such detention. In addition, the Guide would require adequate supervision of a child confined in an adult facility, would mandate that these adult facilities file reports and be inspected as child detention facilities, and would set by state law a specific date when the use of adult facilities to detain children would end (with the completion of adequate child detention centers).

The Standard Act contains no provision parallel to those of the other codes concerning the range of available detention facilities. Section 17.4, however, restricts the use of adult detention facilities to detaining a child older than 15 years who the court finds would "endanger the safety of others" if placed in children's centers. In addition, by Section 17.5, a child whose case is waived for criminal prosecution would be detained in adult facilities unless the criminal

court ordered otherwise.

Guide § 22(c), Uniform Act § 16(b) and Standard Act § 17.7 all impose a duty on persons in charge of adult criminal facilities to report immediately to the court the admission for detention in their facilities of anyone who appears to be under 18 years of age.

D. Rights and Procedures Generally.—1. Counsel. Legislative Guide § 25. Uniform Act § 26 Standard Act § 19 and Rule 39, all provide for representation by retained or court-appointed counsel, but diverge in several important respects.

Guide § 25, unlike the other two codes, distinguishes between delinquency or PINS and all other family court proceedings. In the two former cases, the

children must be represented by counsel "at all stages of the proceeding." The court must appoint counsel to represent the child if a lawyer is not retained. In neglect cases, parties may always retain counsel, but the court will appoint a lawyer to represent indigent parties only upon their request if the parties are indigent or in the court's discretion representation is "required in the interests of justice."

Uniform Act § 26 establishes a general right (subject to exceptions "otherwise provided under this Act") for all parties to any proceeding to be represented by retained or, if they are needy, appointed counsel. In particular, separate counsel must be furnished for parties whose interests conflict. Additionally, the court is required to provide counsel for a child if he is unrepresented by

a parent, guardian, or custodian.

Rulc 39 likewise generally requires that, in the absence of a waiver, counsel must be appointed to represent any indigent in any proceeding. But the Rulc also excepts a child from this stricture, leaving representation to the court's discretion whenever "necessary" to "a fair hearing." Standard Act § 19, similarly provides for notifying a child that he may be represented by retained or appointed counsel "when it is appropriate to do so."

Rule 89 alone requires the presence of a child's parents as a prerequisite to his

valid waiver of counsel.

2. Children's Presence in Court. Rule 36 requires that the child be present at the outset of hearings where the child's behavior is at issue, but permits others to go forward without him at the court's discretion. However, the child may never be excluded during a hearing involving the child's behavior at a time when a jurisdictional fact is at issue. When jurisdictional facts are not at issue, the court may choose to exclude the child from hearing particular testimony.

Guide \$29(c) and Uniform Act \$24(d) similarly permit the court to exclude a child temporarily except when hearing allegations of his delinquency, unruly conduct, or need for supervision. Neither follows Rule 36 in requiring the child's

presence at the beginning of these hearings.

3. Notice to Children. Rule 37 permits notice to parents of children younger than 12 years to satisfy other rules requiring that notice be given to children.

4. Exclusion of Children's Admissions. Guide § 26 excludes a child's statement made to enumerated officials during preliminary proceedings from use against him prior to delinquency, PINS, or criminal adjudication unless he was advised by counsel.

Rule 25 excludes from evidence in any proceeding a child's extrajudicial statements made to court or law enforcement officers unless: (1) a parent or counsel were present and (2) both the child and parents understood the rights to remain silent and to retain counsel, and that any statement might be used in court.

5. Double Jeopardy. Guido § 27 expressly applies the guarantee against double

jeopardy to juvenile proceedings involving proof of an offense.

6. Other Rights. Guide § 28, Uniform Act § 27(b), and Rule 38 all apply the guarantee against self-incrimination to juvenile delinquency proceedings. Rule 38 applies the guarantee generally to any proceeding based on a child's misbehavior, and Guide § 28 similarly extends the guarantee to PINS cases. Uniform Act § 27(b), however, limits the application of the rights there enumerated to "a child charged with a delinquent act."

Uniform Act § 27 and Guide § 28 provide in substantially identical terms for the exclusion of illegally-obtained confessions "from evidence" (Guide) or from use "against" the child (Act). Illegally-seized evidence under both provisions is subject to a narrower exclusionary rule: it may not be used "to establish the allegations made against" the child. Both protections appear to attach only to delinquency proceedings under the Act, and to both delinquency and PINS pro-

ceedings under the Guide.

Both the *Uniform Act* and *Guide* also prohibit basing a finding that a child committed acts alleged in a petition solely upon his uncorroborated confession, although again the *Act* limits this rule to delinquency cases. *Rule* 23 expressly leaves the requirement of corroboration to the court's discretion.

Uniform Act § 27(a) expressly guarantees the rights to introduce evidence, to be heard, and to cross-examine adverse witnesses to all parties (and apparently

in all proceedings).

E. The Court's Decisionmaking Process 1. Adjudication. (a) Juries, Guide § 20 and Standard Act § 19 prohibit the use of juries in adjudicatory hearings concerning alleged misbehavior by the child or neglect. Uniform Act § 24 does the same but extends the prohibition to all hearings under the Act.

Presentation of State's Case, Uniform Act § 24 charges prosecutors with the duty to present the case in support of a petition and generally to represent the state. Rule 24 permits either a "civil" legal officer or the court itself to elicit

testimony in any proceedings when the allegations of a proceeding are at issue.

(6) Record or Minutes. Guide \$ 29(b) requires taking a record or minutes of every adjudicatory hearing. Standard Act \$ 19 is similar, but permits the parties to waive this procedure. Uniform Act \$ 24 requires minutes or a record only on the court's motion or a party's request. Rule 42, the broadest provision, mandates that a "complete record" be kept of all proceedings, permitting express waiver

by parties or counsel, with the court's consent, only in non-adjudicatory hearings.

(c) Secrecy. Guide § 20(c), Uniform Act § 24(c), and Standard Act § 19, all exclude the general public from cases involving offenses allegedly committed by a child (the *Uniform Act* extends the bar to all hearings), but permit the court in its discretion to admit persons with a "direct" or "proper" interest.

If such persons are admitted, only the Guide provides that they may not di-

vulge the identity of the child or his family.

(d) Findings: Allegation of Petition. Guide § 32, Uniform Act § 29(a) and Rule 27 all require the court to make findings with respect to whether the allegations of the petition were proven. Only the Rule specifies that the court must also "set forth the finding of fact upon which it bases its determination...."

Guide § 32 and Uniform Act § 29 limit their findings requirement to delinquency, unruly or PINS, and deprived or neglect cases, while the Rule requires

findings upon the conclusion of every adjudicatory hearing.

(e) Findings: Need for Care or Rehabilitation. Both Guide § 32 and Uniform Act § 20 separate findings with respect to allegations in the petition in delinquency and PINS or unruly cases from the second jurisdictional finding required under both codes, viz that the child is in need of care or rehabilitation. The allegations of the petition must be proved before the court hears evidence and makes findings with respect to the need for care or rehabilitation.

(f) Evidence. All three codes require that evidence introduced to prove the allegations of a petition must be "competent" as well as material and relevant. The Guide and Uniform Act omit incompetency as a basis for excluding "helpful" or material and relevant evidence in determining a child's need for care or

rehabilitation.

)

(g) Standard of Proof. The Guide and Uniform Act place a burden on the state to prove delinquency and PINS or unruly conduct "beyond a reasonable doubt." Proof of neglect or deprived status, and of need for treatment, need only be "clear and convincing." Rule 26 applies the "clear and convincing" standard to proof of all facts alleged in a petition. (The Supreme Court has subsequently held in In re Winship, 397 U.S. 358 (1970), that allegations of delinquency in cases that may lead to incarceration must be proved beyond a reasonable doubt.),

Proof that a child committed a felonious act is alone sufficient under the Guide

and Uniform Act to establish need for treatment.

(h) Disclosure. Uniform Act \$ 29(d) gives parties a right to examine reports received by the court introduced to establish the need for treatment. As noted earlier (p. 47), Legislative Guide § 45(b) guarantees access to social, medical, and psychological records whenever they are used by the judge in any proceeding under the Act. Rule 17 (see p. 47 above) governs disclosure only at the detention hearing. The Standard Act includes no disclosure or discovery provisions.

(i) Adult Cases. Guide § 51 and Standard Act § 20 contain essentially identical requirements that trials of adults in the family court for offenses listed in Guide § 10 and Standard Act § 11 be conducted as they would in a criminal court. Guide § 51 uniquely vests the court with discretion to conduct proceedings under Section 10 in camera. Both provisions contemplate informal adjustment of these cases,

with the defendant's consent, when "practicable."

2. Disposition. a. Predisposition Study; Medical Examination, and Treatment.

(1) Medical Examination and Treatment. Guide § 30(b), Uniform Act § 28(b), Standard Act § 22, and Rule 41, all permit the court to order a pre-disposition medical examination of a child, but do so in somewhat different terms. Although its language is ambiguous, Guide \$30(b) apparently permits, on motion by a prosecutor or child's counsel, a pre-adjudication examination of a child only if there are indications that he is mentally ill or mentally retarded, Rule 41 similarly permits such an examination to determine a child's responsibility for an act alleged in a petition, or his competency to stand trial, but also permits the determination of allegations in a neglect petition or the propriety of waiving a case for criminal prosecution. Uniform Act § 28 contains no limitations on the court's power a preadjudication medical examination of a child.

After adjudication of the allegations of a petition, all of the codes permit the court to order the child to be examined by a physician or psychologist in connection with the preparation of a pre-disposition report about the child. Guide 30(b), however, expresses a preference for out-patient examination, and permits confinement of a child only if the court finds it to be "necessary."

Standard Act § 22 also permits the court in its discretion to order the treatment of any child, following adjudication. Uniform Act § 28(b) is still broader in permitting the court to order compulsory treatment of a child at any time during the pendency of any proceedings, but it may do so only if in the opinion of a physician the child requires prompt treatment of a serious illness. The Uniform Act expressly renders parents' objections to or lack of awareness of the court's order irrelevant to its power to compel treatment of a child.

The power of the court to order examination of a parent is considerably more circumscribed. The *Uniform Act* does not provide for examination of parents at all. *Legislative Guide* § 30(c) permits such an examination only after a hearing and with the parent's consent. *Standard Act* § 22 alone permits compulsory examination of a parent, but only after adjudication when the parent's capacity

to care for a child is in issue.

(2) Predisposition Study. Guide § 30(a), Uniform Act § 28(b) and Standard Act § 22 all require a probation officer or some other official to submit to the court, prior to disposition, a social study report concerning the child, his family, and his environment. All three codes prohibit a study from being conducted

prior to adjudication of the contested allegations in a petition.

b. Corduct of Hearing. Legislative Guido § 32(e), Uniform Act § 29(c), and Rule 30 all contemplate the conduct of a disposition hearing, distinct from a hearing to adjudicate the allegations of the petition. Only the Rule, however, speaks to the conduct of the disposition hearing. (1) The judge presiding at adjudication should also preside for disposition if possible. (2) All material and relevant evidence may be admitted. (3) Parties may compel the attendance of witnesses and may examine in court the person who prepared the social study report.

c. Continuances. Guide § 40 is unique in establishing a presumption against continuances, which the court may grant only on a showing of good cause and for as long as is necessary. Rule 31 specifically permits a reasonable continuance

between taking evidence and making a disposition.

d. Dismissal. Rule 28 broadly permits a court to dismiss a petition at any time

if it believes dismissal both just and best for the child.

e. Consent Decree. Legislative Guide § 33 permits the court, with the agreement of all the parties, to enter a consent decree at any time prior to adjudication, requiring supervision of the child in his home. After consultation with probation, the court may enter a consent decree even over the objection of the prosecution. Since the other codes include nothing comparable, the details of the consent decree procedure contained in Section 33 will not be summarized further here.

f. Dispositional Orders. (1) Permissible Dispositions. Guide § 34, Uniform Act §§ 30, 31, and 32, and Standard Act § 24 outline closely similar schemes defining the range of dispositions available to the court. The only substantial differences arise from the varying ways the court's jurisdiction is defined under each of the codes. Thus, the provisions in the Guide and Uniform Act are virtually identical,

while the Standard Act diverges somewhat from them.

A deprived or neglected child, under Guide § 34(a) and Uniform Act § 30, may remain at home under "protective supervision" or on any conditions the court may impose, or may be committed to the custody of a qualified individual or achild welfare or placement agency. Similarly, a child adjudicated under Standard Act § 8.2. (including a child who is "beyond control" or whose behavior is injurious to himself or others, as well as a neglected and abandoned child) may under Section 24.2 remain at home under "protective supervision" or be placed with a child care institution not "primarily" for delinquent children. The Guide and Uniform Act prohibit placing a neglected or deprived child in—"an institution established for . . . delinquent children."

A PINS or unruly child, under Guide § 34 (c), (e) and Uniform Act § 32, may receive any disposition as may a deprived or neglected child, and, in addition, may be placed on probation. Guide § 34(e), unlike the Uniform Act, permits the court to place a child who has been twice adjudicated as a PINS with agencies that handle delinquent children. An optional provision of the Uniform Act permits commitment of an unruly juvenile to a state institution for delinquents if after a hearing the court finds that "the child is not amenable to treatment or rehabilitation." A delinquent child, (Guide § 34(c), Uniform Act § 31), may be treated in any way as may a PINS or unruly child, and, in addition, may be

placed with an agency or in an institution for delinquents. The Standard Act does not distinguish in jurisdictional Section 8.1 between a child who violates criminal laws and one who commits other offenses. Under Section 24, any child adjudicated under Section 8.1 may be placed on probation or in a public or private institution for delinquents, or with a child welfare or placement institution or agency

Guide § 34(d) and Uniform Act § 33(a) (see chart p. 50) specifically prohibit

placing an adjudicated child in an adult criminal institution.

Two provisions are unique:

(1) Standard Act § 24.6 codifies a preference for placement with a person or institution with the same religious belief or orientation as that (a) of both of the child's parents, if possible; (b) of the child himself, or (c) of one of his

(2) Rule 32 requires that courts explain their reasons for placing any child

outside his home.

To prevent conduct harmful to the child, Guide § 44, Uniform Act § 53, and Standard Act § 24.7-.8 vest courts with the authority to issue protective orders

against persons other than the child.

(2) Time Limits. Orders entered against a child under each of the acts terminate when the child becomes 21 years of age, since the court then loses jurisdiction over him. In addition, Guide § 37, Uniform Act § 36 and Standard Act §24.3 limit the duration of orders of disposition in a child's case to one year, two years, and three years, respectively. Otherwise, every order of disposition is for an indeterminate period under each code.

Each of these provisions also allows the court to extend the initial period of the order for an additional period of the same length. All three codes require that a hearing be held before such an extension is granted. Under the Guide and Standard Act, extensions may be granted when "necessary to safeguard the welfare of the [child or minor] or the public interest." The Uniform Act does not explicitly mention "the public interest" as a legitimate reason for extending an order that transfers custody of a child, permitting such an extension when "necessary for the treatment or rehabilitation of the child." Other extensions under the Uniform Act would be permissible to carry out "the purposes of the order extended."

Standard Act § 24.3 contains a unique express delegation of authority to an agency granted custody of a child to decide where, within the jurisdiction of the

court, the child will live during the life of the order of placement.

g. Collateral Consequences. Guide § 35, Uniform Act § 33, and Standard Act \$ 25 all declare that an adjudication under each code is non-criminal and results in no civil disabilities. The Guide and Uniform Act also bar use of the disposition or evidence introduced at any hearing under the code, at any subsequent hearing

other than sentencing after a criminal felony conviction.

h. Mentally Ill or Retarded Children. Guide § 40 and Uniform Act § 35 establish essentially identical procedures permitting a court to (1) order a child detained for a brief period (30 or 60 days) for examination, if evidence "indicates" the child is mentally ill or mentally retarded; and (2) require the initiation of civil commitment processes by the appropriate authority if, on the basis of the study ordered, the child "appears" to the court to be mentally ill or mentally retarded.

i. Non-resident Children. Uniform Act § 39 and 40 contain provisions for reciprocal cooperation among juvenile courts of different states when children within the jurisdiction of one court become residents within the jurisdicton of

another court.

j. Remedies Not Pleaded. Guide § 52 and Standard Act § 21 contain indistinguishable provisions permitting the court to amend the original petition or pleadings, with the consent of all necessary parties, to permit consideration of an appro-

priate remedy not orginally sought.

k. Modification or Termination of Orders. Guide § 38 permits a child whose custody has been transferred to request the court to modify or terminate the order on grounds that: (1) the order is no longer necessary, and (2) an application to the custodian for release has been denied or ignored. Standard Act § 26 permits a similar motion, but on the ground that the minor's custodian "has acted in an arbitrary manner not consistent with the welfare of the child or the public interest." Standard Act § 26 also permits modification of any order at any time, leaving the court with apparently full discretion whether to conduct a hearing for that purpose. That Section also makes specific provsion for mandatory reopening and rehearsing of a case upon a showing of new evidence. Uniform Act

§ 37(a) permits modification of any order on motion of any party, a probation officer, or any person with an interest in the child, only on the basis of: (1) fraud or mistake in the issuance of the order; (2) lack of jurisdiction; or (3) new evidence. Orders may also be modified to take account of changed circumstances, but this ground is insufficient for modifying orders dismissing a petition, terminating parental rights, or committing delinquent children to institutions for delinquents.

1. Out-of-state Supervision. Uniform Act §§ 41 and 42 contain provisions not duplicated in the other codes governing supervision of children placed in another state by a court having territorial jurisdiction over the place of commit-

ment.

m. Termination of Parental Rights. Uniform Act \$\$47-50 contain provisions not duplicated in the other codes governing procedures by which a court may terminate parents' rights over a child, either voluntarily or involuntarily, if the parent has abandoned the child or if the court finds, that as a result of irremediable deprivation a child will probably be seriously harmed.

n. Contempt. Guide \$ 50, Uniform Act \$58, and Standard Act \$29 expressly

n. Contempt. Guide § 50, Uniform Act § 58, and Standard Act § 29 expressly grant the court power to punish persons for contempt for disobeying a court order or interfering with either court proceedings or the enforcement of its

orders.

3. Probation Revocation. Guide § 39, Uniform Act § 87(b), and Rules 33-35 permit the court to revoke probation (or supervisory status-(Rule 33)) if it finds a juvenile violated a condition of probation. All three codes require that revocation be preceded by notice and a hearing. In addition the Guide specifies that the hearing, including pre-hearing procedures, must conform to those applicable in PINS and delinquency proceedings, except that proof of violating a condition need only be "clear and convincing." Similarly, Rule 35 specifies that the violation must be "established according to the rules governing the original adjudication." Rule 35 also requires, unlike the other codes, that a court state its reasons for revoking probation or removing a child from his home. Only the Guide specifies that dispositions available to the court after it finds a violation include all those available with respect to a delinquent.

inds a violation include all those available with respect to a delinquent.

4. Appeals. The codes permit any "party" (Guide § 54) or "aggrieved party" (Uniform Act § 59; Standard Act § 28) to appeal any "final order, judgment or decree" (Guide; Uniform Act) or "any order or decree" (Standard Act). The codes variously designate as the court to hear an appeal the "appropriate appellate court" (Guide); the "Supreme Court" or "court of general jurisdiction" (Uniform Act); or the court that hears appeals from the state's highest court of general trial jurisdiction (Standard Act). All three codes require that:

(1) the child not be named in the title of the appeal; (2) that an appeal not stay an order of the juvenile or family court unless the appellate court orders otherwise; and (8) that appeals from orders affecting custody be heard as early as possible. Only the Standard Act defines the scope of appellate review to include "questions of fact and law" Only Guide § 54(c) grants indigent appellants the right to receive a transcript, or any portion of the transcript requested, at state expense.

F. Administrative and Miscellaneous Provisions.—1. Costs and Expenses. Guide §§ 22, 48; Uniform Act § 52; and Standard Act §§ 31, 32 provide that generally either the state or county will pay court costs, expenses incurred in treating and examining a child, and expenses incurred in supporting and caring for a child under a court order transferring custody from the parents. Guide § 42(b) Uniform Act § 52(b), and Standard Act § 27, however, permit the court to assess parents, if they are able to pay, for court-ordered examinations and treatment of the child (all three codes), expenses for appointed counsel (Guide and Uniform Act) and for an appointed guardian ad litem (Uniform Act only). Guide § 48 (a), Uniform Act § 52(b) and Standard Act § 27 also permit the court to charge financially able parents with costs incurred during the commitment of a child whose custody is taken away from the parents by court order, but the Uniform Act prohibits such an assessment in the case of a child committed

to an institution or agency for delinquents.

2. Records.

(a) Court Records. Guide § 45, Uniform Act § 54, and Standard Act § 88 limit access to all records generated in connection with court proceedings to enumerated individuals, and organizations: (1) court officers and staff (Guide; Uniform Act); (2) anyone with custody of the child (all); (8) a criminal court, its staff, and the defense attorney for use in sentencing after a criminal conviction (Guide,

Uniform Act); (4) parties to the proceedings and their attorneys (Uniform and Standard Acts); (5) anyone else the court finds to have a legitimate interest in the case or the court (all). Additionally, the Standard Act permits access only by a court "rule" or "special order" to researchers and anyone with a legitimate interest in the child's welfare. The Standard Act also carves out a special, more restrictive rule governing "social and clinical studies or examinations," permitting access to these records, in a manner determined by the court, only to researchers and anyone interested in the child's welfare. Only the Guide provides for separate filing, away from other records of social, medical, and psychological records. (For special provisions governing fingerprint and photograph files, see pp. 35–36, supra.)

(b) Law Enforcement Records. Guide § 46 and Uniform Act § 55 provide for separate filing of juvenile law enforcement records and their nondisclosure to the public unless: (1) the juvenile's case is waived for criminal prosecution; (2) national security "requires" disclosure; or (3) the court orders public disclosure "in the interests of the child." Both Sections then list persons and organizations who may inspect the juvenile's law enforcement records. Included on both lists are: (1) the family or juvenile court; (2) anyone with custody of the child; (3) law enforcement officers from other jurisdictions, when necessary to their official duties; (4) criminal courts for use at sentencing; (5) adult penal institutions to which the juvenile is later committed; (6) parole boards later supervising the juvenile; and (7) the juvenile's lawyer. The Guide's more expansive list also includes: (1) anyone supervising the juvenile after his discharge from custody; (2) his parents, guardians, or custodians; and (3) by court order, anyone with a "legitimate interest" in the case or the work of the law enforcement agency.

(c) Sealing. Guide § 48 and Standard Act § 57 both authorize the court, on its own motion or that of any person who was adjudicated delinquent, PINS, or unruly, to seal all records of the case under specified conditions after a hearing. The Guide requires that the court vacate the order and findings in the case, as well as seal the records. Both provisions condition the entry of a sealing order on a showing that: (1) two years has elapsed since the juvenile's final discharge; (2) in the meantime he has not been adjudicated or convicted for committing a felony, gross misdemeanor, delinquent act, or for being unruly or a PINS; and (3) no proceeding seeking such an adjudication or conviction is pending against him. The Uniform Act adds as an additional requirement that the person show that "he has been rehabilitated." Under the Guide, a later conviction of any "crime" or adjudication of PINS or delinquency nullifies the order.

The effect of a sealing order under both codes is to prevent all authorities named in the order from revealing that any records relating to the case, or the case itself, ever existed. The only exception to this general rule of secrecy under the Uniform Act is that the person who is the subject of a sealing order may move the court to permit inspection of his own records. To this same exception Guide § 48(c) adds that, by special order, the court may also grant access to anyone caring for or treating that person and to anyone "engaged in factfind-

ing or research."

Guide § 48(e) provides that a person adjudicated delinquent or PINS must

be notified upon his final discharge of his right to a sealing order.

3. Miscellaneous. The codes contain various provisions concerning rules of court (Guide § 53; Uniform Act § 60), court sessions (Standard Act § 30), cooperation of public agencies with the court (Standard Act § 34), repeal of inconsistent laws (Guide § 55; Uniform Act § 63; Standard Act § 35), separability of provisions for purposes of determining constitutionality (Guide § 56, Standard Act § 36), title (Uniform Act § 62; Standard Act § 37), and time of taking effect (Uniform Act § 64; Standard Act § 38). The Standard Act appends a "Model Constitutional Provision" concerning the establishment and powers of juvenile courts. The Guide's appendix consists of four optional sections governing intra-family offenses. These provisions are either unique to the codes in which they appear or of insufficient substantive importance to warrent summarization.

PARALLEL TABLE-PART I

As explained in more detail in the Introduction, 'he heading "Legislative Guide" on the following table refers to the Legislative Luide for Drafting Family and Juvenile Court Acts (U.S.D.H.E.W. 1969). "Uniform Act" refers to the Uniform Juvenile Court Act (National Conference of Commissioners on Uniform State Laws, 1968). "Standard Act" refers to the Standard Juvenile Court Act (NOCD 1959). "Model Rules" refers to the Model Rules for Juvenile Courts (NOCD 1969).

SECTION 1. Purposes.

- · This Act shall be interpreted and construed as to effectuate the following purposes:
- (a) To preserve the unity of the family whenever possible and so provide for the case, prosection, and wholesome mental and physical development of chaldren coming within the provisions of this ACC.
- (b) Consumer with the protection of the public instrust, so remove from children committing delanquent acts the consequences of criminal behavior, and so substitute therefor a program of supervision, care and rehabili-
- (c) To achieve the foregoing purposes in a family environment whenever possible, reparating the child from his parents only when necessary for his welfare or in the inscrean of public safety;
- (d) To provide judicial procedures through which the provisions of this Act are executed and enforced and in which the purious are assured a fair hearing and their contributional and other legal rights recognized and enforced.

SECTION 2. Definitions.

As used in this Act:

- (a) "Child" means an individual who as:
 - (1) under the age of 18 years; or
- (2) under 21 years of age and who committed an act of delinquency before reaching the age of 18 years.
- (b) "Moor" mesos so individual who is under the age of 21 years.
- (c) "Adult" mesos un individual 21 years of age or older.
- (d) "Court" mesos the family division of the ()° as herein smallished.
- (a) "Judge" mean judge of the family division of the (
- (f) "Detention care" means the temporary care of children in source castody pending court disposition.
- (g) "Sheher care" means the resoporary care of children in physically uncertaining facilities practing court disposition.

UNIFORM ACT

Sucreas 1. [Interpretation.] This Act shall be construed to effectuate the following public purposes:

- (1) to provide for the care, protection, and windinger annul, mental, and physical development of children coming within its provisions:
- (2) consistent with the protection of the public interest, to remove from children committing dehapuent acts the taint of crimnality and the consequences of criminal behavior and to substitute therefor a program of treatment, training, and redshibitation.
- (3) to achieve the foregoing purposes in a family cavironness whenever possible, separating the child from his purerts only when necessary for his welfare or in the interest of public safety;
 (4) to provide a simple judicial procedure through which this Act is executed and enforced and in which the parties are
- assured a fair hearing and their constitutional and other legal rights recognized and enforced; and (5) to provide simple interstate procedures which permit

(5) to provide sample interstate procedures which permit resort to cooperative measures among the juvenile courts of the several states when required to effectuate the purposes of this Act.

SECTION 01. (Undownity of Interpretation.) This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which exact it.

Sucreus 2. [Definations.] As used in this Act:
(1) "child" means an individual who is:

- (1) under the age of 15 years; or
- (ii) under the age of 21 years who committed an act of debuquency before reaching the age of 18 years, (or)
- ((iii) under 21 years of age who committed an act of delinquency after becoming 18 years of age and is transferred to the juvenile court by another court having jurisdiction over him;]

STANDARD ACT and MODEL RULES

5 L. CONSTRUCTION AND PURPOSE OF ACT

This Act shall be liberally construed to the end that each child coming within the jurisdiction of the court shall receive, preferably in his own home, the care, guidance, and constrol that will conduce to his welfare and the best instructs of the stake, and that when he is removed from the control of his parents the court shall secure for him care as nearly as possible equivalent to that which they should have given him.

846

5 2. DEFINITIONS

When used in this Act, unless the consent otherwise requires:
(a) {Local Court} "Court" means the juvenile court.

- (State Court) "Court" means the juvenile court, or a district juvenile court, according to its connext.
- (b) "Judge" means judge of the juvenile court.
- (c) "Presiding judge" means the judge as chosen, as provided by Section 5.
 - (d) "Board" menus the board of juvenile court judges.
 (e) "Child" means a person less than emberes years of age.
- (f) "Minor" means a person less than twenty-one years f age.
- . (g) "Adult" means a person twenty-one years of age or older.
- (h) "Detention" means the temporary care of children who require secure custody for their; own or the community's prosection in physically restricting facilities pending court disposi-
- "Shelter" means the temporary care of children in physically unrestricting facilities pending court disposition.

- (h) "Guardianship of the person of a minor" means the duty and authority to make important decisions in matters having a permanent effect on the life and development of the minor and to be concerned about his general welfare. It shall include but shall not necessarily be limited in either number or kind to:
 - (1) the authority to consent to marriage, to enlistment in the armed forces of the United States, or to major medical, psychiatric, and surgical treatment; to represent the minor in legal actions; to make other decisions concerning the minor of substantial legal significance;
 - (2) the authority and duty of reasonable visitation, except to the extent that such right of visitation has been limited by court order;
 - (3) the rights and responsibilities of legal custody when gasedinathup of the person is exercised by the natural or adoptive justice, except where legal custody has been vested in another individual, agency assumption.
 - (4) the authority to conserve on the abspaces of the moner and on make any other decision concerning has which his parent could make, when the rights of his paterni, or only living patern, have been plactually remainsed as provided for in the manners governing termination of parental rights so fractions adoption, or when both of his legal assesses are described.
- (a) "Legal custody" means a legal struct created by court order which are an extended the right to have physical custody of the chald nor minor and us discensive where and work whom he shall not within the State; and the right and day to prosect, creat, and distribute him said to provide him with food, sheller, education and orderary uncluded case, all adoptes to the powers, rights, dusins and expossibilities of the gustdain of the person of the child and subject on any residual parental rights and responsibilities, the similar disagramed legal Custody shall exercise the rights and expossibilities, the nucleus general rights and expossibilities.
- (i) "Residual parental rights and responsibilities" means those rights and engonabilities remaining with the parent after the transfer of legal custody or guardantility of the person, including his not notematily histories to indige of variations, consent to adoption, the right to determine religious additions, and the engonability for purport.
 - (ls) "Comme" means to transfer legal controlly.
- (1) "Probation" steams a legal status created by court order following an adjudication of delinquency, or in need of supervision, whereby g minor as permural to recount in his home subject to supervisions and return to the court for validation of probations at any time during the period of probation.

STANDARD ACT and MODEL RULES

(j) "Legal custody" messas the relationship created by the of physical possession of the custodian the responsibility of physical possession of the child and the duty to protect, train, and discipline him and to provide him with food, shelver, education, and ordinary medical care, all subject to residual parental rights and responsibilities and the rights and responsibilities of the stunding of the person.

(k) The singular includes the plural, the plural the singular, and the masculine the feminine, when consistent with the intent of this Act.

RULE L Definitions

- As used in these rules, unless the context requires mather meaning:
- L "Court" or "juvenile court" means the court exercising jurisdiction under the juvenile or family court law of the state.
- "Child" or "javenile" means any person under the age of tweaty-one who is subject to the jurisdiction of the javenile court under the juvenile or family court law of the state. Notice to a child less than twelve vers of age shall be determined under Rule 37.
- 3. "Adult" means any person not herein defined as a child.
- "Detention" means the temporary care of a child who requires secure custody in any facility pending court disposition or execution of a court order for commitment.
- "Shelter care" means the temporary care of a child not requiring secure custody pending court disposition or execution of a court order for commitment.
- 6. "Party" means a child who is the subject of a court proceeding; or the parent, guardian, or legal cutodian of such falld; or any person denominated by the statute as a party in a civen case.
- 7. "Petition" means the legal document containing the allegations upon which the court's jurisdiction is besed.

847

LEGISLATIVE

- (m) "Proceive supervison" means a light himse second by Gausorder in neglect cases whereby the minor in particular to remain in his homesupervisors, subject to comes to the court during the period of procective negoti
- (a) "Delinquent act" means an act designated a crime under the low of this State, or of another State of the act occurred in another State, or under Federal law. Traffic offenses shall not be deemed delinquent acts encapt for minimized.
- (o) "Delinqueux child" means a child who has committed a delanqueus act and is in need of cure or subabilisation.
 - (p) "Person in need of supervision" somes a child who:
 - (1) bring subject to compulsory action accordance, as balanced by weater from action); or
 - (2) habitually disobeys the reactable and lawful demonle of his parents, goardins, or other considers, and is ungovernable and beyond their control; or $_{\rm p}$.
 - (5) has command an offence are classified at transant or one applicable only so children, and
 - (4) is any of the stregolog, is in sees of their or remaining and
 - (q) "Neglected child" means a child:
 - (1) who has been abandoned by hip pareses, guardian, or other section:
 - (2) who at without proper parental care and commol, or administrator, obstaction, andical or other ones or concept accessary for his well-bring became of the inside or habin of the parents, parelline, or other cumplane or their angletor or refund, when able so do so, so i provide them,
 - (5) white parents, guardian, or other custodian are unable to discharge their responsibilities so and for the child because of incuranttion, hospitalisacian, or other physical or manual uncapacity; or
 - (4) who has been placed for curv or adoption in violation of
- (r) "Coundons" mean a person, other than a porest or legal guardian, so whom legal casedy of the child has been given by court order or who is obline as fore meaning.
- (a) The singular architen the plural, the ptotal the singular, and the attentions the feminise, when consistent with the insent of this Let.

Insert more of highest court of general

crisi jurisdiction.

Set forth the sections of Sate scattles, violations of which are libely to seed the precision of the section of the precision of the section of the precision of the section of the

"UNIPORM

- (2) "debuyent as an extra companes a cross under the lev, including local (voluntacinal) (or resolutions) of this state, or of smother state of the set occurred in that state, or state? Nederal law, and the crims does not fall under prompty (iii) of subsection (4) (and do not a juvenile traffic offices as defined to section 64) fand the cross in set a traffic offices as defined to section 64) fand the cross in set a traffic offices as defined in fractic Code of the State) other than (domigant the source arises offices which should be included in the jurisdiction of the juvenile court each as drube. In driving, angigues themicals, etc.).
- (3) "delinquent child" n to it is child who has committed a delinquent art and in in need of treatment or rehabilitation:
- (4) "unruly child" means a child who:
- (1) while subject to compulsory school attendance is habitually and without justification truest from school;
 (ii) is hobitually distributions of the reasonable and lewish
- commands of his purest, grandess, or other custodies and is ungovernable; or
- (iii) has committed an offense applicable only to a child; and
- (iv) in any of the Throgoing is in send of treatment or whalelenging
- (5) "deproved child" means a child who.
- (i) is without proper parental care or control, subsistence, education as required by lew, or other care or control ascusary for his physical, mental, or emotional health, or morals, and the departments is not due primarily to the incl. of finencial means of his parents, generatin, or other controllers.
- (8) has been placed for case or adoption in visition of her; (or)
- (it) has been shundoued by his parents, guardien, or other custodien; [ev]
- ((iv) is without a parent, guardies, or legal custodies,)
- (6) "shelter care" means temperary care of a child in physically surrestricted facilities;
- (7) "protective supervision" means supervision ordered by the court of children found to be deprived or usually;
- (8) "outoday" means a purson, other then a purset or logal guardian, who stands to loce parents to the child or a purson to whom highl outody of the child has been given by order of a court;
- (9) "percula court" mesos the flows designated court of this

848

UNITOR

LECISLATIVE

CDIDE

SECTION 3. The Family Court Division

Characteristics of the Court

The Court's Role

SUBJECT

5 3 (LOCAL COURT). JUVENILE COURT DIVISION

STANDARD ACT and NOOEL RULES

There is hereby established [in each county, or other jurisdictional district) a division of the (highest court of general trial incipalition) to be called the juvenile court.

ALTERNATIVE \$ 3 (STATE COURT). ESTABLISHMENT OF

JUVENILE COURT; SEAL; OATHS There is hereby established for the state of to be called the juvenile court. It shall be a court of record; it shall have a seal; and the judges, cierics, and referees of the court shall have power to administer oaths as I affirmations. The judges shall have the same powers and mlary as the judges of the (highest court of general trial jurisdiction).

The juvenile court districts of the state shall be constituted as

District I shall be composed of the following counties:

District 2 shall be composed of the following counties:

In each county a juvenile court shall be held at the courthouse or other duly designated place by the judge or judges of the juvenile court district. The juvenile court judge shall hold sessions in each county at times directed by the presiding judge of the juvenile court, except that he may, at his discretion, held court in any county within the district at any time required by the organcy of a case. The presiding judge may semporarily smiga a juvenile court judge to preside in another district when the suggestry of one or more cases requires him to do so.

SUBJECT

LECISLATIVE CUIDE

SECTION 7. Inciediction: Children.

Z. Jurisdiction

(a) The heads court shall have exchange original jurisdiction of the

following precedings, which shall be governed by the provisions of this Act:

(1) precedings in which a child is alleged to be deixequent
or neglected or a negret in send of macroscop.

(h) The family court shall also have exclusive original jurisdiction of the following proceedings, which shall be governed by the laws relating thereas without regard as the other provisions of this Act:

- (1) the termination of personal rights:
- (2) preceedings for the adoption of an individual of any age;
- (3) proceedings under the Insurance Compact on Juveniles;
- (4) precedings under the Instante Compact on the Placement of Children:
- (5) proceedings to determine the custody or to appoint a legal custoding or a practical of the person of a mator; and
- (6) proceedings for the communest of a morally retoried or morally ill mints.

SECTION 9. Resention of Iurisdiction.

For the purposes of this Act, perediction obtained by the court in the case of a child shall be remined by it much be bottom 22 years of age, sales unministed pairs shares. This actions does not effect the periodicion of other owner over obtains commented by the child fall the nextless the age of 18 years. If a miner already under jurisdiction of the court is convicted in a

cominal over of a come examined after the age of 18, the convictor field

UNIFORM

أرسيتها أيستها لمست

 (a) The juvenile court has exclusive original jurisdiction of the following proceedings, which are governed by this Act:

 (1) proceedings in which a child is alleged to be delanquent.

unruly, or deprived for to have committed a juvenile traffic offense as defined in section 44.]

- (2) proceedings for the termination of parental rights except when a part of an adoption proceeding, and (3) proceedings arrang under action 30 through 42.
- (b) The juvenile court also has exclusive original periodiction of the following proceedings, which are governed by the laws relating thereto without regard to the other provisions of this Act:

 [[1] proceedings for the adoption of an inclundual of any
 - age.]

 (2) proceedings to obtain judicial constant to the marriage, employment, or enlistment in the armed services of a child, if consent is required by law;
 - (3) proceedings under the Interstate Compact of Juvaniles (and)
- (4) proceedings under the Interstate Compact on the Place ment of Children, [and]
- (5) proceedings to determine the custody or appoint a gent dian of the person of a obild.)

[Section 4. [Concurrent Jurisdiction.] The juvinile court has concurrent jurisdiction with [_______] court of proceedings to treat or commit a mentally retarded or mentally ill child.]

[Section 44. [Juvenile Traffic Offenses.]

(a) Definition. Except as provided in subsection (b), a juvenile traffic offeror consists of a violation by a child of

 a law or local ordinance [or resolution] governing the operation of a moving motor vehicle upon the streets, highways of this State, or the waterways within or adjoining this State; or

- (2) any other motor vehicle traffic law or local ordinance [or resolution] of this State if the child is taken into custody and detained for the violation or is transferred to the juvenile court by the court bearing the charge.
- (b) A juvenile traffic offense is not an act of delinquency unless the case is transferred to the delinquency calendar as provided in subsection (g).
- (c) Exceptions. A juvenile traffic offense does not include a violation of: [Set forth the sections of state statutes violations of which are not too included as traffic offenses, such as the oracled segment hamilies. It is consumes appearing in traffic order, driving within instance, driving without, or during suppearing of driving lower forms, and the hing.

STANDARD ACT and MODEL RULES

5 8. JURISDICTION: CHILDREN, MINORS

Except as otherwise provided herein, the court shall have exclusive original jurudiction in proceedings:

- 1. Concerning any child who is alleged to have violated any rederal, state, or local law or manicipal ordinance, regardless of where the violation occurred, or any minor alleged to have violated any federal, state, or local law or municipal ordinance; prior to having become eighteen pears of age. Such minor shall be dealt with under the provisions of this Act relating to children. Jurisdiction may be taken by the court of the district where the minor is living or found, or in which the offense is alleged to have occurred. When a minor eighteen years of age or over a lrawley under the jurisdiction of the court is alleged to have violated any federal, state, or local law or municipal ordinance, the juvenile occur shall have concurrent jurisdiction with the crinical court.
 - 2. Cooccuring any child living or found within the district
- (a) who is neglected as so proper or necessary support, or education as required by law, or as to medical or other care ascessary for his well-being, or who is abandoned by his parent or other custodiag; or
- (b) whose environment is injurious to his welfare, or whose behavior is injurious to his own or others' welfare; or
 - (c) who is beyond the control of his parent or other cus-
- 3. To determine the custody of any child or appoint a guardian of the person of any child.
 - 4. For the adoption of a person of any age.
 - 5. To terminate the legal parent-child relationship.
- For judicial consent to the marriage, employment, or a listment of a child, when such consent is required by law.
- For the treatment or commitment of a mentally defective or mentally ill minor.
 - 8. Under the Interstate Compact on Juveniles.

5 10. RETENTION OF JURISDICTION

Jurisdiction obtained by the court in the case of a child shall be restained by it, for the purposes of this Act, until he becomes rememp-one years of age, and ease steminated prior thereon. If a minor eightness years of age or more already under juvenile court jurisdiction is convicted of a crime in a crimenia court, that conviction shall reminate the jurisdiction of the juvenile court.

SECTION 10. Jurisdiction: Minora Adults.

The cause shall have exclusive original jurisdiction:

- (a) Yo my any offence constrient against a child by his parent, genelhat, or any other muses or adult having his highl or physical coredy;
 - (b) To my any many or abile charged wish:
 - (1) desiring, abandoning, or finding to provide support for any param in violence of law, $% \left(\frac{1}{2}\right) =0$
 - (2) an efficace, other than a followy, committed by one sprace agreement the prior.
 In any case within subsections (a) or (b) (1) or (b) (2), the court

In any case washin unfunctions (a) or (b) (1) or (b) (2), the court in its discretions may ornoter the proceedings to a court which has Critical justification of the address charged.

- (c) In pracretings for support, chance, diverce, expension and enmalment, and to exclude posterney of a child been out of wedlock;
- (d) In proceedings under the Uniform Reciprocal Enforcement of Sussess Acc.
- (e) In precedings to extend on while found to be unreally remotes or extendly if $\boldsymbol{\theta}$

this Act. These cases shall be filed and heard separately from other proceedings of the court. If the child is taken into consider on the charge, sections 14 to 17 apply. If the child is, or after commencement of the proceeding becomes, a resident of another feometry of the State, section 12 apples.

(e) Hearing. The court shall fix a time for hearing and give

traffic offense constitutes the commencement of the pro-

to the juverale court of the [county] in which the alleged violat

(e) Herrorg. The court shall fix a time for hearing and give resonable most thereof to the child, and if their address is hown to the purcets, guardon, or custodom. If the accusation made in the [continuous] [toucher to appear] for other devigation of a televil is densed in informal hearing shall be held at which the parties have the right to subspress infrarests, present evaluous, erma-reasonic witnesses, and appear by counted. The hearing in open to the public.

(d) Precedure. The [numerous] [notice to appear] for other

designation of a ticket) accusing a child of committing a juvusion

occurred and server in place of a summons and pristion under

- (1) Disposition If the court finds on the admission of the child or upon the cyclence that he committed the offense charged it may make one or more of the following orders:
 - (1) represent or councel with the child and his parents;
 (2) [surpoint] [recuminent to the [appropriate official having
- the authority) that he suspend) the child's privilege to drive under stated conditions and limitations for a period not to exceed that authorized for a like suspension of an adult's license for a like offerner.
- (3) require the cluid to attend a traffic school conducted by public authority for a reasonable period of time, or
- (4) order the child to reset to the general found of the Janual, (courty) [city] [maniscipality] a sum not executing the learn of \$50 or the mannous epiderable to an adult for a like offense. (g) In leve of the preceding orders, if the evidence indication the advisability thereof, the court may transfer the cast to the delinquency calculate of the voture and direct the Ring and service of a numnum and prittens in accordance with this Act. The pudge on ordering in thougashful upon abspection from a cating further in the case prior to an adjustication that the child committed a delinquence and [].

Section II. (Vossel) A protocology under that Act may be commenced in the [county] as which the child repides. If deliaryment or untry conduct is alleged, the protocology may be consecutoral in the [county] in which the act count. "I " in alleged deliagener or surely conduct occurred. If deprivation is alleged, the proceeding may be brought in the [county] in which the child is present when it is consequed.

SECTION 11. Venue.

3. Venae

Presentings reader this fact shall be communed in the emery whose the shall relate. If detemporty or in sense of supervision is alleged, days any other to communed in the county when the case containing the alleged delinquenty or in used of a common common. If angion is alleged, they may also be bangled in the county when the child is present when the proceedings are

S II. JURISDICTION: ADDITOR

The court shall have exclusive original jurisdiction:

1. To try any offense committed against a child by his parent

or guardian or by any other adult having his legal or physical custody.

To try any adult charged with descring, abandoning, or failing to provide support for any person in violation of law.

If the defendant in any case within subdivision 1 or 2 is excited to creal by jury and shall demand it or shall not waive trial by jury as provided by Jaw, the cover may set as an examining magistrase and certify him for criminal proceedings to a court which has trial jurusdiction over the offense charged.

 Is proceedings for support, including proceedings under the (Reciprucal Nonsupport Act), and so establish pareraity of a child born out of wedlock.

Ξ.

See \$13, infra, p. 8.

UNIFORM

[Sucross 48. [Juscende Traffic Offenses—Suspension of Just diction.]

(a) The [Supreme] court, by order filed in the office of the I of the [country] may suspend the jurisdiction of the jeveralle courts over premise traffic effects or one or messes classes thereof. The order shall designate the time the supremises becomes effective and offensist comunited thereoffer shall be taked by the appropriate court in accordance with law without regard by the appropriate court in accordance with law without regard to the Act. The child shall not be detailed or imprisoned in a jud or other facility for the detaution of adults unless the facility conforms to subsection (a) of sustem 18.

(b) The (Segreme) court at any time may restore the jurisdiction of the juvenile courts over those effences or any parties thereof by life filing of its order of restoration. Offences committed thereofer are governed by this Act.

SECTION 12. Transfer to Another Family Court within - the Searc.

4. Transfer Between Courts

If the child sendes in a country of the State and the proceeding in conmenced in a court of another country, that court, on its own amotion or a the rises of a party made at any case price of final disposition, may remarked not become any of the child's residence for such further action or preceadings as the court receiving the remarker may down proper. Life transfer may be stade if the residence of the child changes pending the proceedings. The proceeding shall be no maniferred if the child have been adjusticated delinquent or in send of supervision and other proceedings involving the child inte punding in the family court of the country of his midwale.

Carolist capies of all legal and social naturals permissing to the cost shall commany the muscles.

Section 12. [Transfer to Another Juvanile Court Within the State.]

[3] If the rhild revision is a country] of the state and the proceeding is commenced in a co-rel of another [country], the court, on motion of a party or on its own mattes made prive to final diposition, may transfer the preceeding to the country of the child's residence for further extites. Like transfer may be made if the residence of the child's residence of the child and the child's residence for further extites. Like transfer may be made if the residence of the child child has been adultated obtainquant or unruly and other precedings involving the child are punding in the powerfle court of the [country] of his residence.

pending in the juvenile court of the (county) of his residence.

(b) Cartifold copies of all ir gal and social documents and recerch pertaining to the case on file with the clark of the court shall
accompany the transfer.

802

STANDARD ACT and MODEL RULES

SECTION 31. Transfer to Criminal Court.

) to starp, within 5 days of the date a delinquistry has been filed and before a hearing on the pericion on its merin, and ing consultation with probation services, file a motion requesting the ower to mander the child for crimenal prosecution if:

- (1) the child was 16 or more years of age at the time of the conduct charged, and is alleged to have committed an act which would consider a fellow of consented by an adult; or
- (2) size civild as 16 or more years of age and is already under numero no an agency or instruction as a delenquent, or
- (3) a monte 18 years of age or older to alleged to have the minud the delicensies are prior to having become 18 years of age.
- (b) Fellowing the Sling of the moson of the (shall be issued and served in conforming with the provision of Sections 25 and 26. A copy of the moreon and a copy of the dehaquency precion, if one about served, shall be searched to each summone.
- (c) The court shall conduct a bearing on all such mexicon for the purnear of drawniance whether there are reasonable prospects of schabder the child price to less trajectory. If the court finds that there are not remove prospects for reliabilitating the child prior to be majorny and share are an while grounds so believe he is communishe to an inscitution or agency for the mentally returned or monably ill, is shall order the case transferred for
- (d) When there are grounds to believe that the child is contri to an institution or agency for the mentally seconds or manufly ill, the chart shall proceed as provided in Secuse 40 (b).
- (a) Evidence of the following factors shall be counsiered in deesesaining whether there are reasonable prospers for rehabilisating a child prate
 - (1) the senser of the present offence and the ess sare of the child's prior delinquency record;
 - (2) the nature of year measurement offers and the nature of the child's response so your wassesser offerer; and

INTFORM

Secretor M. [Transfer to Other Courts.]

(a) After a partition has been filed alleging delangement based on conduct which is designated a crime or public offense under the laws, including local ordinances, (or resolutions) of this state, the court before hearing the petition on its merits may transfer the offener for prosecution to the appropriate court having jurisdiction of the offense if:

- (1) the child was 16 or more years of age the alleged combuct:
- (2) a bouring on whether the transfer should be made in held in conformity with sections 24, 26, and 27;
- (3) notice in writing of the thire, place, and purpose of the bearing is given to the child and his porcuts, guardian, or other restudion at least I days before the hearing.
- (4) the rourt finds that there are reasonable grounds to
- (1) the child-committed the delinquent act alleged
- (a) the child is not amountly to treatment or colo tion to a juvenile through available facilities; (th) the child is not commutable to an institu
- mentally retarded or mentally i'l, and (10) the interests of the community require be placed under legal restruct or decipling
- (b) The transfer terminates the puraliction of the juvenile court over the child with respect to the delinquost acts alleged in the petition
- (c) No child, either before or after maching 18 years of age, shall be prosecuted for an offense previously committed unless the cour has been transferred as provided in this section.
- (d) Statements made by the child after being taken total custody and prior to the service of notice under subsection (a) or at the hearing under this section are not adminishe against him over objection in the crossed proceedings following the
- (e) If the case is not transferred the judge who conducted the hearing shall not over objection of an interested party preside at the hearing on the petition. If the case is transferred to a court of which the judge who conducted the breating is also a judge he blevene is disqualified from presiding in the prosecution.

§ 13. TRANSPER TO OTHER COURTS

If the perision in the case of a child sixteen years of are or older is based on an act which would be a felony if committed by an adult, and if the court after full investigation and a hearing deems is contrary to the best interest of the child or the publie to remin jurisdiction, it may in its discretion certify him to the criminal court having jurisdiction of such felonies committed by adults. No child under susteen years of age as the time of commission of the act shall be so certified.

When a perition has been filed bringing a child before the court under the provisions of subdivision 1 or 2 of Section 8 of this Act and the child resides outside the court district but in the stage, the court may, in its discretion, transfer the case to the court beving jurisdiction in the district where the child residen or in such case the court may, after a finding on the allerations in the perition, certify the case for disposition to the court where the child resides. Thereupon, the court receiving such transfer shall dispuse of the case as if the perition were originally filed or the Sading were reiginally made there. Whenever a case is so certified. the certifying court shall forward so the receiving court certified copies of all persiones legal and social records.

When a perision has been filed a child shall not thereafter he subject to a craminal prosecution based on the facts giving rise so the petition, except as provided in this section.

SULE S. Initiation of Proceeding

If at any time after the filling of a petition and before the commencement of the adjudicatory hearing the count is informed that the child is legally subject to transfer to criminal court and that there is reason to believe that retestion of jurisdiction in the juvenile court is contrary to the best interests of the child or the public, a transfer hearing may be scheduled, and the probetion department shall conduct a transfer investiUNIPORM ACT

- (5) the suchaiques, facilities and personnel available to the
- (f) Prior to a hearing on the motion by the (),th a study and report to the court, in wroung, relevant so the factors as subsection (s)(1), (2), and (3) shall be made by the probanous services or a qualified agency designated by the court.
- (g) When a child is transferred for criminal prosecution, the court shall set forth in writing its reasons for finding that there are no reasonable prospects for rehabilitating a child prior to his majority.
- (h) Transfer of a child 16 years of age or older for criminal prosecution estimates the jurisdiction of the family court over the child with sespect on any subsequent delanquent scts.
- (i) A judge who conducts a hearing pursuant to this section shall not, over the objection of the child whose prospects for schalalisation water as issue, participates in any subsequent proceedings calculage to the offense.
 - In last tide of appropriate presenting efficial
 - · James rate of opposptions processing efficiel.

STANDARD ACT and MODEL RULES

muz 10. Notice of Transfer Hearing

Upon the scheduling of a hearing under Rule 9, the summons provisions of Rules 20 and 21 shall apply. The summons thall also contain a statement that the child may be transferred to the jurisdiction of the criminal court if the court finds at the hearing that retention of jurisdiction, is contrary to the best interests of the child or the public. After the hearing is scheduled, the court shall serve a copy of the petition and notice of the transfer hearing on the [appropriate procedure's office].

MOLE 11. Transfer Hearing

The transfer hearing shall not commence until the transfer investigation has been completed and is embodied in a written report. This report shall include all social records that are to be made available to the court at the learning. If the report has not been completed, or if the court wishes additional information not contained in the report, the hearing may be continued.

Unless privately obtained, counsel shall be appointed to represent the child at the transfer hearing.

The report of the transfer investigation shall be made available to counsel for all parties before or at the commencement of the hearing.

If, after the transfer bearing, the court orders the case to be transferred to criminal court, it shall make and enter specific findings supporting its decision, separate from the order of transfer. Such written findings shall be available to any court in which the transfer is challenged.

SUBJECT

LECISLATIV

Personnel

SECTION 8. Transfer from Other Courts.

a. Judges

(a) If n appears in a court during the pundency of a criminal chappear and point no the easy of a judgment of convexton and order of seasons, then an assault defendant was under the eage of 18 years or the cines of the alleged offense, the court shall forthered transfer the case, negroter with all propers and documents connected therewise, to the family court, All section himself of the case shall be demand and and word orders that family court remarkers under Section \$1.

(b) If we the time of the alleged offense the minor charged was unjected age of 12 pears but this face is not discovered by the court usual after entry of a pudgrees of conviction and order of sensence, the court may effect to be min jurnal cross and permits the conviction and accretions to stand or dispose of the court in product of the court in product of the court in provided for in Section 34, or transfer the claim to the family Congress.

UNIFORM ACT

Secrete 8. (Transfer from Other Centra) If it appears to the court in a criminal processing that the defendant [is a child] less under the ago it ils years at the time the offense charged was alleged to have been committed], the court shall forthwith transfer the case to the juvenide court together with a copy of the accusatory pleading and other papers, documents, and transfers to extramany relating to the case. It shall order that the defendant be taken forthwith to the purente court or to a place of decirious designated by the purente court, or release has to the custody of his purent, or notice, restanding, or other person legally responsible for him, to be brought before the juvenile court at a time designated by that court. The accusatory pleading may serve in hea of a pectrics in the purentle court at time designated by stations.

STANDARD ACT and MODEL RULES

1 7. Thurston From Other Courts

II. during the pendency of a criminal or quasi-criminal charts a misor in another court, it shall be accurated that he has the subset of the court shall then proceed as provided in this Acc.

Nothing contained in this Act shall deprive other courts of the right to determine the custody or guardismhip of the person of children when such custody or guardismhip is incidental to the determinations of causes plending in those courts. Such courts, however, may certify said questions to the juvenile court for bearing and determination or recommendation.

§ 4 (LOCAL COURT). ASSESSMENT OF JUVENILE COURT

In a county (indicial district) which his only one judge in the (highest court of general trial jurisdiction), he shall serve us the juvenile court judge. In a county (judicial district) which has more than one judge in the (highest court of general trial jurisdiction), the judge or judges of the juvenile court shall be chosen as provided in Section (1).

1 The reference cheests be to the exciton of the entire providing for orientees of puspers of the highest error of present relate postulenties, which actions should be non-relate to makeue to the entry previous and to provide that if judges are circuid, the juvenire enter pusper denoted be demograted or such on the beliefs, and at apparentie, include by apparent provider enter incom-

Within ainery days after this act becomes effective the governor shall appoint judges of the court from a liet of Persons whose names shall be submitted to him by a commission of five members, constitued as follows: one member, who shall act as chairman, so the designated by the governor; the chief justice of the state supreme court; one member designated by the state bar association; one by the state department of (public welfare, youth commission, or similar stars agency); and one by the state department of mental hygiene (or department of leastlsh). When this Act becomes effective the governor shall inform the said justice, association, and departments of their dusties under this section and as soon as practicable shall call a mesting of the members of the commission. The members' necessary expenses in according meetings and transacting business of the commission shall be paid by the state.

The persons whose names are submitted by the commission shall have been admired to the precision of law in this stare, and shall be selected with reference to their experience and understanding of problems of family and child welfare, juvenile delinmency, and community organization.

The terms of the judges first appointed shall be and years," as satisfaed by the governor. Each judge shall serve until his successor has been appointed. Succeeding judges shall be appointed for sersus of six years in the same sunners as provided in this servicion for the judges first appointed.

. § 5 (LOCAL COURT). BOARD OF TUVENILE COURT TUPGES

1. All of the juvenile court judges of the state shall constitute a Board of Juvenile Court Judges. The Board shall annually elect from among its members a judge to cerve as presiding judge and chairman of the Board. The Board shall meet at stated times to be fixed by it, but not less often than once every six months, and on call of the chairman. It shall establish general policies for the conduct of juvenile courts and shall promulgate uniform rules and forms governing procedure and practices of the courts. It shall publish an annual report of the work of the juvenile courts, which shall include statistical and other date on the courts' work and services and research studies it may make of the problems of children and families deals with by the courts, and any recommendations for legislations.

b. Administrative Officers

The number of present on the last submered by the armanesian should be at least double the number of judges in he appained. Stangered norms up so me years should

SHALL

STANDARD ACT and MODEL RULES

- 2. Subject to the approval of the Board, the presiding judge shall appoint a chief administrative undresscutive officer for the Board, who shall have the title of directors of the Board. Under the general supervision of the presiding judge and within the policies exoblished by the Board, the director shall:
- (a) provide consultation to the juvenile courts regarding the administration of court services, and recruitment and training of
- (b) make recommendations to the Board for improvement in court services:
- (c) with the approval of the presiding judge, appoint consultant and accuracy clerical personnel to perform the duties assigned to the Board and the director;
- (d) collect necessary statistics and prepare an annual report of the work of the courts:
- (e) perform such other duties as the presiding judge shall specify.
- 3. Where the Board finds that a juvenile court is not adequately provided with essential probation, detention, clinical, or related services required by this Act, is thall provide them is cooperation with the local court through its own suff or by subsidiates local services.

ALTERNATIVE \$ 5 (STATE COURT). BOARD OF JUVENILE COURT JUDGES

- 1. All of the juvenile court judges shall constitute a Board of juvenile Court Judges. The Board shall annually elect from smong its members a judge to serve as presiding judge and chairmans of the Board. The Board shall seem at stated times to be fixed by it, but not less often than once every jax months, and on call of the chairman. It shall establish general policies for the conduct of juvenile courts and shall promatigner uniform rules and forms governing procedure and practices of the courts. It shall publish an annual report of the work of the juvenile courts, which shall include statistical and other data oh the courts work and services and research studies it may make of the problems of children and families dealt with by the courts, and any reconsasendations for legislation.
- 2. Subject so the approval of the Board, the presiding judge shall appoint a chief admaistrative and executive officer for the Board, who shall have the tide of director of the juvenile court. Under the general supervision of the presiding judge and within the potices resultables by the Board, the divercer shall.
 - (a) prepare an annual budget for the court;
- (b) formulase procedures governing the administration of court services;

- (c) make recommendations to the Board for improvement in court services;
- (d) with the approval of the presiding judge, appoint supervisory, consultant, and necessary clerical personnel to perform the duties assigned to the Board and the director;
- (e) collect necessary statistics and prepare an annual report of the work of the court;
- (f) provide supervision and consultation to the district staffs regarding the administration of court services, recruitment of personnel, in-service training, and fiscal management:
- (g) perform such other duties as the presiding judge shall specify.
- § 6 (LOCAL COURT). APPOINTMENT, TENURE, AND DUTIES OF EMPLOYEES
- 1. Each juvenile court judge, or the senior judge where the court has more than one judge, shall appoint a chief administrative officer, who shall have the tide of director of the juvenile court. The director, with the judge's approval; or, the judge or the senior judge's shall appoint a sufficient number of assistant said other employees, and may appoint physicians, psychologists, and psychiatriss, to carry on the professional, clerical, and one work of the court. Under the general supervision of the judge or the senior judge, the director shall:
- (a) direct the work of the staff in carrying out the provisions of this Act:
- (b) serve as administrative officer for the court in such matters as personnel, office management, and in-service training;
 (c) make recommendations to the judge or judges for im-
- provement of court services;
- (d) collect statistics and furnish reports as requested by the judge and the director of the Board of Juvenile Court Judges;
- (e) perform such other duties as the judge or judges shall specify.
- All employees shall be selected, appointed, and promoted through (a merit system as established by the Board; or, a stans merit system).
- 3. No member of the staff may be discharged except for cause and after a hearing before the appointing authority. An employee may be suspended pending such hearing. Discharge of employees appointed by the director shall be subject to approval by the judge; discharge of employees appointed by the judge shall be subject to approval by the "avad.
- 4. The compensation and expenses of all employees shall be paid by the (county treasurer) upon the warrant of the (county auditor), which shall issue when certified by the judge.

ŏ,

SUBJECT GUIDE

UNIFORM

STANDARD ACT and MODEL RULES

ALTERNATIVE \$ 6 (STAYE COURT). APPOINTMENT, TEN-

- 1. For each juvenile court district the (state director of the juvenile court, subject to the approval of the sensor judge of the district; or, the judge or judges of the juvenile court district, subject to approval by the Board) shall appoint a chief administrative officer, who shall have the title of district durector of the juvenile court. (The district director, with the appears) of the judge; or, the judge or sensor judge where there is more than one) shall appoint a sufficient number of assistants and other employers, and may appoint physicians, psychologists, and psychiatrists, to carry on the professional, clerual, and other work of the court. Under the general supervision of the judge or the sensor judge, and within procedures formulated by the state director, the district director shall.
- (a) direct the work of the district staff in carrying out the provisions of this Act;
- (b) serve as district administrative officer for the court in such matters as personnel, office management, and in revice training;
- (c) make recommendations to the judge or senior judge and to the state director for improvement of court services;
- (d) collect statistics and furnish reports as requested by the state director;
- (e) perform such other duties as the jüdge or senior judge shall specify.
- All employees shall be selected, appointed, and promoted through (a merit system as established by the Board; or, a state merit system).
- 3. No member of the staff may be discharged except for cause and after a hearing before the appointing authority. An employee may be suspended pending such hearing. Discharge of employees appointed by the director shall be subject to approval by the judge; discharge of employees appointed by the judge shall be subject to approval of the Board.
- The compensation and expenses of all employees shall be paid by the (state treasurer) upon the warrant of the (state auditor), which shall issue when certified by the judge.

SECTION 4. Referres

· Perces

(a) The ()* may appear one or man

referens on a full- or pare-time basis. They shall be members of the har. Their compensation shall be fixed by the ()* with the approval of the ' , 100 and paid out of the general revenue funds of the (),11

(b) Henrings shall be conducted only by a judge, if:

(1) the hearing is consessed

(2) the hearing is one to determine whether a case shall be transferred for criminal prosecution as provided in Section 31, or -1

(3) a party objects so the hearing bring held by a referen

Otherwise, the ()° may direct that hearings in any case or, class of cases shall be conducted in the first manner by a referee in the manner provided for by this Act.

6: Upon the conclusion of a hearing before a referre, he shall cross-more his findings and recommendations for disposition in writing to the judge. Prompt writing nones of the findings and recommendations openher with copen thereof while be given to the judgest to the proceeding. The writing nones thail also aftern the state of the right to a melacing before the judge.

(d) A returning may be colored by the judge at any time and shall be ordered if any party, Eas is remove require therefore without 5 days after the reference is notice. He is hearing the store is not requiremed by any party set or level by the court, the hearing shall be upon the name evidence heared by the reference, personnel due to the vertices any be selemented as the discretions of the reference.

(e) If a hearing before the judge is not requested or ordered or the judge thereon so naived, thereadings and recommendations of the refuses, when confirmed by an order of the judge, shall become the decree of the court.

" larger rate of charf pulge of court of laghest general trial provinces."

UNIFORM

[Survey 7. | Referees.]

(b) The judge may direct that hearings in any case or class

9 of cases be conducted as the first instance by the referee in the
10 manner provided by thir Act. It fore commencing the hearing
11 the referre whall sufrom the parties who have appeared that they
12 are entitled to have the matter hand by the judge. If a party
13 objects the hearing shall be conducted by the judge.
14 (c) Upon the conclusion of a hearing before a referre he shall

15 transmit wratten findings and recommendations for deposition to
16 praige. Frompt wratten nature and copies of the findings and
17 recommendations shall be given to the partner to the proceeding.
18 The wratten notice also shall inform them of the right to a re19 heaving fefore the pulse.

20 (d) A reheating may be ordered by the judge at any time and 21 shall be ordered if a party files written request therefor within 3 22 days after receiving the notice required in subsection (c).

23 (e) Unless a rehearing is ordered the findings and recommended datons become the findings and order of the court when confirmed in writing by the judge.]

. .

[Section: 45. [Traffic Referre]]

(a) The court may appoint one or more traffic referees who shall serve at the pleasure of the court. The referee's salary shall be fixed by the court (subject to the approval of the [Board of Country Contamornews]].

6 (h) The court may shoret that now case or cleas of cases among under section 44 shall be housed in the fert instance by a staffler referrer who shall combert the hearing in accordance with section 94.1 (you the conclusions of the hearing the traffic referrer shall reasons written findings of fact and recommendations for disaffler than the commentation of the pulge with a copy thereof to the child and other parties to the proceedings.

STANDARD ACT and MODEL RULES

5.7. APPOINTMENT OF REFERENCE, DUTIES

The judge, or senior judge if there is more than one, may appoint suirable persons trained in the law, to act as referees, who shall hold office during the pleasure of the judge. The judge may direct that any case, or all cases of a class or within a district so be designated by him, shall be heard in the fart instance by a referrer in the manner provided for the bearing of cases by the court, but any party may, upon request, have a hearing before the judge in the first instance. At the conclusion of a hearing the referree shall transact promptly to the judge all papers relating to the case, together with his findings and recommendations in writing.

11 writing.

12 Written notice of the referee's findings and recommendations
13 shall be given to the parent, guardian, or custodian of sort child
14 whose case has been heard by a referre, and to any other parties
15 in intercest. A hearing by the judge shall be allowed if any of
them files with the court a request for erriew, provided that the
17 request is filed within three days after the referre's written
18 notice. If a hearing de now is not requested by any party or

19 ordered by the court, the hearing shall be upon the same evidence 20 beard by the referee, provided that new evidence may be add mirred in the discretion of the judge. If a hearing before the judge is not requised or the right to the review is waived, the findings and recommendations of the referee, when consistend by an order of the indigs, shall become the decree of the ocurt.

860

į,

^{*} Inverture of their pulse of court of highest greens and production.

[,] juntus tibboristente juritistent entpatiel

[&]quot; hours appropriate states of funds.

Fritation

SECTION 5. Probation Services.

318 shall escablish a sessewide program of probation and enter commends and climical services on serve the cours, the ones thereof as he pand and of the personal sevenue family of the State

Ail employers shall be selected, appused, and promoted through a Some many a perm.

SECTION 6. Powers and Duties of Probation Officers and Social Services Personnel.

(a) For the purpose of carrying out the objectives and provisions of this Act, and subject to the limitations of this Act, probuses and social services personnel have the power and duty to.

- (1) receive and examine complaints and alleganous, that a child is argicred, delinquent, or in need of supervision for the purpose of considerate the commencement of proceedings under this Act;
- (2) make appropriate referrals of cases presented to hun as such officer, so other private or public agencies of the community where their assumace appears to be needed or describle.
- (3) make pred spousion studies and submit segors and escammendatures to the court as required by this Act,
- (4) supervise and esset a child placed on probotion or under his reperveuon by urder of the court,

13 (c), Within 3 slays after receiving the cupy the child may file a 14 request for a relearing before the judge of the court who shall 15 theretains releas the case at a time fixed by him. Otherwise, the 16 judge may confirm the findings and recommendations for du-position which then become the findings and order of disposition

Section 5. (Probation Services.) (a) (in journment of over _

. I count may apparent our or more production officers who shall serve lat the pietsare of the cunri [and are subject to -

6 have the powers and thates stated as section 6. Their salaries shall 7 be fived by the court with the approval of the ignorming board 8 of the county). If more than one probatum officer to appointed, 9 our may be designated by the court as the chief probation officer 10 or director of court services, who shall be responsible for the II administration of the probation services under the direction of 12 thr court.) 13 (b) In all other cases the [Department of Corrections] [state

5 removal under the cost service laws governing the county). They

14 [county] child welfare department] for other appropriate state officeall spring baseage, amongs, basepasson acasises to the leavening 16 court of each [county.] The cost thereof shall be paid out of the general revenue funds of the [state] (county). The probation 8 officer or other qualified person assigned to the court by the 19 [Department of Correctional Justic (county) child welfare department) for other appropriate state agency) has the powers and

21 duties stated in wetten 6.) SECTION 6. [Posters and Duties of Probation Officers.] (a) For the purpose of curving out the objectives and purposes of the Act and subject to the lumitations of this Act or imposed by the Court, a probation officer shall

(1) make seventigations, reports, and recommendations to

the juvenile court, (2) receive and examine complaints and charges of delanquency, surely conduct or depression of a child for the purpose of considering the commencement of proceedings under this Act;

(3) supervise and assist a child placed on probation or in his protective supervision or care by order of the court or other authority of low; (4) make appropriate referrals to other private or public

agencies of the community if their mantance appears to non-led or desirable,

STANDARD ACT and MODEL RULES

SUBJECT

LEGISLATIVE CUIDE

- (5) provide muricul and family counseloan
- (6) perform such other functions as are designated by this Act or by rules of court pursuant thereso.

(b) For the purposes of this Act, a probation officer shall have the power so take inso custody and place so temporary cure a child who is under his supervision as a delinquent or neglected child, or a child in need of supervisco when the probation officer has remonable cause to believe that the child has violated the conditions of his probation or that he may flee from the jurie dection of the court A probation officer does not have the powers of a law enforcement officer nor may be sign a peritton under this Act with respect to a nerson who is not on probation of otherwise under his supervision.

(c) If a probation officer takes a child into custody, he shall proceed as provided for an Sections 23 and 39.

SECTION 41. Guardian Ad Liters-Guardian of the Person.

Guardians

- (a) The court, at any stage of a proceeding under this Act, may appower a guardian ad lasem for a child who is a party so the proceeding, if he has so parent or guardian or custodian appearing on his behalf or their interests conduct with those of the child. A party to the proceeding or his employee or representative shall not be so appointed
- (b) The court, in any proceeding under this Act, shall appoint a guardsan of the person for a child in any case where it finds that the child does not have a natural or adoptive parent in a position to exercise effective guardingship or a legally appointed guardian of his person. No officer or employee of a State or local public agency, or private agency or institution which is wasted with legal custody of a child shall be appointed guardian of the person except when parental rights have been terminated and the agency or immission that been suchorised to place the child for adoption.
- (c) In any case arising pursuant so Section 7(a)(1), the court may also determine as between parents whether the father or the mother shall have legal custody of the child.

Prehearing Procedure

SECTION 18. Taking into Custody.

Police Procedures

Custody

A child may be taken into cumody:

(1) Pursuant to the order of the court under Sections 15 and 21; _

(2) For a delinquent act pursuant to the laws of arrest;

(3) By a law enforcement officer when he has reasonable ds to believe that the child is suffering from illness or injury or in immediate diager from his surroundings, and that his removal in UNIFORM ACT

- (5) take into custody and detain a child who is under his supporteint or care as a deltaquint, auraly or deprival child if the probation officer has reasonable cause to believe that the child's health or safety is in imminent changer, or that he may abacend or be removed from the jurisdiction of the court. or when ordered by the court pursuant to this Act. Except as provided by this Act a probation officer door not have the nowers of a law enforcement officer. He may not conduct accusatory proceedings under thus Act against a child who is or may be under his care or supervision, and
- (6) perform all other functions designated by this Act or by order of the court pursuant thereto.
- (b) Any of the foregoing functions may be performed to another state if authorized by the court of this state and permatted by the laws of the other state.

Section 51. [Guardian ad liters.] The court at any stage of a proceeding under this Act, on application of a party or on its own motion, shall appoint a guardian ad liters for a child who is a party to the proceeding if he has no parent, guardian, or custodian appearing on his behalf or their interests conflict with his or in any other case in which the interests of the child require a guardian. A party to the proceeding or his employee or representative shall not be appointed.

Sucross 33, [Rights and Duties of Legal Custodian.] A custodian to whom loval custody has been given by the court under this Act has the right to the physical custody of the child, the right to determine the nature of the cure and treatment of the child, including ordinary medical care and the right and duty to provide for the care, protection, training, and education, and the physical, mental, and moral welfare of the child, subject to the conditions and limitations of the order and to the remaining rights and duties of the child's parents or guardian.

Section 13. (Taking into Custodu.)

(a) A child may be taken into custody: (1) pursuant to an order of the court under this Act;

, (2) pursuant to the laws of arrest;

(3) by a law enforcement officer for duly authorized officer of the court) if there are reasonable grounds to believe that the child is suffering from illness or injury or is in immediate danger from he surroundings, and that his removal as necessary; or

(4) by a law enforcement officer for duly authorized officer of the court] if there are reasonable grounds to believe that the child has run away from his parents, guardian, or other custodian.

(b) The taking of a child into custody is not an arrest, except for the purpose of determining its validity under the constitution of this State or of the United States.

5 16. TAKING CHILDREN INTO CUSTODY; RELEASE; NOTICE

STANDARD ACT and MODEL RULES

A child may be taken into custody by any officer of the peace without order of the judge (a) when in the presence of the officer the child has violated a state or federal law or a county or municipal ordinance; (b) when there are reasonable grounds to believe that he has committed an act which if committed by aq adult would be a felony; (c) when he is seriously endangered in his surroundings, and immediate removal appears to be neces-" dry for his protection; (d) when there are reasonable grounds The lower that he has run away from his parents, guardian, or legal custodists. Such taking into custody shall not be deemed SA SCIENT.

LEGISLATIVE CUIDE

(4) By a law enforcement officer when he has reasonable grounds to believe that the child has run away from he parents, guardists, or other custoffice. uniform act

Police Detention

SECTION 20. Criteria for Detaining Children.

- (a) Unless ordered by the court pursuant to the provisions of this Act, a child ealers into case, of the placed or resisted in decession or shall see care prior to the court's disposition unless determined:
 - (1) as prosect the person or property of others or of the child;
 - (2) because he has no parent, guardian, cumodian, or other perage able to provide supervision and care for him, or '
 - (3) so secure his presence at the next hearing.
- (b) The crimera for decession or placement in shelter care in subsection (a) shall govern the decision of all persons responsible for determining whather demands of shelter care is warranted prior to the court's disposition.

SECTION 21. Release or Delivery to Court.

- (a) A person saling a child into custody shall, with all resectable
- (1) release the child to his parents, guardian, or costedian and inset yezhal counsel or warning as may be appropriate;
- (2) release the child to his parents, guardian, or custodian upon their promise so bring the child before the court when requested by the court, unless his placement in decention or shelter care appears required as revoided in Service 20: or

Secrote 14. [Detention of Child.] A child takes into outsoly shall not be detained or placed in shelter care prior to the hearing on the petition unless his detention or care in required to protect the person or property of others or of the child or because the child may always for the tended from the printantation of a child may always for the property of the child, or extending or other person able to provide supervision and care for him and return him to the court when required, or an order for his detention or abster care has been made by the court pursuant to this Act.

Sacrion 15. [Release or Delivery to Court.]

(a) A person taking a child into custody, with all reasonab speed and without first taking the child chewhere, shall:

(1) release the child to his purcuts, guardian, or other custodian upon their promise to or ng the child before the court when requested by the court, unless his detention or shelter case as warranted or required under section 16 or

(2) bring the chall before the court or deliver him to a distinction of selectic care facility decipated by the court or to a medical facility of the child in believed to suffer from a serious physical contains or eithers which requires prompt becames. He shall promptly give written notice thereof, together with a statement of the excoun for stating the child since custody, to a parent, guardian, or other custo lian and to the court. Any temperary distinction or emistering, in the Life Tracescript to, angly with this subsection shall customs to the procedures and conditions prescribed by this Act and rules of court.

(b) If a parent, guardian, or other custodian, when requested, fails to bring the child before the court as provided in subsection (a) the court may issue its warrant directing that the child be taken into custody and brought before the court. When an officer or other parons takes a child into conselly to shall immediately notify the parents, guardian, or consolism. The child shall be released so the care of his parent or other responsible adult unless his immediate welfare or the procession of the community requires that he be decisied. If the person taking the child into custody believes it desirable, he may request the parent, quardian, or custodian to sign a written prosine to bring the child to the court at the time directed by the court. If the child is not released from cystody in a reasonable time, the officer or other person in charge shall promptly sorify the court of intention to fife a complain.

If a parent or other responsible adult fails to produce the child in court as required by an authorized actice, or when actified by the court, a summons or a warrant may be issued for the apprehension of that person or the child or horb.

5 17. DETENTION; SHELTER; RELEASE; NOTICE

1. If the child is not released as provided above, he shall be taken without unnecessary delay to the court or to the place

of detention or shelter designated by the court. Any child taken, into custody who requires care away from his home but who does not require physical restriction shall be given temporary care in a foster family home or other shelter facility.

The officer or other person who brings a shild so a desential or shelter facility shall at once give cotice so the court, sating the legal basis therefor and the reason why the child was not released to his parents. The person is charge of the facility in which the child is placed shall promptly give notice so the court that the child is in his custody. After sameodizer investigation by a duly authorized officer of the court, the judge or such officer shall order the child to be released, if possible, so the care of his parent, guardian, or custodian, or he may order the child held in the facility subject to further order or placed in some other appropriate facility.

As soon as a child is decained, his parents shall be informed, by notice in writing on forms prescribed by the court, that they may have a produpt hearing regarding release or decention. The judge may hold the hearing or may authorize the referee to hold it. A child may be released on the order of the judge or referee with or without a hearing. The director may order the release of the child if an order of decention has now been made.

2. No child shall be held in detention or shelter longer than twenty-four hours, excluding Sundays and holidays, unless a petition has been filed. No child may be held longer than twenty-four hours after the filing of a petition unless an order for such continued detention or shelter has been signed by the judge or referee. 863

UNIFORM

See § 17, infra, p. 35

(3) brag the child so the stake office of probation services or deliver the child so a piece off-deression or shelver over electronic by the court or so a medical feeling if the child is believed to be antiering from a service physical condection or linear which requires either prompt resonence or prompt diagnosis for ovidencary purpose, and promptly gave written mooner otherwol, appeter with a manness of the reason for mixing the child inno causedy, so a parent, gasseline, or other consolina and to the court.

Any questioning of the child ascessivy to comply with subsection (a) (2) shall conform to the place, procedures and conditions prescribed by this Act and rules of court pursuant thereto.

(b) When a child je delivered to the iscale office of probation services or to a place of detention or shelter care designant by the court, an inches officer of probation services shall, proce to admixing the child for care, an entire office of probation services shall proceed the child for care, the the seed for devention or shelter care and shall release the child unless desaption or shelter care in requisal under Section 20 or has been ordered by the court pursuant to Section 13.

(c) If a parent, guardian, or other custodian fails, when requested, so bring the child before the court as provided in subsection (a)(2), the court may inner its warmer directing that the child be taken into custody and brought before the court. STANDARD ACT and MUDRI, BULL

3. No child shall be released from detention except in nocordance with the provisions of this Act.

4. No child shall at any time be detained in a police station, lockup, jail, or prison, except that, by the judge's order in which the reasons therefor shall be specified, a child sixteen years of age or older whose conduct or condition endangers the safety of others in the detention facility for children may be placed in some other place of confinement that the judge considers proper, including a jail or any other place of desention for eduka.
5. Where a child crassferred for criminal provedings in

accordance with the provisions of Section 13 is detained, he shall be held in the decention facility used for persons charged with crime, unless otherwise ordered by the criminal court. When a child is ordered committed to an agency or institution, he shall be promptly transported to the place of commitment.

6. Provisions regarding ball shall not be applicable to children detained in accordance with the provisions of this Act, except that ball may be allowed when a child who should not be detained lives outside the sterisorial jurisdiction of the court.

7. The sheriff, wandes, or other official is charge of a jail or other facility for the deussion of shak offenders or percess charged with crine shall inform the javenile court immediately when a child who is or appears so be under eighteen years of age is received as the facility.

RULE 12. Admission to Shelter or Detention

Any person who brings a child to a shelter or detention facility shall give the intake officer at the facility a signed report, setting forth the reasons why the child was not released to his parents, guardiam, or custodiam.

The intake officer shall, if possible, release the child to the care of his parents, guardian, or custodian, or may admit the child to the facility subject to further order, or may place the child in some other appropriate facility.

A copy of the report, noting the time when the child was brought to the facility and stating the reasons who the child was admitted to the facility, if he was so admitted, shall be filed with the court without delay.

If no intuke officer is available when a child is brought to the facility, his duties under Rules 12 and 13 shall be performed by the supervisor of the facility or by a person designated by the supervisor. **2**0

UNIPORM ACT

STANDARD ACT and MODEL RULES

MULE 13. Notice of Admission to Shelter or Detention

The intake officer shall notify any child a lemitted to shelter care or detectation of the reasons for the action and of his rights under Rules 33 and 30. He shall also notify the child that a hearing will be held by the court concerning the necessity for shelter care or detection and that, if such care is found to be necessary, the court may sign an order authorizing shelter care or detection for up to seven days or until the adjudicatory learing is held, providing that it is held within seven days. This information shall be given to the child at the time he is admitted to the facility.

The intake officer shall immediately notify the parents, guardian, or custodian of the child, by telephone or telegram, that the child has been admitted to shelter care or detention and shall request them to come to the shelter or detention facility. At his first meeting with them, he shall inform them why the child has been admitted in shaller care or detention and what their rights are under Rules 33 and 33.

865

He shall also inform them that a hearing will be held by the court concerning the necessity for shelter care or detention and that, if such care is found to be necessary, the court may sign an order authorizing shelter care or detention for up to seven days are until the adjudicatory hearing is held, providing that it is held withis seven days.

A written statement containing the above information shall be given to the parents, guardian, or custodian at their first meeting with the officer. If they do not carrier at the facility within aix hours after the placement of the child in the facility, this written statement shall be mailed to them.

See Rule 16, infra, p. 35

SECTION 47. Children's Fingerprints—Photographs.

Fingerprints, Photographs and Searches

- (a) Engarprises of a child 14 or more years of age who is referred as court may be taken and filed by law references officers inversigating the communion of a felony. If the court does not find that the child commissed the alleged felony, the fingerprise and all copies of the fingerprises shall be
- (b) If lasent fagerprions are found during the investigation of an officer and a law enforcement officer has reason to betieve that they are those of the child in custody, he may fingerprion the child regardless of age or offense for purposes of amendance comparison with the lasent flaggreps and. If the comparison is negative, the fingerprior card and other copies of the fingerprior tables to the comparison in positive and the child as under 14 years of age and referred to court, the fingerprior card and other copies of the fingerpriors shall be delivered to the court for disposition. If the child is not referred to court, the prior place places of the con-
- (c) If the court finds that a child 14 or more years of age has commented a felosy, the proton may be recused in a local file or seek to a control. Same depostery provided that they shall be kept sepasser from these of adults under uponal security measures insuled to inspection for companion purposes by law enforcement coficient or by staff of the depository only in the investigation of a felicien.
- (d) A child in cases y shall not be photographed for crunical identification purposes without the consent of the judge unless the case is transferred for crustual prosecution.
- (e) Any person who willfully violents provisions of this section is guilty of a misdemenance.

UNIFORM

Sucreme 56. (Children's Fincerprints, Photographs.)

(a) No child under 16 years of age shall be fingerprinted in the investigation of a crime energy as provided in this section. Fingerprints of a child 14 or more years of age who is referred to the court may be taken and filed by law enforcement officers in investigating the commission of the following crimes: (specify such crimes as murder, non-enginer annaloughter, torothe raps, robbery, aggravated nasualt, burglary, househreakung, purse matching, and automobable theft;

- (b) Fingerprint files of children shall be kept separate from those of adults. Copies of fingerprints known to be those of a child shall be manuta.ed on a local basis only and not roset to a contral state or federal depository unless needed in the interest of national security.
- (c) Fingerprint files of children may be inspected by law enforcement officers when necessary for the decharge of their official duties. Other inspections may be subnorized by the court in individual cases upon a showing that it is necessary in the nubbe interest.
- (d) Fingerprints of a child shall be removed from the file and destroyed if:
 (1) a petition alleging delanquency is not filed, or the pro-
- ceedings are dismissed after either a petition is filed or the case is transferred to the juvenile court as provided in section 9, or the child is adjudjented not to be a delinquent child, or (2) the child reaches 21 years of age and there is no record
- (2) the child reaches 21 years of age and there is no record that he committed a craminal offense after reaching 16 years of age.
- (a) If latest fiagorprints are found during the investigation of an offener and a law enforcement officer has probable cause to believe that they are those of a particular child be may fingerprint the child regardless of age or afteress for purposes of imneediate comparison with the latent fiagorprints. It the comparison is negative the fingerprint card and other copies of the fiagorprints taken shall be immediately destroyed. If the comparison is positive and the child is referred to the court, the fiagorprint card and other copies of the fiagorprints taken shall be delivered to the court for disposition. If the child is not referred to the court, the fingerprints shall be immediately destroyed.
- (f) Without the consent of the judge, a child shall not be photographed after he is taken into custody unless the case is transferred to another court for prosecution.

STANDARD ACT and MUDEL RULES

BURE 43.\ Fingerprinting and Photographing

A child may not be fingerprinted or photographed unless he has been taken into custody for a violation of law and the court has determined that there is probable cause to believe that the fingerprints or photographs must be taken for the purpose of establishing the court's jurisdiction over him. The court shall designate the official who shall take the fingerprints or photographs.

Unless otherwise ordered by the court, originals and all copies of such far gerprints or photographs shall be destroyed after a disposition of the case has been made and shall not be filed in the court or with any other reveramental unit or agency.

BELLE 44. Search Warre to

Application for a search warrant . . connection with a juvenile court proceeding shall be made to the juvenile court.

See \$33, infra, p. 61.

966

LEGISLATIVE SUBJECT CUIDE

Petition

SECTION 13. Petition-Preliminary Inquiry-Authorization to File.

(a) Complaints alleging delinquency, neglect, or in seed of super shall be referred to the attale office of probation services. The intube office shall conduct a preliminary inquiry to determine whether the best inseress of the child or of the public require that a prurbon be filed. If judicial action appears necessary, the southe office may recommend the filing of a petition, provided, however, that all petitions shall be prepared and consumigned by) to before they are filed with the cours. Decisions of the) to on whether to file a petition shall be final.

- (b) If the make office refuses to authorize a pericion, the compl in such measures shall be notified by the make office of his right to review of his compluse by the ().4 The (), to upon request of the complainant, shall review the facts presented by the complainant and after commitment with the satisfic office shall suchtruse, countersign, and file the neurion with the court when he balleyes such action in necessary to protect the community or inscreas of the child.
- (c) When a child is in desention or shelter care and the filing of a ion up not approved by the ()," the child shall be immediately
- (d) The incide office of probation services shall have the surherity no refer the case so an appropriate public or private agency or to conduct conferences for the purposes of affecting adjustments or agreements which will obvince the necessity for filing a petition. During such sequines, a party may mer he compelled to appear or any conference, to produce any papers, or to visit any place. Such inspectes and conference shall not extend for a period beyond 30 days from the date the compelator was made,
- (e) On monon by or in behalf of a child, a pericion alleging delinacy or need of supervision shall be dismissed with prejudice if it was not filed within 10 days from the date the complaint was referred to the insula edice of probation services.

DRIFORM ACT

Secret 8. [Commencement of Proceedings.] A pri under this Act may be commenced:

- (1) by transfer of a case from another court as provided a section 9:
- [(2) as provided in section 44 in a proceeding charging the violation of a traffic offense:) or (3) by the court accepting jurisdiction as provided in sec-
- tion 40 or accepting supervision of a child as provided in section 42, or (4) in other cases by the filter of a petition as provided in
- this Act. The petition and all other documents in the proceeding shall be entitled "In the interest of [child] [minor] under [18] [21] years of age."

Secreta 19. [Patition--Profinstery Determination.] A notition under this Act shall not be filed unless the forebation officer.) the court, or other person authorized by the court has determined and endorsed woon the petition that the filing of the petition is in the best interest of the public and the child.

STANDARD ACT and MODEL RULES

5 12. COMPLAINT: INVESTIGATION: PETITION

- 1. Except as provided in subdivision 2, whenever the court is informed by any person that a child is within the purview of this Act, it shall make a preliminary investigation to determine whether the interests of the public or of the child require that further action be taken. If so, the court may authorize the filing of a petition; or may make whatever informal adjustment is practicable without a petition, provided that the facts appear to establish prima facie jurisdiction and are admitted, and provided that consent is obtained from the parents and also from the child if he is of sufficient age and understanding. Efforts to effect informal adjustment may be continued not longer than three months without review by the judge or the director.
- 2. In cases of violation of a law or an ordinance relating to operation of a motor vehicle by a child, preliminary investigation and petition shall not be required, and the issuance of a traffic citation or summons shall be sufficient to invoke the jursidiction of the court.
- 3. The petition and all subsequent court documents shall be entitled "In the interest of . . . a child under eighteen years of age." The petition shall be verified and the statements may be made upon information and belief. It shall set forth plainly (a) the facts which being the child within the purview of this Act; (b) the name, are, and residence of the child; (c) the names and residences of his parents; (d) the name and residence of his legal guardian if there be one, of the person or persons having custody or control of the child, or of the nearest known relative if no parent or guardian can be found. If any of the facts berein required are not known by the petitioner the petition shall SO STREE.

LEGISLATIVE GUIDE

SECTION 14. Perision-Who May Sign-Content.

- (a) Subject so aubsection (b) of this section, and except as provided in Section 6, periodes instanting court action and probation revocation patitions may be signed by any person who has knowledge of the facts alleged or in informed of them and believes that they are true.
- (b) A minor is need of supervision pericion may be signed only by one of the following persons: a representative of a public or nongovernmental space; ticonate or subtriented to provide care or supervision of childenc, a representative of a public or private legency providing notical service for femalities, a chotol efficial; or a law enforcement officer.
- (c) The ()¹⁷ shall represent the positioner in all proceedings where the privious alleges delinquency, neglect, or in used of supervision.
- (d) Perisons shall be entitled, "In the Master of ----, a child," and shall be verified by the person who signs it.

(e) Peneions shall see forth with specificity:

- the facts which bring the child within the provisions of subsection (a) (1) of Section 7, suggester with a statement when delinquency or in need of supervision is alleged that the child is in need of supervision, care, or rebublisation;
 - (2) the same, birth dore, and renderes address of the child;
- (3) the names and residence addresses of his parents, punction, on councidan, and quoue if any 13 archive of his parents, punction or casendam existence or can be found within the Same, or if their residence addresses are unknown, the name of any known adult relative residing within the Same, or, if there he none, the known adult relative smidling marses to the court;
- (4) whether the child is in custody, and, if so, the place of detention and the time he was taken iono Custody; and
- (5) when any of the facts herein required are not known, the preision shall so store.
- " have the of manuscian possessing efficial.

UNIFORM

France M. Ferricos. Who Most Mobel Solvier to section 19 the petition may be made by any person, including a law enforcement officer, who has knowledge of the facts alleged or is informed and believes that they are true.

SECTION 21. [Contents of Petition.] The petition shall be verified and may be on information and belief, it shall set forth plainly:

- (2) the facts which bring the child within the periodiction of the court, with a statement that it is in the best storest of the child and the public that the proceeding be brought and, if delanquescy or usually conduct is alleged, that the child is in need of treatment or rehabilitation;
- (2) the name, age, and residence address, if any, of the child on whose bokalf the petition is brought;
- on whither treasure any priction is not used. If knows to positioner,

 (3) the masses any functions and the second of the control of the cont
- (4) If the child is in custody and, if so, the place of his detention and the time he was taken into custody.

STANDARD ACT and HoDEL RULES

BULE 2. Reception of Complaint

Information that a child is within the court's power to act shall be referred to the instate unit of the problem of the proble

If the facts appear to be legally sufficient for the filing of a petition, and if it further appears from the complaint alone that judicial action is in the best interests of the public or the child, the intake unit may authorize the immediate filing of a petition.

If the intake unit refuses, after a demand by the complainant, to authorize the filing of a petition, the complainant shall be informed of the reasons for the refusal of the complaint and shall be advised that he may submit such complaint, in writing, to a judge of the court, who may, after consultation with the intake unit, order the filing of a petition or may affirm the action of the intake unit.

mun 5. Petition to Be Filed: Explanation to Parties

If the intake officer decides to authorize the filing of a petition, he shall so inform the parties, preferably in person, and shall explain the reasons for his decision and the nature of the court bearing.

If the child may be subject to transfer to the criminal court after the filing of a petition, the intake officer shall explain the transfer process as set forth in Rules 8-11.

wax 6. Contents of Petition

The petition shall be verified and the statements therein may be made upon information and belief. It shall set forth, in plain and coucie language and with reasonable particularity, the time, place, and manner of the acts alleged and the law or standard of conduct alleged worksted by the acts.

BULK 7. Responsive Pleading or Motion

A party may file a written pleading or motion to the allegations of the petition before the hearing. Such pleading shall be made available to the other parties. 808

Sucross 10. [Informal Adjustment.]

(a) Before a potition is filed, the probation efficer or other afficer of the court designated by it, subject to fix direction, may give counsel and advice to the parties with a view to an informal adjustment if it appears:

(1) the admitted facts bring the case within the jurisdiction of the court;

(2) counsel and advice without an adjudication would be in the best interest of the public and the child, and

(3) the child and his parents, parelian or other custodian consent thereto with knowledge that consent in an deligatory.
(b) The giving of coursed and advers cannot extend beyond 3 months from the day commerced units, extended by the cust for an additional percoid out to energed 3 months and does not authorize the detention of the child if not otherwise permitted by this Act.

(c) An incruminating statement made by a participant to the person giving counsel or solver and in the discussions or conferences inactive thereto shall not be used a paint the declarant over objection in any hearing except in a hearing on disposition in a leveralle court proceeding or in a trainnal proceeding against him after curviction for the purpose of a presentence investination.

STANDARD ACT and MODEL RULES

RULE S. Amendment of Petition

A petition may be amended by order of the court at any time before an adjudication, provided that the court shall grant the parties such additional time to prepare as may be required to insure a full and fair hearing.

BULE 3. Intake Procedure

If the facts appear to be legally sufficient for the filing of a petition and if they are serious enough to warrant further investigation by the intake unit, the intake unit shall request the parties, by letter or telephone, to attend an intake interview. If the child and his pacents are present when the complaint is made to the intake unit, the intake interview may proceed immediately. The parties shall be informed that the interview is voluntary and that they may be represented by counsel at the interview. No persons shall be ordered to attend. If the parties fail to appear, the intake officer may immediately authorize the filing of a petition.

At the commencement of the interview, the initale officer shall explain in simple and nontechnical language that a complaint has been made and that the facts appear to establish the authority of the court to act. The officer shall state why it appears that the allegations of the complaint are sufficiently serious to warrant further investigation by the intake unit. The officer shall then inform the parties of their rights under Rules 33 and 39. If any party wishes to be represented by counsel, the interview shall call and all further interviews shall take place with counsel present unless the right is waived. If the officer thinks that the child should be represented by counsel at the interview even though counsel has not been requested, he shall so advise the child and his parents.

The intake officer may schedule subsequent interview in an attempt to adjust the matter informally without the filing of a petition. At any time during the latake process, the officer may terminate the effort at adjustment and authorize the filing of a petition, or he may dismiss the parties without the filing of a petition. 869

Summons

هر .

RULA 4. Informal Adjustment Procedure

If the intake officer decides to continue the intake process and to attempt informal adjustment of the complaint, he shall explain to the parties that he intends to discuss various plans for continuing contact with the child by the probation department without the filing of a petition and wants to question the parties in regard to the child's general behavior, his school and home environment, and other similar factors bearing upon the proposed informal adjustment. The parties shall be informed that information obtained from them by the probation department during the intake period will not be admissible in evidence at the adjudicatory bearing. that they may withdraw from the adjustment process at any time, and that the effort at informal adjustment shall not prevent the filing of a petition at a future date. The intake officer shall further inform the parties that informal adjustment shall not constitute an adjudication of jurisdiction and that if they controvert the allegations and wish the facts to be determined by the court at a hearing, no effort will be made to arrive at informal adjustment.

5 14. SUMMONS; NOTICE; CUSTODY OF CHILD

After a petition is filed in the interest of a child, and after investigation as the court may direct, the court shall issue a summons, unless the parties hereinafter named shall appear volumtarily, requiring the person or persons who have the custody or control of the child to appear personally and bring the child before the court at a time and place stated. If the person so summoned is not the parent or guardian of the child, then the parent or guardian or both shall also be notified, by personal service before the hearing except as hereinafter provided, of the peadency of the case and of the time and place appointed. Summons may be issued requiring the appearance of any other person whose presence, in the opinion of the judge, is necessary. If it appears that the child is in such condition or surroundings that his welfare requires taking him into custody, the judge may order, by endorsement upon the summons, that the person serving the summons shall take the child into custody at once. A parent or guardian shall be entitled to the issuance of computsory process for the attendance of witnesses on his own behalf or on behalf of the child.

SECTION 15. Summons

(a) After a persion has been filed, the court shall direct the immance of numonfles, one directed to the child, if he n 14 or more year of age or as alleged to be delinequent or in need of supervasor, and another to the pueeta, guardian, or other custodian, and such other persons as appear to the court of he proper or necessity parties to the propered or necessity parties as the proceedings requiring them to go persona. Where the custodian is summoned, the parties or guardian or both shall also be served > the apuncous. If the child is married, the spouse shall also be served > the apuncous.

(b) The summone shall advise the parties of their right to counsel as provided in Section 25. A copy of the perioon shall be attached to each summon.

(c) The judge may endorse upon the summons an order directing the parents, guardian, or other custodian having the custody or control of the child to bring the child to the hearing.

(dd) If it appears, from affidavis or award scaement presented to the judge, that thurchild needs to be placed in detention or shalter care pursuant to Section 20, the judge may endoire upon the summons an order that an officer serving the summons shall as once take the child uno custody and take him to the place of detention or shalter are designated by nalis of court.

(e) A party, other than the child, may waive service of summons by reimm feigulation or by voluntary appearance at the hearing. SECTION 22. [Summons.]

(a) After the petition has been filled the court shall fix a time for hearing thereon, which, if the child is in electrons, shall not be later than 10 days after the filing of the petition. The court shall direct the assumes of a summons to the parents, houstlan, or other custodars, a guardas and latern, and any other persons as appear to the court to be proper or accessary parjets to the proceeding, requiring them to appear before the court at the, time fixed to answer the allegations of the petitions. The summons shall also be directed to the child if he is 14 or more years of ago or a alleged to be a deltanguest or surely child. A copy of the petition shall accompany the summons unless the systemens is served by publication in which case the published summons thall stoken the case the published summons that indees it to cation in which case the published summons that indees the general nature of the allegations and where a copy of the petition.

(b) The court may endorse upon the summous an order directing the parents, guardian or other custodium of the child to appear personally at the hearing and directing the person having the physical custody or control of the child to bring the child to the

(c) If it appears from affidant filled or from sworm testimony before the court that the roowhest deachtime, or summathings of the chald are entangering his braith or welfare or those of others, or that he may abscred or be removed from the paradictions of the court or will not be brought before the court, newthetanding the service of the summons, the court risy endorse upon the nummons an order that a law sufforcement officer shall serve the nummons and take the chald into immediate cuntody and bring him furthwith before the court.

STANDARD ACT and MODEL RULES

(d) The summons shall state that a party is entitled to counsel in the proceedings and that the court will appoint counsel if the party is unable without under financial hardship to employ

UNIFORM

ACT

(e) A party, other than the child, may waive service of nummous by written stipulation or by voluntary appearance at the hearing. If the childs is present at the hearing, his counset, with the consent of the purent, guardian or other custodian, or guardian ad littern, may waive service of ammons in his behalf. Service of summons shall be made personally by the delivstry of an attested copy thereof to the person summoned, exceptat if the judge is satisfied that personal service of the summons or the notice provided for in the preceding section is imperatcable, he may order service by registered mail addressed to the last known address, or by publication, or both. Service effected not less than forty-eight hours before the time fixed in the summons for the return theroof shall be sufficient to confer jurisdiction.

Service of summons, process, or notice required by this Act may be made by any suitable person under the direction of the court and upon request of the court shall be made by any peace officer. The judge may authorize the payment of necessary travel expenses incurred by persons summoned or otherwise required to appear as the hearing of a case coning within the purview of this Act and such expenses when approved by the judge shall

be a charge upon the (county, for local courts; state, for state court).

MALE 20. Summous

The court shall promptly issue a summons requiring the parents and any other person or persons who have the custody or control of the child to appear at the hearing and bring the child with them. If the child is in shelter care or detention, the court shall direct that the child be brought to the hearing by the staff of the shelter or detention facility.

Service of the summons shall be completed sufficiently in advance of the hearing so that reasonable opportunity to prepare and plead is afforded to the parties. Service shall be completed at least forty-eight hours before the hearing. If not, an adjournment shall be granted upon request of any narty not so served.

Subportant may be issued requiring the appearance of any person whose presence, in the opinion of the court, is necessary. The parties shall be entitled to the issuance of compulsory process for the attendance of witnesses on their behalf or on behalf of the child.

SECTION 16. Service of Summons.

(a) If a party no be served with a nammons can be found within the Sone, the nammons that the served upon him personally at least 24 hours before the hearing. If he is within the Sone and cannot be found, he has address its known or Come the consoled diligence he secretained, the nammons may be served upon him by mailing a copy thereof by certified mail at inner 3 days before the hearing. If he is without the Sone hat the can be found or has address it factors, or can write reasonable diligence the secretained mail are received of the nammons may be made excited by distributions any be made excited by distributions and presentally or by mailing a copy thereof to have by restribed mail.

If after resumable effort he cannot be found or his post office address accordance, whether he is within or without a State, the court they order service of the assumona upon him by publishens in exceedance with evidence of () "in a which event the historia shall not be less them 5 days steer the date of his publication."

(b) Service of nummons may be made under the direction of the court by any law enforcement officer or other numble person.

(c) The court may authorize the payment from ()²⁰ funds of the costs of service and of necessary travel expenses incurred by postone nationous or otherwise required to appear as the hosting.

mere the greened service of publication manus.

SECTION 17. Time Limitations.

5. Time Limitations.

- (a) On moron by or an helalf of a child, a delanquency or need of supervision perceion shall be dismissed with prejudice where the alleganous of he prisson are not determined by an admission, or a hearing on the allegasions of the persion not commenced within.
 - 10 days from the date the petition is filed where a child in Custody is denied unconditional referee at his desention hearing;
 - (2) 20 days from the date the protons as filed where a child

once in custofy for the offense charged in the petition or an offense based upon the name conduct, is released at or before his detention basing;

- (3) 20 days from the dans the prention is filed where the child was never in Custody for the offense charged in the printed or an offense based upon the name conduct or
- (4) within exter 10 days or 20 days from the time the child was taken into classify as provided in subsections (a)(1) or (c)) in cases where the summons discret that the child be subsection country by the children arrivant the emmons, and the child has not persionly been in cusmoly for the offense charged in the position or an effecter heard upon the man country.

UNIFORM ACT

Section 23. [Service of Summers.]

(a) If a party so or us al orth a numerous is within the State and can be found, the numerous shall be served upon his personally at least 54 hours before the heaving. If he is within this State and cannot be found, but his address is hours or on with reasonable diffusion be accordated, the numerous may be reveal upon him by making a copy by registered or certificity and at least 5 days before the bearing. If he is without this State but he can be found or his address is known, or his widenswhere or address can with reasonable diffusion he accordanced, navice of the numerous way be made either by delivering a cupy to him paramally or stating a cupy to him paramally or stating a cupy to him paramally or stating a cupy to the paramaller to the contribution of the cup to the cupy to the cup to the c

days before the hourse,

(b) If after reasonable effort he causes he fougd or his post
office address accretance, whether he is within or without this
State, the court may order service of the assumes upon him by
publication as occordance with (Rabel (Section)

(the general service by publication assistant). The hearing shall
not be service than 5 days after the date of the last publication.

(c) Service of the meanings may be made by any notificity here.

* con juster the direction of the over. (d) The court may netherine the payment from (county funds) of the costs of service and of secondary twoid expenses incurred by parone summened or otherwise required to appear at the house.

STANDARD ACT and BODEL RULES

RULE 21. Contests of Summons

The summons shall state the time, date, and place of hearing. A copy of the petition and a notice of rights under Rules 36 and 39 shall be served together with the summons.

If it appears from the petition and such investigation as has been made that the child is in such condition or surroundings that his welfar requirer that he be taken into custody, the court may order, by endorsement upon the summons, that the person serving the nummons take the child into custody. A summons so cadroed shall be served by only a pence officer, a probation officer, or a person theories autherized to take the child into custody. UNIFORM

- (b) The following periods shall be excluded in computing the stars form human on the allegment in the publics:
 - (1) The point of delay meching from other precedings consuming the child, including but not limited to an examination and human princed to sensed health, preheating mexican, valver maxims, and human on other maxim.
 - (2) The period of delay studing from a continuous grantle at the sequent or with the content of the child and his county.
 - (3) The period of delay studing from a consument ground at the supera of the ()²⁰ if the consumers is ground because of the untersidely of evaluate material to his case, when the
 - () The certool de dispense or detain such evident such orders and them one reasonable promise to before the such realizon will be outthe at the larve date, or the continuous or general to allow the
 () This indicated may so prepare his care and additional since in jumidal because of the encyclosic communication of the care.
 - (4) The period of delay assubing from the supposition of a consecutions.

 - (6) A confasher point of deby when the chief is joined for a hursey with assolut chief as to whom the once for a hursey house was and there o pand cover for an takency the cases expansely. In all other cases, the chief's case shall be represent from the hursing of another chief alleged on hore puncipsual in the same affects on the a hursey may be held within the size havin applicable to him.
 - (7) Other persons of delay for good course.

the party of appropriate processing which

SECTION 36. Service by Publication—Interlocatory Order of Disposition.

(a) If review of rememes upon a purp in saids by publicates, the cause any exches a per-manal basing upon the alliquious of the publics and cause a insulacemy order of dispussion it:

- (1) the printer aligns delinquenty, in coal of experision, to coal the child.
 - (2) the measures served upon any young
 - (A) more the point to the final having on the position designated in the managem a provisional horizing theorem.
 will be held at a specified sing and place.

, Secretor M. (Service by Publication—Interlocatory Order of Disposition.)

- (a) If service of summan upon a party is made by publication the court may conduct a provisional learning upon the allegations
- of the potition and outer on interlocutory under of disposition fit.
 (1) the potition alleges delinquency, usually conduct, or do privation of the child:

(2) the numerous revived upon vary garty (3) stoom that pulse to the final hanting on the position designated in the numerous a processional hanting thesees will be 'n' it e variefied these used place. (a) requests the party who is served other than by pullication to appear and unearer the ediogenism of the provisional hearing (iii) states further that findings of fact and arther of deposition made paramet to the provisional hearing will become final at the final hearing unless the party served by publication appears at the final hearing, and (iv) otherwise combines to rection 22, and 8/3

UNIFORM ACT

(B) sequing the jump street or cypter and the fire

(C) usual tendors than findings of fact and anders of dispersions made parameter to the postulated bearing will be major facil at the final hearing unders the pump served by publiciples appears at the final hearing, and

(D) relative customs to the previous of Section

(3) the child is pursually before the court at the parametral families no province alterney delinquency and as need of supervision. The court way where the paramete of the child is neglect cases.

(3) All provision of this flot applicable at a learning on a penning and so online of department and so show proceedings department element shall apply so proceedings that months, but faithings of these and others of department of the proceedings of the state of the process of the faith investig on the position and the rights and desires of the purey served by publication shall not be effected outque to possible to the process of the purey served by publication shall not be defined outque to possible to an absention (c).

(c) If the pury arrest by publication fails to upper or the fast homeing on the printer, the failings of fact and interfecturey askets state that because find withous terribe confiners and shall be generaled by the presidents of this fact as if made or the fails bearing. If melt pury styless at the faul basing, such definings and earlies shall be recentled and descripted and the leaving shall passed upon the allegations of the proteins of otherwise particle of by the fact without superly to the service. (2) the shift is personably before the court at the provisional

(b) All pretriates of this Act applicable to a hearing on a pretice to unders of deposition, and to other proceeding deposition, to unders of deposition, and to other preceding deposition, through all apply under this arction, love findings of fact and control of dispositions have unly interface, but produce, the Stell hearing on the pretriate. The rights and chains of the pury preced by publication are out offered month on provided in substreed by publication are out offered month on provided in sub-

section (c).

(c) If the purty served by publication task to appear at the feel hearing on the priston the findings of fact and anterlocating ordion made become final without faithful evidence take providing the fact of it made at the final hearing the findings and ordions shall be vaccined by that Act or if made at the final hearing the findings and ordions shall be vaccined and disregarded and the hearing shall prevaid upon the allegations of the potencies without regard to their section.

STANDARD ACT and MCDEL RULES

\$ 15. FAILURE TO ANSWER SUMMONS; WARRANTS

Any person assumoned as berein provided who, without ressonable cause, fails so appear, may be proceeded against for cursenage of court. If the assumons cannot be served, or if the parties served fail so obey the assumons or of it is made to appear to the judge that serving the sustanons will be inselectual or that the welfare of the child sequires that he be brought forthwith into the Cannotly of the court, a warrant or ception stay he issued for the parent, the guardina, or the child.

If, after being munatoned or notified to appear, a parent fails to do so, a warner shall be issued for his appearance, and the hearing thall not take place without the protector of one or both of the parents or the grandism, or, if none is present, a guardian of licens appointed by the court to protect the insertent of the child. The court may also appoint a guardian ad licens, when-the court way also appoint a guardian ad licens, when-the court is in nonement for the welfare of the child, whether or not a parent or guardian is present.

MAR 22. Notice of Further Proceedings

Notice of the time, date, and place of any further precedings, including continuances and adjournments, shall either be given in court or he seat by registered or certified small to each party.

874

SHILTECT

LEGISLATIVE CUIDE

SECTION 24. Subpocon.

Upon application of a yeary, the clark of the court shall lead, and the courses no one carios cay care, subjection requiring attractions and said. many of winesess and production of seconds, decreases or other manifes also inthe our house.

Detention Hearing

Subpoenas

SECTION 23. Release from Detention or Shelter Care -Hearing-Conditions of Release.

(a) When a child is not released as provided as Section 21;

- (1) a prince shall be filed within 26 beam, excluding Sundrys and legal helidays; and
- (2) a describe or shelver case bearing shall be held webin 26 hours (excluding Sandays and legal helidigs) from the time of filing the pressure to determine whether contented determine or shelver care is required purposes so Section 20.
- (b) Notice of the demands or shaker care housing, either and or veines, coming the more, place, and purpose of the having shall be given to the parent, guardon, or cusmisso if they can be found and so the child if denocates or seed of supervisors mality and
- (c) As the apparatement of the demands or shaker care hearing. the judge shall salence the posters of the right to country provided in Setting. 2), and shall oppoint council to support. The puries shall be informed of the child's right to remain silent with respect to any aflegation of delinquency or seed of supervision. They shall also be informed of the common of the process, and shall be given an opportunity to admit or duty the position's
- (d) When the judge field that a child's full-time describe or shelter care is not required, the court shall order his release, and on so dring, may impercent or many of the following conductors sough or in conductories:
 - (1) plus de child in the casuly of a passe, gardine, or due under deir superision, or under die superision of on digentation agreeing to supervise held,
 - (2) place reminues on the child's word, associates, or place of shade during the paried of his release, or
 - (5) unput my other continion durant respectify accounty and consistent such the contra for deciming children specified in Secties 30, militag a produce requireg dut de Calif serve es Cataly as report.

DHIPORN ACT

[Sucrean M. [Subpares.] Upon application of a party the court or the circle of the court shall have, or the court on its own motion may issue, subposses requiring attendance and testineary of wit-meners and production of papers at any hearing under this Act.]

UNINDER

STANDARD ACT and MODEL RULES

(e) de outer releving a child on any confisions specified in this sec-tion cury at they time be constant to impact relational or definent confisions of soluter or in return the child on casesby for failure on condoms on the case-المعودة والمتهاد محتث

(f) All relevant and manufal evidence helpful in demonising the sand for demonius or photos care may be admired by the ottat even demaph age compressed in a largeing on the pressions.

(a) If the child is not relevant and a parent, granting or other cassegue per une para marging und app une oblient en angas eliberatura en spabessieg, upon his filing his affabric stating charge faças, the court shall subser the street widow managery dates.

Detention and . Shelter Care Pacilities and Procedure

SECTION 19. Desention and Shelter Care Facilities.

(a) The ()²⁸ shall develop a marriale plus for the am<u>alian</u>. more of regress decursion facilities for children referred to or under the on of the court, and accounty transportation. To implement this plus, the () in may construct and opening the facilities or may constant for the use of decession facilities combinated on opening by local to builting

)²⁰ stell promises; markets for all despesse Sections, including browner, design, constructes, equipment, care, programs, dictions, including incomes, empty, continuents, equipment, care, program, processed, and clinical services. The ()²⁸ may analysis is specially exhibited for the construction and operation, by local authority, of detention facilities messing the mendant equilibrium.

(c) To determine whether the standards are being met, at last taxe a year, der ()" shall imper all facilities in which children our denied and stall sequire square from them. By order approved by the) the distance may pushfic the demantes of children in any place which does not once in standards. Copies of such orders shall be served upon the present in charge of the dominion facility and filed with the family course.

(4) The ()²⁰ shall develop a moreoide program for she sites of shahar case facilities for children referred to at under the justidiction of the court. When such a program involves the use of local public or anspronounced facilities, the desire and superchilities of (with suggest to such facilities shall include these provided for in substraines (b) = 1 (c).

(c) All fecilies und for dennées ser under des sée) or special substitute or provide suppose to ()** de minuse au).** from of which shall be described by (

S 18. DETENTION FACILITIES (LOCAL FACILITIES ONLY)

 The () shall develop a statefride plan for the establishment of detention facilities for the susporary care of children requiring detention within the jurisdiction of the court. A state approise; subject to the appearant of the coat. A state appear by Section 6.

Within the policies established by the ()," the state supervisor of desention shell-

visor of desantion shall:

(a) provide commission to detention home superintendents
and courts regarding the administration of detention facilities,
their location, design, comstruction, optipment, care, program,
and personnel, and the use of shelper care services;

(b) anaker studies and investigations accessary to, and shall
successed to the Board, statewide plant for detention facilities;
(c) perform such other duties as the presiding judge shall

epecify: (d) establish a system of subsidies for the construction and operation by local authority of detention facilities meeting the sundards established:

(e) publish annually a statistical and evaluative report of all deceasion facilities in the stars;

(f) impact, at least once a year all facilities in which chilof muyer, a success a year, and recens in which chil-dren are desired, and shall require propers from them. By order approved by the presiding judge, is may prohibit the densition of children in any place, including a jail, which does not most the standards. Copies of such coffers shall be served upon the parson in charge of the densation facility and filed with the jeve-

Them do came of the flow administrative agency expended for the Sun's program, for the record and commune of definement,
Them the vide of the distillation of the count of highest posterior and platform of the country of the country

ماه شده می است. معاشم مایش شده شده می این می این می این می این می این می

2. Prevision shall be made for one or more detention homse for the temporary detention of children, to be administered by the court, or, subject to the approval and supervision of the court, by some other appropriate public agency; or the court may arrantom or agency having statisfactory detention facilities and services to receive children within the jurisdiction of the court. The authorities of one or more cities and counties may join in the construction and operation of a joint detention facility serving said cities and counties, or may construct with each other for such services.

When a desention home is established as an agency of the court, necessary professional and other employees for such home shall be appointed in the same manner as provided herein for the appointment of other employees of the court, their salaries to be faced and paid in the same manner as the salaries of other employees.

"hant either "hard of Jovenite Court Judges" or the name of the appropriate adminatories agenty, such as the state welfare described or worth methods.

"Super other "devener of the jumple sport" or the other of the appropriate official of the same photoderootics agenty.

ALTERNATIVE § 18. DETENTION EACHLITIES (COMMUNICO STATE AND LOCAL PACILITIES)

The [] shall develop a statewide plan for the establishment of detection facilities for the temporary care of children requiring devention within the jurisdiction of the court, and accessary transportation facilities, and in accordance with this plan may construct and operate these facilities or may approve detection of children in facilities established or operated by local

A state supervisor of detention shall be appointed by the [12] he shall appoint, subject to the approval of the [13] a superimendant for each state-operated regional detention facility. Each regional superimendent shall appoint, subject to ap-

ity. Each regional superimendent shall appoint, subject to approval of the stars supervisor of derention, other necessary personnel. Personnel shall be appointed as required by Section 6. Decention facilities created or operated under this section shall be usablished on a regional busit; each descention region or detention district may be a part of or embrace one or more cities or countries.

The director new arrange for the provision of shelter care for children pending court disposition with state and local deparaments, agencies, or institutions.

The supervisor of detention shall recommend, and the []² representation, smallerly for all detention facilities, including location, design, construction, equipment, care, program, paronnel, and clinical services. The []² may establish a system of subsidies for the construction and operation, by focal nutherity, of detention facilities meeting the annuals combined.

To determine whether the randards are being met, at feast once a year the [] shall inspect all facilities in which children are detained and shall require reports from them. By order approved by the pessifing judge, the discours may prohibit the determine of children in any place, including a jall, which does not meet the standards. Copies of meth orders shall be served upon the person in charge of the deseation facility and filed with the invession court.

"Insert either "Board of Javonde Court Judge" or the same of the appropriate administrative agency, such as the main willing department or york ordereds.

"Smoot other "Greene of the jornal count" or the title of the appropriate effect of the costs administrative agency.

SECTION 22. Place of Desention or Shelter.

- (a) A child alleged to be delinquent or in seed of supervision may be devised, product court bearing, in the following places:
 - (1) a liceased feater house or a home otherwise sucherized by law to provide such case:
 - (2) a facility operand by a licensed child welfare agency;
 - (3) a dennion home for children alleged to be delinquent or in need of supervates provided for in Section 19; or
 - (4) may other mitable place designated by the court subject to the provisions of Section 179 of this Act, provided that me place of demosion or whether case may be designated if it is a facility so which chalden adjustment definquent or in need of supervision may be manufactly and this Act.
- (b) A child may be decised in a juil or other facility for the densities of alshe only if the facility in subscribes (a)(2) is unsuchbit; the decision in in a some regiment onlessed from these solder; obsquer experition in provided, the facility in approved under the provision of Section N2 and the cause facility in approved under the provision of Section N2 and the cause facility in approved under the memority requires such determine. The use of a juil or other facility for the demotion of odules may not consider because ().).

Secretar 18. [Place of Drienties.]

- (a) A child alleged to be delinquent may be detained only in:
- a licensed faster home or a home approved by the court;
 a facility operated by a licensed child welfare agency;
- (3) a detection home or center for delinquent children which is under the direction or serversion of the court or other public authority or of a private ager y approved by the court; or
- (4) any other mitable yt or or facility, designated or operated by the court. The child may be detained in a jull or other facility for the detectation of a dashe only if the facility in passages (3) is not available, the detectation is in a room separate near removed from those for solds), it appears to the autifaction of the court that public micry and protection reasonably require detectation, and it is order.
- (b) The official in charge of a just or other facility for the shatterin of shift affenders or persons charged with crime has tention of shift affenders or persons who is or opposes to be mader the orge of 35 years is received at the facility and shall being him before the owner upon respect or delivers him to a denomination of the contract upon respect or delivers him to a denomination of the contract upon respect or delivers him to a denomination.
- or minious accessive congruents by the court.

 (c) If a case is transferred to another court for criminal prescrition the child may be transferred to the appropriate effort or

SMRINGS

LEGISLATIVE CHIDE

(c) The effect in charge of a jult or other facility for the dominion of white effection or process charged with course shall inform the court immediately. easily when a child, who is or appears to be under the age of 20 years, is sogened at the facility, and shall deliver how so the court topon respect, or sentefor him to a determon facility designand by the court.

(d) When a case is manafered to unother court for cuiminal prostrumos, the child shall be monifered to the appropriate officer or deceases for cility in accombance with the law governing the devention of mich parties channel with Chart.

(e) A child alleged so be suggested stay he detained or placed in facilinim for shelter cast ememented in subsections (a) (1), (a) (2), and (a) (4), and shall not be decised in a just or other facility mended or used for the nees of adults thurged with transact offeren or for children offered so be

به محمد ده به معانده به معاند سبل میسوده

UNIFORM KT

detection facility in accordance with the law greening the detection of process charged with coinc.

(d) A child alleged to be deprived or samely may be detained or placed in thefter care only in the facilities stated in paragraphs (1), (2), and (4) of subsection (a) and shall not be detained in a juli or other facility intended or used for the detaition of adults charged with crassical afferent or of children alteged to be deSTANDARD ACT and MODEL RULES

BOLE 14. Telephonine and Visitation

A child may telephone his parents, guardian, or custodien and his attorney immediately after being admitted to a shelter or detention facility and thereafter with reasonable frequency between 9 a.m. and 5 p.m.

Upon being admitted to a shelter or detention facility, a child may be visited in private at any time by his attorney, and by his parents unless he refuses to see one or both of them. After the initial visit, the child may be visited by them at reasonable visiting hours.

Except for a staff member of a shelter or detention facility or a probation officer, and unless ordered otherwise by the court, no person shall be permitted to interview a child held in the facility without the child's parents or attorney being present unless they have given written permission for the interview to be held outside their presence.

A staff member of a shelter or detention facility or a probation officer may not interview a child held in the facility with respect to the acts alleged in the petition.

LEGISLATIVE GUIDE

Success 17. [Release from Detreation or Shelter Care—Hearing —Conditions of Release.]

(a) If a cliff is brough before the count or delivered to a distance or shelver care facility designated by the count the total teachers are sheried effort of the count shall immufately such an investigation and release the cliff value it appears that he despite or shelver care is revenued or required wader section.

(b) If he is not no relevant, a prairies under section 22 shall be promptly study and presented to the court.

An informal detention hunting thall be held groupsly and not lain; then 22 hours after he is placed in detention to detention to detention to detention of solution or shafter one is required unfor motion 4.2 Reasonable notice themsel, other soul or written, atoing the time, place, and purpose of the detention hunting that the gives to the child and E they can be found, to bis present, generalis, never other causalise. First to the commentment of the hunting, the central shall inform the parties of their right to constell and to appointed counsel if they are mostly passent, and of the childs right to comment if they are mostly passent, and of the childs right to comment them with respect to ony allegations of delerouscy or

(c) If the child is not to relatered and a parent, generitor or contains he not been estitled of the hearing, did not appear or valve appearance or the hearing, and film his affilient showing these five court shall place the author without successing things for the court shall place the author without successing things and order his relatest, unless is, appears from the hearing that the child's describe or where one ja mandred under content. M. child's describe or where one ja translated under content.

STANDARD ACT and MODEL RULES

MARK IS. Notice of Detention Hearing

When the court receives the report by the shelter or detention facility on a child who has been detained, it shall knowleds by achelid who has been detained, it shall knowleds by achelid to the being. This hearing shall be hald within forty-eight hours of the time facility, except that if the court does not sit at any time within the farty-eight hour period, the hearing shall be held on the next court day following the adminion of the child to the facility. If the hearing is not held within the time specified, the child shall be re-leased from shelter case or detention.

A copy of the court schedule shall be filed with the discourt of such facility used for shelter care or detertion. The court shall, by the most expeditious method, notify the facility and the child's parents of the time and place of the detention hearing. If the office of the cherk of the court will not be oparating within twentyfour hours after the child is brought to the facility, the hearing shall austrasatically be actediated for the next following court day and the child and his parents shall be so notified by the staff of the facility of the scheduled date and have.

MAX 16. Preheuring Procedure

If the probation department decides to authorize the filling of a petition on a clifid who is being held in a shelter or destation facility and is not already under the cuent's supervision, the petition shall be filed before the scheduled detration hearing. If the supervisory sutionity decides to file a petition or motion for review on a child who is being held in a shelter or detention facility and is already under the court's supervision, the petition or mation shall be filed before the scheduled detention lengths.

If no petition or motion is so filed, the child shall be released from detention by the court at the detention houring.

The supervisor of the facility or an intake officer may release any child from the facility before the scheduled hearing, whether or not a petition has been filed, unless the chart has enlawed athernias. * SUBJECT CUIDE UNIFORM ACT

See \$45, infra. P. 61

STANDARD ACT and MODEL RULES

NOLE 17. Detention Hearing

At the detention hearing, the court may admit any textimony and other evidence relevant to the necessity for detaining the child. Any written reports or social records made available to the court at the hearing shall be made available to the parties. A copy of the petition shall be given to each of the parties at or before the learing.

A detention hearing may be held without the presence of the child's parents if they cannot be located. If the parents are not present, the court shall appoint counsel or a guardian of liters for the child.

At the conclusion of the hearing, the court shall order the child released from shelter care or detention, or it shall issue an order authorizing either shelter care or detention for up to seven days or until the adjudicatory hearing is held, providing that it is held within seven days.

BULE 18. Additional Detention Hearings

If a child held in abelter care or detention by court order has not been released after a detention hearing se has not appeared at an adjustancy hearing before the expiration of the order of detention, an additional hearing shall automatically be scheduled for the next court, day following the expiration of the order. The child, his councel, and his parents shall be notified of this hearing not less than twenty-four hours before the scheduled hearing. LEGISLATIVE GUIDE

SECTION 25. Right to Countel.

rocedures Senerally

tights and

(a) In delinquery and in send of experience case, a child and his passin, gambin, or consider that he abstract by the case or in expension size that the difference by consult or all segme of the percenings. If around is not emissiant for the fall, or if it does not appear that connel will be marked, consult that the opinion for the child.

(b) In sugher core, the pursus, general, or combine that he interest of their right to the representity occurs and, upon report, count that he appointed whose the purion are unable, the function state, we exclude the opposite that own, or whose in the count's discretion, appointment of counts is required in the features of ferries.

UNIFORM ACT

Successor 26. [Right to Commel.]

(a) Except as otherwise provided under this Act a party is extitled to representation by legal councel at all stages of any proceedings under this Act and if as a needy person he is unable to

employ council, to have the court provide control for him. If a party appears without council the court shall accordance of the inject thereto and to be provided with consul by the court if he is a nostly pursu. The court may continue the proceeding to enable a party to obtain council and shall provide council for an unexposment acreby pursus upon his exquest. Council must be provided for a child not expressed by his purest, quantities, or contains. If the interests of 3 or more parties conflict separate council shall be provided for each of them.

(b) A needy person is one who at the time of requesting counted in mable without under fearnful hardship to provide for full payment of legal counted and all other necessary expenses for representation. STANDARD ACT and HODEL RULES

MRE 30. Right to Counsel

The parties may be represented by counsel retained by them in all proceedings.

The court shall appoint cosmel for the parties if it finds that they are indigent, unless representation is competently and intelligently waived. Waiver by a child may be made only in the presence of his parents, guardian, or custodian.

Upon request er on its own motion, the court shall appoint repeated council to represent any indigent party other than the child at the interests of the child and those of the party appear to conflict. The court shall appoint council for the child all, in its opinion, the interests of the child and those of his parents conflict or if council is necessary to meet the requirements of a fair header.

Where the court appoints counsel under the provisions of this rule, it may, where appropriate, assets against the parents, guerdian, or custodian, including my agency vested with the legal custody of the child, the cents of providing such counsel. Orders assessing custs of counsel may be enforced through contempt measurements.

Whenever notice of a right to counsel is given under those rules or by statute, it shall recite rights as stated in this rule.

MULE 40. Appearance of Attorneys

An attenty shall appear in all court proceedings by finding a written stone of appearance with the court or by appearing personally at a court hearing and advising the court that he is representing a party. Once an attensey has appeared, he shall receive capies of all notices required by statute or rule to be given to the nation. SUBJECT CRIDE CRIDE ACT

2. Children's Presence in Court

> Sotice to Children

STANDARD ACT and RODEL RULES

NOTE 36. Presence and Exclusion of Parties

Except in those hearings in which the child's behavior in not at issue, the child and a parent should be present at the commencement of hearings. If the child's behavior is not at issue, the hearing why, in the court's discretion, begins without the child's presence. If a continuance for the purpose of securing the attendance of a porty or for any other reason is advisable to ensure a fair hearing, it should be greated.

A child who is the subject of a proceeding under [sections of jovenile court law dealing with jurisdiction because of the child's violation of law or a required standard of behavior] shall not be excluded from the court during an adjudicatory or transfer bearing or during a supervision review hearing under Rule 35 at which a breddictional fact it at towards.

At any other hearing under these rules, the court shall dealer whether to permit the child to be present in court during the presentation of particular technoory, giving due regard to the child's age and emotional maturity, the family relationship, and the probable value of the proposed tectiment. A child shall not be excluded intially from such a hearing if he or his attorney requests that he be revene.

wax 37. Notice to Children

Whenever these rules authorize notices to be given to a "child," the word shall be construed to refer to a child twelve years of age or more. If a child is less than twelve years old, his legal parent or parents shall receive the notices authorized by these rules. If the interests of the child and those of the parents appear to condict, or if nother parents is available, the count thall appoint a guardian of litten or counsel or both to protect the interests of the child. Such a guardian or counsel shall receive the notices authorized by these rules.

LECISLATIVE UNIPORM SUBJECT CRITIZE

Exclusion of SECTION 26. Admissibility of Child's Preliminary Children's **Adminsions**

> Union solving by council, the commons of a child made while in coofficer during the processing of the case, including a during a preliminary coquiry, prelimposition mady or consect degree, shall not be used against the child prior on a determination of the position's ellegations in uy or east of expension care or in a criminal percent

أنفكه وماسيسو معاموموريه أدخلك بمساء

5. Double Jeoperdy

SECTION 27. Prohibition against Double Jeopardy.

Criminal procedings and other juvenile procedings based upon the of calleged in the periodes or an offence based upon the page creature is based where the error has begind white striken or where the grape has ومنتجم مله ده والنبج ان همام الكنان و الموسود

Other Rights SECTION 23. Other Basic Rights.

A child charged with a debayeast act or alleged or by in se ion shall be consoled the provinge agricus self-incrimination. An exercpercenting shall not be exceed in evidence over objection. Brights mixed or obtained shall not be exceeded in evidence over objection to enabled de allegaries sprine him. An esso julicul alminion er endesien male by the child our of court is implicited to support a facility that the child com-mitted the same alleged in the position unless it is constrained by other ori-

Sucreas 27. [Other Best: Rights.]

(a) A party is matitled to the opportunity to introdu and otherwise he heard in his own behalf and to cross-commiss

(b) A child charged with a de-ir quant act used not be a witness against or otherwise incriminate hisself. An entra-judicial statement, if obtained in the course of violation of this Act or which would be constitutionally inclinitable to a crimbal proceshall not be used against him. Evidence flegally sained or obtain shall not be received over objection to establish the allegation main he or reserved over superme to unusum the adoptions made against him. A confunion validly made by child out of quart is insolicient to support on adjudication of delinquency unless it in consubmented in whale or in part by other origins.

STANDARD ACT and MODEL BULES

MER 38. Right to Remain Silent

A child who is the subject of a court proceeding under [sections of juvenile court law dealing with jurindiction because of the child's violation of law or of a required standard of behavior) or interrogation for the purpose of deciding whether to commence such a court proceeding may remain allest as of right through any or all questions proof during such precordings or inter-regations, and shall be so advised. **VECTSLATIVE**

SHRJECT

The Court's

Decision Making Process

Adjudication

CRITE

SECTION 29. Conduct of Hearing.

(a) Hunings under this Act shell be conducted by the court without a jusy and separate from other proceedings are included in Section 7 (a) (1).

(b) The precedings shall be recorded by stangesphic seem or by unic, medianical or other appropriate messa. If one so recented, full minman of the proceedings whall be hope by the court.

(c) Except in homogy so declare a person in consumpt of court, the general public shall be excluded from bearings under Section 7(a)(1) and only the passer, these council, wincome and other persons requested by a pump shall be admired. Such other persons so the court fauls us have a proper ten un die coor or in the work of the court, including members of the bur and press, may be admired by the court on condition that such persons refrom from divideog say information which would identify the child or family invalved. If the court finds that it is in the best insurest of the child, has presonce may be companied; excluded from the beautign except while alleganess of delinquency or need of supervason are being beard.

UNIFORM

Secret 34 [Conduct of Hearings.]

(a) Hearings under this Act shall be conducted by the exert utilised a jury, in an informal but orderly manner, and separate from other proceedings not included to section 3.

(b) The [proceeding atterney] upon request of the court shall present the evoluter in support of the polition and otherwise con-duct the proceedings on behalf of the state.

(c) If requested by a party or ordered by the court the procardings shall be recarded by stranguaphic nates or by electro mechanical, or other appropriate means. If not no recorded full minutes of the proceedings shall be kept by the court.

(d) Except in housings to declare a person in contempt of court, [and in hearings under section 44.] the greens public shall be enchaird from housings under this Act. Only the parties, their counsel, watermer, and other present accompanying a purty for his assurance, and any other present as the court fash have a proper interest in the preceeding or in the work of the court may be admetted by the court. The court may temperately exclude the child from the hearing except while allegations of his delinquincy or namely constact are being board.

SECTION 32. Hearing-Findings-Dismissal.

(a) The puriou shall be obvioud of chair rights under how in chair flow us as inche and below the court. They shall be informed of the agopaisen in the present and given an opportunity to whele or deep such

(i.) If the allegances are describ the court shell percent to hear exnor on the pointer. The court shall record its fedings on whether or not the child is a neglected child or if the protein olleges delinquency or used of the man, as so whether or our size occu surplied so the child were commit by him. If the court finds that the allegations in the printen here not bein emblished, it shall domins the periods and order the child discharged from any dominant or temporary case themselves endered in the proceeding.

(c) If the court fash on the base of a which administs or a fashing on percel beyond a renarmble doubt, based upon compense, unrested, and relevant relator, that a child communic the son by sesses of which he is alleged as he delarquest, or as seed of supervisors, it may, in the absence of objection, adverty to here endeate or to whether the child to in need of care or subaldinates and so like its findings showns. In the absence of evaluate to the commany, evidence of the commission of on act which commission

Secretal St. [Storing - Philips - District.]

(a) After hearing the originate on the points in exert shall make and the to findings as to whether the child to a depaired or I the printer alleges that the child to delicement or marrie, whether the acts mention to the child were consult by him. If the court finds that the c'ale is not a depoint child or that the alleganous of delaquency or wardy number home not been catalished it shall dismin the persons and order the child duckarged from any detention or other restriction therein. fare ordered in the proceeding.

(b) If the court finds on proof beyond a recombin doubt that the child committed the acts by summ of which he is alleged to be delimpared or unruly it shall proceed immediately or at a partpared hearing to hear evidence as to whether the child is to seed of treatment or reliabilitation and to make and file to Section therein. In the abstract or evaluate or the contrary evertice of the commission of acts which constitute a fallow to sufficient to sectain a finding that the child is in used of treatment or rehabilitation. If the court finds that the child to not to , aced of treatment or rehabilitation it shall dismin the proceeding and discharge the child from any detection or other restriction Manatolane andered.

STANDARD ACT and MODEL RULES

5 29. PROCESSURE DE CHERRESS'S CASES

Cases of children in proceedings under subdivisions 1 and 2 of Section 8 shall be deak with by the court at hearings sepsome from those for adults and without a jury. The hearings shall be conducted in an informal manner and may be adjourned from time to time.

Supportable notes or mechanical recordings shall be reaired as in other civil cases in the (highest court of general trial jurisdiction), unless the court otherwise orders and the parties waive the right to such record. The general public shall be excluded, and only such persons shall be admitted who are found by the judge to have a direct instrest in the case or in the work of the court. The child may be excluded from the hearing at any time at the discretion of the judge.

As some as practicable after the filing of a petition, and prior to the start of a hearing, the court shall inform the parents. guarding, or cuspoline, and the child when it is appropriate to do so, that they have a night to be represented by counsel at every stage of the proceeding. If any of them requests it but in found by the court to be famocially unable to employ counsel, counsel shall he appointed by the court and, if accessry, compensated out of former in the curary's budget. Upon a final adverse disposition if the parent or guardien is without countly the court shall inform them, and the child if it is appropriate to do so, of their right to aspent as provided in Section 28.

The court may by sule comblish appropriate special procadares for hearings in cases of violation of traffic laws or ordiseases by children.

THE R. Schoduling the Hearing

The date for the adjudicatory hearing shall be not when the recition is filed. If the child who is the missee of the petition is in shelter care or detention, the hearing shall be given primity and shall be scheduled for the carliest possible date.

The bearing may be held before the scheduled date if each party waives, in writing or on the record at the hearing, his right to notice of the hearing. In this event each party shall be given a capy of the petition at or before the hearing.

max 42. Recording of Testimony

A complete record of all tentament and collision and other proceedings shall be heat by approved steamexamic means, which may include mechanical or electranic devices, or some combination thereof, in all adjudicatory hearings, and in all other hearings except when expressly waived by council or the parties and

a fatory in refficure to names a feeling that the child in its most of case or immon. If the court finds that the child is not in most of cour or selebilisacce, it shall distain the proceedings and discharge the child form say drawning or other componey care describer colonel.

(4) If the court finds from clear and convincing evidence, company married, and selevate in manue, that the child it neglected, or from their and conversing evidence, relevant and material in materia, that the child in in analy of case or rehabilisation as a delinquest child, or child in sand of supervision, the court may preceed municipally or at a pomposed hearing to make proper

(a) In dispusion bearings all relevan and massial evaluate helpful in document the queeness present, including and and weisses report, may be received by she court and may be relied upon so the course of its probables value, even though one compenses in a bearing on the problem. The barnes or shest counsel shall be affected an opportunity to consists and construct arrives release to montant and so construction individuals making reports when recently resultable, but structure of confidencial information and المحاصلة بدا بعد

(f) On its metato or that of a purity, the court may exercise the bearings under this section for a reasonable period to sective separa and other evidence bearing on the disposaces or send for care or arbibilitation. In this event, the court shall make an appropriate coder for decession or temporary care of the child or her referee from document or temporary care subject to repervation of the street dering the period of the constituence.

SECTION 51. Procedure in Adult Cases.

In any proceeding straing under Section 10, the count, with the com-mus of the defendant, may make a preliminary soversignous and such adjustmeet as it practicable, without prosecution. The pracedure and disposition apploable to the trial of such cases in a containd court shall be applicable to well as the family court. The ()²⁰ shall propose and possesses any case within the purview of Section 10.

Where in his opinion it is necessity to protect the welfage of the parston before the court, the judge, with the constant of the defendant or the partion on content, may conduct hererage in chambers, and may exclude pressure having no direct instant in the case.

أخفاك ويفيجوهم ومحوسين أدجان مبدط أأ

- (c) If the court finds from cirur and courincess evidence that the child is deprived or that he is in need of treatment or rebabilitation in a delinquest or usualy child, the court shall proceed immediately or at a partnered bearing to make a proper dispusition of the case.
- (d) In hearings under subsections (b) and (c) all evidence helpful in determining the questions presented, including and and written reports, may be received by the court and relied upon to the extent of its probative value even though not otherwise competent in the housing on the petition. The parties or their council shall be afforded as opportunity to country and conbovert written reports so received and to cross-commer indicateals making the reports. Sources of confidential information most not be declared.
- (e) On its motors or that of a party the court may contr the hencings under this section for a reasonable period to receive reports and other evidence bearing on the deposition or the send for treatment or rehebilitation. In this event the court shall make an appropriate order for detention of the could be his release from detention subject to supervision of the court during the period of the continuouss. In scheduling investigations and houingo the court shall give pressity to precedency in which a child is in detection or has otherwise bean removed from his beans below as order of viscost, a fee home made

mux 23. Order of Proceedings

The court shall begin the hearing by determini whether all parties are present and whether lawful notice of the hearing has been given, and it shall require that these facts he of record. It shall then inform the parties of the substance of the petition.

Before taking testimony, the court shall explain to the child and his parents their rights as set forth in Rules 36 and 30 and shall assign council if required by Rade 30.

When the court has embassed to the child the meaning of the right to remain silent and finds that he adequately understands this right, it may inquire of the child in a case brought under [section of juvenile court how dealing with installiction because of the child's vieintion of law or of a required standard of behavior] whether he admits or device all or some of the allerations in the petition. Failure or refusal of the child to admit the allegations shall be deemed a denial of them. If any or all of the allegations of the actition admitted

by the child are sufficient to give the court jurisdiction. the court may take testimony to corroborate the admirsion or may proceed directly to the adiodication.

5 20. PROCEDURE IN ABULT CASES

In any proceeding arising under Section 11 the court, with the consent of the defendant, may make a preliminary investigation and such adjustment as is practical 'e, without prosecution. The procedure and disposition applicable in the trial of such cases in a criminal court shall be applicable to trial in the juvenile cause. On request of the court, the District Attorney (or other appropriate prosecuting officer) shall prepare and prosecute any case within the purview of Section 11.

noux 24. Preparation and Presentation of Evidence

If the allegations of the petition are in issue, whether the testimony shall be elicited by the court or by a civil legal officer of the state or a subdivision thereof shall be determined by the court. The court shall have its determination on the complexities inherent in the case.

UNIFORM ACT

STANDARD ACT and MODEL RULES

NOLE 25. Evidence

Only testimony that is competent, material, and relevant to the allegations of the petition shall be admitted into evidence. No testimony that would be inadmissible in a civil proceeding shall be admitted into evidence.

No extrajudicial statement by the child to a peace officer or court officer shall be admitted into evidence unless it was made in the presence of the child's parent or guardian or counsel. No such statement shall be admitted into evidence unless the person offering the statement demonstrates to the satisfaction of the court that, before making the statement, the child and his parents were informed and intelligently comprehended that he need not make a statement, that any statement made might be used in a court proceeding, and that he had a right to consult with counsel before or during the making of a statement.

All oral testimony shall be given under oath and may be given in narrative form.

BULE 26. Standard of Proof

The facts alleged in the petition shall be proved by clear and convincing evidence.

MAR 27. Findings

If, upon the conclusion of the adjudicatory hearing, the court determines that the material allegations of the petition are established, it shall set forth the findings of fact upon which it bases for determination and shall enter them in an order.

If, after such a determination, the dispositional hearing is not to be held immediately and the child is in detention or shelter care, the court shall determine whether he shall be released or continued in detention or shelter care. 887

SUBJECT

LECISLATIVE CHITTE

Disposition

SECTION 30. Predisposition Study and Report.

redisposition tudy: Medical wamination and restment

- (a) After a pericina has been filed purposes so Section 7(a)(1), the court shall direct that a predisposition usedy and report to the court be made in writing by a probation officer or another agency authorised by low, conmening or a property in the court, concerning the child, his family, his servicement, and other menure relevant to by the court, concerning the child, his family, his service the seed for susuance or dispusition of the case. The study and report shall and other matters relevant to disposition of the case. If the allegaand be made prior to a finding with respect to the allegations in the periods. However, the petition are not admitted and notice of a hourise and to make place to a mining who respect to an impaction of the party classess under section 34 has not been given the court shall not direct the
- (b) Where there are indications that the child stay be meanify ill or mily recorded, the court, on motion by the () or shee of comme! for the child, may order the child to be examined at a suitable place by a physicies, psychiatries, or psychologies prior to a hearing on the merits of the pes-tion, Such emeninations and prior to bearing or as part of the mody provided for in subsection (a) of this section shall be conducted on an outputient have unless the court finds that placement in a hospital or other appropries facility is assumer.
- (c) The court, after hearing, may order emmission by a physician. auguna, populatriat, or psychologist of a pasent or custodies who gives his consent and whose ability so care for or supervise a child before the court is

UNIFORM

Secreon 28. [Incestigation and Report.]

(a) If the allegations of a retition are admitted by a party or notice of a hearing under section 34 has been given the court, prior to the houring on need for treatment or rehabilitation and disposition, may direct that a social study and report in writing to the

court be made by the [probation officer] of the court, [Commissioner of the Court or other like officer] or other person designated making of the study and report until after the court has heard the petition upon sotice of hearing given pursuant to this Act and the court has found that the child committed a delinquent act or is as warnly or deprived child.

(b) During the pundency of any proceeding the court may order the child to be examined at a mitable place by a physician or paychologist and may also order medical or surgical treatment of a chologist and may also orner mounts or neguest train or illeus child who is suffering from a serious physical condition or illeus which in the opinion of a [licensed physicism] requires present treatment, even if the parent, guerdies, or other custodies has no bern given notice of a hearing is not available, or without good cause informs the court of his refusal to consent to the tre

STANDARD ACT and MODEL RULES

§ 22. PHYSICAL OR MENTAL EXAMINATION AND TREAT-

The court may order that a child concerning whom a perition has been filed shall be examined by a physician, surgeon, psychiatrist, or psychologist; and it may order treatment, by them, of a child who has been adjudicated by the court. For either such examination or treatment, the court may place the child in a hospital or other suitable facility. The court, after hearing. may order examination by a physician, surgeon, psychistrist, or psychologies, of a parent or guardian whose ability to care for a child before the court is at issue.

§ 23. INVESTIGATION PRIOR TO DISPOSITION

Except where the requirement is waived by the judge, no decree other than discharge shall be entered until a written report of the social investigation by an officer of the court has been presented to and considered by the judge. Where the allegations of the petition are decied, the investigation shall not be saids until after the allegations have been established at the hearing. The investigation shall cover the circumstances of the offense or complaint, the social history and present condition of the child and family, and place for the child's immediate case, as released to the decree; in cases of support, it shall include such matters as earnings, financial obligations, and employment.

BULE 29. Social Study

A social study, consisting of an investigation and evaluation of the child before the court, shall be prepared by the probation or other responsible department in all proceedings unless this requirement is waived by the court with the consent of all parties. The social study shall include any records that are to be made available to the court.

A social study investigation of the child shall not be commenced before the filing of a petition without the written consent of the parties, and it shall not be commenced after the filing of a petition unless the responsi hie department ascertains from the parties that no substantive allegations of the petition are denied. If any such allegations are not admitted, no investigation of the child shall take place, and no report shall be made to the court, before the adjudication.

[&]quot; have only of appropriate processing which

SUBJECT

LEGISLATIVE

UNIFOR

b. Conduct or Hearing

SECTION 49. Continuances.

Continuous shall be guared by the enext only upon a threship of grad-more and only for us long as is necessary, adding ions content out only the repeated of the content of the content of the product of the public in the prompt disposition of cases.

STANDARD ACT and MODEL RULES

The social study shall not be submitted to or considered by the judge before the adjudication. If no social study has been prepared before the beginning of the dispositional hearing, or if the study has not been completed, or if the judge wishes additional information not reflected in the study, the hearing may be postponed or continued for a reasonable time.

RULE 41. Physical and Mental Examination

Following the filing of a petition, the court may order that the child shall be examined by or under the direction of a physician or a psychologist, to aid the court in determining (1) a material allegation in a neglect petition relating to the child's physical or mental condition; (2) the child's competence to participate in the proceedings; (3) the child's legal responsibility for his acts; or (4) the propriety of transferring the case to crimical court under Article III of these rules.

Following an adjudication, the court may order such an examination to aid it in making the proper disposition concerning the child.

max 30. Conduct of the Hearing

The judge who presided at the adjudicatory hearing shall, wherever possible, preside at the dispositional hearing.

The court may admit into evidence any testimony or exhibits that are material and relevant to arriving at a disposition. In arriving at its decision, the court shall consider only testimony or exhibits offered in evidence in court or contained in the social study report.

Counsel for the parties shall be permitted to examine in court the person who prepared the social study report.

The parties are entitled to compulsory process for the appearance of any persons, including character witnesses, to testify at the hearing.

BULE 31. Continuances

After taking testimony, the court may continue the hearing for a reasonable time before making a final disposition. Consent Decree

SECTION 33. Continuance under Supervision without Adjudication-Consent Decree.

- (a) At any tune after the filing of a delanquency or need of supervision process and before the entry of an adjudication order, the court may, on motion of the () to or that of counsel for the child, suspend the proceedings, and consume the child under supervision in his own home, under series and conditions organised with probation services and agreed to by all parties affected. The court's order continuing the child under supervisors shall be known as a consum decree
- (b) Where the child objects to a constant decree, the court shall procool to findings, adjudication and disposition. Where the child does not object, but an objection is made by the ()** after consultation with obscom services, the court shall, after considering the objections and resistant therefor, proceed to determine whether it is appropriate to come a consum
- (c) A consent decree shall remain in force for 6 months unless the child is discharged sooner by probation services. Upon application of probathan services or other agency supervising the child, made before expiration of the 6-month period, a constant decree may be extended by the court for an additional 6 months
- (d) If prior to discharge by the probation services or expirates of the consent decree, a new delanquency or in need of supervision petition is filled against the child, or the child otherwise fails to fulfill express terms and conditions of the decree, the proton under which the child was command under supervison may, in the discretion of the () ³⁰ following consubmoon with probucion services, be reseased and the child held accommoble just so if the countrie ductor had never been countrie.
- (e) A child who is decharged by the probation services, or who complaces a period of continuance under supervision without resumment of the original delimposity or seed of supervision perioses, shall not again be proceeded against in any court for the same offence alleged in the perison or an offense based upon the same conduct.
- (f) A judge who, pursuant to this section, elicies or emmines infor-mation or material about a child which would be insulatingle in a hearing on the allegations as the petition shall not, over the objection of the child, participae in my subsequent proceedings on the delinquinary of an batch of supervision protein if:
 - (1) a creame decree is desired and the allegations in the past-tion remain to be decided in a hearing where the child during his guilt or -
- (2) a connec decree is ground but the delinquisty or in send of separation position is subsequently existented under subsection (d).

STANDARD ACT and MODEL RULES

max 28. Dismissal of Petition

The court may at any time during or at the conclusion of any bearing dismiss a petition and terminate the proceedings relating to the child, if such action is in the interests of justice and the welfare of the child.

[&]quot;Inner this of appropriate personning efficial.

SUBJECT

Orders

LEGISLATIVE

Dispositional

CUIDE

SECTION 34. Disposition of Neglected Child-Delinquent Child-Child in Need of Supervision.

(a) If a dilit is found us be anytered, the court may make may of the following endow of disposition as present the welfare of the child:

- (1) mornic der child so servain with his purcou, grandles, or under cumulies, subject to such conditions and limitations as the
 - (2) alors the child under protective supervision;
 - (3) quarter legal custody to any of the following-
 - (A) a Same or local public agency responsible for the case of neglected children,
 - (B) a child-olecing agency or other prevent organ man or facility willing and able to assume the education, care, and maintenance of the child at no expense to the public, and which is becamed or otherwise authorized by law to receive and parriels care for such child.
 - (C) a principe or other individual who, after study by the posturiou services or other agency designated by the court, is found by the court to be qualified to receive and cure for the 424
- (iii) Unless a child found arginted shall also be found to be delisto be shall not be command to or confined to an instruction emblished for the case and solubilisation of delinquese children.
- 40 If a child in found to be a delinquent or in need of supervisi the court may make any of the following orders of desposition for his superwith one and subdivines:
 - (1) any order which is entherised by subsection (a) of this nation for the dispension of a neglected child;
 - (2) marky hard county to a Store or local public agency companiels for the case of delinquest children;
 - (3) place the child on probation under such conditions and Marianiana no site court may prescribe.

(d) No delinquest child by virus of such adjudication shall be comminut ar manifered to a proof ingrinates or other facility used for the executhe or comments of pursues convicted of a crime.

- (a) No child france to be in send of supervision, unless also found to he delinquest, shall be commissed so or placed in an inscission or facility amblished for the case and setubilisation of delinquenc chaldren unless such child in again alleged so be a child in need of supervision and the court, after haring on last.
- (f) Whenever the count vers legal costedy in an agency, instinction or equant, is shall assume with the order copies of the clinical reports, preminon sardy, and other information it has persistent to the care and utestmans of the child

UNIFORM ACT

Secretar 30. [Disposition of Deprised Child.]
(a) If the child is found to be a deprised child the court may make any of the following orders of disposition best suited to the pretection and physical, mental, and moral welfare of the

- (1) permit the child to remain with his parents, guardien, or other custodian, subject to conditions and limitations as the court prescribes, including supervision as directed by the court for the protection of the child:
- (2) subject to conditions and limitations as the court prescribes transfer temporary legal custody to any of the following:
- (1) any individual who, after study by the probution officer or other person or agency designated by the court, is found
- by the court to be qualified to receive and care for the child, (ii) an agency or other private organization becomed or otherwise authorized by law to receive and provide care for the child, or
- (iii) the Child Welfare Department of the [county] [state.] for other public agency authorized by law to receive and provide care for the child.
- (iv) an individual in another state with or without supervision by an appropriate officer under section 40, or
- (3) without making any of the foregoing orders transfer custody of the child to the juvenule court of another state if authorized by and in accordance with section 30 if the child is or is about to become a resident of that state. (b) Unless a child found to be deprived as found also to be
- delinquent he shall not be committed to or confined in an institution or other facility designed or operated for the benefit of dolinquent children.
- Section 31. [Disposition of Delinquent Child.] If the child is found to be a delinquent child the court may make any of the following orders of disposition best suited to his treatment, rehabilitation, and welfare:
- (1) any order authorized by section 30 for the disposition of a deprived child.
- (2) placing the child on probable under the supervision of the probation officer of the court or the court of another state as provided in section 41, or [the Child Welfare Department operating within the county,] under conditions and limitations the court prescribes;
- (3) placing the child in an institution, camp, or other facility for delinquent children operated under the direction of the court [or other local public authority:] or
- (4) committing the child to (designate the state department to which commutments of delanguent children are made or, if there is no department, the appropriate water institution for delinquent children).

Secretor 32 [Disposition of Unruly Child.] If the child is found to be unruly the court may make any disposition authorized for a delinquent club except commitment to [the state department or state institution to which communicated of delinquent children may be made]. [If after making the disposition the court finds upon a further hearing that the child is not arremable to treatment or rehabilitation under the disposition made it may make a disposition otherwise authorized by section 31]

STANDARD ACT and MODEL RULES

5 24. DECREE

When a minor is found by the court to come within the provisions of Section 8 of this Act, the court shall so decree and in its decree shall make a finding of the facts upon which the court exercises its jurisdiction over the minor. Upon such decree the court shall, by order duly entered, proceed as follows:

- 1. As to a minor adjudicated under subdivision 1 of Sec-
- (a) The court may place the minor on probation in his own home or in the custody of a suitable person elsewhere, upon conditions determined by the court.
- (b) The court may vest legal custody of the minor in [appropriate department or division of state povernment responsible for administering the state institutions serving delinquene children), in a local public agency or institution, or in any private institution or agency authorized to care for children or to place them in family homes. In committing a child to a private institution or agency, the court shall select one that is approved by the (appropriate licensing or approving state department) or, if such institution or agency is in another state, by the equivalent department of that state where approval is required by law.
- (c) In cases of violation of traffic laws or ordinances the court may, in addition to any other disposition, suspend or restrict a license to drive.
- 2. As to a minor adjudicated under ".! division 2 of Section 8:
- (a) The court may place the minor under protective supervision in his own home or in the custody of a suitable person elsewhere, upon conditions determined by the court.
- (b) The court may vest legal custody of the minor in a governmental or nongovernmental agency or institution licensed or approved by the state to care for minors, with the exception of an institution primarily for the care and treatment of minors committed under subdivision 1.
- 3. An order vesting legal custody in an individual, agency. or institution shall be for an indeterminate period but shall not remain in force or effect beyond three years from the date ena tered, except that the individual, institution, or agency may file a petition with the court requesting renewal of the order and the court, after notice to parties, a hearing, and finding, may renew the order if it finds such renewal necessary to safeguard the welfare of the minor or the public interest. Renewals may be made during minority, but no order shall have any force or effect beyond minority. An agency granted fegal custody shall have the right to determine where and with whom the child shall live, provided that placement of the child does not remove him from the territorial jurisdiction of the court. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by the court. .

THE STATE OF THE S

4. Whenever the court vests legal custody of a child in sin claim of a child in sin claim of the critical reports, social study, and other information pertinent to the care and treatment of the child, and the institution or agency hall give to the court any at any time require. An institution or agency receiving a child under this subdivision shall inform the court whenever the status of the child is affected through temporary or permanent release, discharge, or transfer to other custody, and in a singular to a which a child is committed under subdivision 1 or 2 shall not transfer custody of the child to an institution for the correction of shall offenders.

5. The court may order, for any child within its jurisdiction, wherever care or treatment is authorized by law.

6. In placing a child under the guardianship or custody of an individual or of a private agency or private institution, the court shall give primary consideration to the welfare of the child. Where a choice of equivalent services exists, the court shall, whenever practical, select a person or an agency or an institution governed by persons of the same religion as that of the parents of the child, unless otherwise requested and consented to in writing or recorded in open court by the parent or parents; or in the case of a difference in the religion of the

parents, then of the same religion as that of the child, or if the religion of the child is not ascernioable, then of the religion of either of the parents or a religion acceptable to them.

7. In support of any order or decree under Section 8, subdivision 1 or 2, the court may require the parents or other persons having the custody of the child, or any other person who has been found by the court to be encouraging, cassung, or contibuting to the acro or conditions which bring the child within the purview of this Act and who are parties to the proceeding, to do or to omit doing any acts required or forbidden by law, when the judge deems this requirement necessary for the welfare of the child. If such persons fall to comply with the requirement, the court may proceed against them for consensure of court.

8. La support of any order or decree for support, the court may make an order of protection serting forth reasonable condicions of behavior to be observed for a specified time, binding upon busband or wife, or both. This order may require either spouss to say sway from the home or from the other spouse or children, may permit the other to visit the children at stand partods, or any require a spouse to abstain from offensive conduct against the children.

SUBJECT

٠,

LEGISLATIVE GUIDE UNIFORM

STANDARD ACT and MODEL RULES

- 9. The court may dismiss the petition or otherwise terminate its jurisdiction at any time.
- 10. In any other case of which the court has jurisdiction, the court may make any order or judgment authorized by law.
- 11. Jurisdiction over a minor on probation or under procedure supervision may be transferred to the court of any district in the state. Thereupon that court shall have the same power with respect to the child that it would have had if the petition had been initiated there.

BULE 32. Decree

After the dispositional hearing, the court shall gater an appropriate decree of disposition. If the decree includes placement of the child outside his home, in an institution or elsewhere, it shall include a statement of reasons why the placement is necessary.

After entry of the decree, the court shall explain to any party not represented by counsel his right to appeal the court's decision and shall set forth in simple and montecinical language the method of appeal or review. SECTION 37. Limitation of Time on Dispositional

Orders.

- (1) An order verting legal coundy of a child in a departs agency, or instruction shall remain in force for an independence paried not exceeding I year from the date extend, provided, however, that the child shall be released within the 1-year paried by the department, in-stitution, or agency when it appears that the purpose of the order has
- (2) As order ventur lend curado of a child in an individual shall remain in force for I year from the door entered valeus sconer permissional by court order
- (3) An order of probacon or prosecure supervision shall re-man in force for an indeterminate period not exceeding 1 year from the date entered, provided, however, such probacons or supervision shall be terminated within the 1-year period by probacons services or agency providing the supervision where it appears that the purpose of the order has been achieved.

- (1) Pror to the experience of an order transferring legs, constudy, the court may extend the order for an additional period of I year of it finds after a hearing purposes to Section 38, that the emphasis is necessary to suferment the welfare of the child or the public instruct.
- (2) Prior to the experation of an order of probation or prometave supervision, the court may extend it for an additional period of I year after a hearing pursuant to Section 38 if it finds that the exsension is necessary to protect the community or to safeguard the welfare of the child
- (c) When a child reaches 21 years of age, all orders affecting him then
- (d) A releve or permunico, and the reason therefor, made under aubsections (a)(1) and (a)(3) of this section shall be presupely reported to the court to writing.

SECTION 44. Protective Order.

- In any proceeding commenced under this Act, on application of a my or the court's own monon, the court may make an order restrais conduct of any party over whom the court has obsessed intridiction, if:
 - (1) an order of disposition of a delinquest or neglected child. or child in seed of supervision has been made in a proceeding under this Acc and
 - (2) the court finds that the person's combact is or may be descined or beautyl to the child, and will used to defeat the emorrism of the order of dissociation made; and
 - (3) due notice of the application or motion and the gro therefor and an opportunity to be heard thereto have been given to the pursue spiner where the earlier is directed.

Secrets 38. (Limitations of Time on Orders of Disposition.) (a) An order terminating parental rights is without limit as to duration.

- (b) An order of disposition consmitting a delinquent or surely child to the (State Department of Corrections or designated tostitution for delinquest children.) continues in force for 2 warrs or until the child a sooner discharged by the [department or institution to which the child was committed). The court which made the order may extend its duration for an additional 2 years, subject to like discharge, if:
- (1) a bearing is held upon motion of the [department or institution to which the child we . committed] prior to the expiration of the order.
- (2) reasonable notice of the hearing and an opportunity to be heard is given to the child and the parent, guardian, or other custodias: and
- (3) the court finds that the extension is necessary for the treatment or rehabilitation of the child. (c) Any other order of disposition continues to force for not
- more than 2 years. The court may sooner tenninate its order or extend its duration for further penods. An order of extension may be made if:
- (1) a hearing is held prior to the expiration of the order upon motion of a party or on the court's own motion: (2) reasonable notice of the hearing and opportunity to be
- heard are given to the parties affected: (3) the court finds that the extension is necessary to ac-
- complish the purposes of the order extended; and (4) the extension does not exceed 2 years from the expiration of proor order.
- (d) Except as provided in subsection (b) the court may erminate an order of disposition or extension prior to its experition, on or without an application of a party, if it appears to the court that the purposes of the order have been accomplished. If a party may be adversely affected by the order of termination the order may be made only after reasonable notice and opportunity to be heard have been given to him.
- (e) Except as provided in subsection (a) when the child reaches 21 years of age all orders affecting him then in force terminate and he is discharged from further obligation or control
- Secreon S3. [Protection Order.] On application of a party or on the court's own motion the court may make an order restraining or otherwise controlling the conduct of a person if:
- (1) an order of disposition of a delinquent, surely, or deprived child has been or is about to be made in a proceeding under this Act:
- (2) the court finds that the conduct (1) is or may be detrimental or harmful to the child and (2) will tend to defeat the execution of the order of disposition; and
- (3) due notice of the application or motion and the grounds therefor and an opportunity to be heard thereon have been given to the person against whom the order is directed.

STANDARD ACT and MODEL BULES

g. Collateral Consequences

SECTION 35. Order of Adjudication, Noncriminal.

An order of disposition or other adjudication in proceedings under this Act shall see by deemed a conviction of crime or impose any civil deshibition entirestly resulting from a conviction or operate so desputify the child in any child some understance or conviction.

civil zervice applicación or appointment.

The desponsion of a falla and evidence given un a hearing in the family cauer thall not be admissible on evidence against hais in any case or proceedings in any other cours whether befere or after exchange supersy except in sensonance proceedings after conviction of a felosy for the purposes of a pre-measurem early and export.

Secrets 33, 10rder of Adjudication—Non-Criminal.]

UNIFORM

(a) An order of disposition or other adjudication in a proceeding under this Act is not a conviction of crime and does not tapose any cord disability ordinarily resulting from a conviction or operate to dispushly the child in any civil service application or appointment. A child thall not be committed or transferred to a penal institution or other facility used primarily for the esocution of sentences of persons convicted of a crime.

(b) The deposition of a child and evidence adduced in a boaring in pureade court may not be used against him in any proceeding in any court other than a journale court, whether before or after reaching majority, except in disjoustional proceedings after conviction of a felony for the purposes of a pre-sentence investigation and report.

No adjudication by the court of the tratus of any child shall be deemed a conviction; no adjudication shall impose any civil disability ordinarily revulting from conviction; no child shall be found guilty or be deemed a criminal by reason of adjudication; and no child shall be charged with crime or be convicted in any court except as provided in Section 13 of this Act. The disposition made of a child, or any evidence given in the court, shall not operate to disqualify the child in any civil service or military application or appointment.

STANDARD ACT and MODEL RULES

h. Mentally Ill or Retarded child

SECTION 40. Disposition of Mentally III or Mentally Retarded Child.

(a) M, se a hearing to determine whether a child as neglected or in earth of care or rehabilitations, as a delaquent child or pursus in med of supervision, pursuant oo Section 32, the orienters indictates then the child is meanably senseded or actually 32, the cover may cooke the child dessent if enquired pursuant to Section 20, and shall disser the () or minimum proceedings under Section 7(b) (6).

Oh M, se a hearing under subsection (a), the oridence indicess that the child may be suffering from means susselsation or manual illums, the court may canteniz the child for a point on excendent 30 days as an appropriate inministion or agency for further study and a toport on the child's containing. If it appears therefore these the child containing to the base of that Same as a meanily remoted or estuably ill puzzis, the cases may color the child demand if required pursues to Section 20, and shall discret the () in the latest containing association and some containing association such section 2 (b) (6).

(c) In the event the child is committed as a meanily remeded or meanily ill child, the protein slieging delinquency or in seed of separation or angles; shall be promptly dismired.

⁶ Sunts notes of Som or lead deposituous supressible for valless corolar for debinared pools, or delineare debinar.

i. Mos-Resident Child UNIFORM ACT

Section 35. [Disposition of Manually IR or Montally Returbed Soid.]

(a) If, at a dispositional baseling of a child found to be a dislinquest or unply child or at a houring to transfer a child to another court under section 34, the ovidence indictates that the child may be auflering from mental retardation or mental filenes the court before making a disposition shall commit the child for a particl not exceeding 60 days so an appropriate institution, agazor, or individual for study and report on the child's mental condition.

(b) If it appears from it a s'udy and report that the child is committable under the laws o' this state as a mentally restrade or amentally if child the court shall neder the child distanced and direct that within 10 days after the order is made the appropriate matherity initiates proceedings for the child's commitment.

(c) If it does not so appear, or precedings are not promptly initiated, or the child is found not to be committable, the court shall preced to the disposition or transfer of the child as otherwise novoled by this Act.

Successor 39. [Disposition of Non-Resident Child.]

(a) it ion court finds that a child who has been adjudged to have committed a delarquest act us to be surely or deprived is or is about to become a realized of another axis which has adopted the Uniform juvenife Court Act, or a substantially similar Act which includes provisions corresponding to actions 30 and 40, the court usey defer hearing on sook for treatment or ra-habilitations and disposition and request by very appropriate measure the juvenile court of the [county] of the child. It residence or prospective or adaption to accept juvindestion of the child.

prospective residence to accept jurisdiction of the claid.

(b) If the claid becomes a resident of susches state while on probation or under protective supervision suche order of a jurisdic outer of the State, the court may request the presidence over of the State, the court may request the preside court of the County of the state in which the claid has become a resident to accept particulation of the claid and to continue his newbottom or notactive semi-croatetive semi-croatetive.

a readout to accept jurisdiction of the child and to continue his probation or protective supervision.

(c) Upon receipt and Bing of an acceptance the court of this State shall transfer causely of the child to the accepting coart and cause him to be delivered to the partia designated by that court to receive his causely. It show hall provide that court the courts his causely. It show hall provide that court the court of the order adjusting the child to be a designant, surely, or deprived child, of the order of transfer, and if the child to an probation or under protective supervision under order of the court, of the order of deposition, it has be shall provide that court with a stemment of the facts found by the court of the State and say recommandations and other information is considered of austineous to the accepting sum; in making a disputition of the cause or in sugarantage that child on probation or

(d) Upon compliance with subsection (e) the jurisdiction of the court of this finite over the child is terrateded.

STANDARD ACT and MODEL RULES

Success 40, [Disposition of Resident Child Resident from Anther State.]

(a) If a parentle court of seeder enter which has adopted the Uniform Jevenilo Court Act, or a substantially sinder Act which includes provisions corresponding to sections 30 and 40, requests a preside court of the State to accept furtherists of a child found by the requesting court to have consumitated a chinequest act or to be an unruly or deprived child, and the court of this State had, after secretipation that the child is, or is about to become, a resident of the foundry in which the court presides, it shall promptly and not later than 14 days after receiving the request time fit acceptance in writing to the reviewing court and direct its probation officer or other person drisignated by it to take physical custorly of the child from the requesting court and direct its probation officer or other persons drisignated by it to take playstact or the court of this State or make other appropriate provisions for his appearance before the court of the State or make other appropriate previous for his appearance before the court.

(b) Upon the Sing of certified capies of the orders of the requesting court (1) decreasing that the child committed a delinquent act or is an surely or deprived child, and (2) committing the shill be the jurisduction of the jurisduction of this jurisduction of court of this State, use court of the State shall immediately fix a time for a hearing on the need for treatment or reducitation and deposition of the child or so the continuance of any probation are protective separately

(c) The hearing and notice thereof and all subsequent preceedings are governed by this Act. The cuert may make any order of disposition permitted by the facts and this Act. The orders of the requesting count are conclusive that the child conmitted the delicament act or is an unway or deprived child and of the facts found by the cuert is making the orders, subject only its section 37. If the requesting court has made an order placing the child on probations or an low protective supervision, a like order shall be restored by the court of this State. The court may modify or vacant the order is accordance with nection 37.

COIDE

SECTION 12. Additional Remedies Not Pleaded.

)-Remedies Not Pleaded

When it appears during the course of any hearings or percenting on diseasesty or a pourte or and of aspections that street feeling or monely when these it is addition to their indicated by the present or entire appears from the ficus to be appropriate, the court may, on morein by the 1 hard of their characteristic and provided for the child, the president or attention and provided diseasest or their interest of feelings or attention and provided distinguished provided in the child of their child

Modification or Termination of Orders

SECTION 38. Modification—Termination or Extension of Court Orders.

- (a) Ac any case prior to expansion, as order vesting legal Custody or an order of promitive supervision made by the court as the case of a child may be anotheral, revolved, or extended on another by
 - (1) a Chéé, where legal Canndy has been unsudered to an institution, agency, or person, requesting the court for a mediciness or remnancian of the order allegeng than by a not proget in Cacif of communers and the situations, agency, or person has deviced application and for release of the child or hos failed to not upon the application returns a remnancial court; or
 - (2) an assumation, agency, for person vessel with legal costroly or septemblishy for prosective suppression requesting the coster for an excession of the orders on the grounds that such an excession on successive the vestions of the child or the public assessir.
- (b) The court may demant the monoms field under pubactions (n) of the sections of, after prelimentry investigation, it finds that they are visiting subsected. If n is of the equation that the color brought be reviewed, it may, appen due active to all executary parties as personabled by value of court, particul is a housing in the transact provided for n oils. Act, it may therespect testifities are the noder of it finds that child or no longer in need of core, provision, or which testing it is superior on order considers or metalying the original nodes if it finds such accesses on necessary on neighbors due to this or the public intense.

UNIFORM

SECTION 37. [Madification or Vacation of Orders.]
(a) An order of the court hall be set mide of (1) It appears that it was obtained by from: "a matche undificient therefore in a civil action, or (2) the court laded particleton over a necessary party or of the subject matter, or (3) newly discovered evidence evidence.

- so request.

 (b) Except an order consusting a delarquent child to the State Department of Corrections or an institution for delarquent children; les order termanising pureatal rights, or an order of diminist, an order of the court may also be changed, medified, or vected on the ground that changed circumstances as require in the best subwart of the child. An order geneting probation to a child found to be delarquent or unray usup he revolud on the ground that the conditions of probation have not been observed.
- (c) A.5 party to the passer long, the parameters whereas or other persons having supervision or legal controly of or an interest in the child many persons the court for the relief provided in this section. The petition shall not forth in concises language the grounds upon which the relief is requested.
- (d) After the potition in filed the court shall far a time for hunring and cause notice to be surved (as a nationess in served ander section 25) on the parties to the proceeding or affected by the rolled rought. After the hearing, which may be informed, the court shall deep or great rolled or the volctions waccomen.

STANDARD ACT and MODEL RULES

§ 21. ADDITIONAL REMEDIES NOT PLEADED

When it appears, during the course of any trial, hearing, or proteeding, that some action or remedy other than or in addition to those indicated by the application or pleadings appears appropriate, the court may, provided all necessary parties consent, proteed to hear and determine forthwith the additional or other issues as thought originally property sought and pleaded.

§ 26. MODIFICATION OF DECREE: REHEARING

Except as otherwise provided by this Act, any decree or order of the court may be modified at any time.

At any time during supervision of a minor the court may issue notice or other appropriant process to the minor if he is of sufficient age to understand the nature of the process, to the purents, and to any other necessary parties to appear at a heaing on a charge of violation of the terms of supervision, for any modification of the decree or for discharge. The provisions of this Act relating to process, custody, and detention at other stages of the proceeding shall be applicable.

A parent, guardian, custodian, or next friend of any minor whose status has been adjudicated by the court, or any shull affected by a decree of the court, one at any cime perition the court for a reheating on the ground that new evidence, which was not known or not available drough the exercise of due diligence at the time of the original hearing and which might affect the decree, has been discovered. Upon a showing of such evidence, the court shall order a new hearing and make such disposition of the case as the facts and the best increases of the child warrant.

A parent, guardism, or next friend of a minor whose legal custody has been transferred by the court to an institution, agency, or person may perition the court for modification or revotation of the decree, on the ground that such legal custodian has wrongularly denied application for the release of the minor or has failed so act apon it within a reasonable time, and has areed in an arbitrary assonance not consistent with the welfare of the child or the public inserest. An institution, agency, or person vested with legal cassody of a minor may perition the curar for a renewal, modification, or revocation of the custody order on the ground that such change is accessary for the welfare of the child or in the public inserest. The court may dismiss the perition if on preliminary investigation is finds it without subrance. If is in of the opinion that the decree should be reviewed, or, except where the legal custody has been transferred to a public instruction or agreey maintained by the state, the court on its own amoing considers that its decree should be reconsidered, it shall conduct a baseing on action to all parties concerned, and any easter as notable on essensions and the decree.

Notice of Review Proceedings

A written notice of a hearing for removal from the home or revocation of probation [or parole] shall be served on the parties at least forty-eight hours before the scheduled hearing.

The notice shall contain a copy of the motion for 'review; a statement of the time, date, and place of the hearing; and a statement of the parties' rights under Rules 38 and 39.

BULE 35. Children under Court Supervision: Conduct of Review Proceedings

An alleged violation of law or of a supervisory order in a motion for review shall be established according to the rules governing the original adjudication. If the alleged violation is established, the count may continue the child under supervision or may consider the advisability of removal or revocation according to the rules governing a dispositional hearing.

The original social study may be brought up to date for the court's consideration in lieu of preparation of a new social study.

If the court orders that a child be removed from his home or that his probation [or parole] he revoked, its decision shall include a statement of the reasons for the disposition. : UBJECT

UNIFORM

Out-of-State Supervision

Section 41. [Ordering Out-of-State Superpision.]

(a) Cubject to the parameter. I'm Act governing dispositions and to the extent that funds of the [county] are available the court may place a child in the custody of a suitable person in another state. On obtaining the written consent of a juversile court of another state which has adopted the Uniform Juvenile Court Act or a substantially similar Act which includes provisions corresponding to sections 41 and 42 the court of this State may order that the child be placed under the supervision of a probation officer or other appropriate official designated by the accepting court. One certified copy of the order shall be sent to the accepting court and another filed with the clerk of the (Board of County Commissioners] of the [county] of the requesting court of this

(b) The reasonable cost of the supervision including the expenses of necessary travel shall be borne by the [county] of the requesting court of this State. Upon receiving a certified statement signed by the judge of the accepting court of the cost incurred by the supervision the court of this State shall certify if it so appears that the sum so stated was reasonably incurred and file it with Ithe appropriate officials] of the [county] [state] for payment. The (appropriate officials) shall thereupon issue a warrant for the sum stated payable to the [appropriate officials] of the [county] "The me plant course

Sucrion 42. [Supervision Under Out-of-State Order]

(a) Upon receiving a request of a juvenile court of another state which has adopted the Uniform Juvenile Court Act, or a substantially similar act which includes provisions corresponding to sections 41 and 42 to provide supervision of a child under the jurisdiction of that court, a court of this State may usue its written acceptance to the requesting court and designate its probation or other appropriate officer who is to provide supervision. stating the prohable cost per day therefor.

- (b) Upon the receipt and filing of a certified copy of the order of the requesting court placing the child under the supervision of the officer so designated the officer shall arrange for the reception of the child from the requesting court, provide supervision pursuant to the order and this Act, and report thereon from time to time together with any recommendations he may have to the requesting court.
- (c) The court in this state from time to time shall certify to the requesting court the cost of supervision that has been incurred and request payment therefor from the appropriate officials of the [county] of the requesting court to the appropriate officials of the [county] of the accepting court.
- (d) The court of this State at any time may terminate supervision by notifying the requesting court. In that case, or if the supervision is terminated by the requesting court, the probation officer supervising the child shall return the child to a representative of the requesting court authorized to receive him.

LEGISLATIVE GUIDE

m. Termination of Parental Rights UNIFORM

Successor 47, [Termination of Percental Rights.]

(a) The court by order may terminate the perental rights of a parent with respect to his child if:

(1) the parent has abandoned the child;

- (2) the child is a deprived child and the court finds that the consistence and causes of the deprivation are likely to dustinus or will not be remoded and that by reason thorsof the child is suffering or will probably suffer serious physical, mental, moral, or enotional harm, or
- (3) the written consent of the parent acknowledged before the court has been given
- (b) If the court does not make an order of termination of parental rights it may grant an order under section 30 it the court finds from clear and convincing evidence that the child is a deprived child.

SECTION 48. [Proceeding for Termination of Parental Rights.]
(a) The polition shall comply with section 21 and state clearly

- (a) The potition shall comply with section 21 and state clearly that an order for termination of parental rights is requested and *b that the effect thereof will be as stated in the first sentence of section 49.
- (b) if the paternity of a child born out of wedleck has been atablished pone to the filing of the pertains the father shall be served with summons as provided by this Act. He has the right to be heard unless be har relunquiered off pareral in the reference to the child. The puttier father of the child whose paternity has not been established, upon proof of his paternity of the child, may appear in the proceedings and be heard. He is not establed to notice of hearing on the petition unless he has custody of the child.

SECTION 40. [Effect of Order Terminating Parental Rights.] An order terminating the parental rights of a parent termination all his rights and obligations with respect to the child and of the child to han aroung from the parental relationship. The parent is not thereafter establish to notice of proceedings for the adoption of the child by another nor he is any right to object to the adoption or otherwise to particip ate in the proceedings.

Section 50, (Commitment to Access)

(a) If, upon entering an order terminating the parental rights of a parent, there is no parent having parental rights, the court shall commit the child to the custody of Ithe State (County)

STANDARD ACT and MODEL RULES

JUBLIECT

LECTSLATIVE CUIDE

UNITORN

Survivos 43. (Possers of Out-of-State Probation Officers.) If a child has been placed on probation or protective supervision by a beverale court of another state a. is has adopted the Uniform

Invenile Court Act or a substantially similar act which include provisions corresponding to this section, and the child is in this State with or without the permission of that court, the probation officer of that court or other person designated by that court to supervise or take custody of the child has all the powers and privileges in this State with respect to the child as given by this Act to like officers or persons of this State including the right of visitation, counseling, control, and direction, taking into controly, and returning to that state.

SECTION 10. Contempt Powers.

Contempt

Subject to the laws relating to the procedures therefor and the Emisstions thereon, the court may pushe a person for commute of our for the enforcement of its refers subject to be related to the court of condings of the court or the enforcement of its orders.

[Secreor SS. [Contempt Powers.] The court may punish a person for contempt of court for disobevior an order of the court or for obstructing or interfering with the proceedings of the court

Probation Revocation

SECTION 39. Probation Revocation-Disposition.

(a) A child on probation incident to ar adjudication as a delinga or minor in and of supervision who violens a uses of his probetion may be proceeded against in a probance revocation bearing

(b) A proceeding to revoke probation shall be commenced by the filing of a perious labeled "Petition to Revoke Probation." Except as otherwise provided, perisions so sevoke probation shall be acreemed, reviewed and pared in the same manner and shall contain the same informacion as proprepared in the mine manner into man common one more monomone to pro-vided in Sections 13 and 14. The peticion shall recise the dose that the child was placed on probation and shall store the time and manner in which action of the seems of probation were given.

(c) Probation revocation proceedings shall require clear and convincing evidence. In all other respects, proceedings to revoke probation shall be erand by the procedures, rights and duties applicable to delinquency and in send of american correspond in this Act.

(d) If a child is found so have violent a seem of his probation pursume to a probation revocation bearing, the court may extend the period of uring or make any other order of deposition specified for a child adjusticatal delineauer in Section 34.

\$ 29. CONTEMPT OF COURT

Any person who willfully violents, neglects, or refuses to obey or perform any lawful order of the court may be proceeded against for consumpt of court. Any adult found in contempt of court may be punished by a face not to exceed \$500, or by imprisonment not to exceed fifty days, or by both such fine and im-

STANDARD ACT and MODEL RULES

NULE 33. Children under Court Supervision: Initiation of Review Proceedings

When it appears to the supervisory authority that, because of a violation of law or of a supervisory order. a child under the supervision of the court should be removed from his home or that a child's probation for parole] should be revoked, it shall file with the court a motion for review. Such motion shall include a concise statement of the facts constituting the alleged violation and shall set forth the reasons for the proposed review. In protective supervision cases in which a bearing is pending, the supervisory authority may either file a motion for review or request the court to advance the date of the pending hearing on notice to the parties.

Upon receipt of the motion, the court shall order a hearing to determine the allegations of the motion and the advisability of removal or revocation. If the motion alleges a violation of law, the court may authorize the filing of a new petition.

The court may modify a condition of protective supervision or probation included in its decree. Such modification shall be given to the parties in writing. and the parties may petition the court to hold a hearing on the advisability of the modification.

:UBJECT

LEGISLATIVE GUIDE

SECTION 14. Appeals.

the child shall not appear on the record on appeal.

(a) A pury, including the State or a middrelatin of the State, may appeal from a final order, judgment or docum of the family owner on the () ¹⁰ by Einz versions notion of appeal within 30 days, or such further time in the () ¹⁰ may gazar, after easy of the tasker, judgment or docum. The appeal shall be based by the () ¹⁰ upto the Einz, results all missures or transcript of the revidence of the family owner. The sames of

(b) The appeal does not say the order, judgment or discuss expensed from, but the ()" may orderwise noder, on application and hearing consistent with the provisions of this Act, if natioble provision is made for the case and county of the child. If the noder, judgment or decree appeals from grants the county of the child, no, or withholds is from, one or amen of the parties so the appeal, the appeal shall no twinklobs is from, one or amen of the parties no the appeal, the appeal shall no heart as the earliest pesticiable time. If the ()" does not duminis the proceedings and discharge that child so the jurisdiction of the court for dispositons, and incomment with the ()" of defining on the appeal.

(c) A child who has fited noute of appeal shall be furnated a senscript of the perceedings or as much of at as is requested upon the filing of a motion spring that he is financially unable to purchase the transcript.

Alinsert name of appropriate appellate court.

UNIFORM

Secret St. [Appeals]

(a) An aggrieved party, including the state or a subdivision of the state, may appeal from a final order, judgment, or described from a final order, judgment, or described from a final order, judgment, or described from the final partial partial

especia.

(b) The appeal does not stay the order, judgment, or decreo appealed from, but the Soprene Courtl (rourt of general jurisdiction) may otherwise order on application and hasing consistent with this Act if suitable provisions is made for the care and causing of the child. If the order, judgment or decree appealed from grants the cautody of the child to, or withholds it from, one or more of the parties to the appeal it shall be heard at the earliest practicable time.

5 28. APPEAL

An interested party aggrieved by any order or decree of the court may appeal to the [appellate) court for review of questions of law and fact. The procedure of such an appeal shall be governed by the same provisions applicable to appeals from the [highest court of general trial jurisdiction] except that where the decree or order affects the custody of a child, the appeal shall be heard at the earliest practicable time. In children's cases the record on appeal shall be given a fictitious title, to safeguard against publication of the names of children.

STANDARD ACT and MODEL RULES

The pendency of an appeal or application therefor shall nor suspend the order of the court regarding a child, and it shall not discharge the child from the custody of the court or of the person, institution, or agency to whose care he has been committed, unless otherwise ordered by the appellate court on application of appellate. If the fappellate) court does not dismiss the proceedings and discharge the child, it shall aftern or modify the order of the family court and remand the child to the jurisdiction of the court for disposition not inconsistent with the fappellated court for disposition not not not necessarily not necessarily n

A parent, guardian, custodian, or next friend of any minor whose status has been adjudicated by the court, or any adult affected by a decree of the court, may at any time petition the court for a rehearing on the ground that new evidence, which was not known or not available through the exercise of due diligence at the time of the original hearing and which might affect the decree, has been discovered. Upon a showing of such evidence, the court shall order a new hearing and make such disposition of the case as the facts and the best interests of the child warrant. SUBJECT

LEGISLATIVE GUIDE

SECTION 42. Court Costs and Expenses.

dministrative

iscallaneous Tovisions

> Costs and Expenses

. (a) The following expenses shall be a charge upon the funds of the) woon certification of the more by the court:

- (1) the cost of medical and other examinations and woman of a child ordered by the court;
- (2) resonable compensation for services and related expanses for counsel appointed by the court for the party:
- (3) the expenses of service of numerous, notices, subpo traveling expenses of waterses, and other like expenses incurred in the proceedings under this Act and
 - (4) respective compensation for a mandian ad lives.

(b) If, after due action to the purcous or other persons legally oblimed to care for and support the child, and after a hearing, the court finds that they are famously able to pay all or part of the costs and expenses stated in come (a) (1) and (a) (2) of this section, the court shall order them to pay the same and may prescribe the amoner of payment. Unless otherwise and, persons shall be made to the clock of the ! to show so whom compensation is due, or if costs and expenses have been), to the appropriate officer of the (

UNTFORM ACT

SECTION 52. [Costs and Exp.), as for Care of Child.]

(a) The following expenses shall be a charge upon the funds of the county upon certification thereof by the court: (1) the cost of medical and other assuminations and treatm

of a child ordered by the court: (2) the cost of care and support of a child committed by the court to the legal custody of a public agency other than an

- institution for delinquent children, or to a private agency or individual other than a purent; (3) reasonable compensation for services and related ex-penses of counted appointed by the court for a party;
- (4) reasonable compensation for a guardien ad litera-(5) the excesse of service of susmous motions and travel expense of witnesses, transportation of the child, and
- other like expenses incurred in the proceedings under this Act. (b) If, after due notice to the parents or other persons legally obligated to care for and support the child, and after affording them an opportunity to be heard, the court finds that they are financially able to pay all or part of the cests and exposes stated in paragraphs (1), (2), (3), and (4) of subsection (a), the court may order them to pay the same and prescribe the meaner of payment. Unless otherwise ordered payment shall be made to two clerk of two jevenile court for resultance to the person to tion is due, or if the costs and expenses have been paid by the [county] to the [appropriate officer] of the

STANDARD ACT and MODEL RULES

§ 31. COURT AND WITNESS FEES

In proceedings under Section 8, subdivision 1 and 2, of this Act, no court fees shall be charged against, and no witness fees shall be allowed to, any party to a petition. No officer of the state or of any political subdivision thereof shall be entitled to receive any fee for the service of process or for attendance in court in any such proceedings. All other persons acting under orders of the court may be paid for service of process and ansendance or service as witnesses, the fees provided by law to be paid from the proper appropriation when the allowances are certified to by the judge.

§ 32 (LOCAL COURT). EXPRISES

Except as otherwise provided, expenses of the Board under [Alternative] Sections 3, 5, and 18 shall be a state charge, and all other expenses shall be a county charge unless otherwise provided by law. The salaries and other compensation of all employees of the Board shall be fixed by the presiding judge; the salaries and other compensation of all employees of the court shall be fixed by the judge or senior judge of the court.

ALTERNATIVE § 32 [STATE COURT]. EXPENSES

Except as otherwise provided, all expenses for the operation of this Act shall be a state charge. The salaries and other compensation of all employees of the Board shall be fixed by the presiding judge; the misties and other compensation of all employees of the district court shall be fixed by the judge or senior judge of the district.

وسيهز والمتنافية المتنافع ومنبهمون بمعط

to Highest court of general cold justicions.

[&]quot;Appropriate from continuing—strong or fee

SECTION 43. Support of Committed Child-Purchase of Care.

(a) Whenever legal casesby of a child in vasual in measure often his present, after dwn stonce to the persons or other persons legally delilated to cave for and support the child, and after a hearing, the cause only after and decree that the person or other legally childpaned person handle per in the a measure in the court many desert a examined to such the valid new in whole or an person from the person of the child offer the decree in mercel. If the person or other legally obligated person widely find the referent on per such sum, due closer may proceed agrees have for consumer, or the earls may be first and shall have the effect of a cort budgeness.

(b) When legal country of a child at vessel in the () has parameter to Section 3-4, the ()) ³⁰ may purchase case or services to a congressement agency provided that the agency shell authorate primities response to the () ³⁰ covering the case and uncarranteed the child in response to the () ³⁰ covering the case and uncarranteed the child in frequently as the () ³⁰ doesn necessary and shall be made as frequently as the () ³⁰ doesn necessary and shall be made under the covery such child its inserveds note encoding 6 months. The agency shall the sufficient on exportmentary for a representative of the () ³⁰ doesn necessary.

\$ 27. SUPPORT OF CHILD COMMITTED FOR STUDY OR CARE

905

Whenever legal custody of a child is given by the court to proceed once other than his parents, or when a child is given medical, psychological, or psychiatric study or treatment under order of the court, and no provision is otherwise made by law for the support of the child of for psyment for sight reratment, compensation for the study and treatment of the child, when approved by order of the court, shall be charged upon the county where the child has legal settlement. After giving the parent a reasonable opportunity to be heard, the court may order and decree that the perrent shall pay, in such manner as the court may direct, a reasonable sum that will cover in whole or in part the support and treatment of the child given after the decree is entered. If the parent willfully fails or refuses to pay such sum, the court may proceed against him as for contempt, or the order may be filed and shall have the effect of a civil judgment.

Compensation may be used to a nonportenmental agency provided that is shall make periodic reports to the court or to an agency designated by the coultr concerning the care and treatment the child is receiving and his response to such treatment. These reports shall be made as frequently as the court deems necessary and shall be made with respect to every such child at innervals not exceeding six months. The agency shall also afford an opportunity for a representative of the court or of an agency designated by the court to visit, examine, or consult with the child as frequently as the court deems necessary.

to locate action of appropriate Same or local public agency

UNIFORM ACT

2. Records

SECTION 45. Social and Legal Records—Inspection.

(a) Social, medical and psychological seconds, including separa of proliminary impairies, predisposacies studies, and supervisors accords, of professiones shall be find expanses from other files and records of the court and shall be open to impaction only by the following:

- de julge, probation officers and professional staff of the struct.
- (2) separametres of a public or private agency, department, or institution providing supervision or having legal country of the child:
- (3) any other person, agency, or learnesse, by laster of the court, having a legislature instance in the case or in the week of the court, and
- (4) a court and its probetion and other professional staff, or an assempy for the defeather for use in countwing the sentence to be imposed upon a convicted purson, who, prior thereto, had been a party to the protections in family other.

(b) All or any part of the seconds enumerated in subsection (a), or informance amount from such seconds, when presented to and used by the judge an court or otherwise as a proceeding under the Act shall also be under smalled to the parents to the proceedings and their counts and representatives.

(c) All other court records, sacheling doctors, proissons, mexicus and other papers filed with a case, measurings of mexicusers, feedings, workers, orders and decreas, shall be open to inspection only by those passess and agracies designated in advances (a) and (b) of this section.

(d) Wherea, energy for the purposes personnel and in the steamer provided by this rection, discloses or makes use of our heavingly pumits the use of inflamence concessing a child before the court disorby or inflavolly derived from the stocks of the court or copiend in the course of official durin, upon conviction thoused held by guilty of a mindamenter.

accesser St. [Impaction ...] Least Piles and Reserch.] (Except in cases arising under section 44) all files and records of the court in a preceeding under this Act are open to impaction only by:

- (1) the judge, officers, and professional staff of the court; (2) the parties to the proceeding and their council and
- (3) a public or private agency or institution providing nepervision or having controly of the child under order of the
- (4) a court and to probrition and other officials or professional stell and the ottensoy for the defaultest for the in property a presentation aspect in a central ocus in which the distinct to convicted and who pairs thereto had been a purty to the preceding in leverally unit;
- (5) with loose of court any other person or agency or ineffection having a legitimate interest in the proceeding or in the week of the engit.

STANDARD ACT and MODEL RULES

§ 33. RECORDS; PUBLICATION

The court shall maintain records of all cases brought before it. In proceedings under Section 8, the following records shall be withheld from public inspection: the court docket, petrious, complaints, information, motions, and other papers filed in any case; transcripts of sessionary taken by the court; and fooliags, vandices, judgments, orders, decreas, and other papers filed in proceedings before the court. These records shall be open to inspection by the parties and their astronarys, by an institution or agency to which causedy of a child has been transferred, by an individual who has been appointed guardina; with consent of the judge, by persons having a legitimest instruct in the proceedings; and, puressent to rule or special order of the court, by persons conducting pertioner research studies, and by persons, institutions, and agencies having a legitimest instruct in the procession, welfare, or treatment of the child.

Reports of social and clinical studies or examinations mode pursuant to this Act shall be withheld from public inspection, except that information from such reports may be furnished, in a meaner determined by the judge, to persons and governmental and private agencies and institutions conducting periment research studies or having a legislanest instruct in the protection, welfare, and treasment of the child.

All information obtained and social records prepared in the discharge of official dusy by an employee of the court shall not be disclosed directly or indirectly to anyone other than the judge or others sented under this Act to receive such information, takes and until otherwise ordered by the judge.

Without the consent of the judge, assidue the fingerprises nor a photograph shall be taken of any child taken into custody, unless the case is transferred for criminal proceeding. The name or picture of any child subject to the justicitation of the court shall not be made public by any medium of public information, emoges as substicularly or order of the court.

UNIFORM

STANDARD ACT and MODEL RULES

SECTION 46. Law Enforcement Records.

- (a) Lee coloronance remain and this executing a child shall be high exposer from the execution all these downses of substitution. As the distinguisty is constrained for caintain prescriois under Section 31, or the leasure of mission at Executy requires, or also cause otherwise solution for all our of the child, such section and film shall not be open so public importanons of the child, such section and film shall not be open so public importante their consequences.
 - (b) Impection of such records and files in personnel by the following:
 - (1) a family court house the child currently before it in any seconding;
 - (2) the offices of pubbs and acognomenous invincious or agencies to which the child in currently contained, and these responsible for his supervision after relates;
 - (3) say other passes, agetcy, or instinction, by order of the eners, buring a legalizate instruct in the Cust or in the week of the law enforcement agency;
 - (4) has antercomment officers of other jurisdictions when notesmay for the decharge of their custom official dusies;
 - (3) a coust in which he is ensected of a criminal effects for the purpose of a presentator report or other dispositional proceedings, or by officials of presd institution, and other presd feetbols on which he is committed, or by a pustle based in considering his portic or discharger or in correcting emperium over him; and
 - (6) preset, guardian or other costalop and counted for the
- (c) Thereas, except an provided by this nacion, dischaus, noniver, or subs our of or horswayly passion the use of information concerning o journals haven to the priving, descript or informely desired from patter records or film or stepants on the course of official duess, upon convenion thereof shall be guilty of a ministensors.

SECTION 48. Scaling of Records.

- (a) On motion on the past of a paston who has been der subject of a pasition field under Section 7.04.1(1) of this substantion or on the court's new matter, the exceeded receive in order and findings and order the sotting of the lagst and social files and exceede of the court, probabile services, and of any other sparsy in the case If it fields the:
 - (1) 2 years have dispost state the final discharge of the payses from light curvely or supervision, or 2 years after the every of any other court order are involving curvely or supervision, and

Section 25. [Low Enforcement Assemble] Low individuals research and files commenting of dolls shall be high reporter from chain research and files of arrests of endul. Unless a sharp of definition, and the second of the control of

- (1) a juvenile court having the child before it in any pro-
- (2) counsel for a party to the proceeding.
- (3) the officers of public institutions or agencies to whom the child is committed;
- (4) law enforcement officers of other jurisdictions when successry for the discharge of their official duties; and
- (5) a court in which he is convicted of a criminal offense for the purpose of a pre-instruce report or other disputitional preceding, or by officials of penal institutions and other penal facilities to which he is committed, or by a [parell board] in considering his purely or discharge or in successing supervision

Surrour St. (Southing of Reservic.)

(a) On application of a person who has been adjudicated delarquest or usualy or on the court's own metins, and after a having, the court shall over the scaling of the film and records in the proceeding, including those rear-field in sections 35 and 38, if the most finds:

- (1) 2 years have alogard since the final discharge of the person;
- (2) steep the final discharge he has not been convicted of a feltop, or of a mindemensor involving moral terpitude, or adjusticated a delinquent or usually child and as proceeding in preading realing conviction or adjustication, and

(3) he has been reliable a set

(b) Reasonable notice of the hearing shall be given to.
(1) the [provening attorney of the county].

(2) the authority grunting the discharge of the final discharge was from an assistanton or from purole, and

(3) the law unforcement officers or department having custody of the lites and records if the lites and records specified an actions S5 and Siz are schoted in the application or motion of the control of the proceeding shall be treated as if a newer occurred. All index references shall be deleted and the person, the court and law enforcement officers and departments shall property reply that no record resists with respect to the person upon inquery in any matter. Copies of the order shall be sont to each agency or official therein named. Impaction of the unshell lites and records thereafter may be pravailted by an

(2) he has not been convexed of o felousy or gross mendomentare serviving second surpease, or edjudented delimpates or in need of emporation point or the filing of the ensount, and no proceeding to passing switning such convexeus or adjudences. The motion and the order may netwise the filin and exceeds provided in Section 66.

(h) Researchite notice of the motion shall be given to:

(1) **4** ():"

- (2) the authorsy graning the discharge of the final discharge was from an instruction, purele, or probation, and
- (3) the law unforcement officers, department, and central depusiony baving custody of the files and records if the files and records 'mercified in Section 46 are included in the motion.
- (c) Upon the enery of the coder, the processings as the case shall be treated as if they rever excussed, and all sader references shall be deleved and if they are concessed, and all sader references shall be deleved and if the records and law enforcement codings and departments shall reply and the purson any purply to any enjoyr that no second create with support on such pursons any purply to any enjoyr that no second create with support on such pursons. Copins of the order shall be more to such case to see the despite of the coder shall be more to see the case of the coder shall be more to see the case to such capture.

Impaction of the film and records archefed in the order may therefore be presented by the coast only upon terrors by the present bit is the raboral of mich results, and only in these persons sensed in the manner, provided, however, the other in its discovers may by special order as an admirabal case present improvement by or reduced information in the excepts to say discrepantial experience by or reduced information in the excepts to say discrepantial, or agency which has the parson under care or treatment or to individuals or expection companied in forfacilities or exement.

- (d) Any adjudication of delinquency or in need of supervision or courteness of a crime subsequent to unlong shall have the effect of multilying the initing order.
- (a) A purson who has been the nebject of a patients field under Section 7(a) (1) shall be assisted of his rights under subsection (a) or the time of his final discharge.

أخفاله ومنصبحور ويشهيمهم لدخان جيهوا ال

STANDARD ACT and MODEL RULES

SUBJECT

LECISLATIVE GUIDE UNIFORM ACT

3. Miscellaneous SECTION 53. Rules of Court.

Section 60. (Rules of Court.) The [Sepreme] Court of this State may adopt rules of procedure set in conflict with this Act strummer arrangement and a

The ()⁴⁰ shall adopt rains of passabase and in quality with Soverning proceedings under to a Accommon naturalism under this Acc.

STANDARD ACT and MODEL RULES

§ 30. COURT SESSIONS; QUARTERS

Sessions of the court shall be held at such places throughour each district as the court shall determine [for state juvenile court, add: subject to the provisions of Section 31]. Suitable quarters shall be provided by the [local or state facal hody or jointly] for the hearing of cases and for the use of the judges and other employees of the court.

5 34. COOPERATION

, ..

ŧ

It is bereby made the duty of every public official or department or render all assistance and cooperation within his or in jurisdictional power which may further/the objects of his Act. The Board and the court are authorized to seek the cooperation of organizations whose object is so prosect or aid children and family life.

[&]quot;The Septema Court or the healy having rate arching parents within the Barn

LEGISLATIVE GUIDE

SECTION 55. Laws Repealed.

All how and previous of how soluting to present or family curren to one unique chair with in this Act, which our in condict with the previous of this Act, are knowly supposed. The same "pression crees" as not forth in any mining Store present thall be deemed to upon the family court cannot have.

SECTION 16. Constitutionality.

If any service, reductries, or classe of this Act shall be ball us be unconstitutional or involving such decision shall not affect the validity of the seconstitution of the Act.

Secretor 6E. [Short Title.] This Act may be clied as the Uniform Investo Court Act.

Secrets 64. [Time of Toking Effect.] This Act shall take effect

Appendices

APPENDIX

Subsections (a) and (b) of Section 10 of this Act give the family court exclusive and original jurisdiction over criminal offenses committed against children by certain ainors and adults who have a continuing relationship with the child victim. This jurisdiction is included in order to permit coordination of the sentence in the case of the adult with the disposition of the child who may be before the court.

Section 10 also gives the family court inrisdiction over offenses committed by one spouse against the other. Such conduct as a rule indicates serious interpersonal family probless which also have an adverse effect on other members of the family, particularly children. By giving the family court jurisdiction of these cases, it may be possible to prevent further deterioration in the family relationship through the use of specialized services available to the family court.

UNIPORM

Sections 63. (Report). The full using Acts and pasts of Acts are

- (1) (3)
- (3)

\$ 36. COMETITUTIONALITY

If any section, subdivision, or clease of this Act shall be held to be unconstitutional or invalid, such decision shall not offert the validity of the remaining portions of the Act.

\$ 37. CITATION OF ACT

This Act may be cited as the Javenile Court Act.

STANDARD ACT and MODEL RULES

5 35. Laws Research

§ 38. Then or Taxing Brency This Act shall take effect on

MODEL CONSTITUTIONAL PROVINCE

The legislature may provide for the establishment of jewsnike and family courts, however assumed, as separate courts or as parts of existing courts or of courts hereafter creased, so serve the state or such parts of the state as may be provided for by the legislature; may provide for their organization, including the method of selection of the judges, officers, and employees thereof; and may define the jurisdiction of such courts and regulate procodure thereins.

The legislature may confer upon such course exclusive or limited parieticition—civil, craimsal, or equity—of proceedings for the protectida, treatment, cassody, commitment, and guardineship of misors, and sary provide that proceedings in relation to misors charged with acts which would be crimes it consuited by adults, including all felosies, shall be noncriminal; and may also confer such jurisdiction upon such course of any or all proceedings uffecting family relations, including but not limited to the following: divorce, annealment of marriage, marind separation, extinquishment or sermination of parasant rights, adoption, establishment of parasanty, and proceedings squisite parasan who violate laws for the prosection of children or for the support of depaulation or who cannets crime against children.

UNIFORM

STANDARD ACT and MODEL RULES

Section 51 also permits the court, with the consent or the defendant, to make a preliminary investigation and adjustments, if possible, to obvicte the need for criminal prosecution. Any action taken at this point would be purely consensual on the part of the parties. The court would have no way of enforcing any agreement or plan. In order to do this, it would have to resort to criminal prosecution.

There are those who believe that criminal proceedings, by their very nature, are not appropriate to the jurisdiction of the family court. In some cases, there is also the likelihood that such action will aggravate or intensify the problem and lead to complete family breakdown.

Therefore, an alternative is suggested which would permit the court through a civil action to exert its authority in both a preventive and remedial manner. In this way, criminal actions could be kept out of the family court. Coordination of a sentence in an adult case with the disposition of a child would still be possible by giving the criminal division of the highest court of general trial jurisdiction, jurisdiction over such offenses.

If this approach is desired, Section 10 would have to be modified and provision for this new proceeding included in the Act. The following sections, patterned after proposed legislation relating to the District of Columbia, are included for this purpose.

Proceedings Regarding Intra-Family Offenses

Section 1. June-Family Offeren.

- (a) An intro-family offence is an act punishable us a trime or offence
 - (1) by our spour spices the other,
 - (2) by a partic, guardine, or other legal custoffine against the
- (b) A "complainer" or "family standar" includes any individual in the relationship described in subsection (a).

Section 2. Complaint of Criminal Conduct-Election of Remedy.

(a) Upon the complaint of any person or agency of criminal conduct, we the artest of a person charged with criminal conduct, we the artest of a person charged with criminal conduct, where it appears to the () ³ that the conduct universe construction of the complainment of the conduct universe office of persons person. The number office a fall conduct a periodisment in other instruments principle to determine whether the inscreams of the person or persons for whose benefit the protection is simple require that a persons for conduct persons to find. The insulted folice shall make recommensations us to () 3 or it deman appropriam.

- (b) The ()* after considering the seminarishinos of the innite offer, more:
 - (1) file a criminal charget based upon the conduct; or
 - (2) file a peritona for civil passection in the family opers.

I know side of appropriate processing efficiel.

Section 3. Petition-Nation-Temperary Order.

- (a) Upon the filing of a perision for civil posteriors, the court shall set the nature for hearing, controldering it, where appropriate, with other onesets before the court involving the same present.
- (b) The other shall close numerous so be served on the empondent, complained, seed, if a propopoint, the family member enhangered, or, if a child, the presse that having physical causals of the child. A copy of the periods shall be sunched to the manners. The court may also cause runners so be served on other members of the family whose personner or the family of the periods of the family of the periods of the family whose personner or the fineing is nontringy to the appropriate disposition of the transet.
- (c) II, upon the filing of the periods, it opposes that the safety or welface of the family another in immediately endingsted by the responders manual in the positions, the court may, or parts, into a sampanory parameter ander consisting any of the previous in Section 4(c), of ant more than 10 days discusses raph direct that the poligy be served along with the resizer required by the section.

)2 shall supresses die Store or die beseing. (ω) The (

- (b) In a housing under this section, one spaces shall be a component and competible winers against the other and may usually us to confidential communications, noveldessading the provisions of Section ()*, but compelled over a claim of a privilege conferred by Section)2 shall be inadmostable in evidence in a criminal trial over the
- objection of a secure conided to chain that privilege.
- (c) If, after the hearing on the periods, the court finds that these is good cause so believe the respondent has command or in threstoling an inne-landy effects, it may state our or more of the following orders singly
 - (1) duract the respondent to referen from the combact invalved and so keep the peace soward she family member;
 - (2) require the respondent, where are in conjunction with any other member of the family before the court, to participate in psychistart or moderal measures or appropriate countries programs;
 - (5) direct, where appropriate, that the respondent avoid the garantee of the family member endangered;
 - (4) direct the respondent to perform or refinin from other actions to may be appropriate to the effective resolution of the matter.
 - (d) to making on order under subsection (c) ofer a finding on the
- politics, all evidence helpful as describining the questions presented, including and and written reports at the social service staff, may be received by the start and may be relief upon so the extent of their pushative value evan though ant compress in a hearing on the posture. The porties or their countel shall be aforded an opportunity to examine and commerce and or written reparts as received and so cross-custome understants making such reports when they are reasonably available, but sources of confidenced information need mor be decised.
- (e) A prosection order issued pursuant to this section shall be effective up to I year during which the court may, upon motion of the (or of any purry to the original proceeding, creend, rescind or modely the order for good court shows.
- (f) Any final order issued pursuest to this section and any order granting or desying execution, modification, or resource of such order shall
- (g) Victories of any comparary or permanent order issued under this section shall be punishable as concesses.
- * hairs adval appropriate preserving alloys
- *Cur appropriate Section of Code governor print
- · James wis of appropriate pressuring office

PARALLEL TABLE-PART II

Part II of the Table reproduces the recommendations appearing in the report of the President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society (1967).

PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE: REPORT*

SUBJECT

?revention

(66)

Efforts, both private and public, should be intensified to:

Reduce unemployment and devise methods of providing minimum family income.

Reexamine and revise welfare regulations so that they contribute to keeping the family together.

Improve housing and recreation facilities.

Insure availability of family planning assistance.

Provide help in problems of domestic management and child care.

Make counseling and therapy easily of ainable.

Develop activities that involve the whole family together.

(69) Efforts, both private and public, should be intensified to:

Involve young people in community activities.

Train and employ youth as subprofessional aides.

Establish Youth Services Bureaus.to provide and coordinate programs for young people.

The numbers in parentheses preceding the Report recommendations refer to the page of the Report where the recommendations appear (number before dash). Where more than one recommendation appears on a page of the Report, a number following the dash refers to the sequential order of the recommendation on that page. Thus, a recommendation (83-2) is the second recommendation on page 82 of the Report.

| | (74-3) | In order that schools may become more responsive to community needs and parental expectations, efforts, both private and public, should be intensified to develop cooperation between schools and their communities. |
|-------------------|--------|--|
| | (77) | Efforts, both private and public, should be intensified to: |
| | | Prepare youth for employment. |
| | | Provide youth with information about employment opportunities. |
| | , , | Reduce barriers to employment posed by discrimination, the misuse of criminal records, and maintenance of rigid job qualifications. |
| . • | · t | Create new employment opportunities. |
| | | (|
| Diversion | (83–2) | Communities should establish neighborhood youth-serving agencies Youth Services Bureauslocated if possible in comprehensive neighborhood community centers and receiving juveniles (delinquent and nondelinquent) |
| <i>:</i> | | referred by the police, the juvenile court, parents, schools, and other sources. |
| Jurisdiction | (85) | The movement for narrowing the juvenile court's jurisdiction should be continued. |
| Police Procedures | (83-1) | Police forces should make full use of the central diagnosing and co- ordinating services of the Youth Services Bureau. Station adjustment should be limited to release and referral; it should not include hearings or the imposition of sanctions by the police. Court referral by the police should be restricted to those cases involving serious criminal conduct or repeated misconduct of a more than trivial nature. |
| | (79) | To the greatest feasible extent, police departments should formulate policy guidelines for dealing with juveniles. |
| | | All officers should be acquainted with the special characteristics of adolescents, particularly those of the social, racial, and other specific groups with which they are likely to come in contact. |

| | | Every stop that includes a frisk or an interrogation of more than a few preliminary identifying questions should be recorded in a strictly confidential report. |
|---------------------------|--------|--|
| Detention | (87-4) | Adequate and appropriate separate detention facilities for juveniles should be provided. |
| | (87-5) | Legislation should be enacted restricting both authority to detain and the circumstances under which detention is permitted. |
| Preliminary Conference | (84-1) | Juvenile courts should make fullest feasible use of preliminary conferences to dispose of cases short of adjudication. |
| Consent Decrees | (84-2) | Juvenile courts should employ consent decrees wherever possible to avoid adjudication while still settling juvenile cases and treating offenders. |
| Defense Counsel | (87-1) | Counsel should be appointed as a matter of course wherever coercive action is a possibility, without requiring any affirmative choice by child or parent. |
| Notice | (87-3) | Notice should be given well in advance of any scheduled court proceeding, including intake, detention, and waiver hearings, and should set forth the alleged misconduct with particularity. |
| Decisionmaking | (87-2) | Juvenile court hearings should be divided into an adjudicatory hearing and a dispositional one, and the evidence admissible at the adjudicatory hearing should be so limited that findings are not dependent upon or unduly influenced by hearsay, gossip, rumor, and other unreliable types of information. |

Custody of a juvenile (both prolonged street stops and stationhouse visits) should be limited to instances where there is objective, specifiable ground for suspicion.

INDEX

In the following index, all of the numbers of the sections and rules of the codes, as well as their titles, are arranged exactly as they appear in the Parallel Table. Topic headings are again shown on the left side of each page. The page number of the Table where each listed provision is reproduced appears on the right side of each page of the Index. Thus, with the aid of the Index, a reader who wishes to trace a particular provision in the chart (e.g., Legislative Guide § 17) can glance down the list of provisions under the heading for the relevant code (e.g., Legislative Guide) and immediately locate (1) its subject category; (2) the numbers and titles of parallel provisions of other codes and (3) the page of the Table where those provisions appear.

| . 1, | | | | INDEX | o ∦ £kovistoNs | | | 13 | 7 | |
|-------|-----|---------------------------------------|---------------|--------------------------|-----------------------------|--------|-------------------------|------------|-------------------|----------------|
| | | SLATIVE E SECTION | | FORM SECTION | | | NDARD SECTION | <i>;</i> ; | MODEL RUL | ક , |
| 1 | 1, | Purposes | | Interpreta | | 1. | Construction Purpose of | | | |
| | ٠. | to of | 61. | Uniformity Interprets | | | * | 7 | | |
| • | 2, | Definitions | 2. | Definition | | . 2. | Definitions | 3 | | |
| 2 | • | | , | • | 3) | • | | | 1. Defin | itions |
| 4 | 3. | Family Court Division | 1 | | ` , - | 3. | Juvenile Co | ourt Div | ision . | .: ' |
| | | · , ar | | | .1 | - | • | | | |
| 5 | 71 | Jurisdiction: Childre | en 3. | Jurisdicti | ion | ٥. | Jurisdiction Minors | on: Chil | dren _t | ´ |
| • | | | 4. | Concurrent | t; Jurisdictio | | | | | |
| | 9; | Retention of Jurisdic | etion 44. | Juvenile 1 | Praffic Offen | ses | Retention of | of Juris | diction | |
| 6 | 10. | Jurisdiction: Minors, | , * *. | , | ! | 11. | Jurisdicti | on: Adul | ts | ., |
| | | Venue | 11. | Venue ' | | | | | | • ′ |
| 7 | • | • | 46. | | Traffic Offer | | | | | • |
| | 12. | Transfer to Another | 12. | Suspension Transfer | n of Jurisdic to Another | tion | • | | · | |
| | | Family Court Within | | Juvenile (| Court Withia | the | | 7 | 7.1 | • |
| | | the State | ; | State | • | | 4 | ٠. | | į : *t |
| 8 | | Transfer to Criminal | 34. | Transfer | to Other | 13. | Transfer to | Other | د د وهر | • |
| | | Court | | Courts | , | | Courts | | 9. Initi | ation |
| | | , | • | | 1 | | | | Proce | |
| 9 | | . • | | | • | | | ٠. | 10. Notic | e of |
| | | · · · · · · · · · · · · · · · · · · · | • | | | | | | Trans | fer - |
| | í. | | | 41 | , | | | | Heari | ng fer |
| IBval | | alternative Sections | of the | Standard A | et. Some ti | tles (| of Rules and | Section | fi tions | |
| | | abbreviated. | 01 0110 | | | | | | 7 77 77 77 7 | . · |

BEST COPY AVAILABLE

| Q | C |
|---|---|
| r | 3 |
| | |

| Page of Chart | LEGISLATIVE GUIDE SECTION | | FORM SECTION | | NDARD SECTION | MODEL | RULE |
|---------------------|--|--------|--|-----|--|-------|--------------------------------------|
| 10 | 8. Transfer from Other Courts | 9. | Transfer from Other Courts | | Transfer from Other Courts Assignment of Judges | | |
| 11 | | | | 5. | Board of Juvenile Court Judges | | |
| 13 | | | | 6. | Appointment, Tenus and Duties of Emp | | |
| 15 | 4Referees | 7. | Referees | 7. | Appointment of | | |
| | | 45. | Traffic Referee | | Referees, Duties | | |
| 16 | 5. Probation Services 6. Powers and Duties Probation Officers Social Service Per | of 6. | rrocation Services Powers and Duties of Probation Officers | | | | |
| 17 | 41. Guardian ad litem- Guardian of the Pe | | Guardian ad litem | | | | |
| | | 38. | Rights and Duties of Legal Custodian | | | | |
| | 18. Taking into Custod | ly 13. | Taking into Custody | 16. | Taking Children is Custody | nto | |
| 18 | 20. Criteria for Detaining Children | | Detention of Child | | Detention; Shelter | r; | |
| | 21. Release or Deliver Court | | Release or Delivery to Court | • | Release; Notice | | |
| 19 | | • | | | | Si | imission to nelter or etention |

| c | |
|---|---|
| ī | 3 |
| 2 | _ |

.

•

| Page of Chart | LEGISLATIVE GUIDE SECTION | UNIFORM ACT SECTION | STANDARD ACT SECTION | MODEL RULE |
|---------------------|--|--|--|---|
| 20 | | | | 13. Notice of Admission to Shelter or Detention |
| 21 | 47. Children's Finger- printsPhotographs | 56. Children's Fingerprints Photographs | , | 43. Fingerprints and Photography 44. Search Warrants |
| 22 | 13. PetitionPreliminary InquiryAuthorization to File | 8. Commencement of Proceedings | 12. Complaint; Investigation; Petition | • |
| | | 19. PetitionPreliminary Determination | • | |
| 23 | 14. PetitionWho May SignContent | 20. PetitionWho May Make | | 2. Reception of 22 Complaint |
| | | 21. Contents of Petition | • | 5. Petition to be Filed; Explana- tion to Parties |
| | | • | | 6. Contents of |
| | • | | , ,- | Petition 7 |
| | | | | 7. Responsive Pleading or Motion . |
| 24 | | • | · | 8. Amendment of Petition |
| | • | 10. Informal Adjustment | | 3. Intake Procedure |
| 25 | | | , | 4. Informal Adjustment Procedure |
| | 15. Summons | 22. Summons | 14. Summons; Notice; Custody of Child | rrocedure |

.

| C | c | ١ |
|---|---|---|
| r | 3 | ١ |
| Ñ | 3 | Ì |
| _ | - | • |

| | Page of Chart | GUIL | | UNIF ACT | | | DARD SECTION | MODE | L RULĖ |
|---|---------------------|------|--|-------------|--|---|---|------|-------------------------------------|
| | 26 | | | | • | | | 20. | Summons |
| | 27 | 16. | Service of Summons | 23. | Service of Summons | | | 21. | Contents of Summons |
| • | | 17. | Time Limitations | | | | | | Damilo 113 |
| | 28 | 36. | Service by Publication- Interlocutory Order of Disposition | 25. | Service by Publication- Interlocutory Order of Disposition | | | | |
| | 29 | • | | | | | Failure to Answer Summons; Warrants | 22. | Notice of Further Proceedings |
| | 30 | | Subpoena Release from Detention or Shelter CareHearing Conditions of Release | 18. | Subpoena | | | | |
| | 31 | 19. | Detention and Shelter Care Facilities | | | | Detention Facilities | | |
| | 33 | 22. | Place of Detention or Shelter | 16. | Place of Detention | • | | | |
| | 34 | ĺ | • : | | • | | | 14. | Telephoning and Visitation |

1

•

| - | _ |
|---|---|
| 9 | - |
| r | ü |
| C | Ċ |

| | | GISLATIVE | | FORM | STANDARD | MOD | EL RULE | |
|-----------|-------|--|-----|---|-----------------------------------|-----|---|-----|
| of Cha | | IDE SECTION | ACT | SECTION | ACT SECTION | • | | |
| 35 | | | 17. | Release from Detention or Shelter Care — Hearing—Conditions of Release | • | | Notice of Detention Hearing Prehearing | |
| 36 | | | | | | 17. | Procedure Detention Hearing | |
| | | · - | • | | | 18. | Additional Detention Hearing | |
| 37 | . 25. | . Right to Counsel | 26. | Right to Counsel | | | Right to Counsel Appearance of Attorneys | |
| 38 | | | | | | 36. | Presence and | 923 |
| • | | • | • · | | • | 37. | Exclusion of Parties Notice to Children | • |
| 39 | | Admissibility of Child's Preliminary Statements Prohibition Against | | | V.144 | | i . | |
| | 28 | Double Jeopardy Other Basic Rights | 27. | Other Basic Rights | | 38. | Right to Remain Silent | |
| 40 | 29 | . Conduct of Hearing | 24. | Conduct of Hearing | 19. Procedure in Children's Cases | • | | |
| | 32. | Hearing-Findings- Dismissal | 29. | Hearing-Findings- Dismissal | | 19. | Scheduling the Hearing | |
| | | | • | | | 42. | Recording of Testimony | |

| • | | | | | | | | |
|---|----|---|----------|--|-----|--|------|--|
| | | LEGISLATIVE GUIDE SECTION | | FORM SECTION | | NDARD SECTION | MODE | EL RULE |
| | 41 | 51. Procedure in Adult | | | 20. | Procedure in | 23. | Order of Proceedings |
| | | Cases | | | | Adult Cases / | 24. | Preparation and Presentation of Evidence |
| | 42 | , | | | | | 26. | Evidence Standard of Proof |
| ſ | | , | | | | | 27. | Findings |
| | 43 | 30. Pre-disposition Study and Report | 28. | Investigation and keport | | Physical or Mental Examination and Treatment | | |
| | | | | | 23. | Investigation Prior to Disposition | r | |
| | | | | | | to Disposition | 29. | Social Study |
| | 44 | | | | | • | | • |
| | 77 | | | | | | 41. | Physical and Mental Tests |
| | | | | | | | 30. | Conduct of |
| | | 49. Continuances | | | | | 31. | Hearing Continuances |
| | 45 | | | | | | 28 | Dismissal of |
| | | | | | | | | Petition |
| | | 33. Continuance Under Supervision Without Adjudication - Consent Decree | ı | | | • | 1 | |
| | 46 | 34. Disposition of Neglected Child - Delinquent Child Child in Need of . Supervision | - 31. | Disposition of Deprived Child Disposition of Delinquent Child Disposition of Unruly Child | 24. | Decree | , | |
| | | | | | | | | |

•

| œ |) |
|--------------|---|
| N |) |
| \mathbf{o} | ı |

r

| | | ł | |
|---------------------|---|---|--|
| Page of Chart | LEGISLATIVE GUIDE SECTION | UNIFORM ACT SECTION | STANDARD MODEL RULE ACT SECTION |
| 48 | | • | 32. Decree |
| 49 | 37. Limitation of Time on Dispositional Orders 44. Protective Order | 36. Limitation of Time on Orders of Disposition 53. Protective Order | |
| 50 | 35. Orders of Adjudication Non-Criminal | 33. Orders of Adjudication Non-Criminal | 25. Adjudication of Child Noncriminal |
| 51 | 40. Disposition of Mentally Ill or Mentally Retarded Child | 35. Disposition of Mentally Ill or Mentally Retarded Child 39. Disposition of non-residential | đ |
| 52 | | 40. Disposition of Resident Received from Another St | Child 22 57 tate |
| · 53 | 52. Additional Remedies Not Pleaded38. Modification-Termination or Exclusion of Court Orders | 37. Modification or Vacation of Orders | 21. Additional Remedies Not Pleaded 26. Modification of Decree; Rehearing |
| 5 4 | • | · · · · · · · · · · · · · · · · · · · | 34. Children Under Court Super- vision-Notice of Review Proceedings 35. Children Under Court Super- vision-Conduct of Review Proceedings |

ı

| | | LEGISLATIVE GUIDE SECTION | | | | NDARD SECTION | MODE | L RULE | |
|---|----|---|------------|--|-----|---|--------|--|-----|
| | 55 | | 42. | Ordering Out-Or-State Supervision, Supervision of Out- of-State Child | | | | | |
| | 56 | | 48. 49. | Termination of Parental Rights Proceeding for Terminati of Parental Rights Effect of Order Terminat Parental Rights Commitment to Agency | ion | | | , | |
| | | 50. Contempt Powers 39. Probation Revocation-Disposition | ٠, | Powers of Out-of-State Probation Officers Contempt Powers | | Contempt of Court . | | Children Under Court Super- vision ; Initiation of Review Proceed- ings | 926 |
| | 58 | 54. Appeals | 59. | Appeals | 28. | Appeal | | - | |
| 1 | 59 | 42. Court Costs and Expenses | 52. | Costs and Expenses for Care of Child | | Court and Witness Expenses | Pees | , | |
| | 60 | 43. Support of Committed Child-Purchase of Care | ; | | | Support of Child C for Study or Care | | tted | |
| | 61 | 45. Social and Legal RecordsInspection | 54. | Inspection of Court Files and Records | 33. | Records; Publicati | Lons | | : |
| 1 | | 46. Law Enforcement Records 48. Sealing of Records | | Law Enforcement Records Sealing of Records | | ŕ | • | | |
| | 64 | 53. Rules of Court | 60. | Rules of Court | | Court Sessions; Qu Cooperation | uartei | rs - | |

| ď |
|---|
| r |
| • |

| Page of Chart | LEGISLATIVE GUIDE SECTION | UNIFORM ACT SECTION | STANDARD ACT SECTION | MODEL RULE |
|---------------------|--|----------------------------|---|------------|
| 65 | 55. Laws Repealed 56. Constitutionality | 63. Repeal 62. Short Title | 35. Laws Repealed 36. Constitutionality 37. Citation of Act | |
| | Appendix | 64. Time of Taking Effect | 38. Time of Taking Eff Model Constitutional Provision | ect |

(D) Quotes

APPENDIX 1

"If I could only be a clock

"I wouldn't be just something to see
"'Cause if I were upon a wall

"People would look up to me"

ANONYMOUS INMATE, Boys Training School, Lansing, Michigan.

APPENDIX 2

CHILDREN IN TROUBLE: A NATIONAL SCANDAL 1

(By Howard James)

"What is needed most is a national effort—a binding together of all groups interested in the problems of children, all working for the same goal, all pressing for reform. Such a group, if it spoke with a single, concerned voice, could move mountains."

¹ David McKay edition published April 1970: Pocket Book edition published June 1971.