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CHILDREN IN CUSTODY: OUR CONTINUING NATIONAL SCANDAL

By John M. Rector*

Another difficulty is the sort of stupidity that comes from the lack of imagination. . . . People will read of a burglar being sentenced to ten years' penal servitude without turning a hair. They are like Ibsen's Peer Gynt, who was greatly reassured when he was told that the pains of hell are mental: he thought they cannot be so bad if there is no actual burning brimstone. When such people are terrified by an outburst of robbery with violence, or sadistically excited by reports of the white slave traffic, they clamor to have sentences of two years' hard labor supplemented by a flogging, which is a joke by comparison. They will try to lynch a criminal who illtreats a child in some sensationally cruel manner; but on the most trifling provocation they will inflict on the child the prison demoralization and the prison stigma which condemn it for the rest of its life to crime as the only employment open to a prison child. The public conscience would be far more active if the punishment of imprisonment were abolished, and we went back to the rack, the stake, the pillory, and the lash at the cart's tail.

The Children in Custody Initiative is in part an endeavor to prick the public conscience regarding the scandalous way in which we persist in treating both troubled children and those actually who have violated criminal law. I am especially pleased that this effort which was developed and funded at my direction while the Administrator of the Office of Juvenile Justice is the subject of a PLM special issue and that I am able to provide an overview in conjunction with the excellent articles dealing with the specific funded projects. This Initiative represents a substantial commitment to Senator Birch Bayh's Juvenile Justice and Delinquency Prevention Act both in its letter and its spirit.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) was established in 1974 as a response to the growing recognition of the inadequacies and abuses of the juvenile justice system. A clear consensus emerged from congressional hearings supporting strong incentives for the development of community based programs and services as alternatives to traditional processing which so heavily relied upon indiscriminate detention and incarceration. This focus was felt to be particularly advantageous for the noncriminal cases such as the status offenders and neglected or dependent children and, in fact, mandated that participating states and territories remove the noncriminal group from detention and correctional facilities.

Importantly, the Congress was concerned about far more than the noncriminal cases. The prohibition on the custodial handling of those cases was not dealt with as a matter of great controversy, but was spawned in a strongly nonpartisan manner by the clear denial of basic human rights to a significant portion of our disenfranchised citizenry. The Act provides specific incentives aimed at broader

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1. George Bernard Shaw, *The Crime of Imprisonment*, Citadel Press, First Paper Back Edition, 1961, pp. 16-17.

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reliance on coercion, including the development, maintenance and expansion of approaches, including the following:

- a) The use of subsidies and other financial incentives or disincentives to units of local government, or other effective means that are designed to,
 - i) reduce the number of commitments of juveniles to any form of juvenile facility as a percentage of the state juvenile population;
 - ii) increase the use of nonsecure community-based facilities as a percentage of total commitments to juvenile facilities; and
 - iii) discourage the use of secure incarceration and detention.
- b) Projects designed to develop and implement programs stressing advocacy activities aimed at improving services for and protecting the rights of youth impacted by the juvenile justice system.
- c) Youth initiated programs and outreach programs designed to assist youth who otherwise would not be reached by traditional youth assistance programs.
- d) Community-based programs and services to work with parents, youth, and other family members to maintain and strengthen the family to avoid an out-of-home placement.
- e) Community-based programs and services for the prevention of delinquency through the development of foster-care and shelter-care homes, group homes, independent living programs, twenty-four hour intake screening, volunteer and crisis home programs, day treatment, home detention and other nonsecure, humane and cost-effective alternatives.
- f) Programs designed to encourage and enable state legislatures to consider and further the purposes of the Bayh Act both by amending state laws where necessary, and by devoting greater resources to those purposes.

Thus, the Congress noted and responded to the inordinate preoccupation of the juvenile courts with the noncriminal cases, but designed the Act to address systemic detention and institutional overkill. It was with this more comprehensive perspective in mind that the Senate Judiciary Committee noted as it reauthorized the Act in 1977, that "the lives and the potential of millions of juveniles are falling between the cracks of our juvenile 'justice' system." They were alarmed about the inappropriate, inhumane, and costly -- indeed a surtax -- response to our least organized, poorest, most vulnerable group of American citizens whatever the label, be it abused, neglected, incorrigible, pre-delinquent, serious delinquent or violent delinquent.

The significance and dimensions of unnecessary detention and incarceration are staggering and it is not possible, within this article, to reiterate the awesome list of injustices and violations of human rights associated with what is euphemistically called juvenile justice.

Over 600,000 children were admitted to juvenile detention and correctional facilities in a recent year. Of these, 513,000 were admitted for what so-called professionals call "short-term detention" for an average of 144 hours. Approximately 30,000 of the long term and 225,000 of the other commitments were noncriminal cases.⁹ Additionally, nearly every other jail holds children, 22% of whom are noncriminal cases.¹¹ Little is known about the private institutions which account for significant deprivation whether not-for or for profit. Whether public or private, as expected, significant percentages of the youth are poor and non-white, and, contrary to popular myth, many of the noncriminal charges are filed against nonwhite youth. In fact, in most major urban areas nearly half of the incorrigible cases involve nonwhite youths.¹²

The economic cost of maintaining secure facilities are likewise staggering. The average cost for incarcerating a youth is \$18,000 per year. This is nearly five times the average cost of a year in a group home and many times the costs of probation services. In fiscal 1974, the fifty states spent more than \$300 million operating detention facilities and less than \$30 million on community-based residential programs.¹³ As Milton Rector and David Gilman point out in an article in *Criminal Justice Review*:

The increasing reliance upon detention and institutionalization as a response to deviant behavior is no longer justifiable. The costs are exorbitant. Constructing new security room runs to about \$40,000. If amortized through a twenty-year bond issue, the cost would rise to \$140,000. Add to this figure the \$12,000 to \$25,000 per year for inmate care and services, and we see a very compelling economic reason to end our reliance upon institutionalization.¹⁴

The fact that the leaders of the earlier juvenile court movement were concerned with greater governmental intervention into the lives of children and their families rather than the jails and reformatories which incarcerated juveniles goes a long way to explain today's absence of appropriate facilities.¹⁵ In part because of nonrational intake procedures and the failure to institute intake on a 24 hour basis, unlike many secure detention facilities, most alternative programs never operate at maximum capacity, and in fact fall between 40 and 60 percent of maximum.¹⁶ I suspect that the courts carry the major share of the responsibility for such failures. Actually it is somewhat peculiar that anyone would think that a court of law ought to be used as a conduit for social services. Some, however, link this perspective to the notion that the court's coercive authority can be used to force agencies to provide services for children. The hypothetical merits of this assertion are the practical realities, namely that noncriminal case jurisdiction has been with the courts for decades and the services and appropriate facilities often do not exist, and therefore clearly make it untenable.

The traditional solution for juvenile delinquency has been to upgrade personnel, improve services or refurbish facilities. The Juvenile Justice Act tells us that this is not adequate. What we need is an uncompromising departure

2. S223(a)(10)(H).

3. S223(a)(10)(D).

4. S223(a)(10)(G).

5. S223(a)(10)(B).

6. S223(a)(10)(A).

7. S224(a)(10).

8. *Juvenile Justice Amendments of 1977*, Report of the Committee on the Judiciary on S.1021. Report No. 95-165. at p.34, May 14, 1977.

9. *Children in Custody*, U.S. Dept. of Justice, LEAA, 1977.

10. Department of Justice, OJJDP, Program Announcement, *Deinstitutionalization of Status Offenders*, "Background Information," p.4, 1975.

11. *Children in Adult Jails: A Report by the Children's Defense Fund*, pp. 3-4, 1976.

12. R. Hale Andrews and Andrew H. Cohn, "Incarcerability: The Unjustifiable Jurisdiction," 83 Y.L.J. 1383, 1386-1387 (1974).

13. *Juvenile Delinquency Annual Report*, 95th Congress, 1st Session, Report No. 95-17, pp. 28-29 (1976).

14. "How Did We Get Here and Where Are We Going -- The Future of the Juvenile Court System," 1 Crim. J. Rev. 77, 83 (1976).

15. See, Note, "The Courts, the Constitution and Juvenile Institutional Reform," 52 B.U.L.Rev. 33, 35 (Winter 1972).

16. *Use of Secure Detention for Juveniles and Alternatives to its Use*, Pappenport and Young, at p. 7 (1977, unpublished paper submitted and on file with the OJJDP).

17. See, Rena K. Uviller, *Position Paper on Status Offenders*, Children's Rights Project, American Civil Liberties Union, p. 2 (1/24/75).

from the current practice of institutional overkill which undermines our primary influence agents — family,¹⁸ school, church, and community. The Juvenile Justice Act was designed to help states, localities, and public agencies working in a new partnership with private agencies and citizen groups to develop and conduct effective delinquency programs, to divert more juveniles from the juvenile justice process, and to provide urgently needed alternatives to detention and correctional facilities.

The current overreach of the juvenile system in its reliance on detention and incarceration is particularly shocking as it affects so-called status offenders. These youths are actually more likely to be detained, more likely to be institutionalized, and once incarcerated, more likely to be held in confinement than those who are charged with or convicted of criminal offenses. Seventy percent of the young women in the system are status offenders. This system is the cutting edge of the double standard.¹⁹

Many status offenders are arrogant, defiant and rude — and some are sexually promiscuous. Detention or incarceration, however, helps neither them nor us. Some of these children cannot be helped, and others do not need help. Real help, for those who need it, might best be taken in the form of diverting them from the vicious cycle of detention, incarceration and crime.

As Edwin Schur has so persuasively argued, "Sane youth policies will have to be based on a greater acceptance of young people on their own terms, a willingness to live with a variety of life styles, and a recognition of the fact that young people of our society are not necessarily confused, troubled, sick or vicious. These attitudes cannot emerge within the context of the present juvenile justice system with its paternalistic patronizing even hostile philosophy."²⁰

Some youthful offenders must be removed from their homes, but detention and incarceration should be reserved for those who commit serious, usually violent offenses. Such custody should be provided in small community-based settings. While recognizing the need for some secure placement, any appropriate strategy should be narrow and well defined. Dr. Jerome Miller succinctly captured such concerns when he observed:

Although secure programs are needed for the truly violent offender, certain problems present themselves once such programs are begun. The existence of secure programs stimulates the labeling of more juveniles to fit the category as 'in need of security', the 'potentially' violent, the person who presents a 'danger' to himself or herself. Such diagnoses multiply to fill the secure spots available.²¹

Children are entangled in a child welfare/juvenile justice system²² that was established ostensibly to protect them, but in practice too often has rendered them subject to arbitrary and excessive authority exercised by parents, custodians and the state. The rhetoric of "save," "help," or "treat" translates, far too often in reality, to "abused," "neglected," "brutalized" and "drugged." The latter has become an Orwellian version of solitary confinement.²³

As Susan Fisher, in The Smell of Waste, reminds us, we must be forever vigilant regarding such matters:

This detention center represents the failure of all structures in urban society — family life, schools, courts, welfare systems, organized medicine, hospitals. It is a final common pathway to wretchedness. Occasionally, a scandal in the newspaper, and outraged lawyer, an interested humanitarian judge makes a ripple. The surface smooths rapidly over again, because, locked away in a distant part of town, society forgets the children it does not want or need. . . .²⁴

The OJJDP has a moral and statutory obligation to help assure that such business as usual is rejected, at least, as it relates to imprisoned children. And that obligation formed the basis for the Children in Custody Initiative.

Shortly after I was confirmed by the Senate and assumed my responsibilities as Administrator of OJJDP, we adjusted the program strategy rather significantly. Rather than adopting the past unrealistic, unachievable agenda of programs, we targeted our activities. Congressional guidance helped us to adopt this more rational approach. The Senate Judiciary Committee provided the following specific advice:

. . . . The [OJJDP] has indicated tentative plans for future initiatives dealing with serious juvenile offenders, youth gangs, neighborhood prevention, restitution, youth advocacy, alternative education, probation, standards, and alternatives to incarceration. While the committee acknowledges that all of these areas are important and may deserve extensive attention in the future, the Office should be cautious not to deviate too quickly from using its limited resources to support those related to primary focuses of the 1974 Act, namely, alternatives to incarceration, youth advocacy, and restitution. Once the priority mandates have been fulfilled, then the Office should certainly explore the possibility of initiatives in other areas. Care must be taken, however, that the available resources not be diluted through programs in tangential areas at

18. See, "The Right to be Left Alone," Jill K. McNulty, in Vol. II, No. 1, The American Criminal Law Review, Reported by Office of Youth Development, DHEW, Pub. No. 73-26036. At p. 12, "unwarranted court intervention may not only be unhelpful but actually detrimental to the development of a troubled family's ability to cope with its problems. It can only further diminish the child's respect for the parent." At p. 24. Because of the waning interference of the modern family, church, school and community, especially in urban centers, the role of principal keeper of the social order and conformity falls increasingly on the police and the courts. The burden is not only too great for the courts to handle. . . , it is inappropriate."

19. See Patricia Wald, "Status Offenders: Saturday's Children," presented September 3, 1976, to the 84th Annual Convention of the American Psychological Association. I. " . . . TO FORM A MORE PERFECT UNION. . . JUSTICE FOR AMERICAN WOMEN, Report of the National Commission on the Observance of International Women's Year, 158-159 (1976). Birch Bayh, Girls in Trouble: Second Class Delinquents, I THE WOMEN'S OFFENDER REPORT, 6-7 (March/April 1977).

Even a cursory review of the handling of young women reveals the grossest application of the double standard. See, U.S., LEAA, CHILDREN IN CUSTODY, REPORT ON THE JUVENILE DETENTION AND CORRECTION FACILITIES CENSUS OF 1971, 6 (1974). FEMALE OFFENDERS: PROBLEMS AND PROGRAMS, 6, Female Offender Resource Center, National Offender Services Coordination Program, American Bar Association (1976).

See also ABA-IJA, supra, n. 2 at 13. "The Juvenile Justice Standards Project's New York City Study found that although girls only accounted for 62 percent of the total PINS sample, they accounted for 100 per cent of the cases involving allegations of prostitution, promiscuity, 'cohabiting' and 'general sex innuendo' (whatever that may mean, if anything).

20. Edwin M. Schur, Radical Nonintervention: Rethinking the Delinquency Problem, 168 (New York: Prentice Hall 1973).

21. The Violent Juvenile Problem, Jerome G. Miller. The Boston Globe, April 2, 1976.

22. See, Children Without Homes: An Examination of Public Responsibility to Children in Out of Home Placement, Children's Defense Fund, November 1978. Jane Knitzer and Mary Lee Allen, its authors, found:

- Families don't count. Few funds or services are available to prevent unnecessary removal of children from homes, to ensure parent-child contact, to help reunite them once removed or to facilitate adoption when appropriate.
- Children don't count. Thousands are haphazardly and inappropriately placed. Some are even banished to other states — cut off from family or community ties and from state attention.
- Children are lost. Some have no assigned caseworker; many are shifted from facility to facility; and most remain in placement for too long.
- Children are faceless. Child welfare officials CDF surveyed could not give the length of time in care for 53 percent, the age of 49 percent, or the race of 54 percent of the children for whom they were responsible.
- Children are forgotten. Inadequate monitoring and review procedures prevent children from being returned home or being placed for adoption.
- Children's needs are ignored by state and federal governments. The states' neglect of homeless children is re-enforced by the federal government's failure to monitor and provide leadership. Most federal dollars now go toward maintenance of children in expensive out-of-home settings and very little for preventive child welfare services.

23. See, K. Wooden, Weeping in the Playtime of Others (McCraw-Hill 1976).

24. Susan Fisher, "The Smell of Waste." The Children's Rights Movement: Overcoming the Oppression of Young People, B. Gross and R. Gross, (Anchor Books 1977).

this early period of the Act's implementation. A targeted focus relative to the Act's primary thrust with fewer initiatives each year would serve to clearly state the priorities of the Office. The implementation of standards would, of course, be one vehicle to achieve these goals.²⁵

Not too surprisingly, John Forhan, then my counsel, and I decided to develop three major programs: Restitution, Youth Advocacy and Children in Custody.²⁶ Preparatory work was well underway when I reported to the Senate Judiciary Committee on September 27, 1977:

The essence of it is that we will select, through our plan review process and other processes that are available, States, localities, private entities, coalitions of persons, and other organizations that are showing that deinstitutionalization can be accomplished. The program will help shore them up.²⁷

In October we established a Task Group with representation from several OJJDP Divisions, to complete the development and selection tasks. Initially we set aside \$38 million for the program. There were three components in the original design, essentially the three that were eventually funded:

- a) Supplemental award to participating States and their juvenile justice advisory groups. \$8 million.
- b) Incentive grants to States and private not-for-profit groups: \$20 million.
- c) National promotional campaign (multimedia), technical assistance and fiscal support: \$10 million.

Incentive grants in excess of \$5 million were awarded on a statewide basis to Vermont, Utah and Washington. In each instance major change consistent with the JJDP Act was to be accomplished either through executive order and implementation or through the implementation of a statute. In Vermont, for example, through a well planned coordinated interagency agreement, the Juvenile Services Transition Project was funded with the dual objectives of institutionalizing complete multi-agency services for children and youth in trouble and closing the state industrial school.

Supplemental awards in excess of \$10 million were made to all states participating in the Act that were exclusively targeted for furthering the children in custody objectives of the Act, with special emphasis on the noncriminal cases. A minimum of 30% of these awards were set aside for private not-for-profit advocacy groups.

Each of the components were fashioned to assist in the implementation of the JJDP Act. The objectives included the removal of the non-criminal cases from detention and correctional facilities, the separation of incarcerated juveniles and adults, the development of new approaches for the violent offenders in need of secure placement, the documentation of actual progress towards the accomplishments of its goals, the identification of true barriers and obstacles

25. See Footnote 8, *supra*.

26. Restitution was announced in early 1978. More than \$19 million dollars were invested in this alternative to incarceration. The Youth Advocacy Initiative was cleared and approved by all appropriate LEAA offices and submitted to the LEAA administration in March, 1979. It will support projects incorporating such approaches as the following: development of coalitions with business, industry, labor, churches, United Way, and other leadership groups for the purpose of protecting the rights of youths and their families and helping to ensure that services entitled are improved and provided; development and support of both individual and systemic or class advocacy whether it be by means of legal, paralegal or lay advocates; encouragement of citizen, especially youth, participation in the development, implementation, monitoring and evaluation of programs; development of efforts to assure access to quality educational programs and related services; and direct efforts to assure that improper school expulsions or inappropriate and unwarranted suspension which clearly eliminate career and other options be curbed and that sound alternatives are developed. 8 million dollars were set aside for the area which was the only new area supported by the Carter Administration 1977 Juvenile Justice Bill.

27. Implementation of the Juvenile Justice and Delinquency Prevention Act of 1974, Hearings Before the Senate Judiciary Committee, 95th Congress, 1st Session, September 27, 1977, at p. 8.

to compliance as distinguished from phony or perceived ones: and more generally, to assist in the creation of an environment that would help foster implementation of the Act.²⁸

Progress under the former administration had been extraordinarily modest.²⁹ After an examination of all the available data it had become graphically evident that unless a large scale effort was undertaken, many states would no longer be eligible for funds. In fact, the CIC Task Group reported that only 35% documented compliance in the area of the noncriminal cases and 20% compliance regarding the separation of incarcerated juveniles and adults. Thus, even if the Initiative were an overwhelming success, it was certain that some states would soon be made ineligible for funding.

Since de Tocqueville, it has been the voluntary, not for-profit sector that has been the main source of protection of individual freedom and concern for the quality of life. The private advocacy groups were the key to the passage of Bayh's JJDP Act. Similarly, they were central to our expectation for the CIC. What did we expect? Generally the following:

- 1) A decrease in the use of detention for noncriminal cases.
- 2) A decrease in the comingling of incarcerated juveniles and adults.
- 3) Improved information on the number of incarcerated youth.
- 4) An acceleration in the number of citizens concerned and involved in curbing the inappropriate placement of children.
- 5) A decrease in the use of training schools and the expansion of existing community-based facilities and greater reliance upon nonresidential programs, including non-intervention.

Of course, it is premature to forecast how successful these collective efforts will be,³⁰ but the activity of these several change-oriented groups in the 22 states³¹ is likely to have significant impact, not only in pricking the conscience of the public, but in providing the wearwithall to expose those who have a vested interest in the unnecessary and incredibly wasteful incarceration of dependent, neglected, non-criminal and delinquent young people.

The overloaded juvenile justice system is under fire for not stemming the tide of youthful criminal violence. We are, however, often and understandably blinded by the lurid publicity given a relative small handful of violent juveniles and we lose sight of the fact that the net of the juvenile system is very wide; that many noncriminal acts and minor delinquencies subject youth to unwarranted and unjust detention and incarceration, grossly disproportionate to the harm, if any, done by the behavior involved. Our collective errors in this regard are compounded by the fact that these indiscriminate incarceration policies which overloaded the juvenile correctional system permit the punishment of even fewer violent youthful offenders.

For those committed to humane, rational care for children in trouble, it is important to bear in mind that many of those who spawned and nurtured our current bankrupt juvenile justice process were well intentioned. Thus, it is imperative to carefully evaluate programs popularly labeled "youth service bureaus," "community based," or "diversion," so as to ensure that the sterile, destructive authoritarianism often typical of training schools is not unleashed upon our communities under the protective banner of helping children in trouble.

28. This total \$23 million dollars, largest single federal investment in the area of juvenile justice, was embarrassingly long overdue.

29. See, *Ford Administration Stifles Juvenile Justice Program*, Vols. I and II, Hearings before U.S. Senate Subcommittee on Juvenile Delinquency, 1975 and 1976.

30. See, *Archev Report*, Office of Planning and Management, LEAA, 8/31/77.

31. The private, not-for-profit CIC grants were planned for 36 months with continuation after 18 months, subject to success exhaustion.

There are no federal answers to the problems of juvenile crime and delinquency, nor should we divert attention from major reforms aimed at ameliorating the poverty, unemployment, sexism and racism so relevant to the quality of life and opportunities for our youth.

It is my hope that the CIC will help assure that more of the long distance runners, not sprinters, essential to the children's movement will be sustained than otherwise would be the case. It is absolutely vital that we coordinate to reject the repugnant policy of unnecessary costly detention and incarceration of scandalous numbers of Americans which make a mockery of the notion that we are a child oriented society. As Senator Birch Bayh has said,

A society must expect ultimately to be judged by the way it treats its children. America cannot face that³² judgment day with an easy conscience.

32. "The Ultimate Crime," N.Y. Times, May 16, 1971.

YOUTH LEGAL ASSISTANCE PROJECT

By Yolande B. Rogers

On October 1, 1978, the National Juvenile Law Center in St. Louis, Missouri, received an 18 month grant award from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to establish and conduct the Youth Legal Assistance Project. This Project was funded by OJJDP as an integral part of the Children in Custody Coalition, a national effort by four advocacy organizations to implement the objectives of the Juvenile Justice and Delinquency Prevention Act (JJJPA) of 1974 (as amended in 1977). The Act was designed to aid the states in developing effective delinquency prevention programs, to divert more young people from the juvenile court process, and to provide urgently needed community-based, non-institutional alternatives to detention and correctional facilities.

Requirements for the development of alternatives to incarceration are central to the Act. Section 223 (a) (12), (13), and (14) of the Act condition continued state participation on the accomplishment of deinstitutionalization of status offenders, segregation of juvenile and adult offenders, and development of an adequate system for monitoring correctional facilities. In the years since the Act's passage, however, implementation of these requirements has been slow and in most jurisdictions, the juvenile justice system continues to function without regard to the Act's requirements. The project is designed to address the following problems:

1. Most juvenile court acts already clearly prohibit the pre-trial commingling of detained children with incarcerated adults. These provisions are widely and openly ignored.
2. Pre-trial detention of alleged delinquents including status offenders is used unnecessarily, and often for "shock" purposes. Very few juvenile detention systems have developed appropriate alternatives to secure confinement.
3. In many states, the juvenile court statute presents an obstacle to the direct referral of young people to runaway houses. As a practical matter, a runaway project must achieve designation of their house by the juvenile court as an official place of detention.

4. Several states have recently enacted statutes or court rules which set more specific standards and require new procedures designed to increase diversion from the juvenile justice system and early release from pre-trial detention facilities. In these states many local courts fail to comply with new procedural requirements.
5. In most states the juvenile court statute has not been modified at all to implement the deinstitutionalization requirements of JJDPA.
6. State and local criminal justice planning bodies have not made much progress in identifying and developing appropriate alternatives to incarceration.
7. Most of the state and local juvenile justice planners have not developed adequate guidelines for programs to be funded and have not set specific requirements which must be met by grantees.
8. Effective monitoring systems have not been established by the states to determine whether JJDPA requirements have been met.

At present, the Youth Legal Assistance Project expects to be focusing its efforts in Pennsylvania, Maryland, New Jersey, Kentucky, Tennessee, and Iowa. In addition, the Project will provide legal assistance in six other states to the aforementioned national advocacy groups. The Project's objectives include the following:

1. Legislation

Almost one-half of the states now have legislation requiring the separation of juveniles from incarcerated adults. In several states proposals are now pending to make such legislation more effective. Approximately one-fifth of the states have enacted legislation dealing with deinstitutionalization of status offenders. In these states and in others, proposals are pending to curtail further the permissible outcomes in the court handling of status offenders. In each of the states assigned to the Project, the staff will assist youth advocacy groups in their review of state legislation. The Project will identify the weakness in the state statute and will suggest a range of legislative approaches to remedy perceived weakness. The Project will take a major role in planning a legislative program, and once formulated, will take a primary responsibility in drafting proposed legislation.

For use as a basic legislative primer, the Project will prepare a legislative manual which outlines the strengths and weaknesses of various legislative approaches to deinstitutionalization. In addition to substantive materials, the manual will also contain selections outlining effective strategies in legislative revision. A first draft of the manual will be completed within six months and final draft will be prepared for a legislative conference.

2. Legislative Conference

Representatives from each of the national advocacy groups and representatives of state and local groups with whom they have begun to work will be invited to a conference to be scheduled in the fall of 1979. In a two-day session, extensive consideration will be given to various legislative approaches to the removal of children from detention and correctional facilities, the separation of children from incarcerated adults, and the preference for community-based alternatives to institutional placement. Special emphasis will be given to a review of legislative planning in each of the target states. Through a sharing of approaches we expect that legislative strategies in each of the target states will be strengthened.

3. Law Enforcement Policy-Making

A majority of children detained in secure facilities pending their juvenile court hearing have been apprehended