OVERSIGHT HEARING ON THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

HEARING

BEFORE THE

SUBCOMMITTEE ON ECONOMIC OPPORTUNITY

OF THE

COMMITTEE ON EDUCATION AND LABOR

HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

SECOND SESSION

ON

PUBLIC LAW 93-415

HEARING HELD IN WASHINGTON, D.C.
JUNE 27, 1978

Printed for the use of the Committee on Education and Labor
CARL D. PERKINS, *Chairman*

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APPENDIX

OVERSIGHT HEARING ON THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

TUESDAY, JUNE 27, 1978

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY,
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The committee met, pursuant to notice, at 10:05 a.m., in Room 2261, Rayburn House Office Building, Hon. Ike F. Andrews (chairman of the subcommittee) presiding.

Members present: Representatives Andrews and Hawkins.

Also present: William F. Causey, majority counsel; Gordon A. Raley, legislative associate, majority; Patricia A. Sullivan, legislative clerk, majority; Deborah A. LaMay, administrative assistant, majority; Roberta Stanley, majority staff; and Martin L. LaVor, senior legislative associate, minority.

Mr. ANDREWS. Good morning, ladies and gentlemen. I welcome you here. Our purpose here is oversight of the Office of Juvenile Justice and Delinquency Prevention and the implementation of the Juvenile Justice Act, as amended in 1977.

[Text of Public Law 93-415 referred to above follows:]

THE

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

As Amended Through October 3, 1977

*

Public Law 93-415

As Amended By

The Fiscal Year Adjustment Act
(Public Law 94-273)

The Crime Control Act of 1976
(Public Law 94-503)

and

The Juvenile Justice Amendments of 1977
(Public Law 95-115)

*

An Act

To provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes.

*

This Compilation Has Been Prepared By

THE SUBCOMMITTEE ON ECONOMIC OPPORTUNITY
COMMITTEE ON EDUCATION AND LABOR
U.S. HOUSE OF REPRESENTATIVES

*

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THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
U.S. DEPARTMENT OF JUSTICE

*

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 1974". (*42 U.S.C. 5601 note*)

TITLE I—FINDINGS AND DECLARATION OF PURPOSE

FINDINGS

SEC. 101. (a) The Congress hereby finds that—

(1) juveniles account for almost half the arrests for serious crimes in the United States today;

(2) understaffed, overcrowded juvenile courts, probation services, and correctional facilities are not able to provide individualized justice or effective help;

(3) present juvenile courts, foster and protective care programs, and shelter facilities are inadequate to meet the needs of the countless, abandoned, and dependent children, who, because of this failure to provide effective services, may become delinquents;

(4) existing programs have not adequately responded to the particular problems of the increasing numbers of young people who are addicted to or who abuse drugs, particularly nonopiate or polydrug abusers;

(5) juvenile delinquency can be prevented through programs designed to keep students in elementary and secondary schools through the prevention of unwarranted and arbitrary suspensions and expulsions;

(6) States and local communities which experience directly the devastating failures of the juvenile justice system do not presently have sufficient technical expertise or adequate resources to deal comprehensively with the problems of juvenile delinquency; and

(7) existing Federal programs have not provided the direction, coordination, resources, and leadership required to meet the crisis of delinquency.

(b) Congress finds further that the high incidence of delinquency in the United States today results in enormous annual cost and im-

measurable loss of human life, personal security, and wasted human resources and that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent delinquency. (*42 U.S.C. 5601*)

PURPOSE

SEC. 102. (a) It is the purpose of this Act—

(1) to provide for the thorough and prompt evaluation of all federally assisted juvenile delinquency programs;

(2) to provide technical assistance to public and private agencies, institutions, and individuals in developing and implementing juvenile delinquency programs;

(3) 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;

(4) to establish a centralized research effort on the problems of juvenile delinquency, including an information clearinghouse to disseminate the findings of such research and all data related to juvenile delinquency;

(5) to develop and encourage the implementation of national standards for the administration of juvenile justice, including recommendations for administrative, budgetary, and legislative action at the Federal, State, and local level to facilitate the adoption of such standards;

(6) to assist State and local communities with resources to develop and implement programs to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions; and

(7) to establish a Federal assistance program to deal with the problems of runaway youth.

(b) It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination (1) to develop and implement effective methods of preventing and reducing juvenile delinquency; (2) to develop and conduct effective programs to prevent delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization; (3) to improve the quality of juvenile justice in the United States; and (4) to increase the capacity of State and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of juvenile delinquency prevention. (*42 U.S.C. 5602*)

DEFINITIONS

SEC. 103. 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 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, alcoholism treatment, drug treatment, and other rehabilitative services;

(2) the term "Federal juvenile delinquency program" means any juvenile delinquency program which is conducted, directly, or indirectly, or is assisted by any Federal department or agency, including any program funded under this Act;

(3) the term "juvenile delinquency program" means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including drug and alcohol abuse programs; the improvement of the juvenile justice system; and any program or activity for neglected, abandoned, or dependent youth and other youth to help prevent delinquency;

(4) the term "Law Enforcement Assistance Administration" means the agency established by section 101(a) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

(5) the term "Administrator" means the agency head designated by section 101(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

(6) the term "law enforcement and criminal justice" means any activity pertaining to crime prevention, control, or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies (including prosecutorial and defender services, activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction;

(7) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States;

(8) the term "unit of general local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, or, for the purpose of assistance eligibility, any agency of the District of Columbia government performing law enforcement functions in and for the District of Columbia and funds appropriated by the Congress for the activities of such agency may be used to provide the non-Federal share of the cost of programs or projects funded under this title;

(9) the term "combination" as applied to States or units of general local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a law enforcement plan;

(10) the term "construction" means 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 buildings);

(11) the term "public agency" means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing;

(12) the term "correctional institution or facility" means any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses; and

(13) the term "treatment" includes but is not limited to medical, educational, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public and benefit the addict or other user by eliminating his dependence on addicting or other drugs or by controlling his dependence, and his susceptibility to addiction or use. (*42 U.S.C. 5603*)

TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

PART A—JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE

ESTABLISHMENT OF OFFICE

SEC. 201. (a) There is hereby created within the Department of Justice, Law Enforcement Assistance Administration, the Office of Juvenile Justice and Delinquency Prevention (referred to in this Act as the "Office"). The Administrator shall administer the provisions of this Act through the Office.

(b) The programs authorized pursuant to this Act unless otherwise specified in this Act shall be administered by the Office established under this section.

(c) There shall be at the head of the Office an Associate Administrator who shall be nominated by the President by and with the advice and consent of the Senate. The Associate Administrator may be referred to as the Administrator of the Office of Juvenile Justice and Delinquency Prevention in connection with the performance of his functions as the head of the Office, except that any reference in this Act to the "Administrator" shall not be construed as a reference to the Associate Administrator.

(d) The Associate Administrator shall exercise all necessary powers, subject to the direction of the Administrator of the Law Enforcement Assistance Administration. The Associate Administrator is authorized, subject to the direction of the Administrator, to award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants and contracts from, and aplications for, funds made available under part B and part C of this title. The Administrator may delegate such authority to the Associate Administrator for all grants and contracts from, and applications for, funds made available under this part and funds made available for juvenile justice and delinquency prevention programs under the Omnibus Crime Control and Safe Streets Act of 1968, as amended. The Associate Administrator shall report directly to the Administrator.

(e) There shall be in the Office a Deputy Associate Administrator who shall be appointed by the Administrator of the Law Enforcement Assistance Administration. The Deputy Associate Administrator shall

perform such functions as the Associate Administrator from time to time assigns or delegates, and shall act as Associate Administrator during the absence or disability of the Associate Administrator or in the event of a vacancy in the Office [1] of the Associate Administrator.

(f) There shall be established in the Office a Deputy Associate Administrator who shall be appointed by the Administrator whose function shall be to supervise and direct the National Institute for Juvenile Justice and Delinquency Prevention established under section 241 of this Act.

(g) Section 5108(c)(10) of title 5, United States Code first occurrence, is amended by deleting the word "twenty-two" and inserting in lieu thereof the word "twenty-five". (*42 U.S.C. 5611*)

PERSONNEL, SPECIAL PERSONNEL, EXPERTS, AND CONSULTANTS

SEC. 202. (a) The Administrator 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 Administrator is authorized to select, appoint, and employ not to exceed three 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 Administrator, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of its personnel to the Associate Administrator to assist him in carrying out his functions under this Act.

(d) The Administrator 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 I [2] of the United States Code. (*42 U.S.C. 5612*)

VOLUNTARY SERVICE

SEC. 203. The Administrator is authorized to accept and employ, in carrying out the provisions of this Act, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)). (*42 U.S.C. 5613*)

CONCENTRATION OF FEDERAL EFFORTS

SEC. 204. (a) The Administrator shall implement 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 Administrator shall consult with the Council and the National Advisory Committee for Juvenile Justice and Delinquency Prevention.

(b) In carrying out the purposes of this Act, the Administrator, with the assistance of the Associate Administrator, shall—

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[1] So in original. Apparaently should read "office".
[2] So in original. Apparently should read "title 5".

(1) advise the President through the Attorney General as to all matters relating to federally assisted juvenile delinquency programs and Federal policies regarding juvenile delinquency;

(2) assist operating agencies which have direct responsibilities for the prevention and treatment of juvenile delinquency in the development and promulgation of regulations, guidelines, requirements, criteria, standards, procedures, and budget requests in accordance with the policies, priorities, and objectives he establishes;

(3) 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;

(4) implement 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;

(5) develop annually with the assistance of the Advisory Committee and the Coordinating Council and submit to the President and the Congress, after the first year following the date of the enactment of the Juvenile Justice Amendments of 1977, prior to December 31, 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 and a brief but precise 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, which analysis and evaluation shall include recommendations for modifications in organization, management, personnel, standards, budget requests, and implementation plans necessary to increase the effectiveness of these programs; and

(6) 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 programs.

(c) The President shall, no later than ninety days after receiving each annual report under subsection (b)(5), submit a report to the Congress and to the Council containing a detailed statement of any action taken or anticipated with respect to recommendations made by each such annual report.

(d)(1) The first annual report submitted to the President and the Congress by the Administrator under subsection (b)(5) shall contain, in addition to information required by subsection (b)(5), a detailed statement of criteria developed by the Associate Administrator for identifying the characteristics of juvenile delinquency, juvenile delinquency prevention, diversion of youths from the juvenile justice sys-

tera, and the training, treatment, and rehabilitation of juvenile delinquents.

(2) The second such annual report shall contain, in addition to information required by subsection (b)(5), an identification of Federal programs which are related to juvenile delinquency prevention or treatment, together with a statement of the moneys expended for each such program during the most recent complete fiscal year. Such identification shall be made by the Administrator through the use of criteria developed under paragraph (1).

(e) The third such annual report submitted to the President and the Congress by the Administrator under subsection (b)(5) shall contain, in addition to the comprehensive plan required by subsection (b)(5), a detailed statement of procedures to be used with respect to the submission of juvenile delinquency development statements to the Administrator by Federal agencies under subsection ("l"). Such statement submitted by the Administrator shall include a description of information, data, and analyses which shall be contained in each such development statement.

(f) The Administrator may require, through appropriate authority, Federal departments and agencies engaged in any 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 part.

(g) The Administrator may delegate any of his functions under this title, to any officer or employee of the Administration.

(h) The Administrator 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.

(i) The Administrator is authorized to transfer funds appropriated under this title 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 Associate Administrator finds to be exceptionally effective or for which he finds there exists exceptional need.

(j) The Administrator is authorized to make grants to, or enter into contracts with, any public or private agency, organization, institution, or individual to carry out the purposes of this title.

(k) All functions of the Administrator under this title shall be coordinated as appropriate with the functions of the Secretary of the Department of Health, Education, and Welfare under title III of this Act.

(l)(1) The Administrator shall require through appropriate authority each Federal agency which administers a Federal juvenile delinquency program which meets any criterion developed by the Associate Administrator under section 204(d)(1) to submit annually to the Council a juvenile delinquency development statement. Such statement shall be in addition to any information, report, study, or survey which the Administrator may require under section 204(f).

(2) Each juvenile delinquency development statement submitted to the Administrator under subsection ("l") shall be submitted in accord-

ance with procedures established by the Administrator under section 204(e) and shall contain such information, data, and analyses as the Administrator may require under section 204(e). Such analyses shall include an analysis of the extent to which the juvenile delinquency program of the Federal agency submitting such development statement conforms with and furthers Federal juvenile delinquency prevention and treatment goals and policies.

(3) The Administrator shall review and comment upon each juvenile delinquency development statement transmitted to him under subsection ("1"). Such development statement, together with the comments of the Administrator, shall be included by the Federal agency involved in every recommendation or request made by such agency for Federal legislation which significantly affects juvenile delinquency prevention and treatment. (*42 U.S.C. 5614*)

JOINT FUNDING

SEC. 205. 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 requested by the Administrator to act for all in administering the funds advanced whenever the Associate Administrator finds the program or activity to be exceptionally effective or for which the Associate Administrator finds exceptional need. 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 Administrator 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. (*42 U.S.C. 5615*)

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 206. (a)(1) There is hereby established, as an independent organization in the executive branch of the Federal Government a Coordinating Council on Juvenile Justice and Delinquency Prevention (hereinafter referred to as the "Council") composed of the Attorney General, the Secretary of Health, Education, and Welfare, the Secretary of Labor, the Director of the Office of Drug Abuse Policy, the Commissioner of the Office of Education, the Director of the ACTION Agency, the Secretary of Housing and Urban Development, or their respective designees, the Associate Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Deputy Associate Administrator of the Institute for Juvenile Justice and Delinquency Prevention, and representatives of such other agencies as the President shall designate.

(2) Any individual designated under this section shall be selected from individuals who exercise significant decisionmaking authority in the Federal agency involved.

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(b) The Attorney General shall serve as Chairman of the Council. The Associate Administrator of the Office of Juvenile Justice and Delinquency Prevention shall serve as Vice Chairman of the Council. The Vice Chairman shall act as Chairman in the absence of the Chairman.

(c) The function of the Council shall be to coordinate all Federal juvenile delinquency programs. The Council shall make recommendations to the Attorney General and the President at least annually with respect to the coordination of overall policy and development of objectives and priorities for all Federal juvenile delinquency programs and activities. The Council is authorized to review the programs and practices of Federal agencies and report on the degree to which Federal agency funds are used for purposes which are consistent or inconsistent with the mandates of section 223(a)(12)(A) and (13) of this title.

(d) The Council shall meet a minimum of four times per year and a description of the activities of the Council shall be included in the annual report required by section 204(b)(5) of this title.

(e) The Associate Administrator may, with the approval of the Council, appoint such personnel or staff support as he considers necessary to carry out the purposes of this title.

(f) Members of the Council who are employed by the Federal Government full time shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Council.

(g) To carry out the purposes of this section there is authorized to be appropriated such sums as may be necessary. (*42 U.S.C. 5616*)

ADVISORY COMMITTEE

SEC. 207. (a) There is hereby established a National Advisory Committee for Juvenile Justice and Delinquency Prevention (hereinafter referred to as the "Advisory Committee") which shall consist of twenty-one members.

(b) The members of the Coordinating Council or their respective designees shall be ex officio members of the Committee.

(c) The regular members of the Advisory Committee 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, such as juvenile or family court judges; probation, correctional, or law enforcement personnel; and representatives of private voluntary organizations and community-based programs, including youth workers involved with alternative youth programs and persons with special experience and competence in addressing the problem of school violence and vandalism and the problem of learning disabilities.[1] The President shall designate the Chairman. A majority of the members of the Advisory Committee, 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

[1] So in original.

been or shall currently be under the jurisdiction of the juvenile justice system.

(d) Members appointed by the President to the Committee shall serve for terms of four years and shall be eligible for reappointment except that for the first composition of the Advisory Committee, 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. Such members shall be appointed within ninety days after the date of the enactment of this title. Any members [1] 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. Eleven members of the committee shall constitute a quorum. (*42 U.S.C. 5617*)

DUTIES OF THE ADVISORY COMMITTEE

SEC. 208. (a) The Advisory Committee shall meet at the call of the Chairman, but not less than four times a year.

(b) The Advisory Committee shall make recommendations to the Associate Administrator, the President, and the Congress at least annually with respect to planning, policy, priorities, operations, and management of all Federal juvenile delinquency programs.

(c) The Chairman shall designate a subcommittee of members of the Advisory Committee to advise the Associate Administrator on particular functions or aspects of the work of the Office.

(d) The Chairman shall designate a subcommittee of not less than five members of the Committee to serve, together with the Director of the National Institute of Corrections, as members of an Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention to perform the functions set forth in section 245 of this title.

(e) The Chairman shall designate a subcommittee of not less than five members of the Committee to serve as an Advisory Committee to the Associate Administrator on Standards for Juvenile Justice to perform the functions set forth in section 247 of this title.

(f) The Chairman, with the approval of the Committee, shall request of the Associate Administrator such staff and other support as may be necessary to carry out the duties of the Advisory Committee.

(g) The Associate Administrator shall provide such staff and other support as may be necessary to perform the duties of the Advisory Committee. (*42 U.S.C. 5618*)

COMPENSATION AND EXPENSES

SEC. 209. (a) Members of the Advisory Committee 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 carrying out the duties of the Advisory Committee.

(b) Members of the Advisory Committee 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 Gen-

[1] So in original. Apparently should read "member".

eral Schedule by section 5332 of title 5 of the United States Code, including traveltime for each day they are engaged in the performance of their duties as members of the Advisory Committee. Members shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Advisory Committee. (*42 U.S.C. 5619*)

PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

Subpart I—Formula Grants

SEC. 221. The Administrator is authorized to make grants to States and units of general local government or combinations thereof to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies 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. (*42 U.S.C. 5631*)

ALLOCATION

SEC. 222. (a) In accordance with regulations promulgated under this part, funds shall be allocated annually among the States on the basis of relative population of people under age eighteen. No such allotment to any State shall be less than $225,000, except that for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands no allotment shall be less than $56,250.

(b) Except for funds appropriated for fiscal year 1975, if any amount so allotted remains unobligated at the end of the fiscal year, such funds shall be reallocated in a manner equitable and consistent with the purpose of this part. Funds appropriated for fiscal year 1975 may be obligated in accordance with subsection (a) until June 30, 1976, after which time they may be reallocated. Any amount so reallocated shall be in addition to the amounts already allotted and available to the State, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands for the same period.

(c) In accordance with regulations promulgated under this part, 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 are necessary for efficient administration. Not more than 15 per centum 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 units of general local government or combinations thereof within the State on an equitable basis.

(d) Financial assistance extended under the provisions of this section shall not exceed 90 per centum of the approved costs of any assisted programs or activities. The non-Federal share shall be made in cash or kind consistent with the maintenance of programs required by section 261.

(e) In accordance with regulations promulgated under this part, 5 per centum of the minimum annual allotment to any State under this part shall be available to assist the advisory group established under section 223(a)(3) of this Act. (*42 U.S.C. 5632*)

ALLOCATION [1]

[*SEC. 222. (a)* * * *

* * * * * * *

[*(c) In accordance with regulations promulgated under this part, a portion of any allotment to any State under this part shall be available to develop a State plan or for other pre-award activities associated with such State plan, and to pay that portion of the expenditures which are necessary for efficient administration, including monitoring and evaluation. Not more than 7½ per centum of the total annual allotment of such State shall be available for such purposes, except that any amount expended or obligated by such State, or by units of general local government or any combination thereof, from amounts made available under this subsection shall be matched (in an amount equal to any such amount so expended or obligated) by such State, or by such units or combinations, from State or local funds, as the case may be. The State shall make available needed funds for planning and administration to units of general local government or combinations thereof within the State on an equitable basis.*

[*(d) In accordance with regulations promulgated under this part, 5 per centum of the minimum annual allotment to any State under this part shall be available to assist the advisory group established under section 223(a)(3) of this Act.*]

STATE PLANS

SEC. 223. (a) In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes consistent with the provisions of section 303(a), (1), (3), (5), (6), (8), (10), (11), (12), (15), and (17) of title I of the Omnibus Crime Control and Safe Streets Act of 1968. In accordance with regulations established under this title, such plan must—

(1) designate the State planning agency established by the State under section 203 of such title I 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 part as the "State planning agency") has or will have authority, by legislation if necessary, to implement such plan in conformity with this part;

(3) provide for an advisory group appointed by the chief executive of the State to carry out the functions specified in subparagraph (F), and to participate in the development and review of the State's juvenile justice plan prior to submission to the supervisory board for final action and (A) which shall consist of not less than twenty-one and not more than thirty-three persons who have training, experience, or special knowledge concerning the prevention and treatment of a [2] juvenile delinquency or the administration of juvenile justice, (B) which shall include representation of units of local government, law enforcement and juvenile justice agencies such as law enforcement, correction or probation personnel, and juvenile or family court judges, and public agen-

[1] The following provisions of section 222 take effect on October 1, 1978. Amendments made to section 222(c) of the Act by section 4(b)(2) of the Juvenile Justice Amendments of 1977 (Public Law 95-115; 91 Stat. 1051) are reflected in the italic type. Section 4(b)(2) also amended section 222 by striking out subsection (d) and redesignating subsection (e) as subsection (d).

[2] So in original.

cies concerned with delinquency prevention or treatment such as welfare, social services, mental health, education, or youth services departments, (C) which shall include representatives of private organizations concerned with delinquency prevention or treatment; concerned with neglected or dependent children; concerned with the quality of juvenile justice, education, or social services for children; which utilize volunteers to work with delinquents or potential delinquents; community-based delinquency prevention or treatment programs; business groups and businesses employing youth, youth workers involved with alternative youth programs, and persons with special experience and competence in addressing the problem of school violence and vandalism and the problem of learning disabilities; and organizations which represent employees affected by this Act, (D) a majority of whose members (including the chairman) shall not be full-time employees of the Federal, State, or local government, (E) at least one-third of whose members shall be under the age of twenty-six at the time of appointment at least three of whom shall have been or shall currently be under the jurisdiction of the juvenile justice system; and (F) which (i) shall, consistent with this title, advise the State planning agency and its supervisory board; (ii) may advise the Governor and the legislature on matters related to its functions, as requested; (iii) shall have an opportunity for review and comment on all juvenile justice and delinquency prevention grant applications submitted to the State planning agency other than those subject to review by the State's judicial planning committee established pursuant to section 203(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, except that any such review and comment shall be made no later than 30 days after the submission of any such application to the advisory group; and (iv) may be given a role in monitoring State compliance with the requirements of paragraph (12)(A) and paragraph (13), in advising on State planning agency and regional planning unit supervisory board composition, in advising on the State's maintenance of effort under section 261(b) and section 520(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and in review of the progress and accomplishments of juvenile justice and delinquency prevention projects funded under the comprehensive State plan;

(4) provide for the active consultation with and participation of units of general local government or combinations thereof in the development of a State plan which adequately takes into account the needs and requests of local governments, except that nothing in the plan requirements, or any regulations promulgated to carry out such requirements, shall be construed to prohibit or impede the State from making grants to, or entering into contracts with, local private agencies or the advisory group;

(5) unless the provisions of this paragraph are waived at the discretion of the Administrator for any State in which the services for delinquent or other youth are organized primarily on a statewide basis, provide that at least 66⅔ per centum of funds received by the State under section 222, other than funds made

available to the State advisory group under section 222(e),[1] shall be expended through—

(A) programs of units of general local government or combinations thereof, to the extent such programs are consistent with the State plan; and

(B) programs of local private agencies, to the extent such programs are consistent with the State plan, except that direct funding of any local private agency by a State shall be permitted only if such agency requests such funding after it has applied for and been denied funding by any unit of general local government or combination thereof;

(6) provide that the chief executive officer of the unit of general local government shall assign responsibility for the preparation and administration of the local government's part of a 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 or to a regional planning agency (hereinafter in this part referred to as the "local agency") which can most effectively carry out the purposes of this part and shall provide for supervision of the programs funded under this part by that local agency;

(7) provide for an equitable distribution of the assistance received under section 222 within the State;

(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. Programs and projects developed from the study may be funded under paragraph (10) provided that they meet the criteria for advanced technique programs as specified therein;

(9) provide for the active consultation with and participation of private agencies in the development and execution of the State plan; and 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 per centum of the funds available to such State under section 222, other than funds made available to the State advisory group under section 222(e),[1] whether expended directly by the State, by the unit of general local government or combination thereof, or through grants and contracts with public or private agencies, 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 provide community-based alternatives to juvenile detention and correctional facilities, to encourage a diversity of alternatives within the juvenile justice system, and to establish and adopt juvenile justice standards. These advanced techniques include—

[1] An amendment which takes effect October 1, 1978, changes this reference to "section 222(d)" to conform with other amendments taking effect on such date.

(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, homemaker and home health services, twenty-four hour intake screening, volunteer and crisis home programs, day treatment, and home probation, 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) youth service bureaus and other community-based programs to divert youth from the juvenile court or to support, counsel, or provide work and recreational opportunities for delinquents and other youth to help prevent delinquency;

(D) 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;

(E) educational programs or supportive services designed to keep delinquents and to encourage other youth to remain in elementary and secondary 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) youth initiated programs and outreach programs designed to assist youth who otherwise would not be reached by traditional youth assistance programs;

(H) provide for [1] a statewide program through the use of probation subsidies, other subsidies, other financial incentives or disincentives to units of local government, or other effective means, are [1] 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;

(I) programs and activities to establish and adopt, based on the recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State;

(11) provides [1] for the development of an adequate research, training, and evaluation capacity within the State;

(12) (A) provide within three years after submission of the initial plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, or such nonoffenders as dependent or neglected children,

[1] So in original.

shall not be placed in juvenile detention or correctional facilities; and

(B) provide that the State shall submit annual reports to the Associate Administrator containing a review of the progress made by the State to achieve the deinstitutionalization of juveniles described in subparagraph (A) and a review of the progress made by the State to provide that such juveniles, if placed in facilities, are placed in facilities which (i) are the least restrictive alternatives appropriate to the needs of the child and the community; (ii) are in reasonable proximity to the family and the home communities of such juveniles; and (iii) provide the services described in section 103(1);

(13) provide that juveniles alleged to be or found to be delinquent and youths within the purview of paragraph (12) shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges;

(14) provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to insure that the requirements of paragraph (12)(A) and paragraph (13) are met, and for annual reporting of the results of such monitoring to the Associate Administrator;

(15) provide assurance that assistance will be available on an equitable basis to deal with disadvantaged youth including, but not limited to, females, minority youth, and mentally retarded and emotionally or physically handicapped youth;

(16) provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the State plan;

(17) provide that fair and equitable arrangements are made to protect the interests of employees affected by assistance under this Act. Such protective arrangements shall, to the maximum extent feasible, include, without being limited to, such provisions as may be necessary for—

(A) the preservation or[1] 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;

(E) training or retraining programs.

The State plan shall provide for the terms and conditions of the protection arrangements established pursuant to this section;

(18) 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;

[1] So in original.

(19) provide reasonable assurances that Federal funds made available under this part for any period will be so used as to supplement and increase (but not supplant) the level of the 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 will in no event replace such State, local, and other non-Federal funds;

(20) provide that the State planning agency will from time to time, but not less often then [1] annually, review its plan and submit to the Associate Administrator 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

(21) contain such other terms and conditions as the Associate Administrator may reasonably prescribe to assure the effectiveness of the programs assisted under this title.

Such plan may at the discretion of the Administrator be incorporated into the plan specified in 303(a) of the Omnibus Crime Control and Safe Streets Act.

(b) The State planning agency designated pursuant to section 223(a), after receiving and considering the advice and recommendations of the advisory group referred to in section 223(a), shall approve the State plan and any modification thereof prior to submission to the Administrator.

(c) The Administrator shall approve any State plan and any modification thereof that meets the requirements of this section. Failure to achieve compliance with the subsection (a)(12)(A) requirement within the three-year time limitation shall terminate any State's eligibility for funding under this subpart unless the Administrator, with the concurrence of the Associate Administrator, determines that the State is in substantial compliance with the requirement, through achievement of deinstitutionalization of not less than 75 per centum of such juveniles, and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time not exceeding two additional years.

(d) In the event that any State chooses not to submit a plan, fails to submit a plan, or submits a plan or any modification thereof, which the Administrator, after reasonable notice and opportunity for hearing, in accordance with sections 509, 510, and 511 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, determines does not meet the requirements of this section, the Administrator shall make that State's allotment under the provisions of section 222(a) available to public and private agencies for special emphasis prevention and treatment programs as defined in section 224. The Administrator shall endeavor to make such reallocated funds available on a preferential basis to programs in nonparticipating States under section 224(a)(2) and to those States that have achieved substantial or full compliance with the subsection (a)(12)(A) requirement within the initial three years of participation or have achieved full compliance within a reasonable time thereafter as provided by subsection (c). (*42 U.S.C. 5633*)

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[1] So in original.

Subpart II—Special Emphasis Prevention and Treatment Programs

SEC. 224. (a) The Administrator is authorized 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;

(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, including restitution projects which test and validate selected arbitration models, such as neighborhood courts or panels, and increase victim satisfaction while providing alternatives to incarceration for detained or adjudicated delinquents;

(4) improve the capability of public and private agencies and organizations to provide services for delinquents and other youth to help prevent delinquency;

(5) facilitate the adoption of the recommendations of the Advisory Committee and the Institute as set forth pursuant to section 247;

(6) develop and implement, in coordination with the Commissioner of Education, model programs and methods to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions and to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

(7) develop and support programs stressing advocacy activities aimed at improving services to youth impacted by the juvenile justice system;

(8) develop, implement, and support, in conjunction with the Secretary of Labor, other public and private agencies and organizations and business and industry programs for youth employment;

(9) improve the juvenile justice system to conform to standards of due process;

(10) develop and support programs designed to encourage and enable State legislatures to consider and further the purposes of this Act, both by amending State laws where necessary, and devoting greater resources to those purposes; and

(11) develop and implement programs relating to juvenile delinquency and learning disabilities.

(b) Twenty-five per centum of the funds appropriated for each fiscal year pursuant to this part shall be available only for special emphasis prevention and treatment grants and contracts made pursuant to this section.

(c) At least 30 per centum of the funds available for grants and contracts made pursuant to this section shall be available for grants and contracts to private nonprofit agencies, organizations, or institutions who have had experience in dealing with youth. (*42 U.S.C. 5634*)

CONSIDERATIONS FOR APPROVAL OF APPLICATIONS

SEC. 225. (a) Any agency, institution, or individual desiring to receive a grant, or enter into any contract under section 224, shall submit an application at such time, in such manner, and containing or accompanied by such information as the Administrator may prescribe.

(b) In accordance with guidelines established by the Administrator, each such application shall—

(1) provide that the program for which assistance 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 224;

(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 planning agency and local agency designated in section 223, when appropriate, and indicate the response of such agency to the request for review and comment on the application;

(6) provide that regular reports on the program shall be sent to the Administrator and to the State planning agency and local agency, when appropriate;

(7) 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; and

(8) indicate the response of the State agency or the local agency to the request for review and comment on the application.

(c) In determining whether or not to approve applications for grants under section 224, the Administrator shall consider—

(1) the relative cost and effectiveness of the proposed program in effectuating the purposes of this part;

(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 Administrator under section 223(c) and when the location and scope of the program makes such consideration appropriate;

(4) the increase in capacity of the public and private agency, institution, or individual to provide services to delinquents and other youth to help prevent delinquency;

(5) the extent to which the proposed project serves communities which have high rates of youth unemployment, school dropout, and delinquency;

(6) the extent to which the proposed program facilitates the implementation of the recommendations of the Advisory Committee as set forth pursuant to section 247; and

(7) the adverse impact that may result from the restriction of eligibility, based upon population, for cities with a population

greater than forty thousand, located within States which have no city with a population over two hundred and fifty thousand.

(d) No city should be denied an application solely on the basis of its population. (*42 U.S.C. 5635*)

GENERAL PROVISIONS

Withholding

SEC. 226. Whenever the Administrator, after giving reasonable notice and opportunity for hearing to a recipient of financial assistance 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 Administrator shall initiate such proceedings as are appropriate. (*42 U.S.C. 5636*)

USE OF FUNDS

SEC. 227. (a) Funds paid pursuant to this title to any public or private agency, organization, institution, or individual (whether directly or through a State planning agency) may be used for—

(1) planning, developing, or operating the program designed to carry out the purposes of this part; and

(2) not more than 50 per centum of the cost of the construction of innovative community-based facilities for less than twenty persons which, in the judgment of the Administrator, are necessary for carrying out the purposes of this part.

(b) Except as provided by subsection (a), no funds paid to any public or private agency, institution, or individual under this part (whether directly or through a State agency or local agency) may be used for construction. (*42 U.S.C. 5637*)

PAYMENTS

SEC. 228. (a) In accordance with criteria established by the Administrator, it is the policy of Congress that programs funded under this title shall continue to receive financial assistance providing that the yearly evaluation of such programs is satisfactory.

(b) At the discretion of the Administrator, when there is no other way to fund an essential juvenile delinquency program not funded by the Law Enforcement Assistance Administration, the State may utilize 25 per centum of the formula grant funds available to it under this part to meet the non-Federal matching share requirement for any other Federal juvenile delinquency program grant.

(c) Whenever the Administrator determines that it will contribute to the purposes of part A or part C, he may require the recipient of any grant or contract to contribute money, facilities, or services.

(d) Payments under this part, 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, in such installments and on such conditions as the Administrator may determine.

[(e) Except as provided in the second sentence of section 222(c), financial assistance extended under the provisions of this title shall be 100 per centum of the approved costs of any program or activity.] [1]

(f) In the case of a grant under this part to an Indian tribe or other aboriginal group, if the Administrator determines that the tribe or group does not have sufficient funds available to meet the local share of the cost of any program or project to be funded under the grant, the Administrator may increase the Federal share of the cost thereof to the extent he deems necessary. Where a State does not have an adequate forum to enforce grant provisions imposing any liability on Indian tribes, the Administrator is authorized to waive State liability and may pursue such legal remedies as are necessary.

(g) If the Administrator determines, on the basis of information available to him during any fiscal year, that a portion of the funds granted to an applicant under this part for that fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section 509 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, that portion shall be available for reallocation under section 224 of this title. (*42 U.S.C. 5638*)

CONFIDENTIALITY OF PROGRAM RECORDS

SEC. 229. Except as authorized by law, program records containing the identity of individual juveniles gathered for purposes pursuant to this title may not be disclosed except with the consent of the service recipient or legally authorized representative, or as may be necessary to perform the functions required by this title. Under no circumstances may project reports or findings available for public dissemination contain the actual names of individual service recipients. (*42 U.S.C. 5639*)

PART C—NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 241. (a) There is hereby established within the Juvenile Justice and Delinquency Prevention Office a National Institute for Juvenile Justice and Delinquency Prevention.

(b) The National Institute for Juvenile Justice and Delinquency Prevention shall be under the supervision and direction of the Associate Administrator, and shall be headed by a Deputy Associate Administrator of the Office appointed under section 201(f).

(c) The activities of the National Institute for Juvenile Justice and Delinquency Prevention shall be coordinated with the activities of the National Institute of Law Enforcement and Criminal Justice in accordance with the requirements of section 201(b).

(d) It shall be the purpose of the Institute to provide a coordinating center for the collection, preparation, and dissemination of useful data regarding the treatment and control of juvenile offenders, and it shall

[1] Section 228(e) of the Act, as added by section 4(g)(3)(A) of the Juvenile Justice Amendments of 1977 (Public Law 95-115; 91 Stat. 1056) takes effect October 1, 1978.

also be the purpose of the Institute to provide training for representatives of Federal, State, and local law enforcement officers, teachers, and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation personnel, correctional personnel and other persons, including lay personnel, including persons associated with law-related education programs, youth workers, and representatives of private youth agencies and organizations, connected with the treatment and control of juvenile offenders.

(e) In addition to the other powers, express and implied, the Institute may—

(1) request any Federal agency to supply such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions;

(2) arrange with and reimburse the heads of Federal agencies for the use of personnel or facilities or equipment of such agencies;

(3) confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other public or private local agencies;

(4) make grants and enter into contracts with public or private agencies, organizations, or individuals, for the partial performance of any functions of the Institute;

(5) compensate consultants and members of technical advisory councils who are not in the regular full-time employ of the United States, at a rate now or hereafter prescribed for GS-18 of the General Schedule by section 5332 of title 5 of the United States Code and while away from home, or regular place of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code for persons in the Government service employed intermittently; and

(6) assist, through training, the advisory groups established pursuant to section 223(a)(3) or comparable public or private citizen groups in nonparticipating States in the accomplishment of their objectives consistent with this Act.

(f) Any Federal agency which receives a request from the Institute under subsection (e)(1) may cooperate with the Institute and shall, to the maximum extent practicable, consult with and furnish information and advice to the Institute. *(42 U.S.C. 5651)*

INFORMATION FUNCTION

SEC. 242. The National Institute for Juvenile Justice and Delinquency Prevention 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 juvenile delinquency, including the prevention and treatment of juvenile delinquency;

(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. *(42 U.S.C. 5652)*

RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS

SEC. 243. The National Institute for Juvenile Justice and Delinquency Prevention 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 juvenile delinquency programs assisted under this title 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 Associate Administrator;

(5) prepare, in cooperation with educational institutions, Federal, State, and local agencies, and appropriate individuals and private agencies, such studies as it considers to be necessary with respect to the prevention and treatment of juvenile delinquency and related matters, including recommendations designed to promote effective prevention and treatment, such as assessments regarding the role of family violence, sexual abuse or exploitation and media violence in delinquency, the improper handling of youth placed in one State by another State, the possible ameliorating roles of recreation and the arts, and the extent to which youth in the juvenile system are treated differently on the basis of sex and the ramifications of such practices;

(6) disseminate the results of such evaluations and research and demonstration activities particularly to persons actively working in the field of juvenile delinquency; and

(7) disseminate pertinent data and studies (including a periodic journal) to individuals, agencies, and organizations concerned with the prevention and treatment of juvenile delinquency. (*42 U.S.C. 5653*)

TRAINING FUNCTIONS

SEC. 244. The National Institute for Juvenile Justice and Delinquency Prevention 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, workshop, 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;

(3) devise and conduct a training program, in accordance with the provisions of sections 249, 250, and 251,[1] of short-term instruc-

[1] So in original. Apparently should read "sections 248, 249, and 250".

tion in the latest proven-effective methods of prevention, control, and treatment of juvenile delinquency for correctional and law enforcement personnel, teachers and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation officers, and other persons (including lay personnel, including persons associated with law-related education programs, youth workers, and representatives of private youth agencies and organizations) connected with the prevention and treatment of juvenile delinquency; and

(4) develop technical training teams to aid in the development of training programs in the States and to assist State and local agencies which work directly with juveniles and juvenile offenders. (*42 U.S.C. 5654*)

INSTITUTE ADVISORY COMMITTEE

SEC. 245. The Advisory Committee shall advise, consult with, and make recommendations to the Associate Administrator concerning the overall policy and operations of the Institute. (*42 U.S.C. 5655*)

ANNUAL REPORT

SEC. 246. The Deputy Associate Administrator for the National Institute for Juvenile Justice and Delinquency Prevention shall develop annually and submit to the Associate Administrator after the first year the legislation is enacted, prior to September 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 Associate Administrator shall include a summary of these results and recommendations in his report to the President and Congress required by section 204(b)(5). (*42 U.S.C. 5656*)

DEVELOPMENT OF STANDARDS FOR JUVENILE JUSTICE

SEC. 247. (a) The National Institute for Juvenile Justice and Delinquency Prevention, under the supervision of the Advisory Committee, shall review existing reports, data, and standards, relating to the juvenile justice system in the United States.

(b) Not later than one year after the passage of this section, the Advisory Committee shall submit to the President and the Congress a report which, based on recommended standards for the administration of juvenile justice at the Federal, State, and local level—

(1) recommends Federal action, including but not limited to administrative and legislative action, required to facilitate the adoption of these standards throughout the United States; and

(2) 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 informa-

tion as the Committee deems necessary to carry out its functions under this section.

(d) Following the submission of its report under subsection (b) the Advisory Committee shall direct its efforts toward refinement of the recommended standards and may assist State and local governments and private agencies and organizations in the adoption of appropriate standards at State and local levels. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to develop and support model State legislation consistent with the mandates of this Act and the standards developed by Advisory Committee. (*42 U.S.C. 5657*)

ESTABLISHMENT OF TRAINING PROGRAM

SEC. 248. (a) The Associate Administrator shall establish within the Institute a training program designed to train enrollees with respect to methods and techniques for the prevention and treatment of juvenile delinquency. In carrying out this program the Associate Administrator is authorized to make use of available State and local services, equipment, personnel, facilities, and the like.

(b) Enrollees in the training program established under this section shall be drawn from correctional and law enforcement personnel, teachers and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation officers, and other persons (including lay personnel, including persons associated with law-related education programs, youth workers, and representatives of private youth agencies and organizations) connected with the prevention and treatment of juvenile delinquency. (*42 U.S.C. 5659*)

CURRICULUM FOR TRAINING PROGRAM

SEC. 249. The Associate Administrator shall design and supervise a curriculum for the training program established by section 248 which shall utilize an interdisciplinary approach with respect to the prevention of juvenile delinquency, the treatment of juvenile delinquents, and the diversion of youths from the juvenile justice system. Such curriculum shall be appropriate to the needs of the enrollees of the training program. (*42 U.S.C. 5660*)

ENROLLMENT FOR TRAINING PROGRAM

SEC. 250. (a) Any person seeking to enroll in the training program established under section 248 shall transmit an application to the Associate Administrator, in such form and according to such procedures as the Associate Administrator may prescribe.

(b) The Associate Administrator shall make the final determination with respect to the admittance of any person to the training program. The Associate Administrator, in making such determination, shall seek to assure that persons admitted to the training program are broadly representative of the categories described in section 248(b).

(c) While studying at the Institute and while traveling in connection with his study (including authorized field trips), each person enrolled in the Institute shall be allowed travel expenses and a per diem allowance in the same manner as prescribed for persons employed

intermittently in the Government service under section 5703(b) of title 5, United States Code. (*42 U.S.C. 5661*)

PART D—ADMINISTRATIVE PROVISIONS

SEC. 261. (a) To carry out the purposes of this title there is authorized to be appropriated $150,000,000 for the fiscal year ending September 30, 1978, $175,000,000 for the fiscal year ending September 30, 1979, and $200,000,000 for the fiscal year ending September 30, 1980. Funds appropriated for any fiscal year may remain available for obligation until expended.

(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall maintain from the appropriation for the Law Enforcement Assistance Administration, each fiscal year, at least 19.15 percent of the total appropriations for the Administration, for juvenile delinquency programs. (*42 U.S.C. 5671*)

APPLICABILITY OF OTHER ADMINISTRATIVE PROVISIONS

SEC. 262. The administrative provisions of title I of the Omnibus Crime Control and Safe Streets Act of 1968, designated as sections 501, 504, 507, 509, 510, 511, 516, 518(c), 521, and 524 (a) and (c) of such Act, are incorporated herein as administrative provisions applicable to this Act. (*42 U.S.C. 5672*)

EFFECTIVE CLAUSE

SEC. 263. (a) Except as provided by subsections (b) and (c), the foregoing provisions of this Act shall take effect on the date of enactment of this Act.

(b) Section 204(b)(5) and 204(b)(6) shall become effective at the close of the thirty-first day of the twelfth calendar month of 1974. Section 204(1) shall become effective at the close of the thirtieth day of the eleventh calendar month of 1976.

(c) Except as otherwise provided by the Juvenile Justice Amendments of 1977, the amendments made by the Juvenile Justice Amendments of 1977 shall take effect on October 1, 1977. (*42 U.S.C. 5601 note*)

TITLE III—RUNAWAY YOUTH

SHORT TITLE

SEC. 301. This title may be cited as the "Runaway Youth Act" (*42 U.S.C. 5701 note*)

FINDINGS

SEC. 302. The Congress hereby finds that—

(1) the number of juveniles who leave and remain away from home without parental permission has increased to alarming proportions, creating a substantial law enforcement problem for the communities inundated, and significantly endangering the young people who are without resources and live on the street;

(2) the exact nature of the problem is not well defined because national statistics on the size and profile of the runaway youth population are not tabulated;

(3) many such young people, because of their age and situation, are urgently in need of temporary shelter and counseling services;

(4) the problem of locating, detaining, and returning runaway children should not be the responsibility of already overburdened police departments and juvenile justice authorities; and

(5) in view of the interstate nature of the problem, it is the responsibility of the Federal Government to develop accurate reporting of the problem nationally and to develop an effective system of temporary care outside the law enforcement structure. (*42 U.S.C. 5701*)

RULES

SEC. 303. The Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") may prescribe such rules as he considers necessary or appropriate to carry out the purposes of this title. (*42 U.S.C. 5702*)

PART A—GRANTS PROGRAM

PURPOSES OF GRANT PROGRAM

SEC. 311. The Secretary is authorized to make grants and to provide technical assistance and short-term training to States, localities and nonprofit private agencies and coordinated networks of such agencies in accordance with the provisions of this part. Grants under this part shall be made for the purpose of developing local facilities to deal primarily with the immediate needs of runaway youth or otherwise homeless youth in a manner which is outside the law enforcement structure and juvenile justice system. The size of such grant shall be determined by the number of such youth in the community and the existing availability of services. Among applicants priority shall be given to private organizations or institutions which have had past experience in dealing with such youth. (*42 U.S.C. 5711*)

ELIGIBILITY

SEC. 312. (a) To be eligible for assistance under this part, an applicant shall propose to establish, strengthen, or fund an existing or proposed runaway house, a locally controlled facility providing temporary shelter, and counseling services to juveniles who have left home without permission of their parents or guardians.

(b) In order to qualify for assistance under this part, an applicant shall submit a plan to the Secretary meeting the following requirements and including the following information. Each house—

(1) shall be located in an area which is demonstrably frequented by or easily reachable by runaway youth;

(2) shall have a maximum capacity of no more than twenty children, with a ratio of staff to children of sufficient portion to assure adequate supervision and treatment;

(3) shall develop adequate plans for contacting the child's parents or relatives (if such action is required by State law) and assuring the safe return of the child according to the best interests of the child, for contacting local government officials pursuant to informal arrangements established with such officials by the runaway house, and for providing for other appropriate alternative living arrangements;

(4) shall develop an adequate plan for assuring proper relations with law enforcement personnel, and the return of runaway youths from correctional institutions;

(5) shall develop an adequate plan for aftercare counseling involving runaway youth and their parents within the State in which the runaway house is located and for assuring, as possible, that aftercare services will be provided to those children who are returned beyond the State in which the runaway house is located;

(6) shall keep adequate statistical records profiling the children and parents which it serves, except that records maintained on individual runaway youths shall not be disclosed without the consent of the individual youth and parent or legal guardian to anyone other than another agency compiling statistical records or a government agency involved in the disposition of criminal charges against an individual runaway youth, and reports or other documents based on such statistical records shall not disclose the identity of individual runaway youths:

(7) shall submit annual reports to the Secretary detailing how the house has been able to meet the goals of its plans and reporting the statistical summaries required by paragraph (6);

(8) shall demonstrate its ability to operate under accounting procedures and fiscal control devices as required by the Secretary;

(9) shall submit a budget estimate with respect to the plan submitted by such house under this subsection; and

(10) shall supply such other information as the Secretary reasonably deems necessary. (*42 U.S.C. 5712*)

APPROVAL BY SECRETARY

SEC. 313. An application by a State, locality, or nonprofit private agency for a grant under this part may be approved by the Secretary only if it is consistent with the applicable provisions of this part and meets the requirements set forth in section 312. Priority shall be given to grants smaller than $100,000. In considering grant applications under this part, priority shall be given to any applicant whose program budget is smaller than $150,000. (*42 U.S.C. 5713*)

GRANTS TO PRIVATE AGENCIES, STAFFING

SEC. 314. Nothing in this part shall be construed to deny grants to nonprofit private agencies which are fully controlled by private boards or persons but which in other respects meet the requirements of this part and agree to be legally responsible for the operation of the runaway house. Nothing in this part shall give the Federal Government control over the staffing and personnel decisions of facilities receiving Federal funds. (*42 U.S.C. 5714*)

REPORTS

SEC. 315. The Secretary shall annually report to the Congress on the status and accomplishments of the runaway houses which are funded under this part, with particular attention to—

(1) their effectiveness in alleviating the problems of runaway youth;

(2) their ability to reunite children with their families and to encourage the resolution of intrafamily problems through counseling and other services;

(3) their effectiveness in strengthening family relationships and encouraging stable living conditions for children; and

(4) their effectiveness in helping youth decide upon a future course of action. (*42 U.S.C. 5715*)

FEDERAL SHARE

SEC. 316. (a) The Federal share for the acquisition and renovation of existing structures, the provision of counseling services, staff training, and the general costs of operations of such facility's budget for any fiscal year shall be 90 per centum. The non-Federal share may be in cash or in kind, fairly evaluated by the Secretary, including plant, equipment, or services.

(b) Payments under this section may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments. (*42 U.S.C. 5716*)

PART B—RECORDS

RECORDS

SEC. 321. Records containing the identity of individual youths pursuant to this Act may under no circumstances be disclosed or transferred to any individual or to any public or private agency. (*42 U.S.C. 5731*)

PART C—REORGANIZATION

REORGANIZATION PLAN

SEC. 331. (a) After April 30, 1978, the President may submit to the Congress a reorganization plan which, subject to the provisions of subsection (b) of this section, shall take effect, if such reorganization plan is not disapproved by a resolution of either House of the Congress, in accordance with the provisions of, and the procedures established by chapter 9 of title 5, United States Code, except to the extent provided in this part.

(b) A reorganization plan submitted in accordance with the provisions of subsection (a) shall provide—

(1) for the establishment of an Office of Youth Assistance which shall be the principal agency for purposes of carrying out this title and which shall be established—

(A) within the Office of Juvenile Justice and Delinquency Prevention in the Department of Justice; or

(B) within the ACTION Agency;

(2) that the transfer authorized by paragraph (1) shall be effective 30 days after the last date on which such transfer could be disapproved under chapter 9 of title 5, United States Code;

(3) that property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions of the Office of Youth Development within the Department of Health, Education, and Welfare in the operation of functions pursuant to this title, shall be transferred to the Office of Youth Assistance within the Office of Juvenile Justice and Delinquency Prevention or within the ACTION Agency, as the case may be, and that all grants, applications for grants, contracts, and other agreements awarded or entered into by the Office of Youth Development shall continue in effect until modified, superseded, or revoked;

(4) that all official actions taken by the Secretary of Health, Education, and Welfare, his designee, or any other person under the authority of this title which are in force on the effective date of such plan, and for which there is continuing authority under the provisions of this title, shall continue in full force and effect until modified, superseded, or revoked by the Associate Administrator for the Office of Juvenile Justice and Delinquency Prevention or by the Director of the ACTION Agency, as the case may be, as appropriate; and

(5) that references to the Office of Youth Development within the Department of Health, Education, and Welfare in any statute, reorganization plan, Executive order, regulation, or other official document or proceeding shall, on and after such date, be deemed to refer to the Office of Youth Assistance within the Office of Juvenile Justice and Delinquency Prevention or within the ACTION Agency, as the case may be, as appropriate. (*42 U.S.C. 5741*)

PART D—AUTHORIZATION OF APPROPRIATIONS

SEC. 341. (a) To carry out the purposes of part A of this title there is authorized to be appropriated for each of the fiscal years ending June 30, 1975, and 1976, and September 30, 1977, the sum of $10,000,000, and for each of the fiscal years ending September 30, 1978, 1979, and 1980, the sum of $25,000,000.

(b) The Secretary (through the Office of Youth Development which shall administer this title) shall consult with the Attorney General (through the Associate Administrator of the Office of Juvenile Justice and Delinquency Prevention) for the purpose of coordinating the development and implementation of programs and activities funded under this title with those related programs and activities funded under title II of this Act and under the Omnibus Crime Control and Safe Streets Act of 1968, as amended. (*42 U.S.C. 5751*)*

* NOTE.—Title IV of the Juvenile Justice and Delinquency Prevention Act of 1974 was repealed by section 10 of the Juvenile Justice Amendments of 1977 (Public Law 95–115; 91 Stat. 1061). Title V of such Act, which made various amendments to title 18, United States Code, is not included in this Compilation.

* * *

Conforming Provisions of Title I of

THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

As Amended

[With Emphasis Added]

DECLARATIONS AND PURPOSE

Congress finds that the high incidence of crime in the United States threatens the peace, security, and general welfare of the Nation and its citizens. To reduce and prevent crime and juvenile delinquency, and to insure the greater safety of the people, law enforcement and criminal justice efforts must be better coordinated, intensified, and made more effective at all levels of government.

Congress finds further that crime is essentially a local problem that must be dealt with by State and local governments if it is to be controlled effectively.

Congress finds further that the financial and technical resources of the Federal Government should be used to provide constructive aid and assistance to State and local governments in combating the serious problem of crime and that the Federal Government should assist State and local governments in evaluating the impact and value of programs developed and adopted pursuant to this title.

Congress finds further that the high incidence of delinquency in the United States today results in enormous annual cost and immeasurable loss in human life, personal security, and wasted human resources, and that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent delinquency.

It is therefore the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement and criminal justice at every level by Federal assistance. It is the purpose of this title to (1) encourage, through the provision of Federal technical and financial aid and assistance, States and units of general local government to develop and adopt comprehensive plans based upon their evaluation of and designed to deal with their particular problems of law enforcement and criminal justice; (2) authorize, following evaluation and approval of comprehensive plans, grants to States and units of local government in order to improve and strengthen law enforcement and criminal justice; and (3) encourage, through the provision of Federal technical and financial aid and assistance, research and development directed toward the improvement of law enforcement and criminal justice and the development of new methods for the prevention and reduction of crime and the detection, apprehension, and rehabilitation of criminals.

It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination to (1) develop and implement effective methods of preventing and reducing juvenile delinquency; (2) to develop and conduct effective programs to prevent delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization; (3) to improve the quality of juvenile justice in the United States; and (4) to increase the capacity of State and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of juvenile justice and delinquency prevention.

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PART B—PLANNING GRANTS

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SEC. 203. (a) (1) A grant made under this part to a State shall be utilized by the State to establish and maintain a State planning agency. Such agency shall be created or designated by the chief executive of the State or by State law and shall be subject to the jurisdiction of the chief executive. Where such agency is not created or designated by State law, it shall be so created or designated by no later than December 31, 1978. The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement and criminal justice agencies, including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, and public agencies maintaining programs to reduce and control crime, and shall include representatives of citizens, professional, and community organizations, including organizations directly related to delinquency prevention. The Chairman and at least two additional citizen members of any advisory group established pursuant to section 223(a)(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 shall be appointed to the State planning agency as members thereof. These individuals may be considered in meeting the general representation requirements of this section. Any executive committee of a State planning agency shall include in its membership the same proportion of advisory group members as the total number of such members bears to the total membership of the State planning agency.

*

PART C—GRANTS FOR LAW ENFORCEMENT PURPOSES

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SEC. 303. (a) The Administration shall make grants under this title to a State planning agency if such agency has on file with the Administration an approved comprehensive State plan (not more than one year in age) which conforms with the purposes and requirements of this title. In order to receive formula grants under the Juvenile Justice and Delinquency Prevention Act of 1974 a State shall submit a plan for carrying out the purposes of that Act in accordance with this section and section 223 of that Act.

No state plan shall be approved as comprehensive unless the Administration finds that the plan provides for the allocation of adequate assistance to deal with law enforcement and criminal justice problems in areas characterized by both high crime incidence and high law enforcement and criminal justice activity. No State plan shall be approved as comprehensive, unless it includes a comprehensive program, whether or not funded under this title, for the improvement of juvenile justice.

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PART F—ADMINISTRATIVE PROVISIONS

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SEC. 519. On or before December 31 of each year, the Administration shall report to the President and to the Committees on the Judiciary of the Senate and House of Representatives, and to the Committee on Education and Labor of the House of Representatives, on activities pursuant to the provisions of this title during the preceding fiscal year. Such report shall include—

. . .

(12) a summary of State compliance with sections 223(a)(12)-(14) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, the maintenance of effort requirement under section 261(b) of such Act and section 520(b) of this Act, State planning agency and regional planning unit representation requirements as set forth in section 203 of this Act, and other areas of state activity in carrying out juvenile justice and delinquency prevention programs under the comprehensive State plan.

*

SEC. 520(a). There are authorized to be appropriated for the purposes of carrying out this title not to exceed $220,000,000 for the period beginning on July 1, 1976, and ending on September 30, 1976, not to exceed $880,000,000 for the fiscal year ending September 30, 1977; $800,000,000 for the fiscal year ending September 30, 1978; and $800,000,000 for the fiscal year ending September 30, 1979. In addition to any other sums available for the purposes of grants under part C of this title, there is authorized to be appropriated not to exceed $15,000,000 for the fiscal year ending September 30, 1977; and not to exceed $15,000,000 for each of the two succeeding fiscal years; for the purposes of grants to be administered by the Office of Community Anti-Crime Programs for community patrol activities and the encouragement of neighborhood participation in crime prevention and public safety efforts under section 301(b)(6) of this title.

Funds a[illegible]priated for any fiscal year may remain available for obligatio[illegible]l expended. Beginning in the fiscal year ending June 30, 1972, and in each fiscal year thereafter there shall be allocated for the purposes of part E an amount equal to not less than 20 per centum of the amount allocated for the purposes of part C.

(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall maintain from the appropriation for the Law Enforcement Assistance Administration, each fiscal year, at least 19.15 percent of the total appropriations for the Administration, for juvenile delinquency programs.

*

SEC. 527. All programs concerned with juvenile delinquency and administered by the Administration shall be administered or subject to the policy direction of the office established by section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974.

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LEGISLATIVE HISTORY

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Public Law 93-415 Approved: September 7, 1974

HOUSE REPORTS: No. 93-1135 accompanying H.R. 15276 (Comm. on Ed. & Labor) and No. 93-1298 (Comm. of Conference).

SENATE REPORTS: No. 93-1011 (Comm.on Judiciary) and No. 1103 (Comm. of Conference)

CONGRESSIONAL RECORD, Vol. 120 (1974):

July 1, H.R. 15276 considered and passed House.

July 25,considered and passed Senate as S. 821.

July 31, S.821 considered and passed House,amended, in lieu of H.R. 15276.

Aug. 19, Senate agreed to conference report.

Aug. 21, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 10, No. 37: Sept. 8, Presidential statement.

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Public Law 94-503 Approved: October 15, 1976

HOUSE REPORTS: No. 94-1155 accompanying H.R. 13636 (Comm. on Judiciary) and No. 94-1723 (Comm. of Conference).

SENATE REPORT: No. 94-847 (Comm. on Judiciary).

CONGRESSIONAL RECORD, Vol. 122 (1976):

July 22,23,26, S. 2212 considered and passed Senate.

Sept. 2, considered and passed House, amended, in lieu of H.R. 13636.

Sept. 30, House and Senate agreed to conference report.

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Public Law 95-115 Approved: October 3, 1977

HOUSE REPORTS: No. 95-313 (Comm. on Ed. & Labor) and No. 95-542 (Comm. of Conference).

SENATE REPORTS: No. 95-165 accompanying S. 1021 (Comm. on Judiciary) and No. 95-368 (Conference).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 19, H.R. 6111 considered and passed House.

June 21, considered and passed Senate,amended, in lieu of S. 1021.

July 28, Senate agreed to conference report.

Sept. 23, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 41: October 3, Presidential statement.

* * *

Mr. ANDREWS. Our first witness is John Rector, Administrator, Office of Juvenile Justice and Delinquency Prevention. John, we are pleased to have you here again and look forward to your statement. You can read it or if you prefer, we will submit it for the record and you may paraphrase.

STATEMENT OF JOHN RECTOR, ADMINISTRATOR, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Mr. RECTOR. I would prefer to do the latter.

Mr. ANDREWS. Without objection, the statement will be entered in the record in its entirety, and you may speak from it in whatever way you choose.

Mr. RECTOR. Thank you very much.

[Prepared statement of John M. Rector follows:]

STATEMENT OF JOHN M. RECTOR, ADMINISTRATOR, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

It is a pleasure, Mr. Chairman, to appear today before the Subcommittee on Economic Opportunity to review the implementation of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

When young people confront our juvenile justice system, injustice is a frequent result. The system does not provide the individualized justice promised by reformers at the turn of the century; it does not help the many non-criminal status offenders who fall into its jurisdiction; and it does not protect communities from juvenile crime.

As the Committee knows too well, we as a nation indiscriminately respond to children in trouble - from those who are abandoned and homeless to those who threaten public safety. The Act, which established the Office of Juvenile Justice and Delinquency Prevention, was developed in response to these inconsistencies in the existing system.

As this Subcommittee knows well, the Act was designed to help states, localities and public and private agencies to develop and conduct effective delinquency prevention programs, to divert more juveniles from the juvenile justice process, and to provide urgently needed alternatives to traditional detention and correctional facilities.

The Act tells us that indiscriminate punitive placement, whether in public or private facilities, masquerading under the questionable disguise of "rehabilitation" or "the best interest of the child," only increases our already critical crime rate by supplying new recruits for the jails, detention centers, state farms, camps and training schools, which are often nothing more than wretched academies of crime.

The aim is to minimize the harm sometime caused by State intervention.

The aim is to help secure basic human rights for children and their families.

The traditional "solution" for juvenile crime has been to upgrade personnel, improve services or refurbish facilities. The Act tells us that this is not adequate. What is needed is an uncompromising departure from the current practice of institutionalized overkill which undermines primary influence agents -- family, church, school and community. We must support policies and practices which protect our communities while also assuring justice for youth.

The current overreach of the child welfare juvenile justice industry in its reliance on detention and incarceration is particularly shocking as it affects non-criminal young people. 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 actual criminal offenses. Incredibly, seventy percent of the young women in the system are in this category. This system then is clearly the cutting edge of the double standard.

Some youthful offenders must be removed from their homes. For those who commit serious, usually violent offenses, detention and incarceration should be available.

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. The collective errors in this regard are compounded by the fact that these indiscriminate incarceration policies which overload the juvenile correctional system permit the punishment of ever fewer serious violent youthful offenders.

Violent crimes put the parens patrie doctrine -- the basis for the juvenile justice system -- to its severest test.

The few serious cases are not dealt with appropriately, while less serious offenders are treated harshly.

Sentencing is an area of special concern. Sentences based solely on the juvenile's needs and background, in lieu of consideration of the crime, lend to disparity. Even when youths are convicted of the same crime and have similar criminal records, the current system imposes vastly different sentences. While some discretion is essential, sentencing guidelines would be more consistent with justice and community protection. Otherwise we will be unjustly punishing youth on the basis of family background, race, color, creed, wealth and status rather than for their crimes. The development of model standards by the Office through our Institute will assist the States in their struggle to deliver justice to all citizens.

When we discuss juvenile crime we should address the policies of a State and its respective communities, rather than focusing solely on the individual juveniles. A case-by-case emphasis on the needs of individuals often permits those intimately involved with the implementation of policy to overlook the cumulative impact of their practices.

The 1974 Act reflected the consensus of most professionals in the juvenile delinquency field, as well as other concerned citizens, that far too many juveniles are locked up. Many of the youths detained and incarcerated - particularly those whose conduct would not be illegal if they were adults - require, at most, non-secure and usually temporary placement. In fact, many would be better off if the State refrained from intervening in their lives at all.

Sections 223(a)(12), (13), and (14) are central to the Act. These provisions condition continued State participation in the formula grant program on a commitment to deinstitutionalization of status offenders, segregation of juvenile and adult offenders, and development of an adequate system for monitoring jails, detention facilities, and correctional facilities. Taken together, it was hoped that these requirements would stimulate the development of appropriate alternatives including non-intervention to fill the void between essentially ignoring unlawful behavior and continuing wholesale detention and incarceration.

Development of alternatives to detention and incarceration also make sound economic sense. Children in Custody, the Advance Report on the Juvenile Detention and Correctional Facility Census of 1974, indicates that the cost per child of institutionalization in a public juvenile detention or correctional facility exceeds $10,000 per year. This accounts for operating expenses only, not capital costs. The average cost for private facilities exceeds $8,000 per child annually.

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The Juvenile Justice Act has been a catalyst for a long overdue and healthy assessment of our current policy and practices. Additionally, it has stimulated the development of criteria for imposing incarceration while stressing certainty of punishment for serious offenders. The General Accounting Office has characterized it as the most promising and cost-effective Federal crime prevention program. I would, however, be grossly misleading the Subcommittee if I were to represent that all is well with the program or that it is operating totally consistently with Congressional expectations.

When I had been Administrator of the Office for three months, I discussed this matter with the Senate Judiciary Committee in part as follows: "While there have been some accomplishments under the former Administration, there have been notable shortcomings in implementation. Despite strong bipartisan support for the program, there has been opposition to funding and implementation, as well as administrative sabotage at the highest levels. These facts have been well documented by the Subcommittee. Given the lack of commitment to the Act, it is surprising that any of its objectives were achieved."

"The lack of such essential support, together with the difficult, but predictable, problems inherent in achieving compliance, work to nullify the Congressional mandate. . . . In view of this sorry chronology, I am cautiously optimistic that the flexibility of the Juvenile Justice Amendments of 1977 will encourage more states to comply."

The Administration is committed to implementing the 1974 Act. On these crucial human rights issues there is Federal leadership for a change.

On October 3, 1977, President Jimmy Carter signed the Juvenile Justice Amendments of 1977. The President in stressing its significance said in part:

> In many communities of our Country, two kinds of crimes -- one serious and one not very serious -- are treated the same, and young people have been incarcerated for long periods of time, who have committed offenses that would not even be a crime at all if they were adults. . . . This Act very wisely draws a sharp distinction between these two kinds of crimes.

Our support is clearly evidenced by the following sketch of requests and actual appropriations for the Office:

Fiscal Year (Admin.)		Pres. Request	Appropriation
FY-75	(Ford/Nixon)	0	$25
FY-76	(Ford)	0	$40M
FY-77	(Ford)	10	$75M
FY-78	(Carter)	75M	$100M
FY-79	(Carter)	100M	?

To fully understand the current situation in OJJDP, it is vitally important, in my view, to review several key pre-1977 policy decisions and related practices which linger or even haunt us today.

As you know, an integral aspect of the compromise on the 1974 Act was the earmarking for discretionary funds of at least 25 percent or up to 50 percent of all appropriations. Thus, those interested in the new prevention and change oriented approach inherent in the Act but concerned about the possible inhibiting impact of the traditional LEAA delivery system, through State Planning Agencies (SPAs), were assure of assistance.

As a matter of fact, however, with few exceptions, these discretionary funds, to the extent they have been obligated, were channelled through the SPAs.

A second major policy concern relates to the use of Crime Control Act (CCA) funds by OJJDP, in particular LEAA Part C (Grants for Law Enforcement Purposes) and Part E (Grants for Correctional Programs) discretionary funds. Such monies were commingled with JJDP funds with the result that CCA policies, not JJDP Act policies, prevailed. For example, because of such commingling cash rather than in-kind match was required of all grantees. Additionally, projects and programs funded by the Office reflected a decided preference for use of CCA funds, rather than JJDP funds.

The third major policy concern relates to OJJDP's nearly exclusive reliance on national initiatives as a funding vehicle. As a matter of policy, individually submitted project and program applications, whether local, State, or regional, were overtly discouraged.

The impact of these past policies and practices cannot be understated.

Only after my Senate confirmation and arrival last July did I begin to fully appreciate the cumulative significance and effect of these earlier policy decisions.

OJJDP was in its final quarter with a Fiscal Year 1977 discretionary appropriation of $18,875,000, but with an astounding $43,760,000 in discretionary funds available. The Office had yet to complete a single 1977 initiative.

I was struck by the seeming optimism that prevailed as I solicited views regarding Office policy, operation, and direction. The grim reality of the situation rarely surfaced.

It is important to note that the Office, under the Nixon-Ford appointees, carried over discretionary dollars well in excess of its total FY 1976 appropriation. This obvious sign of a failing program--suffering from lack of leadership and support--was a major factor in the Carter Administration's budget request for Fiscal Year 1979.

The fact is that our Office started FY 1978 (October 1, 1977) with in excess of $150 million available.

If we succeed in allocating these dollars in a timely and thoughtful fashion, it will be a first for the program.

We have made a good start towards remedying many of the problems that had crippled the Office. Yet it seems like melting lead over very low heat.

Rather than adopting an unrealistic, unachievable agenda of programs that includes a little of something for everyone, we have targeted our activities. Congressional guidance has helped to facilitate this more national approach. Among this guidance is that found at page 44 of the Senate Report, No. 95-165 entitled "The Juvenile Justice Amendments of 1977":

> The Office has also announced a program to prevent delinquency through strengthening the capacity of private nonprofit agencies serving youth. It is expected that 14 to 18 grants totaling $7.5 million will be awarded. A number of other special emphasis grants have been brought to the attention of the committee. The Office 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 the 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 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.

We have established sorely needed elementary control and monitoring mechanisms including a paperflow control desk, systems for acknowledging correspondence and for logging assignments of applications or concept papers.

We have established a rational planning process for travel, participation in conferences, meetings and the like, including, for example, the use of telephone conference calls where appropriate.

We have developed a viable strategy designed to address the extraordinary fiscal problems in the Office including the following:

a. JJDP funds are to be obligated prior to the available CCA funds. As odd as it may seem we, for the first time in Office history, funded a major initiative--Prevention--exclusively with JJDP funds!

b. SPAs are no longer the vehicle for allocation of discretionary funds. Not only will a significant amount of our monies be awarded directly to grantees, but a factor contributing to start-up or fund flow problems will be eliminated.

c. Unsolicited program applications are being received and considered. This more easy access to the Office will match applicants' needs with OJJDP dollars.

d. The practice of suspending the processing of applications has been radically curbed with expected results; decisions are made in a more timely manner and another aspect of the dollar jam is addressed.

e. The Restitution Program, which was originally designed for funding with Parts C and E and JJDP monies, was redrafted for funding exclusively with JJDP money. Additionally, the Program plan has been revised to encourage, through the use of incentives, community group participation and more selective evaluation. Incidentally, 117 applications have been received. It is project that we will obligate $24 million for the Program by September.

f. Last August we decided to allocate a signficant portion of the discretionary carryover, $30 million, to a children in custody incentive program. Its several components include supplements to the participating States and the advisory groups. Assistance will be provided to others with expertise regarding the inappropriate placement of dependent,

neglected and delinquent children as addressed in the JJDP Act, Sections 223(a)(12) and (13).

g. We have limited the practice of extending a grant beyond the originally-funded period. So-called "no cost extensions" have contributed to fund flow problems.

Again, as peculiar as it seems to some, before last summer the formula program, the backbone of the Act, was not managed by the Office. We are now responsible for its direction and management. We have made significant progress with the formula grant program.

The Office is working to help provide adequate, humane, cost-effective assistance to our Congressionally targeted consumers. We are refocusing to respond to the important definitional changes impacting the scope of our funding which was, as you know, expanded to include all youth who would benefit from delinquency prevention services. This precludes the need to identify a youth as "in danger of becoming delinquent" or "at risk" in order to establish eligibility for program services.

We are aiming to avoid the negative labels and stigmas inherent in so-called "deficit" programming such as on sexual exploitation or child abuse and neglect.

We are, however, not solely a service program exclusively interested in the development of a service package. We have a statutory mandate to curb the inappropriate placement of non-offenders and offenders. Thus, through all of our Office activities we are attempting to discourage the inappropriate intervention into the lives of youth. and their families, while helping to assure appropriate out of home alternatives when necessary.

By coupling this approach with a broad range of community-based social and human services we hope to help provide "justice" for youth. Similarly, we will be helping to protect citizens from the vicious cycle of abuse inherent in present child welfare juvenile justice systems and its burdensome tax levies.

I have tried to provide a realistic picture but I am cautiously optimistic that we can meet the high expectations of the Administration and the authors of the Act.

We would now be pleased to respond to any questions which you have.

Mr. RECTOR. I certainly welcome the opportunity to appear before the committee again. I have had the chance to talk with staff and respond to the letter that the Chairman sent to the Office, and have at least a partial understanding of some of your concerns. I would like to go to the portions of my statement that address the policy issues relative to some of the concerns that have been raised.

I would also like to put in perspective my attitude regarding the Office. I first had the opportunity to express that when I testified a few months after my confirmation before the Senate committee. My attitude hasn't changed substantially since then.

I had been the Administrator for just a couple of months. I said then, and my attitude is pretty much the same now, "While there have been some accomplishments under the former administration, there have been notable shortcomings in implementation. Despite strong bipartisan support for the program, there has been opposition to funding and implementation, as well as administrative sabotage at the highest levels." These facts have been well documented by both Houses of Congress. Given the lack of commitment to the Act, it is surprising that any of its objectives were achieved.

"The lack of such essential support, together with the difficult, but predictable, problems inherent in achieving compliance, work to nullify the Congressional mandate."

I said then, and I would say again: "In view of this sorry chronology, I am cautiously optimistic that the flexibility of the Juvenile Justice Amendments of 1977 will encourage more states to comply" and otherwise participate in the program.

In any period such as the one the Office has experienced since last July, there are going to be rough spots. Whenever there is a political change such as occurred in the fall of 1976, and occurred in the Office in the summer of 1977, there will be rough spots.

I would like to indicate for the record that there has been some confusion about this. Perhaps I have created some of the confusion. In my personal view, the majority of the staff people in our office are hard-working individuals who are career persons within the Civil Service structure who have been subjected during this several year period under the former administration to anything but support. The morale is very low. I wanted to be able to say that for the record because it is like being in an institution. All studies that are done about persons who are institutionalized indicate that after a while, these persons begin to adapt and change their lifestyles. They don't fight like they might have in the first instance. They don't raise questions that would be logical, after they have raised them several times and been shot down.

In my view, because of the way the Juvenile Justice Office has been treated for a number of years by the former administrators of LEAA, by the former Attorney General, and by the former administration, these are relevant factors in the present attitude of the staff. At one point they were fighting the good fight, but after several unsuccessful attempts, they acquiesced in such efforts.

The Carter administration is committed to implementing the 1974 Act. On these crucial human rights issues, there is Federal leadership for a change. It is a decided contrast to the posture of the former administration. I know the Chairman was present on October 3, 1977, when President Carter signed the Juvenile Justice Amendments. The President said at that point, stressing the significance of the Act, in part, "In many communities of our country, two kinds of crime, one serious and one not very serious, are treated the same. Young people have been incarcerated for long periods of time who have committed offenses that would not be a crime at all if they were adults." He continued to say, "This act and your recent amendments to it wisely draws a sharp distinction between these two kinds of crime."

Our support for the program is clearly evidenced by the following sketch of requested and actual appropriation for the Office which are set out at page 7 of my prepared remarks. In order to understand the state of affairs in the Office now, it is very important to put the Office in its proper historical context. Appropriations and requests for them are part of that context.

In fiscal year 1975, the former administration requested zero. When the President signed the bill in September of 1974, he indicated quite forthrightly that he would not seek additional money to implement the legislation. In spite of that, and because of the bipartisan support in the Congress, $25 million were provided.

Those dollars were provided, incidentally, at the very end of fiscal year 1975. In terms of concerns about carryover, the $25 million

provided for fiscal 1975 were provided right at the tail-end. I remember it well. They were received in June of 1975 when we were still under a June 30 fiscal year. Naturally, all of those dollars carried over into fiscal year 1976.

For the next year, fiscal year 1976, again the Ford administration requested zero. The Congress provided $40 million. Then the Ford administration tried to rescind the lion's share of that $40 million. Gus Hawkins and others took it to the floor and were able to defeat the efforts to rescind the lion's share of that $40 million. For the next year, fiscal year 1977, the Ford administration asked for in the neighborhood of $10 million; the Congress provided $75 million.

Early last year, President Carter had the opportunity to react to the Ford budget request for fiscal 1978. In the neighborhood of $35 million was initially recommended for the Juvenile Justice Office. In a matter of three weeks that he had to survey that Ford budget, he increased the request for appropriation to $75 million. The Congress, with very little opposition from the administration, provided $100 million for fiscal year 1978. For fiscal year 1979, the Carter administration has asked for $100 million.

We have gone from two goose eggs in 1975 and 1976 to $100 million in fiscal year 1979. It is important to understand that that fiscal year 1979 request of $100 million was made very much in cognizance of the fact that the Juvenile Justice Office had carried over into fiscal year 1978 nearly $50 million of unexpended discretionary funds from earlier years, including 1975, 1976, and 1977 monies.

In our view, to fully understand the current situation in the Office of Juvenile Justice, it is vitally important to review several key pre-1977 policy decisions and related practices which linger. In the view of some, including myself, these haunt our office today.

As you know, an integral aspect of the compromise which led to the 1974 Act was the earmarking for discretionary funds of at least 25 percent or up to 50 percent of all appropriations.

Thus, those interested in the new prevention and change oriented approach inherent in the Act but concerned about the possible inhibiting impact of the traditional LEAA delivery system, through State Planning Agencies (SPAs), were assured of assistance. As we all know, the House had passed an HEW focused bill, while the Senate had approved an LEAA focused bill. There were substantial differences in 1974 in the two bills. The compromise that was made allowed as a setaside a substantial slice of the appropriation to assure those who were concerned, and, in fact, argued that the SPA system was so recalcitrant that private nonprofits, outreach programs, programs oriented to minorities and others, would be shut out as they had been in the past, supported the 1974 compromise because these dollars were set aside in a fashion that would allow a direct relationship between the Office of Juvenile Justice and grantees in the States at the local level, whether public or private. This was especially important for private nonprofit organization.

As a matter of fact, however, with very few exceptions, these discretionary funds, to the extent they have been obligated, were channeled through the precise agencies Congress directed be avoided in 1974. In a major way, the compromise of 1974 was

undermined by the administrative decision at LEAA to funnel the discretionary moneys back through the State Planning Agencies instead of in a direct relationship to the deserving grantees.

There has been a substantial discussion about this matter. In section 224 of the 1974 Act, I think the intent is very clear. I am sure the SPA Conference will argue with that intent, but my recollection is what the language of the Act says with regard to special emphasis monies is that the State Planning Agencies shall be informed when appropriate. It contemplates that they shall be informed, but it also contemplates circumstances where it would be appropriate not even to inform the State Planning Agencies. That is the language of the statute.

In the Senate Judiciary Committee Report on the bill over in the other body, there was some clarification as to the intent. I haven't found any in the House report or the debate, but perhaps I overlooked something. What the Senate Report indicated was a shoring up and reaffirmation of that language in 224, and, in fact, the Senate Report said that in no way should the SPA review be determinative with regard to the special emphasis moneys. This is a major controversy about the way the program has been run in the last three years. We are taking a quite different approach in that we are not channeling in any exclusive fashion at least, monies through the State Planning Agencies. That doesn't mean that we wouldn't exercise our discretion to do that when appropriate. It just means that we have rejected what we consider to be a violation of the spirit and law of the 1974 Act.

A second major policy concern relates to the use of Crime Control Act funds by the Office of Juvenile Justice. In particular, I am referring to LEAA Part C monies, grants for law enforcement purposes, and Part E funds, which are grants for correctional programs. Both Part E and Part C are LEAA-appropriated discretionary funds.

Such moneys were commingled with Juvenile Justice Act moneys with the result that the Crime Control Act policies, and not the policies of the Juvenile Justice Act, prevailed. This is a second phase in what many of us used to characterize, and I still characterize, as the stifling and undermining of the Juvenile Justice Act.

There was a primary decision to use Parts C and E money. Then those monies were used either in exclusive fashion or used in a commingled fashion with Juvenile Justice funds. It is significant to look at for a second the commingling.

For example, the initiative on diversion that was awarded in the fall should have been awarded prior to the end of fiscal year 1976. However, because of a lot of complications that are endemic in the Office and LEAA, it was awarded in the fall of 1976. If you look at the guidelines for that diversion program, you will see an introduction by Mr. Richard Velde, the former Administrator of LEAA, that says that since they are using Parts C and E Crime Control Act money, the policy of Crime Control Act and not the policy of Juvenile Justice Act will prevail with regard to the grants under diversion.

This is no small thing. I know most of you are quite familiar with these things, and I am doing it for the sake of reiteration, but I

know Dr. LaVor, on behalf of his employer and others, was intimately involved at the time of the hard match discussions. The House had a hard match requirement in their 1974 bill. The Senate had no match. There was a compromise. The compromise was to allow cash or in-kind match and to leave discretion with the agency as to when it would be appropriate to have in-kind, when it would be appropriate to have cash match.

By using the Parts C and E money rather than the Juvenile Justice Act money, it assured that there would be cash match. It assured that many of the deserving private nonprofit entities for whose benefit the JD Act was passed to help assist them to deal in cooperation with the public entities were not able to get involved in that same project, and I think we provided some background information that relates to another problem.

In addition, the commingling of monies is related to another problem. Projects and programs funded by the Office in general reflected a preference for the use of Crime Control Act monies instead of Juvenile Justice Act monies.

In other words, for many of the projects, when they had X-amount of Juvenile Justice money available and Y-amount of Crime Control, they used Crime Control rather than Juvenile Justice Act. That is intimately related to the fund flow problem of Juvenile Justice monies.

For example, the very diversion program that I was mentioning, that was finally awarded in the fall of 1976, totaled of $8.4 million. That $8.4 million had $100,000 Juvenile Justice Act money in it. It had $3.4 million Part C, LEAA money with the policy of the LEAA Crime Control Act and not the JD Act, and $4.9 million Part E, LEAA money, with the policy of the Crime Control Act and not the Juvenile Justice Act.

Mr. ANDREWS. John, let me interrupt you in order to better understand the things you are saying. What basically is the difference between the policy of the Juvenile Justice Act and the policy of the LEAA? What is bad about the situation you say exists? There is an inference that it is bad.

Mr. RECTOR. Mr. Chairman, there are a number of very basic differences. Let me try to enumerate some of them. In fact, a good deal of the support for the Juvenile Justice Act in 1974, particularly once the decision was made to place it in LEAA, was generated because provisions were put in the bill in an attempt to change policy and practices that had been in effect under the Crime Control Act. The Juvenile Justice Act can be seen as an effort to give a higher profile to prevention—these are sections that are different. LEAA had concluded that they could not fund what folks in the field would call pure prevention activity. They basically needed a young person to get in violation of the law before they could fund a project. So any sensible kind of thing, colloborative efforts with the public and private nonprofit agencies, they had concluded would not be fundable.

It was ironic and many of the supporters around the country and the groups that supported the Juvenile Justice Act of 1974 constantly cited that—that it was folly to wait until a young person had violated the law in order for Federal dollars to be available to

do something about it. That is one of the primary themes of the Juvenile Justice Act.

Another theme is the participation of the private nonprofits. So that Federal programs would not otherwise supplant to ongoing local efforts of the private nonprofit variety, the Congress provided, even set aside in 1974 that at least 20 percent of the discretionary money be set aside for private nonprofits. That was not the case under the Crime Control Act. The policy under the Crime Control Act was to deal more exclusively with the public agencies to the detriment of the private nonprofit agencies and to the detriment of collaborative efforts. If you don't have that effort in a community, it is oftentimes not as productive as the individual efforts.

The need for match is another difference. A lot of entities, particularly private nonprofit, can't always come up with the same kind of hard cash dollar commitment that a public entity can. The 1974 Act reflected a concern about that. As I indicated, there was a compromise.

The Senate bill had no match; the House had hard match. There was a compromise to allow in-kind match, which would be services, facilities and the rest, to match Federal monies as opposed to cash exclusively. As a matter of policy, however, LEAA, subsequent to the passage of the 1974 Act, always required hard cash match, straight out in violation of the 1974 Act. Then, on top of that, they did things like useing the Parts C and E money in order to continue the policy of the Crime Control Act and to neglect and otherwise not implement the Juvenile Justice Act.

There was a hearing in the Senate in 1974, when the State of Vermont was about to bring a lawsuit against the LEAA for requiring cash match in exclusive fashion. There was no room or flexibility whatever for them to provide in-kind, although the statute said that the Administrator of LEAA had that type of discretion. Those are some of the differences.

Mr. ANDREWS. John, you wouldn't have discretion if you mandated that the Administrator of LEAA allow the in-kind. Isn't that taking away discretion on the other side of the coin?

Mr. RECTOR. It wasn't a question of mandating. The agency had an exclusive policy of requiring cash match. Congress had said, cash or in-kind. That was the compromise between the two Houses. But in the diversion program, for example, because they used C and E monies, the Crime Control Act policy attached a hard match requirement. That made private nonprofits less able to participate in these diversion projects than had been expected.

It doesn't mean that the agency didn't have discretion to require cash match when appropriate. That is only one wrinkle. The most important aspect is the fund-flow implication. For the diversion initiative, they allocated the appropriation for LEAA to the juvenile diversion program rather than the monies that the Congress had specifically appropriated for such projects. That policy decision relates in an intimate way to the fact that the Juvenile Justice dollars have been stacking up over the last three years, while the Parts C and E funds dollars have not. In other words, they put a preference, in addition to the problem we were discussing, on allocating C and E in lieu of allocating Juvenile Justice funds when

they had the choice. At the very moment the diversion project, for example, was being funded, the Office had on hand $38 million of Juvenile Justice discretionary monies, appropriated in fiscal year 1976 and appropriated in fiscal year 1977. Of course, the fiscal year had just started. They had on hand $5.7 million in Part C, and $13 million in Part E, for a total of $57 million, of which $38 million was Juvenile Justice money.

They turned around and allocated $8.4 to the diversion program with $4.9 million of that Part E, $3.4 million Part C, and $100,000 JJ. So they diminished their available Juvenile Justice money by .3 percent, their available Part C by 60 percent and available Part E by 37 percent. That is an example of the kind of process that continued and yielded the results we have when we see the Juvenile Justice dollars stacking up year after year after year.

A related problem is that the Office staff, as you can expect hard-working people to be, were overly optimistic as to their ability to yield more than one initiative a year.

I have gone back recently, and was familiar with some of this, before I got to the new job, but I have looked at the representations that were made at the beginning of each fiscal year as to the number of projects that would be completed within the course of that fiscal year.

All optimism and good intentions put aside, the track record is such that one a year was completed—one a year. That is the track record. One footnote to that would be that there was money transferred to the Office of Education which some might count as additional initiative, but that was basically an interagency transfer of total of $6 million over several years.

A third major policy concern relates to Juvenile Justice Office's nearly exclusive reliance on so-called national initiatives as a funding vehicle. As a matter of policy, individually submitted projects and program applications, whether local, State or regional, were overtly discouraged.

Reasonable people, of course, could differ, as they obviously do, about whether this mode of going exclusively with national initiatives is a sensible way. I could see where there would be good arguments on both sides of that. But when the Office was only doing about one initiative a year, and when they were allocating the limited amounts of funds to it they were, I don't see any rational justification for having used that almost exclusive mode of doing business. If they had done three or four a year in each of their years and obligated their Juvenile Justice money, I could see that would make sense. But they were doing only one a year, and, in fact, obligated more Crime Control Act money than Juvenile Justice money. The dollars were stacking up.

I saw some testimony that was presented to you last April when you had your oversight hearings on the Act. My recollection is that a representation was made that some $200 million—perhaps it was in the Senate, but one hearing last spring—$200 million of applications were received under one of the initiatives. The representation was also made that $50 million worth of those applications were in the so-called "fundable" category. In other words, there were meritorious projects that had been previewed, gone through

preapplication review, and professionals in the Office and others concluded should be funded. If dollars were available, they should have been funded.

Mr. ANDREWS. Mr. Rector, give me an example of what you mean by an initiative. You said there had been only one initiative per year. What do you mean by that?

Mr. RECTOR. In the first year of the Office, they had the deinstitutionalization initiative. About $11 million was allocated to projects in a number of States and Regions to assist in removing from secure placements—somewhere around 26,000, over a couple of years, young people through the projects that were going to have more secure, more healthy kinds of alternatives. So I would say it was a bonafide project. I don't have any complaint about that. But it was the only project of that variety——

Mr. ANDREWS. What is another?

Mr. RECTOR. Diversion, the one we were discussing, was the second one. The third one was prevention, which the Office funded last September. The fourth one, that has gone through the preapplication review process, is the restitution project; the fifth will be alternative education, for which guidelines will be published later in the summer.

That has been the pace. As I looked at the Office last summer, people were optimistic, on the one hand, and there was a rather substantial shortfall, on the other hand, in that they were able to get one off the ground each year. That is why I wanted to be a little more optimistic. We thought perhaps we could fund two initiatives, but certainly we are going to do one, but we are going to put more money into it. So we coupled their track record of one a year with the obvious need to do something about the fund flow, and that was one of the things that we did.

The restitution program has far more money in it than those of the earlier years. If you look at diversion and the deinstitutionalization, it is $11 million. Diversion was $8.4 million. They had plenty of money available, as I mentioned. Under one, it was represented to the Congress they had $50 million in fundable applications. It was also represented to the Congress that there wasn't money available to fund those applications. Yet, the figures at the time that representation was being made would have shown there was some $45 million to $55 million on hand that wasn't being spent.

They had locked themselves in, going solely the route of national initiatives rather than funding applications that were bonafide according to guidelines and separately submitted by communities, States, or regions.

It was like a double whammy. Those people were being told there wasn't money available because the money available was only for national initiatives.

Those realities are related. Those policies are related to the fact that the money is stacking up and they did discourage individually submitted projects and program applications. They were overtly discouraged.

There is something called an "unsolicited proposal". That is a misnomer. What it means in the context of the Juvenile Justice

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Office is that it is a proposal submitted to the Office that is not pursuant to the issuance of one of these major guidelines. It doesn't necessarily mean that it was solicited or not solicited, but in the jargon of the agency such proposals are called unsolicited.

If we received from a community, an application to do a juvenile delinquency crime prevention project that had the mayor, city council, and private nonprofit organizations involved, and that application before this year was submitted to our office, there was a very real likelihood, almost an assured likelihood before this year, that the application would be rejected because it was a so-called unsolicited project, in that it did not respond to the guidelines of one of the initiatives that had been published.

At the same time that the Office was not spending the money that was really available through the national initiatives, they were turning down a multitude of applications from public and from private nonprofit entities around the country.

Our position is that the impact of these past, and I underscore past, policies and practices cannot be understated. Only after my Senate confirmation and arrival last July did I begin to fully appreciate the cumulative significance and effect of these earlier policy decisions.

When I arrived last July, the Office of the Juvenile Justice was in final quarter of fiscal 1977. They had discretionary monies available, approximately $23 million. They had an astounding $43.7 million in discretionary funds available. And at that point in the last quarter of fiscal year 1977, the Office had yet to complete a single 1977 initiative.

That gets back to the one-a-year approach. Now, I don't want to hit on the people in the Office. I think there are some hard-working people, and they are in an environment that had been hostile relative to implementing the Juvenile Justice Act. They were always in a transition period. I think there are bonafide explanations for some of the problems, but no way does that explain the rest of it.

I was struck by the seeming optimism that prevailed as I solicited last summer views regarding Office policy, operation and direction. In my view, the grim reality of their situation rarely surfaced. I can't remember a soul saying to me in July or August of last year—perhaps there were one or two, but I can't remember them—that there was a problem with fund flow.

In spite of all of this, it was not a topic that was widely discussed. It was not something people expressed concern about. I think that goes back to the history of the 3-year history of the Office. One, the staff quite frequently were not given fiscal information. Two, the components in the Office were very poorly coordinated; they had been for a number of years. My personal view, without knowing for sure, is that most of the people in the Office were not aware of the significant amount of discretionary money that was stacking up and how that looked juxtaposed to the program track record. I can't imagine that they would have been aware, because if they had, they would have been ringing the bell about it when I arrived last summer.

Mr. ANDREWS. John, may I interrupt again? It seems that when moneys are appropriated for an agency or department, under cir-

cumstances whereby the use of an amount of money is left to the discretion of someone, the restrictions or mandates as to the use of that money are followed, as far as I know, during the year for which the appropriation is made.

If the Office of Education, for example, should get 20 percent discretionary funds in title I ESEA, so far as I know, that is not violated.

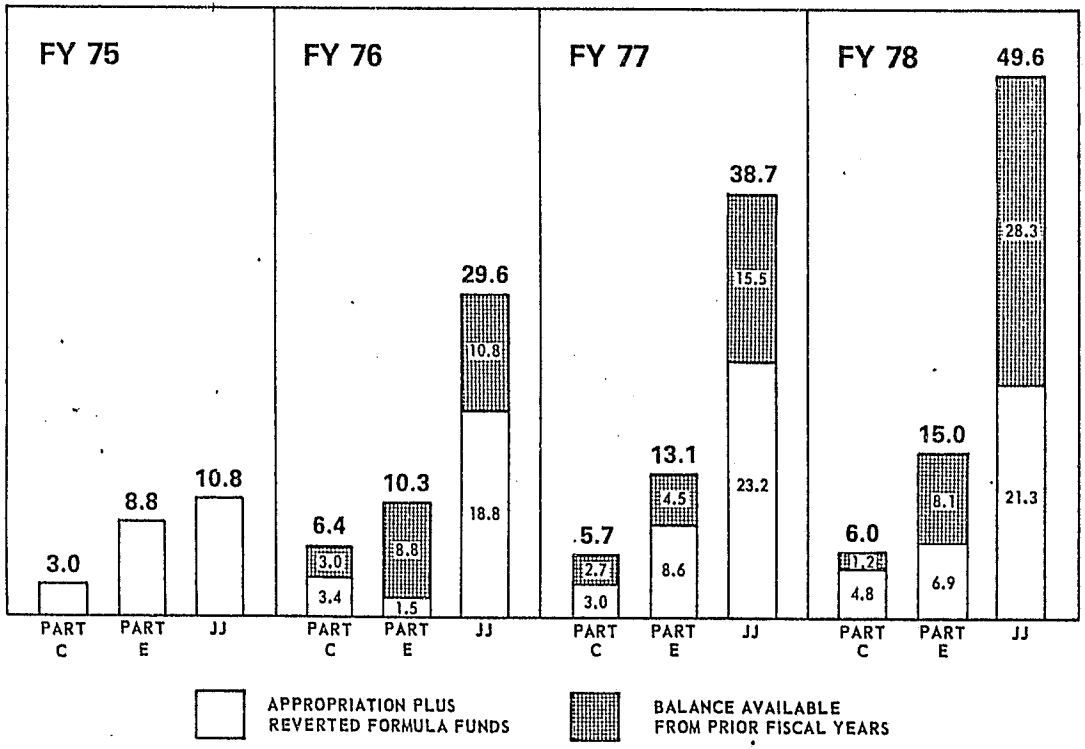
But if all of that money is not expended during the year for which it is appropriated, it becomes carryover money, so to speak, and apparently whether the part that is carried over is a part of the 20 percent that was discretionary or a part of the 80 percent that was not discretionary is forgotten. Hence, the carryover money seems frequently, if not almost invariably, to become discretionary money. Nobody seems to follow through in ascertaining whether the carryover money came out of the 80 percent nondiscretionary portion or the 20 percent discretionary portion. That seems to be forgotten. Hence, the carryover sum which builds up relative to the original 20 percent, becomes rather substantial, if not in some instances enormous.

Do you see that happening or evidence of that happening?

Mr. RECTOR. I think to a small extent that happened in the Office, but what we have here on this chart is exclusively discretionary money.

[Chart referred to follows:]

SPECIAL EMPHASIS FUNDS AVAILABLE BY FISCAL YEAR
(In millions of dollars)



Mr. ANDREWS. Was it discretionary all the while?

Mr. RECTOR. With one exception, there is no commingling of carryover block grant money, and that one exception is by statute. Under the statute, there is a formula grant program and the money goes out based on population under 18 to each of the participating States and territories.

The statute says that unexpended formula grant funds revert to the Office and become special emphasis or discretionary monies. That is in the statute. Now, there has been a tug-of-war about how you approach that. What LEAA has done in the past, what we disagree with, is as follows: The statute says that the reverted formula grant money is to be converted into special emphasis money. For the current fiscal year, the formula grant money, out of the $100 million appropriated, I believe is $63.75 million. Rather than crank that money out to the participating States, through the formula grants, what they have done this past year and what they did in former years was to account for the States that are currently not participating and the territories that are currently not participating, skim that off the top of $63.5 million and set that aside—sort of on the limb, sort of betting one or more of the States or territories will come into the program in the course of the fiscal year—rather than cranking all the money out, the $63.375 million total, to the States and then just see what, in fact, does come back.

We are changing that. That is the only area where some money that was formula grant money is converted by statute to special emphasis money.

I think the agency handled it wrong in the past. They should have let it all go out in formula grants to the States—let it run its due course. If it is reverted money, we have to follow the statute rather than taking it off the top and adding to the carryover. If you take $4 million out of $63.3 million and set it aside and see what happens, that is $4 million the participating States won't have. That is $4 million more that is going to be stacking up as discretionary carryover. That is what happened.

LEAA has 3-year money so we don't have to use it or lose it, the way many agencies do. You don't have a mad rush of a life-and-death variety at the end of September. This looseness is one of the problems that has exacerbated the fund flow situation—because of three years—so there isn't the discipline with regard to moving money that is present in most programs. That is intimately related to some of the problems.

We are addressing that, and I mention in my statement in part how we are doing that.

I will jump ahead to that. We started this current fiscal year, October 1——

Mr. ANDREWS. Let me interrupt, if I may, before you start the next point.

Let me digress a moment and say something I want to say anyway, which is not exactly pertinent now but may be a little later.

Yesterday, Congressman Hawkins and I and four other members of the Senate watched an ABC documentary which is to be shown

tomorrow night. I encourage any of you here to view it, if you are interested in juvenile crime, delinquency and related problems. That will be tomorrow night on ABC at ten o'clock. It is about an hour long.

You actually see there, John, young people in crime circumstances. It is a very moving documentary, in my opinion. But whether you see it there or in your own homes or simply read the statistics, I think the country is somewhat moved to do something about this problem, and many people are saying to the Congress, "You are not doing enough. Do something about it."

Yet it seems that when monies are appropriated—and I am not being critical of you as an individual any more than I am critical of myself—we talk in bureaucratic terms about carryover monies, and use terms like discretionary and diversionary, and become all tied up over which agency is going to get which monies or whether they come from this fund or part E or Part C. The kids in that movie wouldn't give a damn whether it is Part C or Part E, and I don't think the taxpayers do either.

What do you mean by diversionary programs? What are you doing for the kids? How much of this money gets to where those kids are? That is what I think people want to hear us talk more about.

I don't mean to imply that what you are talking about isn't important, too—before money gets to the kids it has to go through some bureaucratic mechanism and that is good to consider. This subcommittee is interested in considering how to get funds from the Treasury where the check is written down to the streets of New York where the kids are. I know it can't just be mailed to the kids; it has to go through you, or LEAA, or another agency. It has to be 1977 money, or 1978 money, and that is important for fiscal accountability. But I don't think it is really the essence of importance.

Why is having only one initiative a year not good? Why would it not be better to better fund initiatives you already have than to initiate others? How do I know that? I would like to hear you talk about that.

Mr. RECTOR. I don't think we have any basic objection with that at all. The problem is——

Mr. ANDREWS. You seem to be suggesting that it is somewhat of a failure that only one initiative a year has been implemented. I am not suggesting that that is not a proper evaluation. Maybe there should be 10 a year. I don't know. I want you to tell me something about that.

Mr. RECTOR. I touch on that briefly in the statement. We are taking a more targeted approach. The problem in the past rhetoric was that there was supposed to be a little something for everybody. In reality, they have done one a year. I am not critical of that. But funding only one a year with $8.4 million while another $50 million was sitting on the back burner is what I criticize. They could have funded $40 million or $50 million worth of diversion projects.

Mr. ANDREWS. What are diversion projects?

Mr. RECTOR. A whole host of things are included under that label and the guidelines that were published allowed a range of projects, but primarily——

Mr. ANDREWS. Like what? I keep trying to get you to tell me what you are doing about the kids. What we hear most is that you are segregating, or attempting to segregate, youthful offenders from adult offenders. Then within the youthful offenders, you are attempting to separate status offenders from the other delinquent youthful offenders. But to answer the mail in the office from people who want to know what else we are doing with this program—they don't particularly care for an answer that says we are concerning ourselves with whether or not Part E money or C money goes through the Office of Juvenile Justice; they want to know specifically what programs you are talking about as they relate to the kids who are in trouble or might get in trouble with crime. What are these diversionary programs?

Mr. RECTOR. I don't have a list with me, but I could describe a couple of them.

Mr. ANDREWS. Good. I don't care for the list.

Mr. RECTOR. Yesterday, I had a conversation with the director of our Memphis Project, Project New Pride. We are pleased with that. An evaluation has shown they have made progress and are supporting the young people in the program. We are going to take the Project New Pride diversion model and make it available to numerous communities around the country.

To divert means to head a young person off from where the normal result would be, but for the program. Let's say a young person is convicted of a burglary, maybe second-time burglary. What these programs are doing is not letting that young person run the traditional course of being locked up three or four months, and then put back on the street again. Despite what people say about how long they want to lock people up, the actual time the young people who commit relatively serious or minor delinquent acts is very short. We can provide that for the committee. People talk about mandatory sentencing but because of a lack of capacity and other things the time is short.

Rather than continuing this in-and-out, revolving-door syndrome that occurs in juvenile justice, a diversionary program will provide a lot of assistance for that young person, perhaps for the family, family counseling, educational assistance, and very importantly, employment, supported work experiences, and all kinds of training experiences which help a young person develop the survival skills young people need these days to make it from being up at bat to making it to first base.

That is a simplified description of diversion. It is a pretty simple notion. The current system quite frequently fails and is a revolving-door syndrome. It is a very expensive proposition—expensive to incarcerate young people. These diversion programs provide an alternative to that and shore up some self-worth on the part of young people. Project New Pride is a prototype. An evaluation which I will provide the committee of Project New Pride indicates that recidivism rates are going down; young people are being placed in ever-increasing numbers in viable jobs. They have support of the public and private sectors.

This project is in Denver and is the kind of thing that could happen around the country. They could have done $30 million

worth of such bonafide projects in the fall of 1976. But they only did $8 million. The only reason I am concerned about whether it is Parts C and E or Juvenile Justice money being used is people are beating on my head as to why we are not spending the Juvenile Justice money. I would like to spend it all. I think we are going to set a record come September 30; I think we are going to be coming to you saying we are in a rather unique position: "Juvenile Justice needs more money because we have obligated it to bonafide programs such as New Pride."

The happiest thing to me and my staff would be, come September 30, to have the problem of having all kinds of bonafide applications and not enough money. That hasn't been the experience. I don't like to pigeonhole C and E or JJ, but I am getting heat as to why we are not spending JJ. It is important, I think. We want to take the opportunity to show how bureaucratically that happened. We are trying to unravel that and be in a posture to move as much money as anybody will bring our way in as efficacious a way as possible.

I agree with the more targeted approach, but we have limited staff. We are grossly understaffed, particularly in relation to other LEAA offices. I have a paper I can submit for the record on how they figure these things out in persons per million. We have sixth-tenths of a person for each million dollars of appropriations. There are research institutes, these R&D people, the Beltway bandits, the whole deal, in LEAA staffed at the level of about 3.7 persons per million.

One of the major problems with dollar flow is we don't have the staff and the priority. The so-called "beltway bandits" sit around and crank out these research projects that sit on a shelf someplace and collect a lot of dust. The policy in the agencies has been to give research more priority. What does priority mean? More staff, quicker turnaround on personnel and the rest of it.

I will submit for the record this Project New Pride, because I think it is the kind of thing we should have done more of in the fall of 1976. There was a very good 13-part series in the Christian Science Monitor last week on child crime in America, as well as a very thoughtful editorial. In that series, the second article focuses on the diversion projects we are supporting and the fact that our Office is going to expand them. It also lays out some of the personal experiences young people are having.

We are not talking about young people who slipped here and there. We are talking about young people who have had some pretty significant delinquent, careers; young people who are oftentimes, if not primarily, from very poor communities; young people who have been generally short-changed by our society. This is the kind of program that has been making some progress. We are going to try to put more money behind that. I like the notion of going with one or two major initiatives rather than a whole host of little ones that don't provide clarity as to what is important. I know our administration wants to provide some clarity.

I should mention one of the criticisms brought to my attention by the staff and others is that last summer I rejected an offer from the Labor Department for $8 million. I had been on board for three or four weeks, and a couple of leadership staff people approached me

and told me that we had a possibility of getting $8 million from the Labor Department. I had a day or two to make a decision about it. It was about that same day I had become aware of the fact we had $50 million of discretionary money there in the last quarter of the fiscal year. I declined to accept the $8 million that would have been forty-eight plus eight, and we just were not in a posture to accept that kind of money. I am not trying to raise that issue, specifically; I know people have some concern about it. But Bob Taggert of the Department of Labor and I are going to do several joint projects. One of the things we are talking about doing will have a multiplier effect. We will use some of his money in conjunction with ours and do some of these. If we were going to put $10 million, he could put ten, and others could put more, and we could do New Pride-type projects around the country. Bob and I are also going to do a several-million-dollar project around the issue of homeless youth. It will be a tripartite effort with HEW, with Larry Dyes' office, using some of the centers they have, some of our delinquency prevention money, and Bob's employment money. That is something that is in the works.

Another thing of an interagency variety in the works that will be announced tomorrow is that the two of us, Bob Taggert in Labor, and myself at Justice, will be contributing a youth, anti-crime, anti-delinquency piece, to the urban initiatives package announced tomorrow morning. As soon as we have the details on that, I will share them with you.

I am just as interested in addressing such real concerns as we read in last night's paper about the two officers that were shot allegedly by a young person in Prince George's County. I am as interested about that grass-roots kind of concern. I am anything but a typical normal bureaucrat, and I am not going to be.

To the extent I don't have to play that game, I am not going to. I share your concern about some of this that has so inhibited this program in the past. I am trying to impact it, and to take an office that has been crippled and bring life into it. Let me be more positive and sketch some of the things we have done. We have established sorely needed elementary control and monitoring mechanisms. This sounds like no big deal.

We set up a paper flow control desk; we set up a system for acknowledging correspondence. We set up logging systems for applications and concept papers.

And someone says so what? I say, "Well, any office I ever worked in, in my life, had such elementary mechanisms operable, onboard and effectively working." Yet, this office didn't have that kind of support system. Little wonder when someone used to call to find out where a grant application was, that nobody knew. There was not even a logging mechanism. Little wonder that letters were not responded to. I would say the singlemost complaint I received about the Office the last couple years was a failure to answer phone calls and letters. There was no system for acknowledging letters. When I say the Office was in bad shape, I don't mean there were some philosophical differences between the Carter administration people and the former administration. They have been kicked and put down. We have been working to just put in place some of these

elementary things that allow us to do business as anybody should. We have established a rational planning process for travel, for participation in conferences and meetings including, for example, the use of telephone conference calls, where appropriate.

I have to say—I know some staff disagree and reasonable people can differ about this kind of thing—that the Office looked like a travel bureau to me when I arrived. One of the first things I did was place a moratorium on travel for the first couple months. I had an interest in holding a full staff meeting, and I learned it was not possible to do that without a travel moratorium. We held a couple meetings in July to solicit from the staff advice and comments about operations, policy, and the like. There has been a degree of controversy about my attitude on travel. The Attorney General, incidentally, has prohibited us from activity at resort areas. That is sound reasoning that taxpayers don't like to see bureaucrats go to resort areas on their ticket. A couple weeks before I arrived in the Office, they had a staff meeting planned at Lake Tahoe over the Memorial Day weekend, a month and a half after it was prohibited. We are talking about practices, looseness, basic looseness about things like travel. It is not a small deal. It may sound like a small deal. It relates intimately to dollar flow and to the fact that there have been one or two initiatives at best a year. I have a travel audit about the practices of the Office over a couple-year period that was submitted to me by the Department of Justice when I arrived last summer. I would like to submit it for the record, so the committee and staff can better appreciate the assessment, that I concurred with, of the Office as it related to these kinds of practices. (This information is on file and available for review by the public through the Subcommittee of Economic Opportunity.) You can see the specific recommendations that the auditors and other persons have made. You will note a coincidence between their recommendations and the practices and procedures I have implemented in the Office. There has been flak about it from staff, understandably.

Mr. ANDREWS. I congratulate you on those. It sounds like you are headed in the right direction.

Chairman Hawkins will preside for a moment, and I will be right back. Continue, if you will.

Mr. HAWKINS [presiding]. I assume, Mr. Director, you were answering questions?

Mr. RECTOR. Mr. Hawkins, I was about to go into the positive side of what we are doing.

Mr. HAWKINS. Would you pick up on page 1 and continue then, and we will try to get to the end of your statement.

Mr. RECTOR. I will try to summarize. We were talking about fund flow, primarily. We have developed a viable strategy designed to address the extraordinary fiscal problems of the Office, including the fact that Juvenile Justice funds are now to be obligated prior to the available Crime Control Act funds. As odd as it may seem, for the first time in Office history, we funded a major initiative, the prevention initiative, exclusively with Juvenile Justice funds.

State Planning Agencies are no longer the vehicle for allocation of discretionary funds. Not only will a significant amount of money be awarded directly to grantees, but a factor which contributed to

delay will be eliminated. The Chairman had asked about delay and what the factors were in inhibiting the kids and people helping kids from getting money. Well, the decision with the discretionary money around diversion and the decision to go through the State Planning Agencies in spite of what the Congress directed, often added an additional bureaucratic layer that delayed the flow of dollars to young people. If you compare the flow of dollars under the prevention initiative, which did not go through the State Planning Agencies, with the diversion initiative that did go through State Planning Agencies, you will see that we cut the delay almost in half. We are relatively pleased about that.

Now, unsolicited programs applications are being received and considered. Unsolicited, as I indicated earlier, is a jargon of the bureaucracy. It is a misnomer. What it means is whether solicited or not, we are funding and considering for funding meritorious proposals—whether they come from public agencies, private nonprofits; whether they are collaborative applications—and they don't have to be a part of a national initiative. This more easy access to the Office will match applicants' needs that the Chairman was stressing with our available dollars.

It is a part of the openness that we have been expressing, and I have to underscore one thing regarding the nonprofit community, in particular. We have been bending over backwards to be open and allow access to the program by the very kinds of groups that work with young people intimately and who have basically been getting short shrift from the Office over the past three years.

The practice of suspending the processing of applications has been radically curbed with expected results. Decisions are made in a more timely manner, and another aspect of the dollar jam is addressed.

On top of the fact you have 3-year money. When I say the Office is loose, or the agency is loose, and they process money in a loose way, there are bureaucratic procedures that allow and even encourage further looseness. At any time, although there is a 90-day period during which an application should be processed, a grant application can be placed in suspension; that basically holds in abeyance the clock that is ticking. It allows the Office and persons in the Office not to have to worry about the 90-day clock. There are some grant applications where the clock has been held in abeyance, and they have been on the shelf for more than a year. We are trying to cut back on this practice of suspending the clock with regard to applications. Of course, there are some emergency situations that arise that would make a difference.

I want to correct something I said earlier—LEAA had 3-year money—and that is incorrect. I have just been reminded that LEAA has no-year money and funds remain available until expended. The 3-year limitation is self-imposed by LEAA. It is worse than I indicated; there isn't a use-it-or-lose-it situation, but really an open-ended appropriation. The agency, as an administrative device, has placed the 3-year limitation on it.

I have another document that I think the committee would be interested in studying relative to matters I have been sketching. It is a document that is helpful to me in trying to assess a situation such

as the one I walked into. There was a document provided to me by the Office of Planning and Management at LEAA that did an assessment of the deinstitutionalization and diversion initiatives. They recommended that we not use the State Planning Agencies as a conduit for discretionary moneys and a host of other things I have been stressing. In greater detail, it lays out what the practices were and the basis for the recommendations, most of which we have implemented. I would like to submit that for the committee's consideration.

Mr. ANDREWS. Very well. Thank you.

[The information is on file and available for public review through the Subcommittee on Economic Opportunity.]

Mr. RECTOR. This year, we have done the restitution program. This program—again, I know you don't want to hear so much about Parts C and E—but it was originally designed to be allocated primarily through Parts C and E money. We redrafted the project so that it will be funded with Juvenile Justice Act money. This may seem to be a bureaucratic consideration, our Appropriations Committees don't consider it in that vein at all. When I went this year before both our House and Senate Appropriations Subcommittees, what they were asking me was why wasn't that Juvenile Justice Act money being moved? They weren't even all that intimately aware we had C and E money.

We are allocating a substantial amount of money to restitution. I think if, in fact, that had been done with diversion, there probably would have been little carryover. We have received 117 applications for those projects, and we will obligate somewhere in the neighborhood of $20 million to $24 million for that program by September.

Last August, when I came in and saw that we were staring in the face $70 million in discretionary money, I decided to allocate a significant portion of it, approximately $30 million, to the area of a children-in-custody incentive.

I am well aware of the strong concern that the Chairman and other members had in the House last year about the setaside for discretionary moneys. In fact, I remember that one draft of the 1977 Amendments that said up to 20 percent could have been set aside for discretionary use. Of course, that would allow a great degree of flexibility, and it would have allowed us, for example, this year to make a decision in light of the fact we are going to carry over about $60 million, to allocate zero of fiscal 1978 money for discretionary purposes. We don't have that authority because the Congress worked its will in another fashion, but what we do have the authority to do is ask for reprogramming. We have asked the Appropriations Committees, and others, for authority to reprogram some of the extraordinary amounts of carryover that has built up over three years. That was submitted to the Congress as part of the fiscal year 1979 Carter budget submission. It is still under active consideration by OMB, the Justice Department and the respective Appropriations Subcommittees.

It is directed toward this very real need that the States have to comply with the Juvenile Justice Act, Sections 223(a) (12) and (13). They signed contracts to comply with the deinstitutionalization requirement within a certain period of time. You have increased

that period of time to three years for 75 percent compliance, five for 100 percent. Of course, the other section is the separation requirement, so that the delinquents are not commingled with adults in institutions.

We saw this money stacking up and the fact they had been spending little of it. The administration thought an ideal way of meeting a number of needs was to reprogram some of that money and make it available to States that were willing to take it specifically for their activity to comply with sections 12 and 13. Through their testimony and through other avenues, the States have expressed very strongly their need for additional funds to comply with 12 and 13. This was an effort to try to meet the problem of excessive carryover and to address a very real need of the States to comply so they can stay in the Juvenile Justice Act.

The other bureaucratic business we are trying to deal with is something called no-cost extensions. We talked about on the front end how you can suspend an application. A year can be built in by suspending it before the application is reviewed. On the other end, once a grant has been awarded, the projects can be subjected to something called a no-cost extension. Let's say you had a diversion project, like Project New Pride, and the dollars were awarded, and let's say it took a year for the project to get started—that happens, unbelievably. In fact, several projects took more than a year before they even got started. Part of it was because the money went through the SPAS. We are not doing that any more.

No-cost extensions allow the program to go on and on and on. We are coming down in fairly tight fashion to encourage better project management so they expend the dollars in a more cost-effective way over each project period, so you don't end up extending, say, 1976 money ad infinitum into 1981.

As peculiar as it may seem to some, before last summer, the formula grant program, the backbone of the Juvenile Justice Act, was not even managed by the Office of Juvenile Justice. I know you are intimately familiar with that. We are now responsible for its direction and its management. We are quite proud of the significant progress I believe we have made with the formula grant program. When I arrived last summer, the Office of Regional Operations was in control of the juvenile justice formula grant program. In fact, all policy direction that had been developed over a 3-year period around the formula grant program, which has its own set of problems, had quite frequently not given the Juvenile Justice Office and the experts any kind of participation at all. As of September, we were very much in charge of the Office. The first plan reviews ever conducted by the Office were done last fall, and I think done, under the circumstances, very effectively by some hard-working folks.

I will not go over the rest of my statement. I would like to say in concluding, that I have tried to provide a realistic picture. I am cautiously optimistic we can meet the high expectations of the administration and the authors of the original act and the 1977 amendments.

I certainly look forward to responding to your questions.

Mr. ANDREWS. Thank you. Chairman Hawkins, do you have questions of the witness?

Mr. HAWKINS Thank you, Mr. Chairman.

Mr. Director, I am certainly well aware of the problems involved in the Juvenile Justice and Delinquency Prevention Act, and the questions I ask are not intended in any way to detract from what I consider to be the value that we have gained from the Act, itself, and all of the good things that have been done.

One or two things have been called to my attention, however. Specifically, the first from the Office of Criminal Justice Planning in California, in my own State, in which they express a great concern about the denial of Juvenile Justice Act funding for the State out of a difference of view on the interpretation of the mandated separation of the young offenders from more hardened criminals.

I think the California Youth Authority has been an example in the country and certainly preceded the efforts in this field prior to the passage of the Federal act. But due to an interpretation which apparently your office has placed on that particular part of the act, requiring separation, which I think is a policy all of us would subscribe to, the State faces at the present time a loss of some $6 million in Federal funds, which we obviously cannot afford to lose, which I think would be a severe impact on that State, and it would seem to me that the interpretation placed on that particular part of the act has been a little unreasonable in view of the compromise which has been suggested by California.

I will not go into that. I think you are probably well aware of it.

May I ask you, therefore, specifically, what is the present situation with respect to this funding, and to what extent can the matter be settled administratively which I believe would be more desirable than a legislative change?

I do have a suggestion for legislative change, but out of a fear that to change that particular part of the act would open up the act to abuse, what can you contribute to some resolution of this problem without, let's say, resorting to a legislative change?

Mr. RECTOR. I likewise am a Californian.

Mr. HAWKINS. You are not elected from a district where you have problems with constituents and a State on top of you, however.

Mr. RECTOR. Although I would say in the last week or so, I have received telegrams from 56 mayors, and I have talked to about 45 of them. I have a tad bit of flavor of what that must be like.

Mr. HAWKINS. I am glad my question has some constituency.

Mr. RECTOR. With regard to the position that we have taken on the California separation issue, I think it is important to understand that this isn't a policy that first emerged last fall.

In December of 1975, after eight months or so of negotiation, Doug Cunningham, the State Planning Agency Director, negotiated with Tom Madden, General Counsel then, and now General Counsel of LEAA. A LEAA General Counsel's opinion of December, 1975, concluded that the practices of the State of the California Youth Authority that you have mentioned violated the Juvenile Justice Act. So it is not something I or any of the staff people pulled out of hat last fall.

The situation that we were presented with occurred when California filed its fiscal 1978 plan. On the face of it the State indicated

that it would not comply with the General Counsel's opinion of 1975. That was a turnabout. They had been working toward a compliance with the General Counsel's opinion.

I was in a situation of assessing the California plan in the fall of 1978. Now, our staff, the professionals and the professional bureaucrats who are familiar with planning and related requirements recommended to me that we outright reject the California plan.

I didn't do that. What I did do was, out of the options available, take the second least restrictive option. This is to disapprove a plan and to set a period of time aside to allow for negotiation to resolve differences. A number of differences arose in reviews. None had the multiple-year history that this particular problem had. Doug Cunningham was involved in it from the outset. So the plan was disapproved rather than rejected. The significance there is that had the plan been rejected, as our staff recommended last fall, that would have cut off the money immediately, allowed a 10-day period for appeal by the State of California to go to the Circuit Court, I think, although I would have to be corrected on that. We took a disapproval route and set aside a 60-day period to allow for negotiations.

That 60-day period was subsequently extended. We were meeting through December and January to come to a reasonable accommodation.

We were getting plenty of heat from other States who felt that if we didn't carry through with the General Counsel's opinion of 1975, it would be like we were taking a dive to accommodate California. So we were getting other pressure. To make sure we stayed on the straight and narrow with regard to earlier opinions, we allowed the dollars in California to flow to all but the California Youth Authority. The various programs, including the ones in your district and Bakersfield, where I am from, and other districts around the State, received the monies that they would have otherwise received under the plan.

To bring you up to date regarding the present status, within the last week, I think because of Proposition 13, and all the developments in the State, Doug Cunningham, the Executive Director of the SPA sent a letter to me. He and Ms. Pearl West, the head of the California Youth Authority, sent a joint letter to me, making me a proposition. They sent the letter on June 15, and they said if by the 22nd of June we did not accommodate their position, that they would cut the money off to all the juvenile delinquency prevention oriented programs throughout the State. That is what their letter basically said.

They indicated because of the fiscal pressure of Proposition 13, that the accommodation that we had agreed on earlier in the spring which they were going to submit to us by July would no longer be possible and that a more refined, more austere approach would have to be taken. They gave us a week to respond to that.

So the recent crisis was precipitated by the letter from Doug and Pearl to me. We were on track to receive from them a plan to be submitted by the end of July pursuant to agreements that we had made last spring.

I was rather surprised to get the letter. We had a week to decide almost under emergency circumstances what to do about it. What we did, and I think Congressman Edwards and others spoke on behalf of the California delegation and on behalf of the study group, and on behalf of a lot of other folks, was allow the drawdown of monies, again for the rest of the year, as we had for the earlier part of the year, but not allow the California Youth Authority to draw down money.

Basically, we allowed for the remainder of their planning cycle for 1978 precisely what we allowed for the first part of the year. The posture is that we now will receive from California their fiscal year 1979 plan.

That has to be received by law—although there are a lot of things required by law where the agency and others provide flexibility. A lot of people have been talking to me about the law and what is required and what not. If we required the States to comport with the submission date of July 31, they would all have been out of the box last year but two.

By law, it is supposed to be in by July 31, but about July 31, they will submit the fiscal 1979 plan. That will give us from July 31 through the end of October to work out a final settlement as to this issue of separation.

I wasn't able to reach Doug. I talked to Pearl personally, and I sent them a letter, of which I have a copy, which others have a copy. If you desire, I would like to submit it for the record. Basically, I assured Pearl that reasonable people, although they can differ, in the period of time we have left, we should be able to hammer out a solution that would be a reasonable one.

Mr. HAWKINS. May I request that letter be submitted to the committee and be placed in the record at this point?

[The information follows:]

STATE OF CALIFORNIA EDMUND G. BROWN JR., Governor

OFFICE OF CRIMINAL JUSTICE PLANNING
OFFICE OF THE DIRECTOR
7171 BOWLING DRIVE
SACRAMENTO, CALIFORNIA 95823

June 15, 1978

Mr. John Rector, Director
Office of Juvenile Justice and
Delinquency Prevention
Law Enforcement Assistance Administration
633 Indiana Avenue, N.W.
Washington, D. C. 20531

Dear John:

To confirm comments made by Dan Doyle, Charles Kuhl and Nathan Manske at their June 9 meeting with Dave West and Frank Porpotage of your office, it has been necessary for California to delay official action on your conditional grant of fiscal year 1978 Juvenile Justice and Delinquency Prevention Act funds. We appreciated very much the willingness of your staff to meet with California's representatives on such short notice to discuss the separation issue and the potential alternatives for dealing with that issue.

As was stressed to your staff, the landslide passage on June 6 of Proposition 13 has had a profound effect on government in the State of California. It appears that approximately seven billion dollars in local property tax revenue will be eliminated, some 800 million dollars of which was to have been expended by our cities and counties for criminal justice programs during the 1978-79 fiscal year.

Although the full and precise impact of this new constitutional provision is not yet known, it is obviously leading to profound changes in the fiscal and operating relationships among state and local agencies. Like every other public body in California, the Youth Authority and the Office of Criminal Justice Planning are re-examining their programs and priorities in light of this new and critical situation, in which there are many more problems and uncertainties, and far fewer dollars. Fortunately, federal administrators are comprehending the national policy and program implications of the decision of the electorate, and state department directors are finding their Washington counterparts to be understanding and cooperative.

Although our analysis is being continually refined, it now appears that the drastic reduction in local property tax revenues will produce the following general results of importance to the implementation of the Juvenile Justice and Delinquency Prevention Act:

1. Unless and until new long-term funding arrangements are worked out; preventative services will be given low priority in the allocation of remaining local resources. In this regard, crime and delinquency prevention will suffer, along with such other preventative service areas as fire safety, public and mental health, road maintenance, and the like.

2. Public human service agencies, such as probation departments, will largely withdraw from contractual or funded referral arrangements with the private sector, as it is unlikely that such purchase of services funding will be defendable in the face of potential or actual layoffs of public employees.

3. Local correctional options will be severely restricted as work furlough programs and minimum security adult county farms and camps are closed. Such facilities now receive a large portion of the more than 16,000 convicted felons sentenced annually to local incarceration -- more than double the number being committed to state institutions. In addition, the state has been advised that extensive closures of juvenile ranches and camps are to be expected. The effect of the above will be a very substantial increase in the numbers of people committed to the Department of Corrections and to the Department of the Youth Authority.

4. Finally, state government is taking immediate steps to divert state resources to assist in the continuation of essential local services. To that end, all departments of state government, including the Youth Authority, will be undergoing major budget cuts.

An additional, but less specific, result of Proposition 13 is that public officials are on notice that the people insist that every expenditure of tax dollars, whether federal, state or local in origin, must be freshly justified on the basis of clear public benefit.

Our analysis of the effects of the property tax limitation law leads us to two conclusions bearing on the separation issue which, together, form something of a paradox. On the one hand, the continuation of the flow of Juvenile Justice and Delinquency Prevention Act funding for local programs has become critical to the survival of numerous successful community-level alternatives, for which hard-won access to local money either is or likely will be denied. On the other hand, the Youth Authority, facing the prospect of substantial institutional caseload increases, needs maximum flexibility in managing its population.

As has been stated on several occasions, including as part of the State of California's formal 1978 plan, we have been and continue to be of the opinion that California statutes, coupled with the Youth Authority's implementation of the mandates contained in those statutes under close legislative and judicial scrutiny, meet in every way the objectives and intent of Congress in enacting the separation requirement. Nothwithstanding that opinion, the Youth Authority, by transmittal dated January 31, 1978, submitted to your office a draft of a proposed separation plan based on a combination of age and jurisdictional factors. This proposal was made in the spirit of compromise and in the hope that a mutually satisfactory result could be reached. Based on your letter of March 20, and on the June 9 discussion with Mr. West and Mr. Porpotage, we understand it to be your position that anything less than full separation strictly on the basis of court of commitment is unacceptable, except that 16- and 17-year-olds under criminal court jurisdiction could be commingled with either criminal or juvenile court commitments. We further understand, as a result of the June 9

discussions, that the entire controversy is one of interpretation of the language of the Act and that the essence or quality of the institutional programs of the Youth Authority are not at issue.

Based on the above considerations, and on the continued and deeply held belief that we cannot justify on the merits any expenditure of public funds merely to comply with your office's current rigid interpretation of the separation requirement within the Youth Authority, we have concluded that the State of California cannot now in good conscience bind itself to either the strict separation requirement or the inflexible timetable for complying with that requirement specified in your May 24, 1978 grant award document. Furthermore, California is not now able to commit itself to implement the approach to separation proposed in the Youth Authority staff paper forwarded for your review on January 31, 1978.

In the course of broad discussions of this issue over past months we have realized, however, that several sectors of the public would like to be assured that separation is guaranteed in connection with the younger element of our ward population. Accordingly, although we would prefer to wait until the post-property tax limitation patterns of dealing with youthful offenders at the local and state levels have become clearer, the state is presently willing to make the following commitment, substituting for the present language in special conditions numbers twelve and thirteen in the grant award document:

12. Grantee agrees that within six months of the date of the Comprehensive Plan Award the Department of the Youth Authority will not allow contact between persons committed to the Youth Authority from the juvenile courts who are sixteen years of age and under and persons committed to the Youth Authority from the criminal courts who are eighteen years of age and over, except for the following:

    a. In short-term diagnostic processes in the Youth Authority's reception center/clinics;

    b. Happenstance encounters while being transported or while older wards are on the grounds of a younger ward institution to perform supervised maintenance assignments;

    c. In hospitals while receiving medical care and treatment;

    d. Female wards at the Youth Authority's Ventura School, during the regular program-day (the total Youth Authority female population is so small as to make separation in programs facilities completely unworkable). Contact shall not, however, be allowed in living units.

We would like to again direct your attention to the alternative available under Section 509 of the Crime Control Act, as incorporated by Section 262 of the Juvenile Justice and Delinquency Prevention Act, which provides that you may exercise your discretion to disapprove payments only for activities for which there is a failure to meet statutory or regulatory requirements. This approach was raised in the March 30 memorandum from Dan Doyle to Pearl West, a copy of which was forwarded to you, and was further discussed at the June 9 meeting. Your positive exercise of the discretion to exclude the Youth Authority's institutions from funding under the Juvenile Justice and Delinquency Prevention Act would permit the continued flow of federal funds to those successful local programs for which such funds may be the difference between survival and termination.

We trust you understand the necessity for California to take the position noted above. We would appreciate a response by June 22, 1978 as our supervisory board will be meeting on the following day. If a favorable response has not been received by that date, we must notify recipients of fiscal year 1978 Juvenile Justice and Delinquency Prevention Act funds to cease operations.

Sincerely,

Doug Cunningham

DOUGLAS R. CUNNINGHAM, Executive Director
Office of Criminal Justice Planning

Pearl S. West

PEARL S. WEST, Director
Department of the Youth Authority

DRC:rd

cc: Senator John C. Culver
Representative Ike F. Andrews
Members, California Congressional Delegation
James Gregg, LEAA

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION
WASHINGTON, D.C. 20531

22 JUN 1978

Mr. Douglas R. Cunningham, Executive Director
Office of Criminal Justice Planning
7171 Bowling Drive
Sacramento, CA 95823
Ms. Pearl S. West, Director
California Youth Authority
4241 Williamsbourgh Drive, Suite 202
Sacramento, CA 95823

Dear Doug Cunningham and Pearl West:

This is in reference to your joint letter of June 15, 1978, concerning the conditional approval of your 1978 Juvenile Justice and Delinquency Prevention Act Plan.

I regret that California and the California Youth Authority (CYA) have rejected your April 7, 1978, agreement to the conditional approval of the 1978 JJDP award.

Since 1975, your Office and the CYA have been fully aware of their violation of Section 223(a)(13) of Public Law 93-415 which requires the separation of juvenile court wards from adult court criminals. The State's decision has created a funding crisis for youth and juvenile crime programs. As you know, during the negotiation period we have provided funding for all programs except the CYA.

To avert the devastating impact of your stance, and also to assure the survival of programs funded under the Bayh Act, we have framed a workable remedy. Therefore, I am exercising my administrative authority under Section 509 of the Crime Control Act, as incorporated by Section 262 of the JJDP Act, by continuing to prohibit the CYA from receiving contracts or subgrants of any unobligated JJDP funds from the Office of Criminal Justice Planning. This action modifies the conditional grant approval for 1978, but guarantees funding for vital programs.

Pending a final resolution of this issue, we again wish to advise you of your appeal rights under Section 509 of the Crime Control Act and the LEAA Administrative Review Procedure, 28CFR, Part 18.

With warm regards,

John

John M. Rector
Administrator
Juvenile Justice and Delinquency
Prevention

Copy for: Ms. West

Mr. HAWKINS. Then, do I conclude from the explanation that the threat contained in the June 15 letter from Cunningham and West to the effect that if your response has not been received by June 22, that recipients of fiscal year 1978 Juvenile Justice and Delinquency Prevention Act funds will cease, that this is not now in operation?

Mr. RECTOR. That is right. By what we did on the 22nd, we allowed those programs they threatened to cut off to draw down their monies for the remainder of the year—it is about $6 million, but not all of that is going to the programs.

Mr. HAWKINS. That is held in abeyance; it does not mean it is settled, but no——

Mr. RECTOR. No one is going to get hurt by it. Ironically, from the point of view of the Administration, as well as me personally after working for years as a staff person, to make available through something like the Juvenile Justice Act the kind of monies that are available to the programs in California now, and have the Office of Criminal Justice Planning come back and threaten availability of dollars to them——

Mr. HAWKINS. The only point I wanted to make at this time was to allow some of us an opportunity to view the situation with respect to the compliance with that section of the act. I have long viewed the California Youth Authority, which I originally had some participation in creating as a model. Whether it has ceased being that, I think time would only tell, but we certainly need a little breathing room in which to look at the situation——

Mr. RECTOR. This provides that breathing room.

Mr. HAWKINS [continuing]. Before any determination is made.

The other broad question which I would like to address to you, Mr. Director, is there has also been some criticism leveled at your office about the diversion of funds from special emphasis programs.

I realize in amending the act and making it broad that the target population could include almost anyone that does—actually, it could almost include adults, because all of us are somehow affected by juvenile delinquency, but there has been a criticism that the focus has been shifted more to the status offenders and less away from groups which may be considered the more serious groups.

Now, I, for one, would certainly hope that we could eventually arrive at the point where we would have money available for all youths and as much from the viewpoint of prevention as possible, but, unfortunately, that is not the situation. Despite the pleas of some of us, funding is being cut back on all programs, and this program is no exception. Therefore, the matter of concentrating what money is gained from the Congress and from the Federal Government becomes a serious problem.

But when we begin to focus on certain offenders who are less, let's say, criminally inclined and more away from special emphasis groups, it seems to me that that raises a rather serious problem.

Now, I would like to have you comment on this tendency in the agency to downgrade, as it were—this is an allegation—the special emphasis section as opposed to those who are merely status offenders and less serious offenders than the other groups that are included in the target population.

Mr. RECTOR. I don't think that characterization reflects what we have been doing in the Office. I don't think that we have in any way downgraded the special emphasis area. In fact, in terms of dollars, we have more dollars available for the area than we have had in the history of the program.

What we have done, though, which might be interpreted as doing some of what you mentioned, is asked for reprogramming of some of the moneys of that extraordinary carryover. Perhaps that is what persons have expressed some concern about.

We started October 1, 1977, with a little more than $7 million in discretionary money, and a track record of not moving a great deal more on an annual basis than $10-$15 million. With incredible pressure from the Congress and others, understandably, to move the money in a more sensible, sensitive fashion, we did set aside some upwards of $30 million, as I was describing, for reprogramming.

However, that still left our special emphasis unit with in excess of $40 million. As you know, the deinstitutionalization thrust is, in fact, a special emphasis thrust. The focus on status offenders is a special emphasis thrust. The project done by the Office on the so-called deinstitutionalization of status offenders was done in 1975 by the special emphasis unit. So it is on the laundry list, so to speak, of focuses for special emphasis.

We are not limiting our activities. I would be more than happy to provide for the record a breakdown.

Mr. HAWKINS. I had some specific examples, several of them, that I think would exemplify the fear. For example, there is a cancellation of a program, the guideline of which would lead to the reduction or cancellation of a program in several cities, including Los Angeles, Detroit, New York, Chicago, Philadelphia, with respect to gang activity, gang conflict, and I understand this was terminated; it was just one of the types of non-status offender programs that were cancelled at the same time that more emphasis was being placed on status offenders.

I think it is regrettable that we choose between one or the other, in any of these programs, but I am only citing this as an indication of the direction, and if it doesn't go too far, probably it isn't very serious, but if it continues, and if it increases in volume, then it may indicate a redirection rather than a reprogramming, as you refer to it, of a few dollars. That is something which some of us are seriously concerned about.

Mr. RECTOR. I would have loved to have been able to move by September 30, the grand agenda that the Office presented to this very committee a year ago April. It included a number of items in addition to the prevention project that we have funded.

It barely got funded by September. I have some paperwork on that that I think would be instructive for the committee. It took literally years, 21 months, thereabouts, to get the prevention guidelines approved. I am sure you will find interesting some of the policy basis upon which questions were raised that led to delay.

For example, some of these bureaucrats there raised questions as to the guideline. Just like our statute says—I know something about that, at least from a staff perspective—it says that we should focus

our activities on impacted areas where there are high rates of dropping-out and a high number of disadvantaged children. As the prevention guideline wound its way through the bowels and the halls of LEAA, people raised questions such as why focus on disadvantaged children? Very basic kinds of issues were raised. It took 21 months to get that little number through the apparatus. I will submit for the record all the exchange of memoranda about that. Knowing that kind of thing, knowing the stifling history of the bureaucracy there, and knowing that, in the main, the same folks were still there, we decided to go with what we thought we could get through. We got prevention through just under the wire in the latter part of August and September. It was the first commitment of straight-out Juvenile Justice monies. We could provide a breakout of those monies. I think some of your concern would be ameliorated relative to the issues about which you have expressed concern.

I think when you see tomorrow the slice that we are going to do in the urban initiative package; and when we will have a draft guideline with the joint project that Bob Taggert and I are doing — we will have a task group; it will probably be ready mid-July—I think some of the other concerns that some have raised will be ameliorated. All I am saying is that the proof is in the pudding, and promises won't get me anywhere. I think you will be pleased. I know I am pleased about the headway we are making.

You are damned if you do and damned if you don't. People say you should take a more targeted approach. The Senate expressed very strongly that we should take a more targeted approach. If we take a more targeted approach, that means we have to drop a number of other things. Then all the folks lined up to do the other things start hitting on you. That just comes with the turf. We are wedded to taking a more targeted approach, but in no way are we limited to the status offender issue. Restitution, which we are putting the bulk of dollars into this year, has nothing to do with status offenders, but, instead, young persons convicted of serious offenses, including some violent. It has to do with providing community service options and employment options. It has to do with, on occasion, providing compensation particularly for elderly victims of crimes. There are a whole host of sensible components in it and pass-through of moneys to private nonprofits. I will make sure to provide a succinct statement of what that is about, so you will see where we put the bulk of the money in the current year.

Mr. HAWKINS. I will be watching that, for one. I hope you are right, and if money is going to be reduced in total amount, some of us are going to insist that there be some target of that money. If more money can be obtained, obviously we can be more liberal in spreading the money around. I think it adds up to that. As you say, the proof is in the pudding, but I have been waiting 40 years for the pudding, and I still don't see the proof. Always something is going to happen in the future. I hope that you are going to see that it happens, and we will be watching.

Thank you very much, Mr. Chairman.

Mr. RECTOR. I mentioned to counsel, Mr. Chairman, that I had some other possible submissions that might help to better understand some of the matters that have been mentioned already, and I

do have them. Most of them relate to earlier policy matters that I touched on in an outline form. I would like to submit them for your study, perusal, and review. I think they will be very enlightening.

These bureaucrats play catch with problems, of course. What this really does is to tie down who did what in 1975, 1976, and 1977. There is this tendency in our office, I guess like any other office, to blame it on "upstairs" or the other bureaucrats. Then you talk to them, and they blame it on somebody else. So they play catch with problems all day long. I think a lot of the concerns that you have and your staff have will be addressed by some of these documents which lay out very succinctly who did what and why and how they lined up. There is a lot of effort to realign now.

Mr. ANDREWS. Just parenthetically, I might say that I wish that you and others, when confronted with differences of interpretation of statutes and laws where periods of time as long 21 months are being consumed to reconcile one philosophy versus another, would simply try to implement what the law, itself, says. I know that sometimes the law doesn't say specifically. It is sometimes in such general terms that it is subject to reasonable interpretations which differ with each other, but it would seem to me that a good purpose would be served, if, even on an informal basis, someone who is a part of one position or another would simply call over here and make an appointment to come over, perhaps with representatives of the other school of thought, and say, "We understand that the Congress intended that we be in the process of using certain funds or certain authorizations in order to address certain problems. Let's just confess we are not doing that. We are bogged down in several interpretations of what the Congress intends and we are jockeying around trying to find a correct interpretation. Hence, we would like to present to the appropriate subcommittee or committee, as the case may be, of either or both Houses, all the alternatives that are being debated—two or six, or how ever many. Here is what they are. Would you give us some direction. Perhaps you should put some pressure on some of us to quit, because we are pursuing objectives that were not intended, or maybe you should endorse our position, and ask the other side to lay off and let us go on with our policy."

It might just make some contribution. But as Mr. Hawkins said, instead of that, everybody comes back and says, "We had these long delays and didn't get much done but the real reason was that that group over there became obstacles in the path. However, now we think we have it resolved, and everything is going to be fine next year." That seems to perpetuate itself into a series of years after which we probably all acknowledge we didn't get as much done as we should have. Usually those games themselves are the reason.

I think perhaps we can make some contribution to those kinds of stalemates or catch-22 games, or whatever you wish to call them.

Mr. RECTOR. I certainly welcome the opportunity to do that. As you probably appreciate, if last spring the folks had said some of the things I have said, they would have been blown off the roadmap. It is as simple as that. That is what it means, in my view, to provide some leadership around some of these issues. Everyone in my office, but for myself and Jim Shine here today, are career bureaucrats, civil servants.

Now, they can't come before a committee and very comfortably say that others in the bureaucratic hierarchy disagree with us, or don't like the JD Act. Most of them never read it and don't intend to. They can't lay that out the way a Presidential appointee can. In an empathetic spirit, relative to the staff people in the Office, I know they are really up against the wall. Even if they had a desire to work out some of the things, and all I have seen—and we talk to the staff quite frequently, but I welcome increasing that degree of closeness and relationship. The more of that the better, believe me, it is decidedly to the advantage relative to implementing what this Juvenile Justice Act is about.

Basically, we are all creatures of habit. Some people did everything they could to undermine the JD Act within the bureaucracy because they didn't like it. Most people just had a habit of doing things differently, and it is hard to change habits. When you superimpose the kind of restraints that persons in the bureaucracy have, you are seldom going to get a whistle-blowing activity, unless it relates to something very personal to them.

We are trying to provide some leadership, and I have that kind of flexible role that will do that, and very much welcome the opportunity.

The Attorney General has encouraged me to take an open stance on these issues, to not put up with what he would call "bureaucratic B.S.", and to just have at it. That is what I have been trying to do for the last year, and, believe me, it has not been an entirely even experience. You can't make changes, and you can't deal with the bureaucracy, and implement something like the Juvenile Justice Act and not make a few lumps here and there.

I really welcome that. We will certainly shore up our activity in that area. It will be to our mutual interest and not so much to the interest of the career bureaucrats at the agency.

I talked about the staff people and the career people getting the short shrift. I don't have to beat a dead horse, but to illustrate, I, a Presidential appointee, with advise and consent of the Senate, was not invited to the budget hearing on my program. I got a call the next morning from Pete Flaherty: "Where were you? The least you could do was come to the budget hearing." I said, "At least somebody could tell me about it." That is the way we started last July, when people asked me why we weren't taking $8 million from Labor, and this and that. We had a 6-month period of adjustment just to open basic communication with other bureaucrats.

I had a mental note that touches on something that the Congressman from California mentioned. I think there has been a lot of discussion about Representative Chisholm, from New York. Some of the concerns she recently expressed in a high profile way at a youth workers conference that our office sponsored.

There was definitely, in my view, I think at the staff level, a misunderstanding as to the status of the alternative education package about which I testified very supportively in January, and, in fact, about which she testified in January very supportively.

I don't know what happened since January or February to change her perspective, but at least on the alternative education issue, I would like to submit for the record the program plan for fiscal year 1978 and our program plan for fiscal 1979 that set out precisely what the Office had drafted.

[Program Plans referred to follows:]

FY 78 PROGRAM PLAN

Program Objective 1.207 B - Prevention of Delinquency

Sub-Program 1.207 - B.3 - Alternative Education

Program Impact:

This is a new initiative which is being designed for inclusion in the FY 79 program plan. It will support action programs which prevent delinquency through development of alternative education options for youth whose educational and social development needs are not being met in traditional classroom settings in school districts where there is a disportionately high rate of dropouts, suspensions and expulsion. This program will pursue the continuing goal of making the major youth socializing institutions more responsive to the needs of youth as a means of reducing alienation and increasing opportunities which support positive youth development. This program is mandated by Section 224(a)(6) of the Act which requires the Office to develop programs which keep youth in school, reduce dropouts, pushouts and expulsions.

School is one of the most significant institutions in the lives of young people, and while many inter-related factors contribute to delinquency, there is growing consensus that there is a clear correlation between school problems and more serious delinquent offenses. The National Education Association has estimated that nearly two million school age children are not in school, and a significant number are out as a result of suspension, or expulsion. While few school administrators suggest that suspensions or expulsions serve the educational or emotional interests of suspended children, only a few schools have devised effective alternatives for handling problem behavior in ways which keep youth in school and channel behavior into productive channels.

This program is expected to have major impact upon the way schools respond to the needs of youth through development and implementation of educational approaches which build upon the cultural, ethnic and economic differences of youth, involve parents, youth and community persons in the school decision making process, and increase the competence of school personnel in responding to youth behavior.

Specific Objective:

To develop the strategy and goals for this program for inclusion in the FY 79 program plan.

Resources Required:

Funds	FY 78
	0
Personnel (10)	.3 W/Y

Results Sought:

1) An approved alternative education program for grant award in FY 79 which continues the thrust toward increasing the competence and responsiveness of schools and their basic financial support systems.

CONTINUED

1 OF 7

FY 79 PROGRAM PLAN

1. 1978 MBO Program Objective Code: 1.207-B-3

2. Sub-Program Title: Prevention of Delinquency - Alternative Education

3. Continuation

4. Past Progress:

   a. The Alternative Education program will be a national scope initiative which continues the thrust toward prevention of delinquency through development of youth skills to more effectively cope with their environment, while improving the capacity of the major youth socializing institutions to more effectively respond to the needs of youth. This program is mandated by Section 224(a)(6) of the Act, which requires the Office to develop programs which keep youth in school, reduce dropouts, push/outs and expulsions.

   b. This initiative will support action programs which prevent delinquency through development of alternative education options for youth whose educational and social development needs are not being met in traditional classroom settings in school districts where there is a disproportionately high rate of dropouts, suspensions and expulsions. The sub-program objectives are to reduce truancy, dropouts, push/outs, and expulsion of youth through:

      (1) Increased competency of school personnel to relate to the social and educational needs of youth.

      (2) Elimination of administrative procedures and policies which negatively label youth, and impede full and constructive use of available learning opportunities.

      (3) Expanded opportunities for creative learning which build upon the cultural, ethnic and economic effectiveness of youth.

      (4) Involvement of youth and parents in planning, implementing, and evaluating school programs.

   c. The rationale for the program is based upon the recognition that school is one of the most significant institutions in the lives of young people. While many interrelated factors contribute to delinquency, there is a growing consensus that there is a clear correlation between school problems and more serious delinquent offenses. The National Education Association has estimated that nearly two million school age children are not in school. While few school administrators suggest that suspensions or expulsions serve the educational or emotional interests of suspended children, only a few schools have devised effective alternatives for handling problem behavior in ways which keep youth in school and channel behavior into productive channels.

   d. This program is expected to have major impact upon the way public schools and their support systems train personnel and deliver educational services.

5. FY 1979 Subprogram Plan

Alternative Education

Activity	FY 1979 Program Objective	Result Expected	Estimated Cost	Dollar Range & No of Sites	Evaluation Strategy	FY 1979 APDP Stage
1. Develop statement of program strategy & goals.	1.207-B-3	1. A significant reduction in dropouts, push/outs expulsions, and truancy as a result of providing improved educational opportunities for 5,000 youth.	$15.7	12 to 15 school districts $200,000 to $1.6 million for 1 year awards.	A national independent evaluation will be funded by NIJJDP	Step 4 Design - Step 6 Demonstration.
2. Develop program guideline.		*2. A reduction in negative labeling in the affected schools and school districts.				
3. Issue program announcement by January 30, 1979.		3. Increased participation of youth and parents in planning, implementing & evaluating school programs.				
4. Select applicants from pre-applications.						
5. Provide TA in development of program models.						
6. Award grants		*Levels of reduction will be determined after evaluation design and preapplications are in.				
7. Conduct post-award meeting			$15.7			
8. M[illegible] grants.			Total Estimated			

FY 1979 Resources: Alternative Education

Fund Type

C	
E	
TA	
JJ	$15,700
Total Estimate	$15,700
Personnel	2.00 w/y

FY 1980 ZBB Support

85% of FY 1979 Base = $12,920
This would require reducing the number of youth served in each project.

1979 Base $15,700
This would permit the program to operate at the projected level

10% above base - $16,720

This would permit expanding the number of youth served from approximately 5000 to 6000

Certification

Subprogram Manager Linda Rector

Office Head John M Rector

Mr. RECTOR. It sets out the fact that since January, when I testified so supportively about alternative education, in the main, things have taken a normal course. The guidelines and the program development process are underway. There is nothing that has happened to rock the boat with regard to the alternative education projects. If someone had asked me, they would have been well informed along those lines, and we would have given them copies of the alternative education package. That is an initiative that is emerging toward the front burner. It was in the fiscal 1979 game plan. In the work plan for 1978, it was set out as being a 1979 project. I said at your committee hearing on school topics in January that we would do it this year. Perhaps there was confusion as to whether it was calendar or fiscal year. We have had it on agenda. The project will be awarded in the fall. I felt like with all the discussion, there are a lot of knocks that come with the turf I am responsible for. I want to make sure that when we get them, we get them for something we deserve. Obviously, reasonable people can differ, but the facts on alternative education are such that, if anything, it has moved more expeditiously than any other initia-

tives in the history of the Office. We have both the program plan from 1978 and 1979, and I stand by my statement in January; I stand by my strong support for the concerns and genuine commitment of international leadership, such as Shirley Chisholm. I know she will welcome the project when it hits the street.

Mr. ANDREWS. Certainly I want to cooperate not only with you, but also with others who are interested, as we all are, in what we feel the objectives should be. Your concern is not at all unique. Whoever is guilty, be it you or others, with respect to this problem—almost dilemma—are probably no worse than we who are Members of Congress.

It bothers us all and I would like to contribute to a solution rather than just nag. But, there are so many places we turn, where what the Members think is being accomplished, later is found not to be happening. Gus, take the area of student loans. We have just been through a big fight up here as to whether to use a tax credit mechanism or an increase in funds for existing student loan programs. It is becoming increasingly obvious to me that we practically never hear from any student about a student loan program.

Apparently, nobody is really concerned too much about the students, but are rather fighting over which institutions will benefit most—public versus private, or what-have-you. It seems that the institutions are the real beneficiaries of the program. In the fight about whether people of various religious denominations or schools of certain denominations will get aid, or whether assistance will go to private or public institutions, the student receives very little consideration.

Gus, I believe you would agree with that.

Mr. HAWKINS. I agree 100 percent.

Mr. ANDREWS. We are as guilty as anybody else. Take the military. The fight gets to be ultimately not what constitutes the best way to spend the dollar for the most national defense, but rather which companies get which contract. If you build one type plane, it may or may not be superior in quality of defense to another, but one is made in Congressman So-and-So's district, and the other in some other Congressman's district. That gets to be more paramount than the ultimate question of where we will get the most for our dollar in defense, or where we will put the military base.

Mr. RECTOR. It is certainly true in this area.

Mr. ANDREWS. I am sure it is.

Mr. RECTOR. The R&D community, in particular, the so-called "Beltway bandits" are of note. Even with our little tiny program, with all the need out there all over the country, some of those folks have a grip on a whole lot of this money. As we try to loosen that grip and open up the program, to do things like the first assessment of native American needs in this country, and do programming for kids on reservations and kids in urban areas, it is like solar power. It goes from your sun to your house, and all of a sudden the public utilities have to think about it. The same kind of thing is happening at our office with R&D money.

I just must also mention the General Accounting Office (GAO). We have had a lot of staff discussions about the GAO. You mentioned the role of Congress in some of these matters.

We have had a substantial amount of attention paid by GAO to our office. This is understandable given the mess it was in, and in part is still in. But it has interested me that, in the main, it has been around issues of research.

No one from the GAO is studying our office as to why we have serious fund-flow problems. No one from GAO I know of is studying our office, or grantees, or practices and policies related to discrimination. As a former civil rights lawyer, I would love to see a GAO investigation into the practices and policies around discrimination on the basis of sex, race, and gender particularly in the juvenile justice system.

Referral practices in my judgment, are probably among the most discriminatory practices in the country. On the question of gender, it is probably the cutting edge of the double standard. I don't know why GAO is fired up about R&D and not the serious problems the Congress is fired up about, and the Administration is fired up about.

They are a vehicle of the Congress, and they send out a loud and clear message when they come around and spend, I think, 12,000 hours since last August—let me get it exact, 12,408 hours—looking into juvenile justice issues that are, in the main, R&D issues such as how we set our research priorities.

They are all bonafide concerns. I wouldn't argue with that, but it is like checking out somebody's hat to see whether it is the right style, when the person under the hat is really sick. They are and trying to discern why the person bought a certain kind of hat as opposed to another kind of hat, and what their judgment was at the time they bought it, but they are not looking at the fact that you have a sorry human being under the hat that needs some analysis and attention and support

The director of our little institute, who is here today, would probably never say this, but I will. Because of being so grossly understaffed, and because of getting the short shrift from LEAA over the years, we only had three or four people in the research unit. We are not going to overdo research. There is a tendency to overdo it. We have to do some evaluation so we have something like Project New Pride. We must be able to tell folks, "this can click, and maybe the next one is better. You all decide what you want."

The Institute director has had, for months, three GAO people in his office, basically on a one-to-one basis. He has as many GAO staff people sitting every day in his office studying research priorities as he does handling the whole research effort for the U.S. as it relates to juvenile justice. They have listed, in a document, which I think the committee has, the time they have spent with us. I think they have been undergenerous in indicating the time they spent with our staff. They are sitting in the office day-in and day-out saying, "Get me this; get me that." It is like the FBI when I was Federal prosecutor. Everybody is afraid of being investigated by the FBI. A person like me doesn't have flexibility about this, but if the GAO would do a study of fund flow and identify the critical decision points that would help everybody; it would help you; it would help me and the administration. We want to nip this stuff in the bud and turn it around. On the minority issue, every time somebody asks a

question, it is like going on a wing and a prayer, because nobody knows.

All the good intentions in the world don't get you anywhere. I would like to see a GAO study on that. I think we would profit from it. I think there has been a bona fide effort to be sensitive in looking at juvenile crime in the country.

One of the ironic things about the youth worker conference—and I have experience in this area, I was in juvenile delinquency in college; I was a criminology graduate in college. I worked with gang kids in Oakland, something I have been concerned about for a long time, and I used to go to the Federally-sponsored conferences on juvenile justice in the last four or five years. Walking in, you notice black and brown faces in the crowd, and you can notice all three of them. You just can't help but notice when you have a thousand folks in this country dealing with these very serious concerns that are urban, in the main, though not exclusively.

There are serious rural and suburban concerns. Not all persons who are second-class in our society are in urban areas.

The one thing we did at this youth workers conference through outreach was to assure for the first time, at anything on a large scale sponsored by the Juvenile Justice Office that a substantial percentage of the persons participating were persons of the variety that I have just mentioned. It was a little ironic—I am speaking personally—that we got such a blast from the Congresswoman from New York about an issue on this alternative education that could have been resolved.

I would like to see the GAO look into that and fund flow.

I know everybody is interested in fund flow. Maybe Mrs. Chisholm got bad information. Some of the information was from LEAA, and I would be the last one to say she is going to get good information from LEAA. I think it sometimes depends on who you call.

I would like to get a comment on the record about this. We have a "Monthly Management Briefs." This is the most recent one, June 1978. This is a tool that the managers in the agency use to sensitize themselves to issues such as fund flow and a host of other things.

Mr. ANDREWS. Mr. Rector, I am going to have to interrupt. My governor is due here at 1:30, and we will have to recess now for lunch.

I wonder, however, in view of the fact that you have other matters which you would like to address, and we have some questions that we haven't as yet addressed, if we might continue later. I believe that our witness list and schedule calls for us to probably be engaged from 1:30 until 3:30 p.m., or 4 p.m., with other witnesses. I wouldn't want to ask you to sit here for all of that time. I know time is one of your problems now, but could you be available again, say, at 3:30 so that we might hopefully continue and conclude?

Mr. RECTOR. I intend to sit here. I set aside the entire day so we could benefit.

Mr. ANDREWS. If you can be here for it all, that is so much the better. Fine.

The committee will recess until 1:30, at which time we will reconvene in this room.

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[Whereupon, at 12:03 p.m., the subcommittee recessed, to reconvene at 1:30 p.m. this same day.]

AFTERNOON SESSION

Mr. ANDREWS. The subcommittee will reconvene.

We look forward to hearing from Mr. Quinn, who is Vice Chairman of the National Conference of State Criminal Justice Planning Administrators, and Executive Director, Division of Criminal Justice for the State of Colorado.

We are pleased to have you with us and we look forward to receiving your statement. We usually try to encourage the witnesses if they will—but that is up to you, there is no mandate about it—to submit your written statement and perhaps just talk with us about the highlights.

[Prepared statement of Paul G. Quinn follows:]

PREPARED STATEMENT OF PAUL G. QUINN, EXECUTIVE DIRECTOR, DIVISION OF CRIMINAL JUSTICE, STATE OF COLORADO, ON BEHALF OF THE NATIONAL CONFERENCE OF STATE CRIMINAL JUSTICE PLANNING ADMINISTRATORS

Mr. Chairman and distinguished members of the Committee:

On behalf and as Vice-Chairman of the National Conference of State Criminal Justice Planning Administrators* and as Executive Director of the Division of Criminal Justice of the State of Colorado, I appreciate the opportunity you have extended to me to address you on the matter of the progress of the states and territorial possessions of the United States toward meeting the objectives of reducing and preventing juvenile delinquency and assisting our troubled youth, established by Congress in the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, and of the stewardship of the program by the Office of Juvenile Justice and Delinquency Prevention at the federal level.

Despite the myriad of political, administrative and financial issues raised by the deinstitutionalization of status offenders mandate of Section 223(a)(12) and the separation requirement of Section 223(a)(13) of the Juvenile Justice Act, states and territories have as a whole made

* The National Conference of State Criminal Justice Planning Administrators represents the directors of the fifty-six (56) State and territorial criminal justice Planning Agencies (SPAs) created by the states and territories to plan for and encourage improvements in the administration of adult and juvenile justice. The SPAs have been designated by their jurisdictions to administer federal financial assistance programs created by the Omnibus Crime Control and Safe Streets Act of 1968 as amended (the Crime Control Act) and the Juvenile Justice and Delinquency Prevention Act of 1974 (the Juvenile Justice Act). During Fiscal Year 1978, the SPAs have been responsible for determining how best to allocate approximately 61 percent of the total appropriations under the Crime Control Act and approximately 64 percent of the total appropriations under the Juvenile Justice Act. In essence, the states, through the SPAs, are assigned the central role under the two Acts.

considerable progress towards realization of the objectives. To quote from an October 1977 Arthur D. Little study of ten states, supported by the Office of Juvenile Justice:

> The States examined are at different stages in the process of deinstitutionalization, but all have made clear progress.

John Rector in a recent interview said, "I think you could argue fairly persuasively they've (the State Planning Agencies) made a dent (in improving the criminal justice system) in probably every state and in some states there have been appreciable changes.... I would attribute it to the individual efforts of persons in particular states."

I want to report to you that the States care about kids. They are using their money as wisely as they can. In addition to Juvenile Justice Act dollars, they are also using Crime Control Act dollars in excess of the maintenance of effort requirement mandated by Section 520(b) of the Crime Control Act.

I am happy that the States are making progress. I wish that I could report that the federal government was doing as well at meeting the deinstitutionalization and separation requirements. I was shocked two weeks ago, and I'm not easily shocked, to discover on a visit to a community treatment center in downtown Denver, Colorado that juveniles referred by the Federal District Court or committed to the Bureau of Prisons as delinquents were being held in custody at the same facility as State felons in apparent violation of federal law (18 U.S.C. 5035 and 5039). I have been told that the Office of Juvenile Justice and the Federal Bureau of Prisons have been put on notice of this situation, but have done nothing, not even visited the facility.

During my visit, I discovered the following:

(1) It is possible for 16 year old federal juvenile clients to share living arrangements with adult felons. This comingling occurs after the federal juvenile clients participate in a 30-day secure and totally separate orientation program and after receiving something entitled a "Community Clearance".

(2) It is normal practice for 16 year old federal juvenile clients to share meals and recreational facilities with adult felons after participating in this 30-day orientation phase and after being granted community clearance.

(3) Native American youth, 16 to 21 years old, sentenced under federal law comprise about 95% of the federal juvenile clients housed in this facility. None of these youths are from Colorado. Most are from the Dakotas and Montana, hundreds of miles from their home community. They are allegedly being reintegrated back into the community through this program, but one can hardly claim that downtown Denver in anyway resembles the Pine Ridge Reservation in South Dakota, some 600 miles away.

(4) All of the federal juvenile youth that I spoke with stated that they would prefer to be in a similar program near their home. They do not want to be near their home communities if it means being housed in a jail, which at present is the only alternative offered by the Federal Bureau of Prisons.

(5) This program was described to me by its director as only temporary, yet it is already one year old.

This mixing of federal youth with adult felons in a halfway house

and the housing of Native American youth hundreds of miles from their homes, in an urban setting, is permitted by the Federal Bureau of Prisons. This is outrageous. Is this what Congress intended when it passed the Juvenile Justice Act? Was it not the intent of Congress that the Office of Juvenile Justice encourage other federal offices, such as the Federal Bureau of Prisons, to meet the intent of the Juvenile Justice Act? Just as State Planning Agencies are asked to coordinate activities of other State agencies over which they have no direct authority, so too should the Office of Juvenile Justice be asked to coordinate activities among other federal agencies such as the Federal Bureau of Prisons, HEW, etc. Thus far there is little evidence that this has been done. Shouldn't the Federal Bureau of Prisons be required to develop alternatives for these youth closer to their homes, just as we are being required to do under the Act?

I want to emphasize that I am not recommending that these youth be placed in jails near their homes. Where they are now is certainly preferable. I am recommending, however, that the Federal Bureau of Prisons be required to immediately develop community-based alternatives for these youths in their home communities.

Where is the federal leadership in the area of juvenile justice? Don't the federal agencies care about kids?

States and localities need federal financial and technical assistance and leadership in order to bring about vast improvements in the juvenile justice system. What does the record show?

The record indicates that the Office of Juvenile Justice is doing an abysmal job of utilizing the categorical funds it has at its disposal. Two-thirds of the way through the fiscal year, the figures look like this. Only $3,212,000 of $49,567,000 or 7% of the special emphasis funds available October 1, 1977 were obligated by May 31, 1978. Only $5,206,000 of $16,067,000 or 32% of the juvenile justice research funds were obligated. Only $739,000 of $1,740,000 or 43% of continuation of federal effort funds were obligated. And $1,872,000 of $3 million or 62% of technical assistance funds were obligated. In order for the Office to obligate its federal categorical dollars, the Office has already granted $12 million of special emphasis funds as formula fund supplements to States who know how to use the money. And, we understand, the Office is contemplating granting another $30 million of categorical funds in the same fashion. How can there be model and demonstration programs if the Office does not obligate funds?

What is the record of juvenile justice categorical programs that have been funded? The Office of Juvenile Justice should be asked how many juvenile justice exemplary projects have been designated since August 1977 and how many juvenile justice prescriptive packages have been developed in that same timeframe. The Office should be asked what it has done in the last ten months to show the States and localities what can and should be done and how to do it.

The State Planning Agencies would be interested in learning the answers to the following questions:

(1) What significant results have been achieved with juvenile justice special emphasis funds in the last ten months?

(2) How many new special emphasis initiatives have been announced in the last ten months? How much time did prospective applicants have to apply for that initiative from the official notification date? How many and what initiatives were planned for the last ten months but never announced? Why were they not announced?

(3) What significant results have been achieved with juvenile justice Parts C and E Crime Control Act discretionary funds in the last ten months?

(4) What significant results have been achieved with National Institute for Juvenile Justice and Delinquency Prevention funds in the last ten months?

(5) Why are the obligation and expenditure rates for categorical funds controlled by OJJDP during the last ten months so low?

Unfortunately, I can think of no notable results.

Maybe the reason for this lack of federal leadership is, to quote the Administrator of the Office of Juvenile Justice and Delinquency Prevention, "the Juvenile Justice Office is in relatively bad shape". Mr. Hector has said that his Office "is in bad straits administratively" and that the discretionary program he controls is "the mess they call Special Emphasis".

It is not just the juvenile justice fiscal assistance program that is not functioning well. The States and local units of government are experiencing a dearth of technical assistance. Office of Juvenile

Justice personnel have had their ability to travel severely restricted. What technical assistance has been provided comes from national contractors of LEAA. To the best of our knowledge, the assistance from the contractors has been all too frequently unresponsive and untimely.

What we need desparately is national leadership, but what we have is an attempt at management by regulation from Washington, D. C. The Office of Juvenile Justice has not coordinated its action with other sections within LEAA and the Department of Justice, with other federal agencies and with the states and local units of government.

The Office of Juvenile Justice in the past ten months has increasingly isolated itself from the rest of LEAA. It is our understanding that lines of communications within LEAA have almost entirely broken down. Because the Administrator of the Office is a recent political appointee and he is given authority under Section 527 of the Crime Control Act to establish policy for or administer all LEAA juvenile justice programs, the Administrator has effectively freed himself from accountability to either the Acting LEAA Administrator or the Attorney General or his designee. In essence, the Office has been going its own way. As a result different administrative policies are developing for the Office than for the rest of LEAA, and support services are being duplicated within the Office. The breakdown is so complete that the Office of Juvenile Justice has even failed to either contribute to the monthly management brief prepared by LEAA's Office of Planning and Management for submission to the Acting LEAA Administrator or be represented at a Department of Justice FY 1979 budget hearing with the rest of LEAA. The

result of the fragmentation is red tape, lack of accountability and confusion. As examples, the Office has proposed that the States develop two plans -- one for juvenile justice and the other for the rest of the LEAA supported programs. It has required an extensive FY 1978 Plan Supplement Document which in turn must be followed by a FY 1979 Plan, the State guidelines for which are not yet available even though most plans have already been completed and submitted to the State legislatures for review and comment. Can the situation get worse?

The Administrator of the Office of Juvenile Justice is the Vice Chairman of the Coordinating Council on Juvenile Justice which was created pursuant to Section 206 of the Juvenile Justice Act. The Vice Chairman is required to act in the absence of the Chairman. The Council whose mandate is to coordinate all federal juvenile delinquency programs must meet four times a year. It is our information that it has not met once in the last ten months. The Office which is designed to play a federal leadership role in coordination of federal programs has completely abdicated its responsibilities. We ask why?

The Office of Juvenile Justice has had a number of interagency agreements with other federal agencies to achieve jointly some of the objectives of the Juvenile Justice Act. It has come to our attention that in the last ten months attempts have been made to cancel those agreements. Have any and how many such agreements have been canceled? Why? Have any new interagency agreements been executed in the last ten months? If not, why not?

The lack of coordination between the Office and State Planning Agencies has been exacerbated in the last ten months. Frequent examples have come to light where the Office has by-passed State, regional and local planning agencies and dealt directly with grantees and subgrantees. What has been the result? In far too many cases, the grants that have been awarded have been delayed for a period of a year or more before issues have been resolved. Grants have been duplicative, inappropriate or untimely. Rather than coordinating efforts with State and local units of government, the Office has chosen to go it alone.

Let me turn to two additional significant areas before closing with a series of questions and recommendations.

Still pending before the Administrator is a proposed LEAA guideline M4100.1F Change 3 entitled "State Planning Agency Grants". The failure of that guideline to be issued has caused great consternation around the country. It, on the one hand, has significantly delayed the commitment of funds and caused an unwarranted amount of paperwork; and, on the other hand, is preventing the resolution of signficant program related issues concerning the commingling of status offenders and juvenile delinquents, the advanced techniques to be supported under the Act, and continuation funding policies. The proposed guideline is an example of three major problems within the Office of Juvenile Justice. First, it frequently attempts to exceed the Office's statutory authority as in the case of the definitions of "juvenile detention and correctional facilities", "advanced practices" and the role of the juvenile justice advisory committee. Second, it proposes disruptive changes without justification

as in the cases of the requirements for the level of maintenance of effort and the requirement for a separate juvenile justice plan. And third, the final guideline has not been issued in a timely fashion, and when it is issued, will, therefore, be too late to be of any value to anyone.

The Office of Juvenile Justice is a prime administrative example of Murphy's Law: if anything can go wrong, it will. Applications and budget revisions are lost, approvals of plans, applications, extensions, adjustments and revisions take three and four times longer than permitted by agency rules and guidelines, unsolicited grants are apparently awarded without respect to guidelines, guidelines are issued late and sometimes exceed authority, and red-tape requirements are running rampant.

The following questions might be asked:

(1) LEAA's internal policy calls for the approval of all plans and applications within ninety days. How many plans and applications have neither been approved or disapproved in ninety days within the last ten months? Why is the Office not complying with the LEAA ninety-day internal policy?

(2) Attachment K of OMB Circular A-102 requires that budget revisions be acted upon within thirty days. Grant adjustments, revisions and extensions should be dealt with in a similar timeframe. On how many occasions in the last ten months has the Office failed to act on such revisions, adjustments and extensions within thirty days? Why not?

(3) How many grants in the last ten months have been awarded which

were not broadly and publicly solicited or were not awarded pursuant to LEAA published guidelines?

(4) How many policies are being utilized in the Office which have not been open to public review and comment pursuant to LEAA's own internal rules and the President's Executive Order 12044?

(5) Why were the juvenile justice portions of the FY 1978 Crime Control Act comprehensive plans and the 1978 Juvenile Justice Act plans denied multi-year approval in October through December of 1978, but approved for such status eight months later after the FY 1979 plans had already been written?

(6) How many vacant professional positions are there in the Office of Juvenile Justice? What percentage of professional positions are filled in the National Institute for Juvenile Justice? How many staff have transferred out of the Office of Juvenile Justice to other parts of LEAA in the last ten months? Why are so many positions vacant?

We do not know the specific answers to all these questions, but we should. We know, for instance that only four of eleven professional positions in the National Institute are filled. And sixteen of sixty-one positions in the Office are vacant. This situation is unacceptable and must be rectified.

In light of the foregoing discussion, we make to you the following recommendations.

(1) We ask that this Committee closely examine the operation of the Juvenile Justice Act, particularly at the federal level, and make immediate recommendations to the President and the Attorney General how

some of the administrative problems might be eliminated.

(2) We ask that the Committee call for the immediate issuance of a final guideline M4100.1F Change 3 in order that the policy issues involved might be resolved. We would ask that you review the final guideline and advise the Office whether it exceeds statutory limitations and/or violates legislative intent. We would hope that a careful review would be made of the definition of "juvenile detention or correctional facility" and the continuation policy.

(3) We would suggest that you determine the reason why the utilization of juvenile justice funds is proceeding at such a slow rate. If the reason for the slow fund flow is legislative, we would suggest that legislative amendments be considered concurrently with the reauthorization of the Crime Control Act in the next session of Congress. If the reason is administrative, we suggest you make appropriate recommendations to the President, or take such actions warranted under the Impoundment Control Act of 1974.

(4) We would ask that you carefully look into how well the Office is coordinating its activities with others. We would suggest that you consider what the effect of Section 527 of the Crime Control Act has been, and whether its continuation is warranted. We would suggest that you determine whether Section 206 of the Juvenile Justice Act has been complied with. We would recommend that you look at how the Office is coordinating and communicating with its State counterparts, the State Planning Agencies.

(5) We suggest that you recommend to the Administration that all LEAA plans and applications be acted upon within ninety days of submission, and revisions, extensions and adjustments be acted upon within thirty days, with failure to act to constitute approval. If the Office fails to comply with this recommendation, we would suggest that you amend the Juvenile Justice Act accordingly.

(6) Last, but not least, we would suggest that you investigate the situation at community-based facilities which house youth under federal custody. We would also recommend that the Office of Juvenile Justice and the Bureau of Prisons be instructed to investigate whether there are other examples than Denver where juveniles have been committed to the custody of the Bureau and are being confined with adult felons.

The State Planning Agencies and the National Conference care about troubled kids. We are anxious to work with you to improve their lot.

I thank you for the opportunity to appear before you.

I am prepared to attempt to answer any questions you may have.

STATEMENT OF PAUL G. QUINN, EXECUTIVE DIRECTOR, DIVISION OF CRIMINAL JUSTICE, STATE OF COLORADO

Mr. QUINN. I would like to divide my testimony into three parts. First, I want to give you my background. I think it might enlighten some of my later comments. I have been State Planning Agency (SPA) director in Colorado for some three years. Recently I have been promoted to the two other line criminal justice agencies. In some respects, John Rector and I have parallel experiences in taking over a problem-plagued bureaucracy. I would like to parallel what has happened in Colorado versus what has happened in the Office of Juvenile Justice.

The Colorado SPA, in its first year of the Juvenile Justice program, was naturally eager to participate in the program. It began participating after I became director almost three years ago. You asked in the morning about what we were doing for kids, and I would like to briefly discuss what Colorado is doing for kids with this money. I think that is the most important part of the program. What we want to talk about is whether or not this money is going for the purpose Congress and many other people who care about kids intended.

At the present time we are operating 38 projects in Colorado using the C and E money or Juvenile Justice money. The vast bulk

of those projects concerns getting status offenders out of jails and locked institutions. We are funding a number of diversion projects and a number of shelter care projects. In rural Colorado, one of the main problems is that you have hundreds of small communities with a 2- or 3-cell jail.

We have seen kids sitting in those jails 40 or 50 days who have done nothing but run away. The sheriff does not know what to do with them. There are no services until eventually he or she is often released to the street.

They are now taken to shelter care projects. Nineteen more projects are scheduled to go into operation. We are also putting an increasing amount of our money into crisis intervention teams to keep the kids even out of shelter care. When the child is drunk or high on drugs or whatever, instead of putting him in shelter care, or even worse, in a jail where he gets no help at all, he gets a little help in shelter care, and we are funding crisis intervention teams who will intervene with that family at the point of crisis. There is increasing evidence in the last few years that a family is much more ripe to deal with its problems at a point of crisis than two weeks later when everybody is calmed down and returned to more normal circumstances.

The City of Denver, which was one of eight impact areas, has put over one-third of its money in juvenile justice—the vast bulk of the money being C&E money from LEAA.

Colorado has what we called Children in Need of Supervision (CHINS). In 1975, which was our base line year for participation in this program, 11,000 CHINs were taken into some kind of law enforcement custody. Fifty-five hundred of those were detained. As Mr. Rector pointed out earlier, girls are held much more severely and for longer terms than boys, and that is true nationally as well as in Colorado. Of those 5500, the vast majority were girls and they were held many more days. In our first year of participation in the program, we deinstitutionalized 25 percent of the kids being held, which we think is considerable progress.

Obviously, the remaining 75 percent is going to be more difficult because they are the more difficult cases, but are heading down that avenue.

We feel that one of the problems in operating this program regardless who is handling it, the State or Federal Government, is that labels are very misleading. I want to give you some statistics for Colorado. Twenty-five percent of the CHINs taken into custody in 1975 had prior juvenile delinquency offenses and then 66 of all the CHINs held in State institutions had prior delinquency offenses. So when we see a child either in jail or wherever labeled as a CHIN, that is often a very misleading record. If you go back into the child's record you will find a variety of labels, some criminal.

Another interesting fact we have discovered in Colorado is that most CHINs who are recommitted to the system are recommitted within 90 days after their first release from the system. That is why we are putting more and more money into crises intervention teams. We are finding out that the first 90 days are by far the high crisis period for these juveniles.

I want to discuss as the second part of my testimony that we are more directly concerned with the Office of Juvenile Justice and Delinqency Prevention. Just two weeks ago I was shocked—and I do not use that word lightly—to walk into a project several blocks from my office and find conditions in a Federally operated program that I did not think could exist. I want to read this because I think it is important that I be as specific as possible.

This is on page 2 of my written testimony. I will specifically refer to one project. I was shocked to discover on a visit to a community treatment project in downtown Denver, Colorado, that juveniles referred by the Federal district court or committed to the Bureau of Prisons as delinquents were being held in custody at the same facility as state felons in apparent violation of Federal law.

As I walked into the lobby, I found Indian juveniles sentenced under the Federal district court mixing both in programs and in recreation with adult felony offenders, a clear and shocking violation of the Federal Juvenile Justice Act.

On page 3 of my testimony, I will read specifically what we found. It is possible for 16-year-old Federal juvenile clients to share living arrangements with adult felons. This commingling occurs after the Federal juvenile clients participate in a 30-day secure and totally separate orientation program and after receiving something entitled a "community clearance."

It is normal practice for 16-year-old Federal juvenile clients to share meals and recreational facilities with adult felons after participating in this 30-day orientation phase and after being granted community clearance.

Native American youth, 16 to 21 years old, sentenced under Federal law comprise about 95 percent of the Federal juvenile clients housed in this facility. None of these youths are from Colorado. Most are from the Dakotas and Montana, hundreds of miles from their home community. They are allegedly being reintegrated back into the community through this program, but one can hardly claim that downtown Denver in any way resembles the Pine Ridge Reservation in South Dakota, some 600 miles away.

All of the Federal juvenile youth that I spoke with stated that they would prefer to be in a similar program near their home. They do not want to be near their home communities if it means being housed in a jail, which at present is the only alternative offered by the Federal Bureau of Prisons.

This program was described to me by its director as only temporary, yet it is already one year old.

This mixing of Federal youth with adult felons in a halfway house and the housing of Native American youth, hundreds of miles from their homes, in an urban setting, is permitted by the Federal Bureau of Prisons. This is outrageous. Is this what Congress intended when it passed the Juvenile Justice Act? Was it not the intent of Congress that the Office of Juvenile Justice encourage other Federal offices, such as the Federal Bureau of Prisons, to meet the intent of the Juvenile Justice Act?

Just as state planning agencies are asked to coordinate activities of other state agencies over which they have no direct authority, so too should the Office of Juvenile Justice be asked to coordinate

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activities among other Federal agencies such as the Federal Bureau of Prisons, HEW, and etc. Thus far, there is little evidence that this has been done. Shouldn't the Federal Bureau of Prisons be required to develop alternatives for these youth closer to their homes, just as we are being required to do under the act?

I want to emphasize that I am not recommending that these youth be placed in jails near their homes. Where they are now is certainly preferable. I am recommending, however, that the Federal Bureau of Prisons be required to immediately develop community-based alternatives for these youths in their home communities.

I would like to know how often the Coordinating Council has met, and, if it has met, why it has not dealt with this practice? The Administrator has the authority to coordinate activities of other agencies as a part of the Juvenile Justice and Delinquency Prevention Act. In my understanding, that is not now going on.

I would like to refer to some problems Colorado has had with the present operation. I am talking about the state planning agency in Colorado. I am moving away from the Federal program that is operating two blocks from my office in complete violation of the Federal legislation.

Mr. Rector mentioned New Pride. That was a project funded with C&E money a few years ago in Colorado. That got very enviable status because only 25 out of 111,000 programs that have ever been funded with LEAA money have received that status. That rehabilitates kids with four or five previous offenses. Their success is phenomenal. Mr. Rector's predecessor assisted the Colorado state planning agency and the City of Denver to acquire $1 million in discretionary money to fund a project to follow that up. New Pride continues to operate with local money but it was a relatively small project.

We submitted to the Office of Juvenile Justice and Delinquency Prevention on July 21, 1977, a budget revision which had six different parts, most of which were major parts of the program. The program has been hampered because, to this day, we have never gotten approval of that budget extension. We fund hundreds of grants in Colorado. Budget extensions normally take a matter of hours.

I think this is absolutely shocking that the Office of Juvenile Justice can take some ten months to respond. In April we were given a verbal approval by the staff to go ahead with some of the changes and told that a letter from Mr. Rector would soon be forthcoming. I spoke to my office 10 minutes ago and that letter is not yet in the office.

A million dollars in Colorado is a lot of money. We only get $4 million from LEAA, so when you look at one project for a million dollars dealing with the most hard-core delinquency by a staff that has enormous success, there are few projects more important to us.

The part of the project held up is a construction project which was going to train these kids. In the 10 months since the budget revision has been held up, the housing market has exploded terribly. The ability of this project to now purchase homes has been debilitated considerably. The delay in the budget revision has caused very severe restrictions in Colorado's ability to operate this project.

I want to give you an example of three more projects we have tried to process through the Office. Last summer what is known as special emphasis grants were encouraged. Colorado applied for four of those grants. One was rejected because it did not meet the criterion of 100,000 or less population. That criterion was specifically waived by the Office of Juvenile Justice staff. That same person is now on the staff here in Washington. He waived the 100,000 requirement and the grant was processed then rejected here in Washington because the grant was not concentrated in the area of 100,000 people. So the City of Denver spent many hundreds of hours developing the application, and they are saying they will never apply for an application again because it is not worth their time.

The three projects I would like to refer to are Larimer County Project, a Second Chance Home in Fremont, Colorado, and then the Pueblo Shelter Care Home. These three projects were developed last summer. Because my juvenile justice planner was going to be on vacation, other staff filled in and at the request of the Office of Juvenile Justice rushed through some of the review of these grants. These are not funded by LEAA money but funded in Washington. So they were submitted last August. To this day only one of those three projects has been funded.

That was funded maybe three weeks ago and for the wrong amount. They missed by $27,000. What is even more shocking is that the Larimer youth holding facility when it was initially submitted and had tentative sign-off, would have held juveniles in violation of the Juvenile Justice Act and no one caught that until my staff pointed it out to Washington. They then required that the grant be rewritten. We are still waiting for the other two grants. The chaos that exists around these three grants is simply incredible. The severe criticism that all agencies involved have taken, the amount of backtracking that has had to go on in planning in the three areas has set us back, so even if we got the money today, we would have to spend months regrouping the work we were ready to bring to fruition a year ago if we had gotten the money.

At the present time Colorado is spending about 39 percent of its total amount of funds for juvenile justice programs. I would like to ask some questions that I think if the committee gets answers to they will be shocked.

I am on page 6 of what was submitted as the testimony. What significant results have been achieved with juvenile justice special emphasis funds in the last 10 months?

How many new special emphasis initiatives have been announced in the last 10 months? How much time did prospective applicants have to apply for that initiative from the official notification date? How many and what initiatives were planned for the last 10 months but never announced? Why were they not announced?

What significant results have been achieved with juvenile justice Parts C and E Crime Control Act discretionary funds in the last 10 months?

What significant results have been achieved with National Institute for Juvenile Justice and Delinquency Prevention funds in the last 10 months?

Why are the obligation and expenditure rates for categorical funds controlled by OJJDP during the last 10 months so low?

Maybe the reason for this lack of Federal leadership is, to quote the Administrator of the Office of Juvenile Justice and Delinquency Prevention, "the Juvenile Justice Office is in relatively bad shape." Mr. Rector has said that his office "is in bad straits administratively" and that the discretionary program he controls is "the mess they call Special Emphasis."

It is not just the juvenile justice fiscal assistance program that is not functioning well. The States and local units of government are experiencing a dearth of technical assistance. Office of Juvenile Justice personnel have had their ability to travel severely restricted. What technical assistance has been provided comes from national contractors of LEAA. To the best of our knowledge, the assistance from the contractors has been all too frequently unresponsive and untimely.

We go to the national contractors or not at all.

What we need desperately is national leadership, but what we have is an attempt at management by regulation from Washington, D.C. The Office of Juvenile Justice has not coordinated its action with other actions within LEAA and the Department of Justice, with other Federal agencies and with the States and local units of government.

The Office of Juvenile Justice in the past 10 months has increasingly isolated itself from the rest of LEAA. It is our understanding that lines of communications within LEAA have almost entirely broken down. Because the Administrator of the Office is a recent political appointee and he is given authority under Section 527 of the Crime Control Act to establish policy for or administer all LEAA juvenile justice programs, the Administrator has effectively freed himself from accountability to either the Acting LEAA Administrator or the Attorney General or his designee.

In essence, the Office has been going its own way. As a result, different administrative policies are developing for the Office than for the rest of LEAA, and support services are being duplicated within the Office.

I want to give a few examples. We just finished our 1979 plans. A week before that plan was done we get a letter from Mr. Rector which says we have multi-year status, meaning we do not have to do a lot of planning we just redid. But on the next page it says we have to redo everything you did last year. I reread the letter several times. The letter was absolutely useless. We have asked for clarification.

At the same time we finish our 1979 plan we are being asked to submit a supplement to the 1978 plan. The 1979 plan could easily function as a supplement. We have to waste the time of people who could be helping juvenile offenders to satisfy some claim they have about the need for a supplement.

We have yet to get the finalized guidelines for the 1979 plan. We finished the 1979 plan on guesswork. We expect the guidelines will come out some day and we will have to do a supplement to the 1979 as we did with the 1978 plan. Much of the paperwork is unnecessary.

The breakdown is so complete that the Office of Juvenile Justice has even failed to either contribute to the monthly management brief prepared by LEAA's Office of Planning and Management for submission to the Acting LEAA Administrator or be represented at a Department of Justice FY 1980 budget hearing with the rest of LEAA. The result of the fragmentation is red tape, lack of accountability, and confusion.

The Office of Juvenile Justice has had a number of interagency agreements with other Federal agencies to achieve jointly some of the objectives of the Juvenile Justice Act. It has come to our attention that in the last 10 months attempts have been made to cancel those agreements. Have any and how many such agreements have been cancelled? Why? Have any new interagency agreements been executed in the last 10 months? If not, why not?

The Office of Juvenile Justice is a prime administrative example of Murphy's Law: If anything can go wrong, it will. Applications and budget revisions are lost, approvals of plans, applications, extensions, adjustments and revisions take three and four times longer than permitted by agency rules and guidelines, unsolicited grants are apparently awarded without respect to guidelines, guidelines are issued late and sometimes exceed authority, and red-tape requirements are running rampant.

I do not understand why we can mail dozens of things each week to Washington, D.C., and why LEAA gets all their mail and why the Office of Juvenile Justice and Delinquency Prevention does not get it.

The following questions might be asked:

LEAA's internal policy calls for the approval of all plans and applciations within 90 days. How many plans and applications have neither been approved nor disapproved in ninety days within the last 10 months? Why is the Office not complying with the LEAA 90-day internal policy?

Attachment K of OMB Circular A-102 requires that budget revisions be acted upon within 30 days. Grant adjustments, revisions and extensions should be dealt with in a similar timeframe. On how many occasions, in the last 10 months, has the Office failed to act on such revisions, adjustments and extensions within 30 days? Why not?

How many grants in the last months have been awarded which were not broadly and publicly solicited or were not awarded pursuant to LEAA published guidelines?

We will get a call from a juvenile justice agency who, unbeknownst to us, has for maybe some months been cooperating with the Juvenile Justice Office in D.C. in getting a grant. What they are calling about is that everything is in chaos, they don't know what to do. We may have to go in and undo months of misunderstanding on their part.

If an audit is ever done and some of that money is misused, I am the one in trouble because I exceeded my authority, and must bite the bullet to get that project moving until we get the letter from Mr. Rector which we are still waiting for.

Why were the juvenile justice portions of the FY 1978 Crime Control Act comprehensive plans and the 1978 Juvenile Justice Act

plans denied multiyear approval in October through December of 1978, but approved for such status eight months later after the FY 1979 plans had already been written?

The plan we have submitted for 1977 and 1978 were in the range of 1500 to 1700 pages. The plan for 1979 was 290 pages. We have saved considerable staff time and paperwork, which went to line agencies to help juveniles.

How many vacant professional positions are there in the Office of Juvenile Justice? What percentage of professional positions are filled in the National Institute for Juvenile Justice? How many staff have transferred out of the Office of Juvenile Justice to other parts of LEAA in the last 10 months? Why are so many positions vacant?

We do not know the specific answers to all these questions, but we should. We know, for instance, that only four of 11 professional positions in the National Institute are filled. And 16 of 61 positions in the Office are vacant. This situation is unacceptable and must be rectified.

In light of the foregoing discussion, we make to you the following recommendations.

(1) We ask that this committee closely examine the operation of the Juvenile Justice Act, particularly at the Federal level, and make immediate recommendations to the President and the Attorney General how some of the administrative problems might be eliminated.

(2) We ask that the committee call for the immediate issuance of a final guideline M4100.1F Change 3 in order that the policy issues involved might be resolved. We would ask that you review the final guideline and advise the Office whether it exceeds statutory limitations and/or violates legislative intent. We would hope that a careful review would be made of the definition of "juvenile detention or correctional facility" and the continuation policy.

We are now finding out that after years of States moving kids out of these facilities these very facilities are now being called institutions by Mr. Rector, so what you have is, under the requirement in the act, those States most progressive that began to take kids out of institutions on their own and to put them in these community programs are now classified as the most retarded or recalcitrant States because they are being called correctional institutions. Other States that have done none of this look on paper as if they are far ahead. You have States being pushed out of the program that are some of the most progressive in the country because of semantics. You may have a State which has a thousand status offenders in detention facilities but a couple years ago had 4,000.

You may have a State which has now 4000. Over 12 months, maybe the more progressive State only takes 500 out where the other state may take 3,000. In fact, the progressive State has been treating its kids better than any other state.

Mr. ANDREWS. Mr. Quinn, Governor Hunt, I am told, is now here. Can you stay with us? I do not want to cut short your testimony. That is not my intention. If you stay with us we will resume shortly. (Brief pause.)

Mr. RALEY. Mr. Quinn, while we wait momentarily for the Governor, I have a few questions. The guidelines to which you referred are for the FY 1979 State plan; is that correct?

Mr. QUINN. Yes.

Mr. RALEY. When is the FY 1979 state plan due?

Mr. QUINN. It is due July 31, 1978.

Mr. RALEY. A little more than a month from today?

Mr. QUINN. That is right.

Mr. RALEY. Have you received those guidelines in final form?

Mr. QUINN. Our plan is done, as are many State's, because each State is provided an advisory role on each year's plan, so in order to give them the 45-day review period to which they have a right, we finished our plan to let our legislature review the plan.

Mr. RALEY. You still have not received the final guidelines for the FY 1979 plan?

Mr. QUINN. Yes, that is correct.

Mr. RALEY. I was interested in your mention of the fact that project New Pride had been funded by Part C&E money.

Mr. QUINN. Correct.

Mr. RALEY. When was that program first funded?

Mr. QUINN. It was first funded in 1972.

Mr. RALEY. Even before OJJDP existed?

Mr. QUINN. Yes.

Mr. RALEY. There was a question certainly not answered this morning regarding the reasons for many of the delays both in fund flow and general operation of the Office. Most of these problems were attributed to the past administration. There were a lot of problems, quagmires that had developed bureaucratically in the previous administration and, to quote Mr. Rector, some attempts at administrative sabotage. In your opinion has this administration been superior to the past administration?

Mr. QUINN. It had been much poorer.

Mr. RALEY. Those are all the questions I have.

Ms. STANLEY. I have no questions.

[Short recess.]

Mr. ANDREWS. Ladies and gentlemen, this is a pleasant interlude for me and certainly an important one for this subcommittee and for all of us who are interested in the major area of juvenile justice and juvenile problems of various and sundry kinds. The reason it is so great for me personally is that our next witness is certainly three things to me: first, a friend; secondly, Governor of my home State of North Carolina, and thirdly, I am pleased to say, a constituent of mine living in my congressional district. We have a lot of grand relationships, but he really is here today not exactly in any of those capacities but rather as a member of the National Governors Conference.

Governor Hunt is Chairman of the Subcommittee on Justice and Crime Prevention. I know that he too is personally very dedicated to becoming part of the solution to the problems that exist within this area. That is exactly what we are here for and we are so aware, as is he, that the problem is so great and so serious that it is going to require the cooperation of dynamic govenors such as Governor Hunt, and in fact, the entire Governor's Conference, law enforcement officials, education people, most importantly, the public, and perhaps least importantly, the Congress.

Governor, we are accused so often of just throwing a bucket of money at a problem and then walking away. That is not working with regard to juvenile delinquency so we are especially pleased that you are here. We will give our best efforts to stick with this and get a good job done. We look forward to your statement very much.

[Prepared statement of Hon. James B. Hunt follows:]

PREPARED STATEMENT OF GOV. JAMES B. HUNT OF NORTH CAROLINA, CHAIRMAN, SUBCOMMITTEE ON CRIMINAL JUSTICE AND CRIME PREVENTION, NATIONAL GOVERNORS' ASSOCIATION

As the Governor of North Carolina and as the Chairman of the Subcommittee on Criminal Justice and Crime Prevention of the National Governor's Association, I am honored to be appearing here before you today. I understand that you are interested in the overall performance of the Office of Juvenile Justice and Delinquency Prevention in carrying out the purposes of the JJDP Act and its 1977 amendments.

When I was elected to office 18 months ago, I had two top priorities: North Carolina's children and fighting crime. My first major address to the General Assembly asked for mobilization of the full resources of North Carolina to fight crime and for the creation of one overall planning body for directing criminal justice efforts in our state, the Governor's Crime Commission. This body also serves as the state supervisory board for all LEAA and JJDP monies coming into North Carolina. I also requested the establishment of a Juvenile Code Revision Committee using LEAA monies to conduct the first coordinated and independent evaluation of all of North Carolina's juvenile justice efforts. It is presently concluding a full study of existing laws and services, and recommending whether they should be improved.

As this study has been going on, I requested the Juvenile Justice Planning Committee of the Governor's Crime Commission to make a determined effort to see that the LEAA juvenile monies coming into the state be spent to help develop community-based services as an alternative to training schools for our state's delinquents and status offenders. (In the past some of the LEAA juvenile monies coming into North Carolina were not spent for various administrative and political reasons and were reallocated at the eleventh hour to law enforcement, courts, and corrections projects.) I also asked the Juvenile Justice Planning Committee to study the question of whether or not North Carolina should

participate in the JJDP Act. The Committee members studied, in depth, the reasons why North Carolina had decided not to participate, the 1977 amendments, and the successes and failures of other participating states. They then developed a realistic and honest plan for North Carolina's participation in the federal JJDP legislation. As of today, North Carolina has allocated every penny of its LEAA juvenile monies and has been accepted for participating in the JJDP Act. On top of that, I have requested that the N.C. General Assembly allocate state funds in increasing amounts each year to be returned to our 100 counties for the continuing development of community-based alternatives.

In North Carolina, then, we are paying more attention to juvenile justice than ever before, because we are not just talking about children presently in trouble with the law; we are also talking about the group most likely to become the hard core criminals of tomorrow. We are approaching this problem as a team: citizens, SPA staff, and Governor. We have learned from past failures that without a high degree of special attention focused on this area, it can easily become submerged in the vast urgencies of the day-to-day criminal justice system. But we are convinced that we need to do more than just react to help solve the crime problem. We need to plan in order to prevent, and our prevention efforts should be focused on our children.

At the federal level too there is a great need for a special emphasis on juvenile justice as opposed to criminal justice generally. We need an Office of Juvenile Justice for this special emphasis. You have recognized through your JJDP legislation the need for this office in addition to and apart from the main stream of LEAA because of the special nature of youth crime. We must, of course, maintain the authority for coordination between these two entities, LEAA and OJJDP. The amount of juvenile crime is disproportionate to the population. Juveniles between the ages 10-17 represent about 15 percent of the

population and yet in 1974 they committed about half of the nation's serious crime. In 1975, 69 percent of our total inmate population in North Carolina was under 30 years of age.

The needs of youth sometimes get lost when no special focus exists. For example, in 1974, before the JJDP legislation, when juveniles were committing 50 percent of all serious crime in the country, only about 13 percent of LEAA's assistance was being used to support juvenile programs. Since the Office of Juvenile Justice and Delinquency Prevention was formed, a higher percentage of the federal dollar has been directed toward the juvenile. About 20 percent of LEAA money now supports juvenile programs in addition to those funds appropriated under the JJDP Act.

Interestingly enough, during that same period of time, according to FBI statistics, juvenile crime has dropped. The proportion of serious crime committed by juveniles has also dropped; and perhaps as a result, crime in general is declining. According to FBI statistics, juvenile crime represented 41.5 percent of serious crime in 1976, a considerable drop since 1974. In 1976 literally every category of serious crime by juveniles declined. Murder by youth under 18 dropped 17 percent from 1975; robbery dropped by nearly 30 percent. In addition, juvenile crime decreased faster than adult crime. In short, in the JJDP Act, we just may, and I emphasize the word <u>may</u>, have a piece of legislation that works.

One important feature of the Juvenile Justice Act is its provision for the coordination of all federal programs related to delinquency prevention. The states need such federal coordination efforts. Various federal agencies within diverse federal departments have different priorities and different procedures. They require different forms, different guidelines and reporting based on different fiscal years. This maze of bureaucracy all comes together at the

state level where we must attempt to untangle the web and actually deliver assistance to those in need.

Federal agencies need to simplify their application procedures. Policies need to be consistent, so that one federal program isn't supporting a practice that another program seeks to discourage. A case in point in the juvenile justice area is that HEW still provides money to states for education based on the number of juveniles in training schools. The more juveniles in training schools, the more money. The JJDP Act, on the other hand, seeks to remove an increased number of juvenile offenders from training schools. This kind of mixed message from the federal government to the states must stop.

The JJDP legislation provides a forum for such coordination to occur through the federal Coordinating Council on Juvenile Justice. Congress is to be congratulated for writing the language, but coordination must be more than words and meetings. Those agencies responsible for the operation and success of the council must put action behind the words. States, local governments, private nonprofit agencies, and the youth themselves will all benefit. In the delivery of youth services at the state level, we are trying to get our administrative houses in order. Our efforts can go no further unless federal agencies put aside bureaucratic turf disputes and respond solely to the needs of children. We understand that as of today the Federal Coordinating Council on Juvenile Justice has yet to hold its first meeting.

Coordination is also important between the Office of Juvenile Justice and Delinquency Prevention and LEAA. Lack of such coordination and staff tension within the Office itself seem to be causing unnecessary time delays in the processing of state requests. For instance, North Carolina's application to participate in the JJDP Act was sent to Washington in the end of December and we didn't receive word of our acceptance until 2 weeks ago, 6 months later.

North Carolina submitted a Plan Adjustment for the use of 1977 monies several months ago which we are told had been reviewed by LEAA and was sent on to OJJDP where it sat for some time. We were at a standstill until this adjustment was reviewed. Our SPA Director sent a letter requesting a review of a "special condition" placed on the use of our juvenile LEAA monies for detention subsidy in February and has yet to receive a reply. Without this reply which would enable us to spend these monies, juveniles are being unnecessarily locked up in adult county jails in North Carolina. These examples from our state are typical of time lags being experienced by most states.

In this mass of tangled federal bureaucracy, the Office of Juvenile Justice and Delinquency Prevention must not forget its first priority is to provide services to children in trouble with the law. It must distribute funds to be spent to help our troubled children as if it were a crisis, for in fact it is. Research, planning, technical assistance, training, and policy-making can be pretty heady experiences for federal administrators. It's easy to become infatuated with the idea of contracts with national groups that seem impressive. Research findings can bring good media coverage. Running training institutes for professionals and government employees can bring praise and approval from those participants. But the first target for services must remain our children. Getting assistance down to the service provider and the young person in the street must be the top priority.

One way to get this emphasis into OJJDP is to involve local service providers and members of national and state advisory committees in the setting of guidelines and definitions as regular participants rather than as responders to the information after it is printed in the Federal Register. It is only natural that, after OJJDP staff members have invested a great deal of time and effort into definitions and guidelines without outside participation, they are

ready to fight to defend them regardless of logical arguments to the contrary.

And we are presently in the midst of just such an unnecessary fight. The argument over the "co-mingling" of status offenders and juvenile delinquents is a good example. If implemented, this prohibition of "co-mingling" could squeeze delinquents out of community based services and back into training schools. Such a single-mindedness on the part of OJJDP staff for deinstitutionalization of status offenders tends to make them overlook sincere state concerns for prevention and for delinquents. In North Carolina, we are interested first in those children presently in trouble, both delinquents and status offenders. This concern is closely followed by our commitment to prevention. Some of our best prevention efforts are focused at young children who are behavior problems in our public schools.

This focus on all three aspects--delinquents, status offenders, and prevention--could be achieved through the employment and consulation of local service providers to complement staff theoreticians.

In North Carolina we take citizen and provider input very seriously. We are establishing an advisory board for the JJDP Act which is an extension of the juvenile committee of our supervisory board, the Governor's Crime Commission. This JJDP Advisory Board will have an overview of all juvenile justice planning, not just the JJDP and LEAA juvenile monies. Over one third of the members of the JJDP Advisory Board will be members of the Governor's Crime Commission. We would hope to see regular interaction between the state advisory boards and the National Advisory Board. OJJDP staff consultation with state advisory boards prior to the establishment of federal JJDP guidelines and definitions is imperative. The prior involvement of an active and knowledgeable National Advisory Board in decision-making with the federal OJJDP staff should also help to lessen negative responses later. State Advisory boards need

encouragement to be strengthened in states participating in JJDP. Governors, state advisory boards, and SPA staffs need to work as a committed team.

There is no magic answer for the problem of juvenile crime, but in North Carolina we are determined to develop the best possible approach to the problem. Our dedication and yours, as evidenced by the JJDP legislation we are discussing here, could truly help the troubled children of today become the good citizens and leaders of tomorrow.

STATEMENT OF HON. JAMES B. HUNT, JR., GOVERNOR OF THE STATE OF NORTH CAROLINA, AND CHAIRMAN, SUBCOMMITTEE ON JUSTICE AND CRIME PREVENTION, NATIONAL GOVERNOR' CONFERENCE, ACCOMPANIED BY GORDON SMITH, ANN BRYAN, AND BARBARA SARUDY

Governor HUNT. Thank you, Mr. Chairman. If I may say, I am pleased to have with me today Mr. Gordon Smith, who is Director of our Crime Commission in North Carolina, Ms. Barbara Sarudy, who is the Chairman of our Juvenile Delinquency Planning Committee, and also the Director of Youth Care in Greensboro, which is probably one of the most effective groups in our State dealing with young people in trouble with the law; and also Miss Ann Bryan, Director of Planning for our Department of Crime Control.

It is significant that they are with me because we are part of a team that works very closely together. I am very much involved in this area working with them.

I do appreciate your letting me come as the Governor of the State of North Carolina but also as Chairman of the Subcommittee of the National Governors Conference that is very much involved in this field. I want to thank you first of all. I know people generally come to complain and point out deficiencies—and I will have some of those I want to talk about—but I want to thank you first of all that this act was passed and this concern has been demonstrated by our national government. We do feel that it is our government; we want to make some changes in it but it is ours. We also appreciate that you are doing this job of oversight which is a proper one.

I want to talk a little about some of the things that we feel about this but first of all sort of lay the groundwork by describing to you and for the benefit of the subcommittee where we are in North Carolina so that you will understand the perspective we have and the concerns we have.

When I was elected Governor of our State 18 months ago, I had two top priorities. The people of my State knew that. They elected me based on those primarily. One was the children of North Carolina—what we could do to raise up a new generation of people who are different. Another was fighting crime. My first major address to the General Assembly asked for mobilization of the full resources of North Carolina to fight crime and for the creation of one overall planning body for directing criminal justice efforts in our state. That was to be the Governor's Crime Commission, to be responsible not only for the LEAA program but for the other things

that we would be doing in terms of trying to fight crime more effectively.

I want to emphasize right here—and I do not think I have to do it for you—that that is one of the primary concerns of our people. If we are a government at whatever level that really cares about people and is responsive to them, then we must respond in this field of fighting crime because it is one of the great concerns our people have.

We created this Crime Commission and, as I said, it serves as a state supervisory board for all the LEAA and the OJJDP monies coming into North Carolina.

I also requested the establishment of a juvenile code revision committee using some LEAA funds to conduct the first coordinated and independent evaluation of all of our juvenile justice efforts.

We had had a juvenile justice sytem that had been growing in a very uncoordinated and often times conflicting way. I served four years as Lieutenant Governor and presided over the Senate. People came in with different proposals and we enacted most of them and a lot of money was spent. Frankly, there was no overall coordination and direction of them in a way that would give us the maximum benefit.

So last year when I went before the General Assembly, although I had a lot of things I asked for in the crime package and all were passed except one bill out of 15, the one thing I asked them *not* to do was to pass any more bills that had to do with the juvenile justice system. I said, "Give me one year for the finest committee I can put together to study this matter so we can come in with a complete fresh approach to deal with the field of juvenile justice."

That committee is now concluding its study and will be recommending what kind of organizational setup and what kinds of programs we ought to have. That will be the heart of my proposals to the 1979 General Assembly. As this study has been going on, I requested the Juvenile Justice Planning Committee of the Governor's Crime Commission to make a determined effort to see that the LEAA juvenile monies coming into the State be spent to help develop community based services as an alternative to training schools for our State's delinquents and status offenders.

In the past, some of the LEAA juvenile monies that came into North Carolina were not spent for various administrative and political reasons. And then at the 11th hour, just before the funds were to be lost, they were reallocated to law enforcement or the courts or the corrections project that did not really key in on the juvenile problems.

I also asked the Justice Planning Committee to study the question of whether or not North Carolina should participate in the JJDP Act. Let me just say to you right here that we had not participated originally because we could not see that we would have the community alternatives in place in time to take all the status offenders out of our training schools. We did not file any. We did not act in a dishonest kind of way. Until we could see that we were in a position to do that, we did not come in. We did arrange, with our own state funds, to establish community alternatives.

We have been working very hard at that, and I have been recommending more money every year. We have recently come into the program and will be participating fully.

The committee members studied the reasons why we had decided not to participate, and we looked at the 1977 amendments, we looked at the successes and failures of other States. As I said, we have now come in and are participating with a realistic and honest plan for North Carolina to be involved.

As of today, since we have made these changes North Carolina has allocted every penny of its LEAA juvenile monies and has been accepted for participation in the JJDP Act. On top of that, I have asked the General Assembly to allocate increasingly more funds to our counties for their own development.

I might just say this to you right here, I know that there are different patterns in different States and I am here speaking for all the Governors. But let me say this about our approach in North Carolina. We have made this a community responsibility. The State puts funds in, the State provides technical services, but it is the community's responsiblity; so you have all the church groups, all the concerned groups locally pushing county commissioners to get this done, and of course pushing us in the General Assembly at the same time.

We think we are having a lot of people feeling their responsibility here and giving leadership to it that would not happen if we simply had a State program right by itself and not putting part of the responsibility on the counties.

In North Carolina we are today paying more attention than ever before to the field of juvenile justice. We are not just talking about children presently in trouble with the law. We are also talking about the group that is most likely to become the hard-core criminals of tomorrow. We are approaching the problem in North Carolina as a team. Again I want to stress this. We do not simply have a Governor and an SPA staff over here somehow in an adversary role with the groups who are providing the facilities, and that sort of thing—human services or whatever they may be. We are working at all of this together in a real teamwork kind of way.

We have learned from past failures that without a high degree of special attention focused on this area, it can easily become submerged in the vast urgencies of the day-to-day criminal justice system. We are convinced we need to do more than just react to solve the crime problem. I am strongly convinced that we must plan in order to prevent. Our prevention efforts should be focused on our children. Those are important decisions to make. We have to plan; we cannot simply just talk about what we are going to do about the present-day people who are in trouble. We have to look ahead and try to prevent it in the years to come and we have to focus our attention on our children.

At the Federal level also I think there is a great need for special emphasis on juvenile justice and not simply on criminal justice generally, although that is very important. We do need the Office of Juvenile Justice for this special emphasis in establishing that, and in creating this legislation it was very important.

You have recognized through your JDDP legislation the need for this office in addition to and apart from the mainstream of LEAA

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because of the special nature of youth crime. We must, however, assure coordination between these two entities, LEAA and JJDP. The amount of juvenile crime, as you well know, is disproportionate to the population. Juveniles between the ages of 10 and 17, in 1974, represented about 15 percent of the population and yet they committed about half of the Nation's serious crime. In 1975, in our State of North Carolina, 69 percent of our total inmate population was under 30 years of age.

The needs of youth sometimes gets lost when no special focus exists. For example, in 1974, before the JJDP legislation when juveniles were committing about 50 percent of all serious crimes in this country, only about 13 percent of the LEAA assistance was being used to support juvenile programs.

Since, of course, the Office was established, a higher percentage has been directed toward the juveniles, and now of course about 20 percent, as the law provides, of the funds are put into those programs. That is a step forward. That is very important, and I think the Congress is to be commended for that.

Interestingly, during that same period, according to FBI statistics, juvenile crime has dropped. We must always be cautious about what we ascribe these changes to, as you so well know. But it may be—and I think it probably is true that this is partially responsible—according to FBI statistics juvenile crime represented 41.5 percent of serious crime in 1976, which is a considerable drop from 1974.

In 1976, literally every category of serious crime by juveniles declined. Murder by youth under 18 dropped 17 pecent from 1975. Robbery dropped by nearly 20 percent; in addition, juvenile crime decreased faster than adult crime, so that tells us something is a little different here.

In short, in the JJDP Act we just may have a piece of legislation that works. With all the problems we find in the world, Mr. Chairman, this is a place where I think we can take some pride and some satisfaction, and I commend you and this subcommittee and the Congress that has established this.

One important feature of the Juvenile Justice Act is its provision or purported provision for the coordination of all Federal programs related to delinquency prevention. I know that coordination in big government bureaucracy is tough. It is tough to do in North Carolina. I can imagine what it is like to do here. But I want to say to you that we in the States desperately need such Federal coordination efforts. That is one of the main things I want to say to this committee today. Various Federal agencies within diverse Federal departments have different priorities and different procedures. They require different forms, different guidelines, and reporting based on the different fiscal years. This maze of bureaucracy all comes together and you see the problem at the State level where we have to untangle the web and actually deliver assistance to those who need it.

Mr. Chairman, I know you are one of the greatest State legislators North Carolina ever had before you came to Congress, so I know you are aware of what I am talking about.

Federal agencies need to simplify their application procedures. Policies need to be consistent so that one Federal program is not supporting a practice that another program seeks to discourage. I will give you a case in point. HEW still provides money to States for education based on the number of juveniles in training schools. The more children in the training schools, the more money you get. The JJDP Act on the other hand tries to remove juvenile offenders from training schools, at least those that can be, and this is the kind of mixed message that you get from the Federal Government that we need to stop.

The OJJDP legislation provides a forum for such coordination to occur through the Federal Coordinating Council on Juvenile Justice. Congress wrote the language into the law. Coordination has to be more than just words and meetings. Those agencies that are responsible for the operation and success of the council have to put action behind their words. States and local governments and private nonprofit agencies and the young people themselves will benefit if we do and will be hurt if we do not.

In the delivery of youth services at the State level, we are trying to get our houses in order. Again, that is hard for us to do. We are at the place where the programs are really delivering. But I want to say to you that I think we are working as hard at it in our State as any State is doing. I want to say to you it is going to be hard for our efforts to go much further unless the Federal agencies put aside the bureaucratic disputes and respond solely to the needs of children. I could go into some of those. I won't do it now, but I will later if you like.

We understand that as of today, for example, Mr. Chairman, the Federal Coordinating Council that was set up in the law on juvenile justice has yet to hold its first meeting. I suggest to you that is very unfortunate and ought to be remedied immediately.

Coordination is also important between the Office of Juvenile Justice and Delinquency Prevention and LEAA.

The statement I filed with you gives you the North Carolina experience. I won't recount that here but it is pretty unfortunate.

In this mass of tangled Federal bureaucracy, the Office of Juvenile Justice and Delinquency Prevention must not forget its first priority is to provide services to children in trouble with the law. It must distribute funds to be spent to help our troubled children as if it were a crisis, for in fact it is. Research, planning, technical assistance, training, and policy-making can be pretty heady experiences for Federal administrators. It is easy to become infatuated with the idea of contracts with national groups that seem impressive. Research findings can bring good media coverage. Running training institutes for professionals and government employees can bring praise and approval from those participants. But the first target for service must remain our children. Getting assistance down to the service provider and the young person in the street must be the top priority.

I wish somehow you could infuse the people here, Mr. Chairman, with what I keep trying to do in State government in North Carolina. My home is in Wilson County in a little rural community called Rock Ridge. Having come from Chatham County, you know

something about that rural community. I am constantly saying to my people from cabinet secretaries all the way down: "I want you to think local. Whatever this big complicated problem is that you are talking about, you think about how it is going to work itself out and affect people at the local level."

As a matter of fact, I sort of shortened it now. All I say is, "Think Rock Ridge." That means you think about how this is going to affect those people who live there.

Mr. ANDREWS. The people here are going to swear and declare I wrote that speech, Governor. I am amazed at your comprehension of the problems we have.

Governor HUNT. I guess we came up the same way, Mr. Chairman.

One way to get this emphasis into OJJDP, as I said, it is not easy, and I know that, is to involve local service providers and members of national and State advisory committees in the setting of guidelines and definitions; but involved—and this is what is critical—as regular participants in the initial stages, as you are beginning to formulate it, rather than as responders to the information after it is printed in the Federal Register.

It is only natural that after the Office of JJDP staff members have put all of their time and thinking—and I appreciate them doing that; I am not here to criticize them, but I know how these things work—after they put all their time and effort into definitions and guidelines and have carefully worked up a nice neat system that they think will work well, they have done all this without outside participation, they naturally are going to be ready to fight to defend their handiwork that they put so much time and effort into—regardless of logical arguments or practical experience to the contrary.

We are presently in the midst of just such an unnecessary fight. The argument over the "commingling" of status offenders and juvenile delinquents is a good example. If implemented, this prohibition of commingling could squeeze delinquents out of community-based services that we are working so hard to try to establish, trying to get every penny of money we can find, trying to get all kinds of groups that care about children to help us. We could squeeze the delinquent out of those community-based services and back into the training schools. Such a singlemindedness on the part of the OJJDP staff for deinstitutionalization of status offenders tends to make them overlook the very sincere State concerns for prevention and for delinquents.

In North Carolina, we are interested first in those children that are presently in trouble, both delinquents and status offenders. Let me say this, too, Mr. Chairman, if I may. Most of what I have said is talk about prevention, and I am going to say another word about that, and we have talked about status offenders, and that has been a popular subject, properly so, because that is the first stage. But I want to say to you and to this committee and to the staff here, that we also have a responsibility to people who live in our communities to deal effectively with delinquents.

Some of these are young, tough, hard, vicious criminals, and we absolutely must have a means for dealing with those people in the

most humane way we can, but in such a way as to protect the people who live in their communities. I would urge that this aspect of this act and this program always continue to be important in your minds, and if you don't think it is important to people, come home with me.

Take them to Asheboro, Mr. Chairman, where we had a vicious shooting. Apparently a house was picked out at random over the past week by some teenage boys, and they shot down two young teenage girls. One was killed. There is vicious crime going on that we have got to try to prevent and deal with effectively. I would just urge that this be kept in mind along with the other things.

Of course, we must keep our eye on the matter of prevention, because if we do that effectively today, perhaps we won't have as many delinquents and hard-core criminals tomorrow.

Some of our best prevention efforts are focused at young children who are behavior problems in our public schools, and that is certainly where we are putting some of our greatest efforts in North Carolina.

I have been so thrilled to learn the results and visit personally in the schools where we are using some of our juvenile moneys to create these in-school alternatives, so instead of putting the kids out on the street, we are putting them into closely supervised study halls.

I was in High Point the other day, and I found one in Junior High—about five or six young people in there, probably eighth grade or so. They had two full-time, extremely good people working with them, and the results are just amazing. That shows what we can do if we work hard enough at it.

So this focus on all three aspects—delinquents, status offenders, and prevention—could be achieved through the employment and consultation of local service providers to complement staff theoreticians. Let me say a word about the kind of people who make up the staff.

I don't know who they are. But I would hope that the Office would have one or more people on the staff who have run some of these local community-based programs recently so that they really know what they are talking about, and are not just theorizing about it and haven't just been involved in staff work up on the Hill somewhere through the years. I think we should bring in somebody who has run a program in a community and bring them fresh out of it and put them here to give that perspective.

In North Carolina, we take citizen and provider input very seriously. You know that has been our pattern in North Carolina. We are establishing an advisory board for the JJDP Act, which is an extension of the juvenile committee of our supervisory board, which is the Governor's Crime Commission. So we have these working very closely together. We have the Crime Commission, which has the overall responsibilities for helping us plan to reduce crime. That has its juvenile committee, and then that juvenile committee has great overlap with, working with, the Advisory Board for the JJDP.

In fact, we are just sort of working at this thing on a team kind of basis rather than pitting people against each other and trying to set

up the adversarial relationship, although we have advocacy counsel for children and other things. But we are trying to get them working together and well coordinated.

This JJDP Advisory Board will have an overview of all juvenile justice planning, not just the JJDP and LEAA juvenile monies. Over one-third of the members of the JJDP Advisory Board will be members of the Governor's Crime Commission. We would hope to see regular interaction between the State advisory boards and the National Advisory Board. We would hope to see the Office of JJDP staff consult regularly with our own staff and with the advisory board prior to the establishment of Federal JJDP guidelines and before the definitions are established. Again, you know if just this one thing came out of what you are doing here in this oversight hearing, it would be good. It is tough to get that through. I know because it is tough for me to get my own cabinet secretaries sometimes to give the kind of input to our Advisory Boards that they should do. I have to stay on them about it. I put out a memo to every one of them a couple weeks ago, saying not only did I want them to give full involvement, but I wanted to bring the primary Advisory Boards in to meet with me. That way, I will see what kind of input they are having. I will get it directly from them and have a chance to make sure my own cabinet officers are giving them that kind of opportunity.

I think that the State Advisory Boards need to be encouraged and strengthened in all States that are participating in the JJDP. As I said, I believe strongly that the governors and the State Advisory Boards and the SPA staffs need to work as a committed team, working together rather than having them sometimes working at odds.

There is no magic in this field; there is no magic in raising children right. It is the toughest thing in the world today. The thing we probably need to do most in this country is try to make our families work right, and every single one of us has an obligation there, and probably haven't done as well as we should.

This is a crucial field to be involved in. We are working hard in our State to try to make it work better, and we have found that the key is partnership. Our dedication and yours, as evidenced by this legislation, and the commitment of our nation to this program can help the troubled children of today become the good citizens and leaders of tomorrow.

I want to thank you for your interest and your work.

Mr. ANDREWS. Thank you very much, Governor Hunt. I might suggest, after noting to your comprehension, which to me is amazing in its depth regarding the problems and opportunities here and what you are doing about them in North Carolina, that I wish in your spare time you would come up here and help us run this Federal program. I think you could offer a lot to our efforts.

We do very much appreciate it. Again, I am amazed that you have hit right at the key of what we are just at this very hour in the midst of learning to be the essential problems with the program. I assure you we will try to follow your admonitions and straighten them out.

Governor HUNT. Mr. Chairman, if I may, I want to introduce one person. I guess the person that I believe knows more about this

than anybody else is a young woman here with me today, Barbara Sarudy. She is right back here. She is from Greensboro, and if there is any time that you want to get the real lowdown on how the program works in North Carolina or, how it comes out at the end of the line, I volunteer her services. She is the head of our Advisory Committee.

Mr. ANDREWS. We will certainly remember that, and we will be calling on you.

Thank you again, Governor. Have a good trip back to Raleigh. We look forward to seeing you down there again soon.

Barbara, it is going to look like we are trying to declare Carolina-afternoon. That wasn't our intention. Barbara Sylvester wasn't to follow Governor Hunt, but because of the agenda jockeying, that has developed to be the case. Barbara is a very distinguished lady of South Carolina. Among other things, she is Vice Chairman of the National Advisory Committee on Juvenile Justice and Delinquency Prevention.

Barbara, I might say Congressman Mann and practically all the delegation of South Carolina have told me more glowing things about you than time will permit me to repeat here. But, to say the least, on behalf of my friendship with them and my respect for you, it is especially a pleasure to welcome you here. We look forward to your statement.

As with the others, you may submit it and either read from it, or preferably, just talk with us about it. But we leave that up to you and will be pleased to hear from you.

[The information referred to follows:]

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
NATIONAL ADVISORY COMMITTEE FOR JUVENILE
JUSTICE AND DELINQUENCY PREVENTION
WASHINGTON, D. C. 20531

June 23, 1978

Representative Ike Andrews
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Andrews:

I am pleased to submit copies of my testimony concerning the National Advisory Committee for Juvenile Justice and Delinquency Prevention for Subcommittee hearings on June 27th. I look forward to addressing the Subcommittee at that time and thank you for your kind invitation to do so.

Sincerely yours,

Barbara T. Sylvester

Barbara T. Sylvester
Vice Chair
National Advisory Committee
for Juvenile Justice and
Delinquency Prevention

Mr. Chairman, on behalf of the National Advisory Committee for Juvenile Justice and Delinquency Prevention, (the NAC), I wish to thank you for inviting us to be a participant in this Sub-committee hearing.

I am Barbara Sylvester, currently serving as the Vice Chair of the NAC, a position created by the NAC membership at a meeting on March 3, 1978. I am former Chairperson (four years) of the South Carolina Department of Youth Services Board, presently serving as Secretary of that Board. I am a representative of the private sector with nine years service on the South Carolina Department of Youth Services Board and six months on the NAC.

In reviewing the history of the legislation, I find that Congress felt a tremendous need for an advisory body composed of persons having special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice. You are to be commended for establishing such a body, especially for your courageous position regarding representation of youth (who have been or are currently within the system). What better way to learn than from one who has been there? It is so very clear that you felt citizen participation imperative by inserting into the Act, "A majority of the members of the Advisory Committee, including the Chairman, shall not be full-time employees of Federal, State or local governments."

An inconsistent level of membership and the uncertainty regarding Committee staff support has prevented you, however, from reaping the returns I believe you were seeking. I am not placing blame anywhere Mr. Chairman -- I am merely stating a fact and would like to emphasize that the Juvenile Delinquency Act is one of the few pieces of legislation that so explicitly recognized and addressed the issue of citizen participation.

We, the NAC, have been disappointed that our committee has been plagued with delays in the appointment of new members. 1977 saw the committee exist eight months with only fourteen members, one of whom is not to be found -- no one seems to know his where abouts. For the past three months in 1978, the Committee has experienced the same situation. We are hopeful the only reason for delay has been the White House's attempt to appoint persons who wholeheartedly meet the requirements of the Act.

Committee Accomplishments

Despite the difficulty caused by lack of continuity in appointments (e.g. in March 1978, we lost the Chair and two sub-committee chairs) and recent changes in the level of staff support to the Committee, which I will address in greater detail, the Advisory Committee has made progress on several fronts:

- The Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice (the Standards Subcommittee) has issued four reports. The first, submitted one year after the passage of the Act, contained initial recommendations and outlined the scope of the Standards to be recommended and the process to be used in developing them. Standards were to address the full range of law enforcement, judicial, treatment, social service, health, educational and planning activities affecting youth. The second report, an interim progress report was submitted in March 1976, the third report was in the form of the first volume of recommended standards concerning the adjudication function; it also contained a general implementation plan and specific recommendations for facilitating the adoption of particular standards. The fourth report,

circulated in draft in March 1977, addressed the administration, prevention, intervention and supervision functions of the juvenile justice and delinquency prevention system. At its most recent meeting, the Standards Subcommittee established procedures for future review, refinement and recommendations re Standards. All of this has been an enormous task and I wish at this time to personally commend the Subcommittee and the staff of OJJDP for their outstanding work.

- The Committee has developed and approved the submission of an Annual Report for 1977 (see Attachment).
- Recently the Committee co-sponsored with the Office, the first National Meeting of State Advisory Groups, held March 1-3, 1978, in Reston, Virginia. The purposes of the meeting were:

1. to develop a working relationship between and among the NAC, State Advisory Groups and the Office,
2. to provide for exchange of information and ideas regarding participation in and support for full implementation of the Act,
3. to identify key issues and promote discussion of these issues, and
4. to develop a national constituency to work toward juvenile delinquency prevention and improvements in the administration of juvenile justice.

The meeting drew over 250 participants; the members of the NAC, staff of the OJJDP, specified delegations from the SAGs (the chairperson, one youth member, one member representing local government and one member elected by the SAG), concerned citizens from non-participating states, representatives from private agencies and public interest groups, juvenile justice specialists from the states and well known experts in the field.

Let me share with you some of the positive as well as negative feed back comments from the conference:

"For the first time I felt that I was not alone in the tribulations of being a chairperson and the problems inherent in administering the SAG."

"Our formal caucus and subsequent informal contacts with people with with the same role -- was the most important aspect of the entire three days.

"As a youth member I found it encouraging and educational to speak with other youth members."

"I have recently become a Juvenile Justice specialist, and I basically learned what my role was supposed to be."

"It renewed my motivation to get over my 'burned out' syndrome."

"I saw the importance of speaking up in the SAG."

"I learned a great deal about my potential role which has been prevented from developing because of minimal staff support from the SPA."

"The planners of this meeting underestimated the participants level of sophistication. Intense feeling about the OJJDP definitions and guidelines dominated the discussion and should have been addressed immediately so we could move on to other issues."

"The NAC should be more assertive ... should take a more active role in formulating policy and monitoring OJJDP ... should use the SAG's experience to influence policy."

"The NAC should advocate on behalf of SAGs to OJJDP."

"The NAC should be more responsive to the SAGs and introduce the reality we know into guideline development."

The NAC should be an information resource for SAGs by:

"preparing a basic orientation package for SAG members"

"assisting in developing coalitions"

"providing information regarding national trends"

"publishing a regular newsletter highlighting topics of interest to SAGs".

Responses such as these clearly indicate to us some concrete ways in which the NAC could accomplish objectives which have already been identified. These comments are being shared with you to demonstrate the success of the March meeting as well as to provide you with input from the citizens whose participation you support. The NAC plans to provide the Subcommittee with copies of the conference proceedings upon their completion. From this very brief synopsis I hope that you too feel that persons who may have referred to the conference as an "unguided missile" may have missed the launching pad.

Of great interest and addressed extensively during the conference were the Guidelines (Revisions to the Guide for SPA Grants). During my short tenure, only three months, as Vice Chair of this committee and in light of my interpretation of our responsibilities, I requested comments from the Committee members on the Guidelines on two occasions after the March conference. Members felt, however, they had not met as a deliberative body and could not respond with one voice, to the Office. I must point out, though, that there are members who participated along with their State Advisory Groups in developing comments on the Guidelines. The Committee's position on the Guidelines will be addressed during the July meeting of the NAC to be held in Kansas City July 12-14.

A set of "Standards of Conduct" has been adopted by the Committee. (See Attachment)

A Subcommittee will present Bylaws for adoption to the Committee at its July meeting. These two last actions have been taken so that the NAC will have its own house in order to allow it to concentrate its effort on fulfilling its mandated responsibilities.

Changes in Level of Staff Support to the Committee

The 1974 Act as amended states that the Associate Administrator shall provide such staff and other support to the Advisory Committee as may be necessary to perform its duties.

The Executive Committee met with the Associate Administrator of the Office April 10, 1978. At this meeting we were informed that we could no longer rely upon Office staff for assistance with agenda development, conference planning, research activities and the like. Subsequently, at the suggestion of the Associate Administrator, an ad hoc committee developed specifications for a Request for Proposal (RFP) for committee staff support and submitted it to the Office on May 8, 1978. We have not had any information since then as to the Associate Administrator's long range plans for Committee support but we are hopeful that, at least for the present, and especially for purposes of conducting our next two meetings -- one in July in Kansas City and one in August in San Antonio -- that we will be able to rely upon services that we have been receiving under contract.

We are fully aware of the small number of personnel within the Office. We realize their top priority cannot and should not be the NAC. That is among the reasons that the Committee feels it imperative to be provided with sufficient guaranteed staff positions to provide assistance in carrying out its work.

Recommendations

I wish today to submit the following recommendations to the Congress which will address the problems I have just described:

- The NAC strongly recommends that a line item appropriation be made for the Committee.
- The NAC recommends that appointees to the Committee be allowed to actively serve until their successors are named by the President.
- The NAC pleads with the Congress to insist that the Coordinating Council meet and get on with the responsibilities charged to them in the Act.

Mr. Chairman we do plan to make further recommendations to the Congress later in the year as required by Section 208 of the Act.

I wish to close my testimony with these few words. There are many children, young people and yes, old people, who need people like you -- your committee, NAC members, the staff of the Office. They need to be guided by people who make decisions and are "doers." The task before you is tremendous but not unconquerable. I urge you to evaluate, deliberate and take action that will help those who have not been as fortunate as you and I so that until that time comes when we know how to fine-tune programs to prevent delinquency, let us at least provide the services which are known to be important to the normal, positive development of the child. The National Advisory Committee stands ready to participate in that effort.

Again, I wish to thank you for allowing me to share with you some of the interests and concerns of the National Advisory Committee For Juvenile Justice And Delinquency Prevention. I am willing to entertain questions and respond to the best of my ability.

STATEMENT OF BARBARA SYLVESTER, VICE-CHAIR, NATIONAL ADVISORY COMMITTEE ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Ms. SYLVESTER. Thank you, Mr. Chairman. I hope I can hold up to the things the South Carolina Congressmen have said. Frankly, I am very honored to follow Governor Hunt. He and I have been friends for a number of years, and I think it is exciting to see a

State that has recently come into the act talk about why they did come into it.

Mr. ANDREWS. Do you think a year or two from now he will regret that decision?

Ms. SYLVESTER. I hope not. I hope even those States that are thinking about withdrawing will reconsider, and that the problems can be worked out. I do think that the Governor pointed out many problems that participating States are having and those that are not participating.

I am pleased to appear today and on behalf of the National Advisory Committee for each one of those members now serving—it is not a full committee at this time. The full committee consists of 21 members and since March we have existed with only 14—actually 13—because one of those members, as stated in my testimony, cannot be located. We have had no contact with him, and, to my knowledge, no one else has been able to locate him.

But the committee is very grateful to you, Mr. Chairman, for inviting us to be a part of this subcommittee hearing.

Nine years ago, I entered the field as a citizen representative, a private sector representative. I was appointed to the South Carolina Board of Juvenile Corrections in charge of reformatories. During these nine years, we have seen progress come from referring to those schools as reformatories up to juvenile corrections, and now, thank God, for the progressive attitude of State legislators and people in charge of delivering services to children in trouble, we are now referred to as the South Carolina Department of Youth Services.

I went into very troubled areas, and it seems as though I came into another one when I came on the National Advisory Committee. I have followed the act since its birth and have been quite excited over the 1977 Amendments and was quite anxious to receive this appointment so I could come up to a higher level than the State level, having lived at the grass-roots level and participated in the development of special emphasis programs that were funded just by the community and by State funds. So I was very anxious to come onboard on the top level and pursue and help implement the mandates of the act.

I would like very much, as a citizen, and as a professional volunteer—and not as a professional, but just a professional volunteer—to address a question which you asked this morning, and that is about diversion. I would like to share with you two of our steps in diversion of young people from the juvenile justice system. It is two bumper stickers. One is "Have you hugged your kid today" and one on which a copyright is pending is, "Loving kids is a family affair." We hoped we could get that into the community, Mr. Chairman—and that was initiated by private sector people, not professionals. It has had a great impact, and we think that that, too, is very much a part of the diversion program.

Since Congressman Hawkins asked this morning about the serious offender, I would like for him to know that the National Advisory Committee, at its August meeting, if we have that meeting, will address this issue, and, of course, whatever recommendation and position comes from the National Advisory Committee,

will be forwarded immediately to the office and to your office, and also to the Senate office.

My testimony, I think, that has been filed with you, is rather extensive about the accomplishments, the mandates of the National Advisory Committee and its objectives, so what I would like to do in this time, so it will allow for questions and participation, is I would like to address the concerns of the committee, and that being that we are mandated by section 208 with extensive responsibilities. It is absolutely impossible for those mandates to be fulfilled unless a continuous flow of information and staff is provided to assist this.

In the past, it has been the practice of the Office of Juvenile Justice and Delinquency Prevention to provide staff to the National Advisory Committee. Also, a contract was extended, and as far as any information goes, the contractor made hotel arrangements and also made travel arrangements, but as far as information was concerned, it came from the people who knew what was going on in the Office.

That information was vital to Committee members. Since the staff support from the Office has been released from assisting the National Advisory Committee, without staff in the Washington area, it is virtually impossible for the National Advisory Committee to fulfill its mandate. It is virtually impossible for us to be able to find out what is going on in the Office and what is going on with regard to other parts of the statute.

As you know, the act says the majority of the membership shall come from the private sector, and, as I stated in my filed testimony, I commend you not only for the youth participation requirement, but for the private sector requirement as well.

I do believe with all my heart, because I come from that division, with private citizens you get millions and billions of dollars worth of service that we actually could not afford to pay for. You get the taxpayers' input back into what they are recommending and what they want to see.

As you are very well aware, society is not that anxious to help troubled children, and those of us who are working out there in the field find it more difficult every day to pick up that community money, because that is not one of the top priorities.

I have spent over 20 years working in the field of mental retardation. I find myself somewhat obsessed, and I have been able to share it with the Advisory Committee and the members of the Office, and the Committee and Office should initiate an extensive program on the part of the mentally retarded offender, but without the information flowing down to us, there is no way we would be able to do this.

I, too, in behalf of the Committee, would like to express our concern about the low morale that is existing among the staff members in the Office—the number of positions that have not been filled. When Congress passed the JD Act, amended in 1977, the responsibility put on the shoulders of the JD Office was absolutely mammoth.

Without those positions filled, there is no way that the services and the expectations of Congress are going to be able to be fulfilled.

We are concerned, as Governor Hunt is, about the Coordinating Council and the fact that the National Advisory Committee is

mandated to make recommendations regarding coordination of Federal efforts. How can you do that when the body that you are supposed to be learning from is not meeting.

One of our recommendations, Mr. Chairman, is that we are pleading with the Congress to insist that the Coordinating Council meet and get on with the responsibilites charged to them in the act. I know that those are very busy people, but all people that are involved in delivery of services to children are very busy people.

The National Advisory Committee, upon the request of the Associate Administrator, was requested to develop an RFP, a request for proposal, which I have referred to in my filed testimony. The understanding of the executive committee was that we were to file the RFP with the Office, and after the Office had had a chance to review it, that we would get back together and come up with a solution.

As of this date, I, representing the National Advisory Committee, have had no response as far as the RFP is concerned. We have a meeting scheduled for Kansas City in July, and I hope, Mr. Chairman, that you will be able to be there and participate in the Federal perspective panel. It is our understanding that the contract that is now assisting the National Advisory Committee expires on August the 15th. I have only heard that by mouth. I have not received any official notice that this is true.

However, we do have a meeting that is scheduled for San Antonio beginning August the 16th, which we had planned to be an extensive working session, hopefully with the new chair and the new appointees onboard. As of this date, Mr. Chairman, I cannot promise you that that meeting is going to be held unless the National Advisory Committee is able to develop a credit rating to establish for the hotel, or each member goes and pays their own expenses. As I said, the contract expires on the 15th of August.

As I have stated, too, we are fully aware of the personnel shortage in the Office, not that we understand it, but we are aware of it. We are not expecting the Office to provide us with full-time staff, although the act states that National Advisory Committee shall be supplied with staff. I understand, in reading the history, this is left at the discretion of the Associate Administrator. So please don't think for one moment that the National Advisory Committee is asking the Office to set as their top priority the functions of the National Advisory Committee. We are not. But we are just stating that we take the act very seriously. Most everyone on the Committee presently has followed the birth of the act, and its amendments, and they came on the Committee in a very excited mood of getting out and delivering the services and being a part of fulfilling the mandate.

We are merely stating the fact that, as Governor Hunt says, as you have said, and as we all feel, coordination is very important. The Office is vital to troubled children, but we feel also that the National Advisory Committee is very vital.

I would like to share something that happened at the second National Youth Workers Conference at Georgetown University. There was a workshop for the State Advisory group members. And I would say, as I did in my filed testimony, that that was a very, very

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successful thing, and not a day goes by that some member of the National Advisory Committee is not contacted by some State, saying "don't forget we are expecting a repeat of this." My statements, which were taken from comments of the evaluations in my filed testimony, are very, very accurate. They were taken verbatim from the evaluation sheets. But in February, at a Washington meeting of the National Advisory Committee, the Committee adopted a position, and that position was that we did not feel a State was in compliance if the composition of that State Advisory Group did not meet the mandates of the act.

A young lady who is now serving as chair of the Vermont State Advisory Group got up in the workshop and thanked the National Advisory Committee for taking that position. Her State had not been in compliance, per her remarks, until they got the State Advisory Committee straightened out. Unfortunately, that is not the same situation in my own State. I understand that my chair, who is a full-time local government employee, has been ruled in compliance.

So the lack of consistency does not exist just with the fact that the appointments have not been made by the White House, but a lack of consistency on who is in compliance and who is not is evidently occurring, also.

At the request of the National Advisory Committee, I wrote a letter to the President back in March, expressing our concerns about the lack of appointments last year, and going on for eight months, and pointing out that there were seven vacancies about to occur. I never received a response from that. Not only was the request about the appointments, the request was about that we were requesting an appointment with the President to discuss the appointments and additional matters.

I cannot answer the question, if that may be occurring in your mind, as to why it has not been responded to. I do not know if it was transferred to someone else. I don't know what happened to the letter. However, the Committee is a Presidential Advisory Committee, and it is a body of very distinguished, well-educated people who is not saying okay, we are expecting to meet with the President any day we want to. It was just that we felt since we were losing the chair and two subcommittee chairs, that this should have been granted. However, it was not.

I would like to submit to you and share with you the recommendations that we have to make at this time. However, I would like to point out that the National Advisory Committee would like to come back later in the year and make further recommendations. We have taken several steps to get our house in order so that we can get on with fulfilling the mandates of the act. We strongly recommend that the National Advisory Committee receive a line item appropriation. That is not an independent appropriation. It is a line item appropriation. The National Advisory Committee recommends that appointees to the Committee be allowed to actively serve until their successors are named by the President. As I said, we plead with the Congress to insist that the Coordinating Council meet and get on with the responsibilities charged to them in the act.

Mr. Chairman, I also feel that I have to point out that we have had a breakdown in communications with the Office. At the executive committee meeting that was held immediately after the cancellation of the May meeting, the Associate Administrator instructed us that there was to be one person from the Committee contacting the Office.

To some degree, I can understand that rationale, but to another I can't. I, being elected as the Acting Vice-Chair at that time, was a person so designated. I was assigned to one particular individual, and it is rumored that this individual is no longer present in the Office. So I am at a loss now as the spokesman for the National Advisory Committee to know to whom I should address myself in the Office. I go back to what I said a while ago; there has to be coordination.

The committee is the grass-roots at the Federal level——

Mr. ANDREWS. Who was the person to whom you were to report?

Ms. SYLVESTER. I was told by the Associate Administrator when I could not get to him that I was to confer with Mr. Bill Doyle.

Mr. ANDREWS. You don't know where he is?

Ms. SYLVESTER. Only by rumor, sir.

Mr. RALEY. Mr. Chairman, for the record, as I understand it, Mr. Doyle left the Office about two weeks ago and is no longer employed there.

Ms. SYLVESTER. I believe I would like to allow the rest of my time for questions, Mr. Chairman. I would be glad to elaborate further on my prepared testimony or those things I did not include.

Mr. ANDREWS. Barbara, we appreciate not only your statement, but your obvious understanding of the various difficulties here, one of which is time.

We had allocated until about four o'clock, and it seems that practically every witness has not been able to finish, and hence we are stacking them up like planes at National Airport. We are going to try to get them all down here on the ground within some reasonable time.

Ms. SYLVESTER. I can assure you, sir, that I could go on quite a while.

Mr. ANDREWS. I am sure that you could, with the experience you obviously have had. I might say you are most tactful, but you have gotten several messages across, even in your tactful manner.

May I say to all present, ours is an extremely small subcommittee in terms of membership, but today we have even less attendance than usual, I am sure in large part because today is the funeral of one of our colleagues, and the House is not even in session. We, of course, did not know that this was going to be the case when the day was selected as the day for this particular hearing.

So I am sorry for the relatively poor attendance.

Do either of the staff members present have pertinent and essential questions?

Mr. RALEY. If I could ask one clarifying question. It is my understanding that the statute provides that the National Advisory Committee is to be comprised of 21 members?

Ms. SYLVESTER. Exactly.

Mr. RALEY. How many members does the National Advisory Committee consist of now?

Ms. SYLVESTER. Actually in name there are fourteen.

Mr. RALEY. The chair is also vacant?

Ms. SYLVESTER. Yes. And, by the way, I would like for the record to show that one of our present members is present here, as well as a former member. We lost the chair, and we lost two subcommittee chairs.

Mr. RALEY. Have you inquired of the White House personnel office, or the White House, as to why those positions have been vacant—since March 18, I believe? Is that correct?

Ms. SYLVESTER. I have called the White House so many times that I think the switchboard operator recognizes my voice.

Mr. RALEY. Have you written them?

Ms. SYLVESTER. Yes, sir, and I also, upon recently hearing that the appointments were going to come about most any day, I called the White House personnel and requested that they notify those people that were coming onboard the dates of the July meeting and the dates that we had scheduled the August meeting, knowing that this was summertime and some of them may have families that they had scheduled vacations with, and knowing, too, that people that are going to be appointed to the National Advisory Committee, I am assuming, are very busy people and would have to readjust their schedules.

I was assured that would happen. However, I talked with one lady who I understand is to be appointed, and she has never received a call about the dates of the meeting, and I have shared them with her.

Mr. RALEY. For the record, you have not received a response from the White House personnel as to why appointments have not been made?

Ms. SYLVESTER. Exactly.

Mr. RALEY. I would like to say the subcommittee staff has written a letter two weeks ago to White House personnel, asking why the appointments have not been made, and why it has taken three months to be made, and we have not as yet received a response.

Ms. SYLVESTER. May I make one further statement? In case there are some people present who are trying to figure out where this vice-chair position came from, the act does not provide the vice-chair. However, on March 3rd, the Committee, immediately upon the closing of the first national conference, had a very brief meeting and expressed their concern about the fact that we were about to lose the chair on the 18th of March, and they felt they needed and we needed somebody that would serve as a temporary head of the committee and would be able to get on with the work that the committee is supposed to do.

So the Committee adopted a resolution that created the chair. We are hoping in Kansas City to adopt our bylaws, which will create a vice-chair and secretary as well. So that is how the vice-chair came about. I am a new member to the Committee. I was sworn in on December the 1st or 2nd, so I have been vice-chair for three months, walking into something that was brand new to me. Although I followed the act, when you actually get into where the operation is, it is a little different from following it on paper.

Mr. RALEY. Do you have copies of the letters that you have written requesting responses regarding NAC appointments?

Ms. SYLVESTER. Yes.

Mr. RALEY. Would you be willing to supply those for the record, and if you have other attachments you would like to include, we would appreciate it.

[Information requested follows:]

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
NATIONAL ADVISORY COMMITTEE FOR JUVENILE
JUSTICE AND DELINQUENCY PREVENTION
WASHINGTON, D. C. 20531

March 14, 1978

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

The first National Conference for selected members of State Juvenile Delinquency Committees was held February 28 through March 3, 1978, in Reston, Virginia. Forty-nine of fifty states participated. This conference was co-sponsored by the National Advisory Committee and the Juvenile Delinquency Office. During those three days an unmeasurable amount of knowledge was exchanged between the participants and members of the National Advisory Committee. A line of communications was definitely developed which I feel will make a great contribution to the field of Juvenile Justice.

For the first time in three years, all twenty-one positions of the National Advisory Committee on Juvenile Justice and Delinquency Prevention are filled. However, on March 18, 1978, seven of those terms expired. Three members (Mr. John Florez, Mr. Tim Davis, and myself as Chair) have been selected as a Liaison Committee with the White House. By unanimous vote of the Committee on March 3, 1978, I was urged to seek an appointment with you at the earliest possible time to discuss the upcoming vacancies and other related matters. Due to the urgency of this matter, I await a response from your office in the very near future. I can be reached at 803-669-6971.

Sincerely yours,

Barbara T. Sylvester

Barbara T. Sylvester

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FM JOHN M RECOTR ADMINISTRATOR
OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION
DEPT OF JUSTICE WASHINGTON DC
TO MS BARBARA SYLVESTER VICE CHAIR
NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND
DELINQUENCY PREVENTION
510 CAMELLIA CIRCLE
FLORENCE, SOUTH CAROLINA 29501
DJJUSD
BT
UNCLAS
I HAVE BEEN IN COMMUNICATION WITH OFFICAILS AT THE WHITE HOUSE REGARDING THE STATUS OF THE SEVEVEN OUTSTANDING APPOINTMENTS TO THE NATIONAL ADVISORY COMMITTEE ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION. I KNOW YOU SHARE MY CONCERN THAT THE NEW CARTER ADMINISTATION APPONINTTEES TO THE COMMITTE BE ABLE TO PARTICIPATATE FULLY IN THEIR FIRST METING. IT IS ESSENTIAL THAT THEY BE BRIEFED THOROUGHLY ON THE JUVENILE JUSTICE AND DELINQUIENCY PREVENTION ACT, COMMITTEEOPERATIONS, AND PLANNS AND PROGRAMS OF THIS OFFICE. IT IS AS YET UNCERTAIN WHEN THE APPOINTMENTS CAN BE ANNOUNCED DESPITE THE BEST EFFORTS OF THE WHITE HOUSE PERSONNEL OFFICE. COMPLETION OF BACKGROUND INVESTIGATIONS AND OTHER MATTERS MAKE UNTIMELY THE TENTATIVELY SCHEDULED MAY NAC MEETING.

I RECOMMEND A LATE JUNE OR JULY DATE FOR THE NEXT MEETING. IF IN YOUR COLLECTIVE JUDGMENT SUCH A SUMMER MEETING IS NOT POSSIBLE, THE MEETING SCHEDULED FOR MAY WILL BE COMBINED WITH THE AUGUST MEETING IN REGION VI.

I KNOW THAT THIS SET OF APPOINTEES WILL MAKE A REAL CONTRIBUTION AND TO HELP ASSURE THEIR SUCCESSFUL PARTICIPATION WE WILL SCHEDULE COMPREHENSIVE BRIEFINGS WITH THEM. THUS THEY WILL ARRIVE AT THE MID-SUMMER OR AUGUST MEETING WITH A RUNNING START RATHER THAN COLD IN THE BLOCKS.

PLEASE INFORM ME NO LATER THAN APRIL 7 REGARDING YOUR SCHEDULING DECISION SO THAT I AS THE DESIGNATED FEDERAL REPRESENTATIVE MAY PLAN MY CALENDAR ACCORDINGLY. I WILL KEEP YOU INFORMED TO SEEING YOU AT THE NEXT MEETINGS.
WITH WARM REGARDS
JOHN M RECTOR
ADMINISTRATOR
BT
#3528

CONFIRMAT

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MIDDLETOWN, VA. 22645

Western Union Mailgram

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Rec'd to NAC Members 4-10-78

A L NELLUM AND ASSOCIATES F COLES
1990 M ST NORTHWEST 2ND FL
WASHINGTON DC 20036

THIS MAILGRAM IS A CONFIRMATION COPY OF THE FOLLOWING MESSAGE:

2028629317 MGM TDMT WASHINGTON DC 100 04-10 0515P EST
ZIP
DIANA TAMEZ
2909 FREDERICKSBURG RD
BLDG 23 APT 4
SAN ANTONIO TX 78201
THE EXECUTIVE COMMITTEE COMPOSED OF BERNADETTE CHAVIRA, JUDGE SEMSKI, GEORGE BELITSOS AND MYSELF MET WITH JOHN RECTOR ON APRIL 10. WE FEEL IT IS IN THE BEST INTEREST OF ALL PARTIES FOR THE MAY MEETING TO BE POSTPONED UNTIL JULY 12 13 AND 14. FURTHER INFORMATION WILL BE FORTHCOMING

BARBARA SYLVESTER
VICE CHAIR

17:23 EST

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UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
NATIONAL ADVISORY COMMITTEE FOR JUVENILE
JUSTICE AND DELINQUENCY PREVENTION
WASHINGTON, D. C. 20531

April 27, 1978

John Rector, Administrator
Office of Juvenile Justice and
Delinquency Prevention
LEAA
Room 452
633 Indiana Avenue, N.W.
Washington, D.C. 20531

Dear John:

On behalf of the Executive Committee of the National Advisory Committee, I would like to express our appreciation for the considerable amount of time you spent with us Monday, April 10th. Although a number of issues were resolved and the information which you provided was very helpful, several troublesome questions still remain. In the interests of preserving a harmonious relationship, which I feel is imperative, between the Committee and the Office, I would like to have your views regarding the following matters so that we can get on with the work of the Committee in a meaningful and productive fashion.

a) I have interpreted your references to the establishment of procedures for communication between the Committee and the Office to suggest that some written documents describe these procedures. I have been unable to find a proposal or agreement of this sort in my files and would find it most helpful if you could provide me with a copy. If you find no such procedures exist and feel that they should, perhaps you would be kind enough to foward your recommendations to the NAC. I would also appreciate some general guidelines and illustrations of the types of requests which you feel should be dealt with by direct communication between yourself and the Chair and those which can be handled directly by the contractor so that future requests for assistance can be handled easily and without misunderstanding.

b) It is my understanding, based upon your discussion with the Executive Committee, that we can no longer rely upon Office staff for assistance with agenda development, conference planning, research activities and the like. As you have suggested, we are developing specifications for an RFP for future Committee staff support under contract. In

the meantime, however I can imagine occasions in which the Office would be the only source of support services crucial to the effective functioning of the Committee. For example, subcommittee chairs may want to consult with Richard Van Duizend and Buddy Howell concerning their respective areas of responsibility. I think it's important that we understand very clearly whether or not the NAC can expect to receive any staff assistance in such instances and, if so, if it is your preference that these contacts be preceded by a communication between me or the new Chair and yourself.

c) In order to assist us in developing a staffing plan and related workplan, it would be helpful if you shared with us your expectations concerning the Committee. Responses to the recent meeting with the State Advisory Groups in Reston suggest to us some concrete ways in which the NAC could accomplish objectives which we have already identified -- to strengthen its role to build a constituency for delinquency prevention and improvements to the juvenile justice system, to facilitate input to OJJDP from the local level, to coordinate and provide means of communication among state advisory groups and to assist state advisory groups in defining and carrying out their mandated responsibilities. Do you agree that these are appropriate roles for the NAC and would you encourage the Committee to pursue them? What specific work products do you think the NAC should be producing? What format do you see as appropriate for the Committee's annual recommendations and how should they be disseminated to the public? (I am asking this in part because we do not have any information on the status of last year's NAC report -- whether it is to be published, made available to the public or whatever.)

d) To get away from "pie in the sky" and to draw up a realistic staffing plan, we need to know what amount of money has been set aside in your budget for the NAC for FY79 and 80.

e) Finally, the Committee is most anxious to hear from you about the status of the Coordinating Council. Has a meeting date been set? Is there a role the NAC can play in assisting with the work of the Coordinating Council?

As you know, due to foot surgery last week, I am somewhat incapacitated at this time. I am using this opportunity to focus upon the questions raised in our discussion so that the NAC and the Office can continue to work closely together within our respective roles. A meeting of the Ad Hoc Committee to develop the RFP has been scheduled for May 5th. I hope you can respond to these questions before that date.

I look forward to hearing from you and very shortly hope to provide you with comments from NAC members regarding the Guidelines.

With warm personal regards,

Barbara

Barbara T. Sylvester
Vice Chair

cc: NAC Members

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION
WASHINGTON, D.C. 20531

JUN 1 6 1978

Ms. Barbara Sylvester
Vice Chair
National Advisory Committee
for Juvenile Justice and
Delinquency Prevention
510 Camellia Circle
Florence, South Carolina 29501

Dear Barbara:

Please accept my sincerest apologies for the delay in formally responding to your letter of April 27, 1978, regarding the National Advisory Committee. As you know, unfortunately my schedule was such that I was unable to meet with you personally the last time you were in the Office. However, I did instruct my staff to respond to each of your questions on my behalf during your meeting. If in your judgment their response was not satisfactory, I will be pleased to discuss these matters with you the next time we meet.

I have enclosed for your information a copy of my response to a recent letter from John Florez concerning future support services for the National Advisory Committee. With regard to the Coordinating Council, the Attorney General has scheduled a meeting for June 22, 1978. Under the Juvenile Justice Amendments of 1977, the Coordinating Council is directed to review the programs and practices of Federal agencies and report on the degree to which they are consistent with Sections 223(a)(12) and (13) of the Juvenile Justice Act. Discussion of this new direction will be the primary agenda item for the meeting. Any support the National Advisory Committee can provide to the Coordinating Council in fulfilling its mandated responsibilities would be welcomed.

I look forward to meeting with you and the other National Advisory Committee members in July in Kansas City.

With warm regards,

John M Rector

John M. Rector
Administrator
Office of Juvenile Justice
and Delinquency Prevention

Enclosure

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
NATIONAL ADVISORY COMMITTEE FOR JUVENILE
JUSTICE AND DELINQUENCY PREVENTION
WASHINGTON, D. C. 20531

June 22, 1978

John Rector, Administrator
Office of Juvenile Justice and
Delinquency Prevention
Room 452
633 Indiana Avenue, N.W.
Washington, D.C. 20531

Dear John:

Please find enclosed a revised version of the Agenda for the Kansas City meeting. The revisions have been made in response to the very helpful suggestions of the members of your staff who met with me during a recent trip to Washington and in light of the uncertainty surrounding the timing of the appointments of the new members.

As you have quite accurately pointed out on several occasions, meaningful and successful participation of both new and present members in the work of the Committee, as mandated by the Juvenile Justice Act, requires that they be informed members. It is, however, our understanding that members of your staff, representing various components of the Office, will no longer be attending our meetings to make presentations regarding their activities. Given these circumstances, I am requesting that from now on, prior to meetings, the Committee be supplied with short, concise briefing papers describing the status of activities in each of the program areas in which the Committee has an interest. I am referring to:

- the National Institute, including its work on standards
- the Formula Grants and Technical Assistance program
- Special Emphasis program
- Policy, Planning and Coordination (including Concentration of Federal Effort)

Such materials would be extremely helpful in providing orientation to new members and in keeping the Committee as a whole up to date so that it can effectively discharge its responsibility to advise the

John Rector, Administrator
Page Two
June 22, 1978

Administrator, to conduct the work of the subcommittees and to make meaningful recommendations, as required, on an annual basis concerning the analysis and evaluation of Federal juvenile delinquency programs and the comprehensive plan for such programs.

We are very anxious not to unnecessarily burden the Office so that it, too, is able to discharge its responsibilities. I cannot think of any appropriate outside source for such information, however, and if the members of the NAC are to come to meetings prepared to work, they will need this information ahead of time. I am also convinced that written materials will not only properly inform the NAC about the operations of the Office, but will also serve to reduce the possibility that any misunderstandings may arise.

Because the Kansas City meeting is soon upon us, I would appreciate hearing from you about this as soon as possible. I will be in Washington the first part of next week and will call you at that time.

With warm personal regards,

Barbara T. Sylvester

Barbara T. Sylvester
Vice Chair
National Advisory Committee
for Juvenile Justice and
Delinquency Prevention

COMMITTEE SPONSORED TRAVEL AND ATTENDANCE AT CONFERENCES

In accordance with guidelines recently adopted by the Office of Juvenile Justice and Delinquency Prevention, the following guidelines concerning travel and attendance at conferences, symposia, conventions, and meetings were approved by the Executive Committee for use by the National Advisory Committee for Juvenile Justice and Delinquency Prevention (the Committee).

1. A member of the Committee may speak on behalf of the Committee only when requested to do so by the Executive Committee or when quoting policies and recommendations formally approved by the full Committee. If a member is publicly introduced or identified as a member of the Committee, but is not officially authorized to speak on behalf of the Committee, he or she must qualify his or her statements as not reflecting the views of the Committee, unless such statements reflect policies and recommendations formally approved by the full Committee.

2. No travel expenses, consultant fees, or other remuneration will be paid to members without the formal advance approval of the Executive Committee except as such payment relates to regular attendance at full Committee meetings scheduled with the approval of the Executive Committee.

3. Attendance at conferences will not be authorized when the primary benefit is to the individual rather than to the accomplishment of the

Committee's overall objectives. Payment will be authorized for only those fees that are necessary to cover the actual cost of a member's participation in any given conference .

4. Attendance at conferences will not be authorized in lieu of or for receipt of personal benefits, incentives or rewards for past or present performance.

5. When travel and attendance at conferences is authorized, efforts will be made to minimize associated travel expenses by designating as participants members who are located at or near the conference site.

6. The number of members participating in a conference will be limited to the minimum required to relate the information obtained from the meeting to the achievement of the Committee's overall objectives. In all instances, the number of members attending any one event will be kept to the absolute minimum necessary. As a rule, no more than one member will be authorized to represent the Committee at a conference. It will be the responsibility of those attending a conference to prepare a trip report for review by the Executive Committee. The report must be of sufficient detail to communicate to others the purpose and results of the trip, and to justify approval of vouchers for reimbursement of expenses.

7. Committee members will not be authorized to speak at conferences when excessive registration fees are being charged. It is particularly important that the fees reflect actual costs in conducting conferences.

The Committee will not participate in or support meetings that exclude large numbers of possible beneficiaries because of excessive fees charged.

8. Particular attention will be given to meetings held overseas. Attendance by Committee members will be held to an absolute minimum consistent with the accomplishment of the Committee's overall objectives.

Mr. ANDREWS. Barbara within a short time, I hope, that we can have a wrap-up of this, perhaps, as certain of the former witnesses return. If you could stay with us, rather than pursue your testimony or response to questions further at this time, let's defer that, if we may I don't know that we will get to it since we are stacking witnesses up like planes on a runway but hopefully we can. Perhaps our questions later in the afternoon can relate to some questions that have already been posed by you and others.

Ms. SYLVESTER. That is fine.

Mr. ANDREWS. Thank you.

Mr. Christopher M. Mould, General Counsel, YMCA/ National Collaboration for Youth has been in a holding pattern for some time. We are most pleased to have you. If you would, please introduce your colleague. We look forward to your statement.

Mr. MOULD. Thank you Mr. Chairman for permission to land. [Laughter.]

[The Statement presented by Christopher Mould follows:]

STATEMENT PRESENTED BY CHRISTOPHER M. MOULD, GENERAL COUNSEL, NATIONAL BOARD OF YMCAS, BY NATIONAL COLLABORATION FOR YOUTH, ON BEHALF OF THE FOLLOWING ORGANIZATIONS: BOYS' CLUBS OF AMERICA, CAMP FIRE GIRLS, INC., GIRLS CLUBS OF AMERICA, INC., GIRL SCOUTS OF THE U.S.A., JEWISH WELFARE BOARD, NATIONAL BOARD OF YMCAS, NATIONAL BOARD, YWCA, RED CROSS YOUTH SERVICE PROGRAMS

Mr. Chairman, it is with pleasure that we accepted your invitation to share with this distinguished Committee the views of private non-profit agencies on the operations of LEAA's Office of Juvenile Justice and Delinquency Prevention. This testimony is expressly endorsed by the following members of the National Collaboration for Youth, a coalition of twelve major voluntary national youth-serving organizations:

Boys' Clubs of America
Camp Fire Girls, Inc.
Girls Clubs of America, Inc.
Girl Scouts of the U. S. A.
Jewish Welfare Board
National Board of YMCAs
National Board, YWCA
Red Cross Youth Service Programs

Over 30 million girls and boys are served by the voluntary youth organizations in the Collaboration. These boys and girls are a diverse and broad cross-section of this nation's young people from rural and urban areas, from all income levels, and from all ethnic, racial, religious and social backgrounds. The experience our organizations have gained over the decades in serving youth is a valuable resource that can be tapped in cooperative ventures with federal leadership and funding in the implementation of the Juvenile Justice and Delinquency Prevention Act of 1974.

We have the experience of working with children and youth, many of whom are poor - - poor in economic resources, poor in spirit, poor in opportunity, children who are alienated, children who are troubled, and children who get into trouble.

We have the expertise of more than 40,000 full-time professional staff, both men and women, who believe in the importance of their work in youth development, many of whom are particularly committed to the need for diverting children from our outmoded American juvenile justice system.

We have the services of five million volunteers, men and women dedicated to helping young people grow and develop into contributing citizens in their own right. Many thousands of these volunteers are concerned business and professional leaders across this country, who serve on our local and national boards of directors. These are men and women of substance, who genuinely care and actively support programs designed to help the youth of America. They realize that this is the only next generation we've got.

Through national leadership turning the spotlight on the problems of those most in need, we have increasingly used our resources to provide positive program opportunities and environments for a wider spectrum of young people. Our organizations have billions of dollars in capital investment in equipment and facilities. Billions of program dollars have been effectively spent by our organizations. Within the last decade, the needs of

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the youth who are most troubled and alienated, have been highlighted and our programs adjusted to meet them. The Juvenile Justice and Delinquency Prevention Act has helped us deepen our commitment and build our capacity. We have broadened our approaches to concentrate more efforts with those in the greatest need.

The member organizations of the National Collaboration for Youth have had the opportunity to work with the Office of Juvenile Justice and Delinquency Prevention (OJJDP) since its establishment after the passage of the 1974 legislation. The creation of the Office itself has provided a focal point for various components of the federal involvement in the juvenile justice field, although a great deal more needs to be done in this regard.

The member organizations of the National Collaboration for Youth have identified four major areas of concern with the current operation of LEAA's Office of Juvenile Justice and Delinquency Prevention (OJJDP).

Private/Public Partnership

Our first concern with the operation of OJJDP is the need for the Office to view the private voluntary sector as a major contributor to the implementation of the Special Emphasis Programs, as mandated by the Act. Our experience has shown that when the private sector is involved as a collaboration with the public sector, there is a difference in the quality and accessibility of the programs. The National Juvenile Justice Program Collaboration (NJJPC) funded under the special emphasis initiative on status

offenders, is a good example of what can be accomplished when an effort is made to involve the private voluntary sector in serving youth-at-risk. NJJPC, in its first two years, has also shown that collaboration both within the private voluntary sector and between the public and private sectors can happen on the local and national levels and that, at the local level, it can make a difference in how communities respond to youth-at-risk.

In 1975 LEAA awarded funding to a collaboration of 16 national agencies proposing to deliver community services by forming and supporting local collaborations focused on the issue of the status offender. Five project sites were established: Tucson, Spartanburg, Oakland, Spokane and Connecticut.

An evaluation conducted by the Center for Applied Urban Research, University of Nebraska at Omaha concluded that all "local collaborations were successful in achieving organizational development and program planning as called for in the proposal."

"A key element in each of the local collaborations was the relation to the public agency responsible for services to deinstitutionalize status offenders." The public agencies dealing with community care for status offenders viewed the effort as long over-due. Their support and respect enabled the agencies to establish cooperative working relationships with the public sector.

Programs were implemented in all sites with over 1,000 status offenders and children-at-risk served. More than 2,900 community leaders and youth program staff for both public and non-profit agencies attended capacity-building training sessions.

The five local collaborations were able to plan and implement 116 different programs in 14-18 months in widely scattered communities. In three of the five sites, there was an increase of positive attitudes about not-for-profit agencies mixing status offenders with other children. These individuals, whose attitudes changed, are the decision-makers in their communities, and thus their change of attitudes is significant.

Before the collaboration's involvement, Tucson, for example, had never conducted an intensive youth needs assessment. The collaboration contracted with a research firm to develop a massive questionnaire and recruited and trained volunteers to conduct the survey. The results were collected and tabulated and are now in the process of being published.

The continuation of the program will rely heavily on the data gathered in the survey in the planning for direct services.

Another example of the benefits of these collaborative efforts is in Spokane. Acting on the assumption that youth problems are family problems, the agencies in Spokane developed a family "survival kit" and made it available to families who, for various reasons, would not or could not attend counseling services. It included concepts of normal adolescent behavior and communications

systems. This served families who did not need intensive counseling and helped and encouraged those who did to seek it.

The Spartanburg Collaboration developed a "jail watch program" run exclusively by volunteers. Agencies took turns to call the jails twice a week to locate status offenders. Because of their direct relationship with the youth agencies, these volunteers were able to help place the youth into emergency temporary foster care, shelters or with their parents. That collaboration is now training additional potential foster parents to facilitate placement of status offenders.

The fact that private voluntary agencies are part of the community and remain so even after a specific program grant expires contributes greatly to the long term effect of that program. The commitment on the part of the agency continues and with it the emotional support for the youth involved. That dimension can only be added by a private agency having available the resources of program volunteers and volunteer leadership who are closely rooted in the community and are willing to share their time and expertise.

We have demonstrated the utility of public/private collaboration. We call on the Office of Juvenile Justice and Delinquency Prevention to expand and enhance public/private agency collaboration through use of its Special Emphasis funds, training funds and its influence with the SPAs.

The relationship between the Office of Juvenile Justice and Delinquency Prevention and the Task Force of the National Juvenile

Justice Program Collaboration has been excellent. The supportive attitude has been helpful and is appreciated. We hope to continue and enhance this relationship in the future.

Formula Grant Disposition

Our second concern is more with the SPAs than with the OJJDP and the use of formula grant funds.

A. Funding of Prevention Programs

It has come to our attention from our local affiliates and our regionally-based staffs that the decision-making of many SPAs on the distribution of the formula grant funds is inconsistent with the spirit and letter of the Act, particularly around delinquency prevention. Although the Act places a strong emphasis on prevention and the 1977 Amendments further that emphasis by expanding the definition of prevention programming to include all youth who would benefit from such programs, several SPAs have not made prevention a priority in their grant making. We would urge that OJJDP encourage SPAs to give more attention to delinquency prevention programming.

B. Funding of Multi-Service Private Agencies

We would further urge that OJJDP encourage SPAs to give stronger support to multi-service private agencies as an important component in a community's prevention strategy. Clearly, the failure of the States to involve private agencies more is not due to lack of funds if one compares the formula grant funds awarded the States with the amounts the States have spent.

Special benefits come from delivering services to a target group through an agency which regularly provides many types of services and programs to a broad population. There is the opportunity

for learning by example from peers with more positive patterns of behavior. There is the possibility of moving a young person out of a specialized program into the regular programming without any break in attention and support. This is not possible through agencies which are solely crisis-oriented or provide primarily foster care or shelter.

Coming from another angle, multi-service agencies can provide a comprehensive response to a young person who may need attention to problems at school, in social relations, with health matters and may need an outlet for creative abilities that have been stifled by overwhelming or immediate problems.

Expanded involvement of multi-service private agencies would be consistent with the 1977 Juvenile Justice Amendments' inclusion of all youth in the definition of delinquency prevention programming and with the basic mandate of the Act to encourage the involvement of the voluntary sector. This involvement of multi-service agencies would enhance a comprehensive approach to positive youth development.

Grant Application Process

The third concern is with the grant application process for the formula grant funds administered by the State Planning Agencies (SPAs) and the Special Emphasis grants administered directly by OJJDP. The current grant application process tends to be so complicated that many private agencies are inhibited from even making an attempt to submit a grant application. Those private agencies that do apply for a grant frequently discover that an inordinate amount of staff time is consumed in fulfilling the narrative and informational requirements set by OJJDP and any additional requirement that may be set by the SPAs.

A. Special Emphasis Grants

For example, last year's (1977) Special Emphasis initiative on delinquency prevention required a "Problem Definition and Data Needs" section that some of our local affiliates found excessive. Moreover, the application required information that was not just difficult to obtain but, in some instances, did not exist in the form required by OJJDP. For example, infant mortality rates are not usually kept at the level of the target community as defined in the application guidelines.

In addition, the grant process is not truly an open one. For example, by unwritten decision, OJJDP did not intend to award delinquency prevention grants to any jurisdiction that had received grants under the previous initiatives of deinstitutionalization of status offenders or diversion. Yet, local non-profit agencies in such cities invested substantial amounts of staff time developing proposals for the delinquency prevention initiative, unaware that no serious consideration would be given to their proposals.

It is not unusual for such proposals to include 100 pages of text including required demographic data, time charts, supporting letters, etc. Not only is this a questionable use of limited resources, it discourages the voluntary sector from pursuing cooperation with the public sector.

The critical effect on the private voluntary sector of a grant application process that is needlessly complicated is two-fold. First, it seriously impedes access to funds intended, in part, for utilization by private agencies as expressly set out in the Juvenile Justice and Delinquency Prevention Act of 1977, as amended.

The second effect of an excessively complicated grant application process is to increase the amount of time the SPAs and OJJDP need to review the application and act upon it. Frequently, this review/decision making time exceeds LEAA's own time guidelines for acting upon proposals. The applicant agency is thus frequently left in abeyance, making any further action on its proposed project difficult.

For example, the delinquency prevention draft guidelines were circulated in June of 1976, and the initiative announced in November of 1976, with applications due January 31, 1977. Applicants were advised that announcement of awards would be made in mid-March. Then April, then May. However, the complexity of the application and the difficulty of reviewing in excess of 300 proposals to fund 15 was enormous. We were told informally, incidentally, that OJJDP viewed this process as building a constituency. Nothing could be further from the case. When over 300 agencies, which had devoted months to developing a proposal are turned down, they do not necessarily look favorably toward future relations with that funding source. As the end of FY '77 approached, announcements were finally made at the end of September, well over a year since agencies had started to work on proposals.

As this initiative involves national agencies working in 5 - 10 local sites to serve young people in high-risk areas, each national organization was obliged to explain, over and over again, to 5 - 10 local affiliates why it was taking so long and the purported cause of each delay. The unproductive use of staff time was considerable.

Once a grant is awarded, in too many instances, revisions are continually requested - frequently to the extent of virtually rewriting the proposal. This problem seems to arise more from demands of the fiscal or grants management offices of LEAA, rather than from OJJDP itself.

The need to mesh OJJDP with LEAA seems to be the source of much of the complexity of working with OJJDP, or at least, both the grantor and grantee attribute many of their difficulties to the procedures of LEAA itself.

B. SPA Requirements

At the State level, several of our local affiliates and regionally-based national staff members have commented that the varying requirements set by the SPAs further increased the difficulty of submitting a proposal by a specified, and often very short, deadline.

Training

Our fourth concern is with the training program that is administered by OJJDP's National Institute of Juvenile Justice and Delinquency Prevention (NIJJDP). The first of several aspects of our concern is the lack of a clear focus of the program. The training initiatives to date have been very limited and seemingly are not derived from a clear set of training guidelines. The fact that the NIJJDP has had no permanent training director for an extended period also contributes to the problem.

A second aspect of our concern with the training program involves the recipients of the training grants. To date, the bulk of the very limited training funds have gone to universities and private consulting firms. We do not seek to individually disparage these

grants. We do want to emphasize that if the training programs were offered by our type of agencies, the benefits to the target groups would be much greater. (We want to be clear that our agencies do not benefit financially from such activities.) Taken as a whole, as presently operated, such training programs do little to increase the knowledge and skill levels of the staffs and volunteers of local agencies who work directly with youth. Our local affiliates and other private agencies continually cite the need for more training programs and better access to training programs. Several staff members of SPAs have also cited the critical training needs of local agencies, particularly the smaller agencies.

By not involving the private voluntary sector in the planning and delivery of training services, NIJJDP is very limited in its ability to respond to the critical needs of program operators. These needs, moreover, are explicitly recognized in the Act itself.

Conclusion

In summary, Mr. Chairman, our organizations would recommend and certainly hope for:

1. Expanded emphasis in funding by OJJDP on programs and projects encouraging collaboration between public agencies and private non-profit agencies;
2. Significant increases in SPAs funding of delinquency prevention initiatives with formula grant funds;
3. Expanded SPA funding of private multi-service agencies;

4. Serious efforts to simplify the grant application process for special emphasis grants and to better integrate the fiscal/grants management requirements with program requirements;
5. OJJDP encouragement and guidance to SPAs to simplify and make more uniform respective SPA grant application and administration requirements;
6. Development of a focus for the National Institute's training program to meet the training needs of local agencies working directly with youth;
7. Involvement of the private voluntary service delivery agencies by the National Institute in both the planning and delivery of training services.

Thank you for this opportunity to share our views and experience with the Committee.

In conclusion, we would like to express our hope that the Office of Juvenile Justice and Delinquency Prevention would continue and accelerate efforts to involve our agencies in this very important area of service to youth, which is our reason for being.

STATEMENT OF CHRISTOPHER M. MOULD, GENERAL COUNSEL, YMCA/NATIONAL COLLABORATION FOR YOUTH, ACCOMPANIED BY MRS. MARTHA BERNSTEIN, GIRLS CLUB OF AMERICA

Mr. MOULD. I am accompanied by Mrs. Martha Bernstein, from Girls Club of America, also the chairperson of the national program collaboration which I will be referring to in my statement.

In the interest of time, we have submitted our prepared testimony.

We are grateful for the opportunity to appear, Mr. Chairman, for a second time before this committee on oversight considerations. The prepared testimony is specifically endorsed by the following members, eight in all, of the national collaboration: Boys' Clubs of America; Camp Fire Girls, Inc.; Girls Clubs of America, Inc.; Girl Scouts of the U.S.A.; Jewish Welfare Board; National Boards of YMCAs; National Board, YWCA; and Red Cross Youth Service Programs.

These are all private nonprofit service delivery agencies which have been enlisted for decades in the struggle to prevent juvenile

delinquency and to help treat it when it does, in fact, occur. We are agencies collectively who work regularly with over 30 million young people in this country, with the help of over 40,000 professional staff and millions of private local volunteers. We are intimately familiar with the legislation, having participated in helping to formulate it back in 1973 and 1974.

We have a vital interest in seeing it implemented fully and effectively.

I want to focus on about four areas of concern reflected in the prepared testimony, Mr. Chairman. The first is the concern that in the operation of the OJJDP that there is a further need for recognition of the role that the private nonprofit sector needs to play in the total configuration of forces trying to carry out this act. There have been some starts made in recognizing that in the way in which the office has operated. We were encouraged this morning by some of the things Mr. Rector had to say in terms of the direction he wants to take on that, and indeed the fact that he expressly recognized the mandate of Congress set forth in the act very clearly, that the private nonprofit service delivery agencies have a vital stake and a vital capacity to help accomplish the whole intent of the legislation.

One of the things we are pleased about is that in the last three years, with funding from the Office of Juvenile Justice, 16 national service agencies serving youth, have been conducting in five sites around the country, a program to accomplish collaborations at the community level in those five locations which will give a long-term enhanced capacity at the community level to deliver the services necessary for the deinstitutionalization for status offenders to be accomplished.

I thought if we had a few minutes, Mrs. Bernstein, who is intimately familiar with that might highlight the kinds of benefits we are seeing emerge in the program through those several sites.

Mr. ANDREWS. Very good.

Mrs. BERNSTEIN. We have been operating, as I am sure you are aware, in Spokane, in Oakland, in Tucson, in Spartanburg, South Carolina, and several programs actually in the State of Connecticut. The emphasis of the program, as Mr. Mould says, is to increase the capacity of the traditional youth serving agencies to serve status offenders in a place they should be served in the community and also to encourage these agencies to advocate for these kids and for services for these kids within their communities.

I was telling Mr. Mould at lunch today that we have had experiences in traveling around the country of talking to directors of these agencies in Tucson, in Spartanburg, and Spokane, saying when RFPs were delivered from the court and the public agencies two years ago about how the agencies would respond to service of status offenders, none knew, and if the same RFPs were delivered today, several agencies now, through their experiences as part of this project, know how they can serve these children within the community. The executive of the Girl Scouts in Tucson, Arizona, last year operated a program where she used status offenders as peer leader role models to young girls within her own program. This year, there were no more program funds, as there shouldn't have

been, because these were demonstration projects available through this project, so she and her board raised funds from within the community to continue this kind of effort.

We consider this to be one example, and our prepared statement has other examples of community change, and I think it is recognized by the writers of this act and by this committee that the boards locally and nationally of these agencies represent community image makers and community decision-makers and when we have change within these agencies, we can look forward to change in delivery systems for all the children in the U.S.

If there are further questions, we would be happy to respond.

Mr. MOULD. The second area of concern we have, Mr. Chairman, has to do with the formula grants fund disposition, and it really, I suppose, is more a concern with SPAs' behavior than with the Office of Juvenile Justice. That really has two aspects to it.

The first has to do with the matter of funding of delinquency prevention programs. It has been our experience to date, based on what our affiliates tell us at the local level, that too many SPAs have simply not paid attention to this vital area of prevention, and more leadership, I think, is needed from all of us to try to influence the State level decision-makers to realize that prevention is critical in the implementation of this act.

A second concern would be with both the Federal and State level that there be more attention given to the matter of funding of so-called multi-service agencies as distinguished from those who perform a single service to meet a particular youth pathology.

I think the fundamental reason we are concerned about that is not so much that we are multi-service—there are other multi-service agencies, public and private—but if you have a multi-service provider dealing with youth at risk or youth in trouble, the youth at risk or in trouble can be commingled, if you will, with peers not in trouble, and so you therefore have a positive model for behavior present in the same program.

Also, as persons at risk, or who have been in trouble, come out of risk, or come out of trouble, they can make an easy and smooth transition into what we would call normal programs.

We think both the Office of Juvenile Justice, as well as the SPAs need to take a hard look at that phenomenon and allocate more of their funding in the direction of the multi-service agencies.

A third area of concern is really an echo of much of what you have heard today, and that is the complexity of the grant application process. In the case of private nonprofit agencies, it tends to be so complex that it inhibits their applying for funds at all. It is not uncommon, for example, in an application to have to provide in the area of 100 pages of demographic and other kinds of hard data. We found, for example, they want the infants' mortality kept on a neighborhood basis when they are not even kept that way. To go through that kind of exercise where an application can wind up being 300 and 400 pages in length, with, of course, no guarantee of any success of being funded is an enormous exercise and very frustrating. It tends to inhibit or impede the interest and ability of many nonprofit community service providers to get involved at all, notwithstanding their capacity to deliver if they are funded.

In the area of the special emphasis grants, we have had a tough time in many instances, although in the project Mrs. Bernstein has explained, we have had excellent personal relationships with staff of the Office. After working out some bugs in the system in the initial year or so, it has gone along quite well.

We are concerned, as indeed Mr. Rector shared a concern, that there has been only one or two special emphasis initiatives a year, at least looking at the history of the Office. Again, complexity rears its head. Our efforts in the delinquency prevention initiative proved this over and over again. You get short time periods, extensive paper requirements, complex conditions, and we did encounter, at least in one instance, a real lack of openness in the competition.

For example, it was not made known that there had been an interim informal decision to not award grants for prevention to jurisdictions that had been successful in prior initiatives in securing grants for deinstitutional and status offenders or diversion.

Without that knowledge, over 300 agencies went to work and filed applications, again when the prospects were only for funding maybe 15 proposals.

So there is an enormous use of resources that could have been put to other use because of a lack of forthrightness in terms of what actual policy was within the Office.

We hope that won't be repeated, and I think Mr. Rector is fully aware of that historic problem and will try to deal with it fairly.

Again, as far as complexities, we have had the additional problem of trying to work in multi-sites that in addition to whatever requirements the act imposes on grant applicants, and the Office, itself, imposes, you get additional requirements added on by the SPAs, and they will vary from State to State. If you are working on a multijurisdictional program or project, it compounds the problem certainly of a national agency trying to give technical assistance and guidance to a local applicant.

Another area of concern we have is training. From the inception of the institute, the training aspect has seemed to flounder and has not as yet, to our knowledge, come to any focus as to what it is supposed to achieve and the probable outcome that should be achieved in terms of the act, and that has been compounded, I think, by the fact that the Institute has been lacking a director for some time now.

In the early stages of trying to mount some training efforts, we think they totally missed the major areas of need, such as for training of staff of local delivery agents in ways that will help them maximize use of their own resources. Instead, we have had such things as suggestions that agency professionals be trained in something like management by objectives. That might be useful, but it seems to miss the point of this piece of legislation.

We would hope there would be substantial and ongoing consultation with the private nonprofit agencies as the Institute tries to sort out training needs and the training initiatives it wants to launch.

I would say in conclusion, Mr. Chairman, that we have a number of recommendations and indeed hopes.

One, we would look for expanded emphasis in funding by OJJDP on programs and projects encouraging collaboration between public agencies and private nonprofit agencies.

Two, we would look for significant increases in the SPAs' funding of delinquency prevention initiatives with formula grant funds.

Three, we look for expanded SPA funding of private multi-service agencies.

Four, we hope for serious efforts to simplify the grant application process for special emphasis grants, and to better integrate the fiscal grants management requirements with program requirements.

Five, we hope OJJDP encouragement and guidance to SPA to simplify and make more uniform respective SPA grant application and administration requirements will materialize.

Six, we look for development of focus for the National Institute training program to meet the training needs of local agencies working directly with youth.

And seven, we look for involvement in the private voluntary service delivery agencies by the National Institute in both the planning and delivery of training services.

I want to thank you and the committee again for this opportunity to share our views, and we will be happy to answer any questions you may have.

Mr. ANDREWS. Very good. Thank both of you.

I don't believe I have any questions, at least at this time, in view of the plans we now have.

Our final witness, Flora Rothman, of the Juvenile Justice Task Force, National Council of Jewish Women, Inc.

We are pleased to have you and look forward to your statement in whatever manner you might see fit to render.

[The testimony referred to follows:]

NATIONAL COUNCIL OF JEWISH WOMEN, INC.
15 East 26 Street, New York, N.Y. 10010

Testimony presented to the
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY
U. S. House of Representatives
June 27, 1978

My name is Flora Rothman, and I chair the Justice For Children Task Force of the National Council of Jewish Women. I also served for three years on the National Advisory Committee on Juvenile Justice and Delinquency Prevention and am a member of New York's State Advisory Committee on Juvenile Justice.

NCJW believes that the Juvenile Justice and Delinquency Prevention Act has been a constructive force. Not only has it focused efforts on some key juvenile justice problems, such as status offenders, but it has had more general benefits as well. It has made states and localities examine their systems more closely; it has encouraged comprehensive planning of juvenile justice and youth services; and it has helped develop an informed citizen constituency. NCJW has shared these goals, and we believe that much of the progress made in these last few years is the result of the leadership Congress has demonstrated in the JJDPA.

Because we believe in this effort so strongly, we are particularly sensitive to problems which impede it. Therefore, though we feel the accomplishments have far outweighed the problems, I will talk more about the latter.

The deinstitutionalization of status offenders, which Congress emphasized in the JJDPA, is a goal which we strongly endorse. It is perhaps testimony to the effectiveness of this

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effort that opposition has grown more vocal. Let me assure you that the support for deinstitutionalization has not diminished.

I think it would be helpful to distinguish between opposition to the goal and disagreement with details of implementation. NCJW urges that you hold fast to the principle. It is a necessary reform and is neither "radical" nor impossible.

When issues of definitions and guidelines are debated, the Office of Juvenile Justice and Delinquency Prevention has the responsibility to determine which objections affect the fundamental thrust of the legislative mandate and which reflect local differences which can be accommodated without impeding the effort. It is not always an easy distinction to make. The OJJDP should be encouraged to negotiate on essentially tactical matters, but supported in its resistance to attempts to circumvent the basic goal.

Turning to financial matters, we are concerned about two aspects: expediting the movement of funds and assuring adequate appropriations.

As to the first, there is a general feeling that funds are leaving Washington very slowly. We cannot say to what extent this is the result of OJJDP processes as opposed to general LEAA operations. Whichever the case, because it has a demoralizing effect and also threatens the survival of many community-based programs, we urge that the funding processes and procedures be examined more closely to identify the bottlenecks.

In regard to appropriations, we urge you to conform to the funding schedule outlined in the JJDPA. We remind you that

much juvenile justice money comes from maintenance-of-effort funds. Decreases in LEAA appropriations therefore cut into the ability to implement the JJDPA agenda, making full funding even more urgent.

We realize that the matter of LEAA reorganization may be beyond the purview of this hearing, but the fact is that delays in resolving this matter has a profound effect on juvenile justice programs, both in terms of long-range funding decisions as well as morale at the state level.

Another delay we would like to address is in the matter of National Advisory Committee appointments. This is a non-partisan complaint, may I note, since it has been a problem in both this and the past Administrations.

The National Advisory Committee has had many growing pains on the way to the significant, independent role envisaged in the JJDPA--most particularly in the NAC's struggle to acquire the funds and power to employ its own staff. Its efforts to fulfill its role are not aided by an apparent lack of White House interest. Furthermore, perceived low priority impedes the effectiveness of the Federal Coordinating Council. The GAO's evaluation of previous Federal coordination efforts in juvenile justice emphasized the importance of a demonstrated commitment on the part of the President if coordination is to be accomplished.

In closing, we would like to commend you for the ongoing interest you have demonstrated in your oversight efforts, and thank you for this opportunity to present our views.

STATEMENT OF FLORA ROTHMAN, JUVENILE JUSTICE TASK FORCE, NATIONAL COUNCIL OF JEWISH WOMEN, INC.

Ms. ROTHMAN. I am pleased to be here. I must say at this point in the hearing one is almost tempted to say, "I endorse this and that, and the other", and then keep quiet.

But having sat here during the day, I am not going to keep quiet.

In addition to the fact that I chair the Justice for Children Task Force of the National Council of Jewish Women, I also have served

for three years as a member of the National Advisory Committee. My term expired in March.

I am a member of the State Advisory Committee in my own State, New York.

We in the National Council of Jewish Women have been involved in the justice program now for, I would say, eight years, and that has included advocacy activity, community education, as well as some direct services. Based on our experience around the country, we would like to say that we feel the JJDPA has been the most constructive force in juvenile justice.

We feel that it has focused interest, it has focused efforts, it has made States begin to look at the system, begin to develop the capacity for comprehensive planning which was not there before in the juvenile justice area, and we think it is very important too that it has helped to create an informed constituency. Because these are goals that we have shared as an organization, we really are most grateful to Congress for the leadership it has shown because we feel much of the progress that has been made in this area is a result of the legislation.

Maybe because we feel about that so strongly, as I note in my filed statment today, we are going to ignore some of the accomplishments and look to the problems because we would like it to be perfect.

The deinstitutionalization of status offenders is an area we feel particularly strongly about. We regard it as a possible goal and we certainly do not regard it as a radical one.

You may have had some feeling that objections to it have grown stronger, but I would say not in number as perhaps decibel level, and we feel it is attributable to the success it has had. We think it is quite remarkable how many youngters around this country are no longer in training schools, are no longer in detention centers because of the Juvenile Justice and Delinquency Prevention Act. We would like to assure you that the support for that is strong.

Of course, there are issues of definition and guidelines, and these have been referred to a number of times today. I think there are distinctions to be made between objections to definitions and guidelines that refer to details of implementation as opposed to those which really are designed to circumvent the goal.

We are very concerned that although the Office be encouraged to negotiate on matters of implementation that are minor, that they also be encouraged to stick by their guns when it comes to achieving the fundamental goal that Congress set, and we hope that Congress too will support effort to maintain that.

It has been mentioned by several of those who testified today that much of the emphasis to date seems to have been on what might be regarded as the less serious offender. To some extent perhaps that is so at the Federal level, although I must say that States in the use of their State funds have been using the monies to cover a wide variety of the needs within their States.

But I would also like to suggest that there have been some benefits that go beyond, for example, the status offender. In my own State the head of the Division for Youth, which is our Youth Correctional Agency, has felt that as minor offeners have been

removed from these large facilities, they are going to have a better understanding of those who are left, of the serious offenders, and what their needs are, and are beginning to feel a greater capacity to design programs for this more limited group, rather than trying to cover the gamut, as they had in the past, of the types of children who were in one large facility.

If I may too, in regard to the serious offender, suggest that I would like to put in a good word for research. I know that the Governor had some feelings about the usefulness of it. The fact is that we really know very little about how to deal with our most serious offenders in the juvenile area as in the adult area.

We are not alone in our lack of knowledge. I think this is true around the world. I think there is a great deal to be learned about what works and what does not work, and I also feel there is a great deal to be learned by sharing this experience as it is researched and evaluated. It is very difficult to judge a program on the basis of what it says about itself because invariably they suggest they are very successful. The fact is that they may indeed be very successful for certain children and not for others. So I would urge that we keep that in mind as we develop priorities.

I recall when the act was first passed there was great difficulty in funding and at the time Senator Bayh had a hearing at which the Director of OMB suggested that he might be more willing to give funds if somehow the Office were able to come up with what he described as a "magic potion." There are no magic potions.

We have been concerned about a number of financial matters. Money does seem to be moving very slowly from Washington. Quite frankly, we cannot say whether that is a matter of Office processes or whether it is LEAA agency processes, but we urge that someone take a look at that and see where those bottlenecks are because it is very difficult for States to engage in long-range planning. But in addition to that, those delays are most threatening to the survival of community-based programs which do not have the base on which to continue to operate when there is a substantial delay in funding.

We are also concerned that the level of appropriations be maintained since so much of juvenile justice money in small J's comes from maintenance of effort, and as Safe Streets money goes down, that has a profound effect on juvenile programs, so it becomes extremely important that the Office of Juvenile Justice and its programs be maintained at an adequate level to support what is going on in the States.

As a matter of fact, the total matter of LEAA reorganization, which is not what is going to be discussed here today I realize, has an effect on what is happening. We certainly look forward to that matter being resolved, because it is very difficult at the State level to deal with feelings of people who do not know what is going to happen to their agency next year.

On the matter of delays, it goes beyond money. We too are disturbed in the appointment of National Advisory Committee members. May I say too, as I note it is a nonpartisan complaint, it is one that has occurred in the previous administration as well as in this administration. Therefore, one gets the feeling that it signifies a low priority in the White House in regard to juvenile justice

programs. This kind of low priority greatly affects the ability of the Federal Coordinating Council, for instance, to accomplish what the legislation apparently intended it accomplish.

About a year or two ago the GAO did a study on previous Federal coordination efforts in the juvenile justice area. It suggested in its conclusions that the key to the success of any such effort was the demonstrated commitment of the chief executive and they felt where that is lacking the coordination cannot be successful. Therefore, I would hope that the White House is urged to display greater interest and concern with the juvenile justice area.

In closing, I would just like to thank you for this opportunity and also to congratulate you on your ongoing interest as you have demonstrated through these oversight hearings. I think that is an extremely important role and I wish you many more years of it.

Mr. ANDREWS. Thank you. That is very kind. You are most gracious and we appreciate your very statement. Stay on with us, if you will. It may be that we would like to direct some inquiry to you later.

Mrs. Rothman, I feel a little compelled to make a brief response to a part of what you and others have said maybe simply by way of apologizing or explaining.

I am not arguing any of the points. I can see there are many, including yourself, Barbara, John Rector, Mr. Quinn, and many in this room full of people who really know more about this matter than I. I say that quite honestly and forthrightly and not even apologetically. It is just a matter of fact. Many of you have dealt with youth crime prevention and delinquency and related problems for many years, and I have only been a member of this committee for less than a term of Congress and I am now in the process of trying to learn.

But I must say, in part, that on this matter of deinstitutionalization that I am impressed first of all that is a most worthy goal, and secondly that I am pleased to be a member of a subcommittee of a committee of Congress that has endorsed that objective. Hopefully, it has made some significant contribution to the attainment of our overall goal throughout the nation.

I hate to say "but." That always means you are going to start arguing with what you have just said. I do not mean it that way. I will say "however." However, two things occur to me that I would like to share with all of you. I keep talking with members of the staff and others and asking over and over again what we accomplish in terms of problems such as the illustration on the film tomorrow night, which you will see with your own eyes, of the rampant crime in the streets of New York. You see these hardened people doing dispicable things over and over. You see the community in peril.

I say, what are we doing about it? About all I really hear that we are doing is segregating people. I say that is good, that is fine, but I just hear it and hear it. That seems to be about the essence of everything that everybody talks about in this field. Although I am not attempting at all to downgrade it, I just want us to move on. That is good; let us hope that is moving well; but that is not really going to be a problem-solver. I think it can be a contributor, yes, but certainly not a problem-solver.

The other thing that I must share with you is that I think we tend to forget—and I almost wanted to say it when Governor Hunt was here but in deference to his time I did not—I wish we would all remember, whether we like it or do not like it in a given context, we nevertheless have a constitutional form of government, which is what we are about here today, is a government of enumerated powers, and the powers that are enumerated in that constitution and delegated to the Federal Government do not include crime. That is reserved to the State and local governments, so really all that we are about in that area is to furnish assistance to the States, if, in fact, we should be doing that.

That is a question, and I am on the positive side of that question. But others are not, and they have a right to be where they choose to be. But at most, we, I think, can legally, constitutionally, only attempt to provide assistance to State and local government. We have no constitutional authority to do more than that really.

I want us to do it and do it well, and I think we will continue to make that effort. It sometimes seems that deinstitutionalization is about all Congress is trying to get the States and local governments to do in this area. I endorse that but I do not think we can measure whether we have done a good job on the basis of a certain State going 71 percent of the way or 85 percent of the way or 94 percent, or whatever it is, in the area of deinstitutionalization. I think we are too hung up on just that facet of an overall problem, and hence, without meaning to demean that effort, I hope we won't make that the only flag this ship is flying. I am afraid we are tending to do that.

Mrs. ROTHMAN. If I may, I would like to reply very briefly. First of all, I am concerned that if we do not measure, whether it is 75 or 80 or 90, there will be inclination to go 25. Secondly, I quite understand the limitations on the Federal Government in regard to the States. Of course, the Federal Government can, in the distribution of its money, encourage progress in certain areas which it does.

I would hope too, as Mr. Quinn suggested earlier today in his testimony, that the Federal Government exercise its leadership in regard to the Federal juvenile justice system, which is somethig that has concerned us, and S. 1437 has some juvenile justice operations that ought to be looked at in those terms.

My last remark would be not only am I a resident of New York State, I am a resident of New York City. I am on the streets of Manhattan about five days a week. I recognize the kind of problem that is in tomorrow night's film, and it is a very real problem. Nevertheless, I must assure you that it is not something that I encounter every day. I encounter it very rarely, as most people in New York City do. I just want to put in a good word for the Big Apple becaue we are not quite at that level yet, although we usually provide certain demonstrations for the benefit of out-of-town visitors, if they would like.

Mr. ANDREWS. Very good. Thank you.

Mr. Rector, I believe that gets us to the end of our list of witnesses. You have graciously agreed to resume your previous testimony. I know the staff members who are present had even from the beginning some questions they had hoped to ask and time

did not permit, so I will defer mine. I had intended to pass on to you some of the other questions that were raised by other witnesses. But before that, we will go back to the beginning and staff will question.

Mr. RALEY. I did have a few questions on fund flow. I prefer not to ask all of them, but instead will submit most them for the record.

Mr. ANDREWS. I think a good number could be asked by interrogatories later.

Mr. RALEY. We had asked Mr. Rector by letter to list the number of special emphasis programs funded in FY 1977 and 1978. If I am not mistaken, Mr. Rector said one of the problems that he encountered was that he could not spend FY 1978 money until he had spent FY 1977 money. Yet in the list of programs that he presented staff in writing on June 20, 1978, he not only lists programs from FY 1977 special emphasis funds but also some he has awarded from FY 1978 funds. That seems in conflict with earlier testimony.

[Information requested follows:]

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION
WASHINGTON, D.C. 20531

JUN 20 1978

Honorable Ike Andrews
Chairman, Subcommittee on
Economic Opportunity
Committee on Education and Labor
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

We are pleased to have the opportunity to respond to questions regarding the Office of Juvenile Justice and Delinquency Prevention in preparation for the June 27, 1978, Education and Labor Committee Hearing. Attached are our responses which follow a reiteration of your questions.

I trust this information will be useful to your deliberations.

With warm regards,

John M. Rector

John M. Rector
Administrator
Office of Juvenile Justice
and Delinquency Prevention

Enclosures

Question:

12. What amounts of Federal money have been apportioned among each of the existing special emphasis areas identified in Section 224 sinc FY 1975? Could you provide the Subcommittee with a list of each special emphasis grant awarded for FY 1977 and FY 1978 with grant title, grant award, and grantee?

Amounts of Federal money apportioned among each of the existing special emphasis areas identified in Section 224 since FY 1975 are as follows:

Deinstitutionalization of Status Offenders	11,871,910
Diversion	8,556,919
Prevention of School Crime	6,000,000
Prevention	6,190,473
Unsolicited Proposals	5,168,906
Restitution FY 78 (Projected)	24,430,122

Special Emphasis award FY 1977 Title/Grantee	award amounted
Fort Peck Prevention Fort Peck Tribal Executive Board Poplar, Mt.	$176,796
Youth Arbitration Center Washington Urban League Washington, D.C	$401,613
Operation Sisters United National Council of Negro Women Washington, D.C.	$375,653
Model Committee Staff Project in Juvenile Justice Legis/50 Englewood, Co.	$666,006
Juvenile Delinquency Prevention Program Nat'l Federation - Settlement Neighborhood New York, NY.	$469,323

Aspira Prevention Aspira of America, Inc. New York, NY.	$518,506
Juvenile Delinquency Prevention Girl's Club of America New York, N.Y.	$304,974
Consortium for Youth United Way of Greater New Haven New Haven, Ct.	$402,951
Positive Youth Development Boston Teen Center Alliance Boston, Mass.	$373,228
Girl's Coalition City of Philadelphia Philadelphia, Pa.	$401,715
Tuskegee Institute Prevention Alabama Dept. of Youth Services Montgomery, Alabama	$431,413
An Alternative to Incarceration Sacramento Reg. Planning Council Sacramento, Ca.	$29,125
Youth Community Coordinator American Public Welfare Assoc. Washington, D.C.	$200,588
Boston Diversion Advocacy Project Mayor's Office on Criminal Justice Boston, Ma.	$960,000
Dallas County Delinquency Prevention Dallas County Dallas, Tx.	$400,350
Chicago Youth Service Alliance Chicago Dept. of Human Services Chicago, Ill.	$500,000
Venice-West Prevention Venice Drug Coalition Venice, Ca.	$500,000

Youth Services to Rural Area Tulare Youth Service Bureau Tulare, Ca	$76,000
Program to Prevent Juvenile Delinquency The Salvation Army Atlanta, Ga.	$450,000

Special Emphasis awards FY 1978

Juvenile Court Advocacy Open Harbor, Inc. Cambridge, Ma.	$117,098
Youth Diversionary Program Opportunities Industrialization Center Providence, R.I.	$72,966
Deinstitutionalization of Status Offenders Pima County Juvenile Court Center Tucson, Arizona	$247,500
An Alternative to Incarceration Tahoe Human Services, Inc. South Lake Tahoe	$46,166
Juvenile Delinquency & Prevention Boy's Club of America New York, N.Y.	$352,784

Mr. RALEY. I am also interested in clarifying another point. John, in that letter of June 20, 1978, you did tell us that there were 19 programs which had been awarded from FY 1977 funds. Yet, the Comptroller of LEAA tells us that as of May 30, 1978, there had been no funds awarded from FY 1977 special emphasis money. In addition to that, we received a copy of a letter Mr. Rector sent also on June 20, 1978, to Senator Culver which says there were 36 programs awarded in FY 1977 from special emphasis funds. Perhaps our first question on fund flow is which, if any, of these replys are correct. Could you tell us, at this time, how many special emphasis awards have been made from FY 1977 funds?

[Information requested follows:]

CONTINUED

2 OF 7

STATUS OF FUNDS — OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

(Amounts in thousands of dollars)
(Except as Noted)

		SPECIAL EMPHASIS GRANTS In Actual Dollars	
	Appropriated	Awarded As of 5/31/78	Expended As of 12/31/77
FY 1975	$ 10,750,000	$ 10,722,776	$ 8,449,145
FY 1976 (& TQ)	19,296,000	17,563,594	7,817,642
FY 1977	23,372,594	0	0
FY 1978	21,250,000	0	0
Total	74,668,594	28,286,370	16,266,787

Source of Data:
Office of the
Comptroller, LEAA

JUN [illegible] 1978

Honorable John C. Culver
Chairman, Subcommittee to Investigate
Juvenile Delinquency
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

We are pleased to have the opportunity to further clarify questions regarding the Office of Juvenile Justice and Delinquency Prevention which you raised at the May 1 Judiciary Committee. Mr. Gregg has asked that I, as Associate Administrator of LEAA, provide the necessary clarifications. Our responses follow a reiteration of your questions.

I trust this information will be useful to your deliberations.

With warm regards,

John M. Rector
Administrator
[illegible] and Delinquency Prevention

Enclosures

Question:

2a. At a hearing before the Juvenile Delinquency Subcommittee on April 27, 1977, OJJDP was asked to provide the Subcommittee with an analysis of the number of special emphasis grant applications which were received in FY 1975 and 1976 and which were worthy of funding. According to this analysis, the Office received 1,128 grants in FY 1975 and 1976. The Office found that 103 of these projects merited funding, but the Office was able to fund only 39 projects because of limited availability of monies for this purpose.

Was the special emphasis grant program similarly hampered by a lack of funds for meritorious projects during FY 1975 and 1976? Please provide for the record an analysis of the number of special emphasis grant applications determined to be worthy of funding during FY 1977 and 1978 and the number of projects actually funded.

Answer:

2a. The special emphasis grant program was not hampered by a lack of funds for meritorious projects during FY 1977 and 1978. This can be illustrated as follows:

- Carryover of FY 76 funds into FY 77

Special Emphasis	$15,463,000
Part C	2,679,000
Part E	1,524,000
TOTAL	$19,666,000

- Carryover of FY 77 funds into FY 78

Special Emphasis	$28,317,000*
Part C	1,198,000
Part E	8,145,000
TOTAL	$37,650,000

In response to the question concerning special emphasis grant applications determined to be worthy of funding during FY 1977 and 1978 and the number of projects actually funded, the term worthy is highly subjective and cannot be addressed. In lieu of the requested information the following is offered:

	No. of Applications Received	No. of Grants Awarded
FY 1977	450**	36
FY 1978	62	29 (to date)
FY 1978	116 Restitution Applications	54 Estimated Restitution

* Includes $5,088,000 of carryover from FY 76.

** Approximated. Most of the 425 Prevention Applications went to Regional Offices. The Regional Offices have since closed and the records are not available.

Mr. ANDREWS. May I suggest rather than rudely interrupt you—I just glanced over the list of what I believe are questions and you and I and both of these gentlemen tend to be a little verbose—let's please not get into, any of us, long historical answers. Actually, that question could be answered with one word. Let's try to keep it, if you can, as brief as possible. We are very limited as to time. The question I believe is, how many?

Mr. RALEY. How many projects have been awarded from FY 1977 funds at the current time? We have three different answers and I would like to clarify which, if any, is correct.

Mr. RECTOR. If I may——

Mr. ANDREWS. I will be like the judge and say, "answer the question". Then, if you would like to, explain.

Mr. RECTOR. I am looking for a fund flow sheet that I received this morning.

I am not sure I understand. You want to know the fund flows as of today?

Mr. ANDREWS. No, just the number of special emphasis grants awarded from FY 1977 monies—6 or 8 or 19 or zero.

Mr. RECTOR. I do not think we have the total number.

Mr. ANDREWS. If you will call them out I will add them up.

Mr. RALEY. Can you tell us which answer is correct—your answer to Mr. Andrews, to Mr. Culver, or the one from the Comptroller?

Mr. RECTOR. I can't tell you as of this moment the precise number of programs we have funded with fiscal year 1977 money.

Mr. RALEY. I am asking awarded, not funded.

Mr. RECTOR. That we have awarded or funded?

Mr. ANDREWS. Do you have anyone who would know the answer to the question?

Mr. RECTOR. Obviously there are numerous quetions being asked today. I think we have a piece of paper that will respond to that. I do not have it as personal recollection.

Mr. ANDREWS. Do you know of any that you have funded?

Mr. RECTOR. Paul Quinn referred to a number of programs that had been delayed. There is a program called Track 2——

Mr. ANDREWS. I thought that was a razor. [Laughter.]

Mr. RECTOR. It sounds like it. It's more or less jargon. It is not my way of describing it. It is the jargon the system uses. These were programs funded out of discretionary special emphasis monies that were developed in the Regions. There is one little item that has not been mentioned: the Regions were abolished.

Mr. ANDREWS. We are trying to get now at what projects have been awarded.

Mr. RALEY [continuing]. From special emphasis funds.

Mr. RECTOR. For Track 2, which is special emphasis, we have awarded 29 projects as of last week. We have 54 projects to be awarded within the next few weeks, certainly by the end of July. The reason I mentioned the abolishment of the Regions, is that project was in midstream when the Regions were abolished. My staff last July recommended the entire project be abolished, as were the Regions. I decided and overrode everybody in the Office and said we would hang on to the project, delay it until after the formal

grant review process and pick it up later in the year. We picked it up again in March. That is the reason why there has been some delay on the Track 2. I see Gordon shaking his head. I can assure you that is the reason there has been a delay on Track 2. I will supply for the record the memoranda of the staff, Mr. Nader, and others recommending the project be abolished.

[The information is on file and available for review by the public through the Subcommittee on Economic Opportunity.]

Mr. RECTOR. We have started a timely processing of those 54 applications. I have signed off on close to 30 in the last couple of months. We will soon have that up to 54. The total dollars involved are somewhere in the neighborhood of $5 million in special emphasis monies. I will have to supply that at another point.

Mr. RALEY. If I am correct, in earlier testimony you said you could not spend FY 1978 money until you expended FY 1977 money; is that correct?

Mr. RECTOR. My understanding is we are duty bound to spend our dollars in a first in-first out manner. If the comptroller's office has submitted information to you and there is a conflict, obviously some of it is incorrect. We will submit for the record a clarification. It is little wonder. I am not going to take the full rap for a system that has conflicting procedures. I will submit, however, we took our best shot.

Some of these States like New York have not even filed a fiscal fund flow paper, a so-called H-1 report, for a number of years—not months—years. It is no small task to develop the type of information that you are asking about. We took our best shot. If there is an inconsistency between what the comptroller's office submitted and what we did, we will clarify that for the record. It is a very complex area. You cannot talk about fund flow without talking about the strictures.

You are just stressing problems in the Federal-State relationship. There is an OMB circular that prohibits us from mandating fund flow information on a project-by-project specific basis. Our agency has recently appealed that OMB circular and we were recently denied. We are reappealing through Director McIntyre to get better leverage on trying to get more specific information.

I previously worked for a Member of the other body. He wanted a printout of LEAA dollars in his particular State. I called the Congressional Liaison Office at LEAA. They told me they did not have that kind of information because they could not mandate it because OMB, under the new federalism, didn't allow that. In a steadfast way we contacted the state planning agency in Indiana. What did we find out? They did not keep it because the feds don't mandate it. A lot of these things are catch-22.

Mr. RALEY. In your testimony earlier you said one of the reasons you had problems moving money was that you had a high amount of carryover from previous years. The reason, you said, was because you had to spend FY 1977 funds before you spent FY 1978 funds. I have a written answer from June 20, 1978, to our question which we asked which says you had about 19 special emphasis programs awarded from FY 1977 funds, and then five, I believe, awarded from FY 1978 funds. That seems to contradict your testimony this morning.

Mr. RECTOR. I agree with you there is a contradiction. Let's clarify that. What I meant to say accurately on the question of first in, first out, that is not a problem. That is not a fund flow problem. That is an issue as to whether you can spend '78 before '77. You still have the total amount of dollars at the same level.

Mr. RALEY. The reason I was shaking my head regarding your statements about Track 2—and correct me, please, if I am wrong—it was my understanding, and I have just received a note that would seem to verify my understanding, that the Track 2s are Crime Control and not OJJDP special emphasis funds.

Mr. RECTOR. Track Two is reverted special emphasis money.

Mr. RALEY. Reverted from LEAA?

Mr. RECTOR. As I described this morning the statute requires that money that reverts from formula grants is converted into our special emphasis pot. Track Two is special emphasis money.

Mr. RALEY. LEAA or OJJDP money?

Mr. RECTOR. It is OJJDP reverted money. The OJJDP formula is converted into special emphasis. It is a special emphasis project. We will submit for the record—I thought I had it with me and I am disappointed I don't—the breakout of each of the projects. They are all over the country. They are bonafide kinds of projects.

Mr. RALEY. These are also one-word answers I suspect, if I could get a few in for the record.

We have talked a little about the cancellation of a program dealing with youth gang problems, which I believe you cancelled in the fall of 1977.

Is it true that in the fall of 1977 you recalled requests for proposals for a national program relating to school violence?

Mr. RECTOR. The gang initiative was never formally announced——

Mr. RALEY. I am talking about school violence.

Mr. RECTOR. It was put on the shelf last summer. In fact, our staff recommended—I will quote from one of the memos that you received—that the entire planned 1978 dollar flow be "scuttled." An RFP for the initiative that you are referring to on school violence hit the street somewhere in July. In fact, it had been signed off on before I arrived. It was for $600,000.

That RFP, in fact, was withdrawn. It is being retooled. More money—in the neighborhood of $2.5 million—is being cranked into the project. We are going contract instead of grant.

I will provide a full and complete explanation as to some of the extraordinary bases for which the RFP was originally withdrawn, which, in part, relates to persons and entities that received inside information about the RFP.

Mr. RALEY. We would appreciate that.

Is it true that in the fall of 1977 you also cancelled two other special emphasis guidelines which were under development to integrate serious offenders in their home community?

Mr. RECTOR. I would say that is not true. There was a serious offender project in draft form. I believe you were supplied that. If you were not, we will supply the 10 or 11 pages that were drafted.

I think it is important to stress that we should not confuse six or seven pages with the fact that a program is ready to hit the street.

The process is rather substantial. I think that is a concern that Congresswoman Chisholm had. I don't think we had the opportunity to fully educate her as to all the steps involved between the time we say we are going to go with something and the time when we are at the reality point of actually making money available.

We will provide the 11 pages that were available. We will also provide a critique of that proposal submitted to us by experts that were assembled. There were very negative comments. That was part of the reason that we—it is not like we cancelled—decided not to go ahead with that. With all the good intentions in the world, the Office had represented to you in April they were going to do a half a dozen things. I am sure those representations were made sincerely. I am sure there was every intention in the world of carrying them out.

But, as I indicated earlier, the record had been one a year. We were going into a year with political transition. Regional offices were being abolished. We were taking over the formula grants for the first time. If anything, it appeared that we would be lucky to process one in the course of the coming year.

Mr. RALEY. Only two more quick questions. At what date do you anticipate the fiscal year 1979 guidelines to State planning agencies being available to the State planning agencies?

We understand they must have a plan submitted on July 31, 1978, for their fiscal year 1979 program, and that they have not yet received the guidelines.

Mr. RECTOR. That is correct. With a matter such as the controversy around the definitions and guidelines, no matter what we did or would have done, there would be a degree of controversy. I hate to admit a lack of ownership, but the guidelines Mr. Quinn referred to as Mr. Rector's were developed long before my arrival.

The commingling guidelines are so controversial. We intend, as I indicated in Georgia recently at a state-wide conference on the deinstitutionalization, where concern was expressed similar with the ones Governor Hunt had in North Carolina, that we are going to change the commingling provisions. A lot of folks expressing other concerns have been beating the bushes for months for us to do everything from holding the entire guidelines process in abeyance to a whole host of other actions.

We took what we thought was a forthright and open process. I have to underscore open. Governor Hunt mentioned that he thought the state advisory groups and national advisory committee should be involved in the process.

Mr. RALEY. We have no problems with the guidelines. I wondered what date we might be able to anticipate when the State planning agencies——

Mr. RECTOR. I said over a lot of dead bodies, June 15.

Mr. RALEY. Do you think it will be before July 31?

Mr. RECTOR. I think so. Certainly it has to be before July 31. It has to be. It had to be before June 15, but certainly by the end of the month.

We have done a lot of things with them. We have done a plain English job on them that I think the Chairman would find encour-

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aging. To encourage people used to the jargon associated with criminal justice to take a plain English approach is no small thing.

We used the Federal Register. People talk about that like it has been the history of LEAA. It was the first major LEAA program that used the Federal Register. That was part of our outreach to open up the process and allow for comment. Frankly, I was disappointed at our conversation the other day, when you indicated you hadn't studied the guidelines all that carefully.

Mr. RALEY. I don't believe we said we hadn't studied them carefully, but only that we haven't made a formal recommendation. We studied them very carefully.

Mr. RECTOR. My mistake. I have been disappointed with the National Advisory Committee. We funded a national meeting at Reston for all the State advisory groups and the National Advisory Committee and gave them the guidelines almost a month in advance—the difference between March 3, and March 25, or 24—so they would have an opportunity to get a look at the them. Yet, we didn't receive from the National Advisory Committee—in fact, from a host of others—any comments about the guidelines.

We did receive, however, on the up side, several hundred comments that were very helpful. We have cranked many of those observations into the guidelines. We are still working at it. If we don't have it by the end of the month, I will be the first to report it to you.

Mr. RALEY. The last question—which I hope again will be brief, both in answer and question—is what are the Office's policies regarding funding of unsolicited proposals? Are there guidelines for doing that?

You said earlier today it wasn't just giving money away. Is there a limit, for example, to the amount of funds awarded for unsolicited proposals? How do you let the general public know that unsolicited proposal grants are being accepted?

Mr. RECTOR. The normal way—not the normal way, because nothing much is normal at LEAA—but a rational way of letting the public know is to publish items in the Federal Register.

For the coming fiscal year, we will put in the Federal Register—and it will be published in the next couple weeks—a laundry list, basically reflecting things in the statute, as to what areas so-called *unsolicited* activity will be. Included will be programs in the Institute, in the formula grants area, and in special emphasis.

"Unsolicited", as I said earlier, is a misnomer. It means that there are not applications that are yielded as a product of a national guideline or one of the national initiatives. For example, if someone in your State or any other State had a good idea, and generally met LEAA discretionary guideline criteria, they can submit that to us. It is left to our discretion in terms of dollar amount. The Congress didn't put a limitation on it.

Mr. RALEY. Are those competitive?

Mr. RECTOR. No, they are not competitive.

Mr. RALEY. Who makes the decision as to whether it gets funded or not?

Mr. RECTOR. Well, as you know, the decisionmaking around the Juvenile Justice Act is very complicated. As long as I am nominat-

ing GAO to look into various things, I would modestly suggest they look into that decisionmaking process. Again I haven't heard anybody mention today.

We very much still have, in spite of the recent amendments, what could generously be called a shared decisionmaking process about almost everything. That has changed a bit. We have signed off on Track Two. The grant and contract review board is nowhere near as stifling as in former administrations because we raised the level to $500,000. But in most instances the decisionmaking is shared between the administrator of our office and the acting administrator of LEAA.

Mr. CAUSEY. This morning, you said one of the problems in moving money in the Office is that you are grossly understaffed. How many positions exist at your office?

Mr. RECTOR. We have 61 full-time positions, seven part-time and two positions of a temporary variety.

Mr. CAUSEY. Of the 61, how many employees do you have in that office?

Mr. RECTOR. I may have to call on assistance for the specific number, but we are in the neighborhood of 50.

Mr. CAUSEY. That implies you have 11 vacancies?

Mr. RECTOR. That would mean—let me count—nine vacancies for sure. The deputy's job is vacant as we discussed the other day. There are a couple others where the job descriptions have been approved. Either an announcement has been made about the job or, one step beyond that, the job announcement has been made, people have responded, and we are awaiting a personnel action review board, which takes three weeks to a month.

Mr. CAUSEY. Would it be safe to say most of those vacancies are in positions of policy-making areas?

Mr. RECTOR. No, that is not safe to say.

Mr. CAUSEY. Are the vacancies——

Mr. RECTOR. It depends.

Mr. CAUSEY. Let me rephrase it. Are the vacancies in director divisions?

Mr. RECTOR. In our newly created unit to provide some of the coordination that has been lacking, we have a vacancy in the director's position. I had a person working there on a temporary basis, the person was referred to earlier today as having recently departed our office, and that is true; that person was a non-Civil Service person who was there for a short term to fill in until we get our full-time position.

The deputy position, that normally takes—since our last conversation, I did make inquiries—a schedule 16 and takes in the normal course of things, without any wrinkles, union questions or such as that, somewhere in the neighborhood of six months to fill.

As I indicated, we are underway putting the list together, and Mr. Nader has been gone for several months. There is nothing extraordinary about the time involved in filling that job.

Since the beginning of the year, we have made rather substantial progress. Getting criticized to the extent we have about staff positions is ironic. The part that is overlooked is the fact that I went through what I would consider a small war last summer to get 30

additional positions. The Congress authorized, in appropriations for fiscal 1975, 51 positions. The Office had less than that. We added to that, and a couple months later, we are getting criticized because they are vacant.

I don't mean that we have done each and every thing in the personnel process correctly. We have not. We have learned a lot in the last 10 or 11 months. But we certainly want to get credit for having increased the total staff a lot. If there has been a shortfall, it has been in trying to fill those additional positions.

Mr. CAUSEY. Are you currently making efforts to increase the size above 61?

Mr. RECTOR. It is like Catch 22, you know. Until we get those all filled, we can't make a genuine request that will get anywhere with OMB or anybody else. We are working hard to get that.

Mr. CAUSEY. You have taken steps to fill the 11 vacancies?

Mr. RECTOR. The vacancies that I mentioned—there is something cooking on those vacancies. I think with the exception of the GS-15 position, that the person, Doyle, just left, with the exception of that one, all the several positions we talked about are in the finalization period. It takes a long time. It is not like on the Hill or somewhere else.

It takes sometimes as long—for example, I did get a legal advisor position, and, believe me, in that office we need one. It took eight months. That was eight months after Mr. Civiletti approved it. It took eight months to get it through the entire process. That person will be arriving, I think, July 10.

That is another slot that is taken care of. The person, being a practicing lawyer, had a caseload and there had to be about a month's transition.

Mr. CAUSEY. What is your assessment of morale at the Office?

Mr. RECTOR. I think it is very low. I concur with Barbara Sylvester's comments and those of a number of other persons. In some regard I am a contributing factor to the lower degree of morale. This is the same LEAA everybody was about to abolish last summer; the same one that has had rough spots for a long period of time. I wouldn't say they deserved all the rough spots. But the Agency doesn't have a history of being a miracle worker. The abolishment of the Regions—I don't defend that—came on very short notice. The human side of that was incredible.

We have people on our staff whose spouses were in another city for a period of months. One person's spouse was having a baby in Atlanta while he was working in the home office here. The human side to that was not good for morale.

Mr. CAUSEY. Let's move beyond what the morale was a year ago and look at it today.

This subcommittee has received correspondence from the local union which your office recognizes, and we have received a number of complaints about the operation of the Office, some personal complaints and others in terms of program and operation.

How about now with respect to morale?

[Letter referred to follows:]

American Federation of State, County and Municipal Employees

Local Union Name Law Enforcement Assistance Administration Employees No. 2830

Secretary: Joyce L. Williams

Address: 633 Indiana Avenue, N.W.
(Street)
Washington, D.C. 20531
(City, Zone and State)

June 15, 1978

Honorable Ike F. Andrews, Chairman
House Subcommittee on Economic Opportunity
U.S. House of Representatives
2181 Rayburn House Office Bldg.
Washington, D.C. 20515

Dear Congressman Andrews:

At the direction of the Executive Board of Local 2830, I am submitting the attached 15-point petition for your review and consideration. Many of the points are administrative and policy-setting in nature and fall outside the normal areas open to labor-management negotiations under Executive Order 11491. However, since every point in the petition contributes to a situation which is negatively affecting the national effort to deal appropriately with the growing delinquency problem, we feel that it is our responsibility to bring these issues to your attention.

The 15 points include a description of current management, staffing, and fiscal approaches that do not appear to support the legislative intent of the Juvenile Justice and Delinquency Prevention Act of 1974. We are not alone in these observations. Congresswoman Shirley Chisolm in her address to the Second Annual Youth Workers Conference on June 8, 1978, raised many of the same issues and concerns questioning the "bureaucratic inertia" that is stymieing Federal delinquency programs.

Of specific concern to Local 2830 and its members are the personnel strategies employed by Mr. Rector. He has succeeded, through a continuing series of comments and actions, in intimidating his staff and reducing their effectiveness. For example, at the same conference referred to earlier, Mr. Rector stated that the Office of Juvenile Justice and Delinquency Prevention has 25 incompetent staff members, and he urged the youth workers in attendance to write the Civil Service Commission to petition their discharge for incompetency.

This is only one of many similar public charges of incompetence, many against specific staff members, that made it impossible for staff members to perform their routine professional duties.

Local 2830 will continue to represent the OJJDP staff in a growing number of grievances, EEO actions, and personnel matters. However, the continuing expenditure of our resources on individual problems begs the point of the larger issues at hand. We feel that only through your assistance can the larger issues be resolved in a fair, equitable, and timely fashion. Without resolution we feel that the national effort to prevent juvenile delinquency and improve juvenile justice, which was so clearly stated and vigorously mandated by P.L.91-415, the Juvenile Justice and Delinquency Prevention Act of 1974, will be rendered ineffective.

Should our petition be heard and should you require further information and documentation, we would be happy to cooperate with you or your staff in seeking a remedy to the current situation.

Sincerely,

Frederick Becker, Jr., President
Local 2830

cc: Members of Sub-Committee

We hereby petition the Congress of the United States to investigate the management of the Law Enforcement Assistance Administration's Office of Juvenile Justice and Delinquency Prevention (OJJDP). Said management has made numerous errors of ommission and commission that are seriously hampering the fulfillment of programs and objectives mandated in the relevant legislation. To wit:

1. The Administrator of OJJDP has failed to fill numerous vacant positions that have been available since January 1978. To date only three professional positions have been filled, two of them political, noncareer appointments. The resulting staff shortage has made it impossible for the Office to handle its workload, and the existing staff members are greatly overburdened.

2. The Administrator of OJJDP has failed to provide adequate staff leadership and policy direction. For example:

   a. There have been only a few meetings with the entire staff since July 1977, and none at all since the fall of 1977.

   b. Division heads have not been able to meet with the Administrator on a regular basis to deal with current problems and ongoing business.

   c. The only decisions the Administrator has made that are known to the staff are a series of prohibitions. Facilitative actions have not been taken. For example, staff members have been prohibited from consulting with LEAA's Office of General Counsel on a day-to-day basis concerning grants, contracts, and other issues dealing with their responsibilities. Yet, other ways of resolving such legal problems as they arise have not been suggested. This places both staff members and grantees at a serious disadvantage, as decisions are made without the best available legal advice. Nonetheless, staff members are being held responsible for the results of the decisions made under these unfavorable circumstances.

   d. The Administrator of OJJDP has exacerbated the workload problems by requiring excessive detail work and by questioning the smallest decisions. In a large number of instances the extra work is redundant or meaningless. This situation has been worsened by the Administrator's constant changes in policy interpretations and in taking excessively long periods of time to reach routine decisions about submitted work.

3. The Administrator of OJJDP has failed to properly delegate authority to division heads or other staff members. He has reserved to himself the final decisions even about the smallest and most routine matters. This has had a substantially negative impact on personnel and on their relations with the general public.

4. The Administrator of OJJDP has maintained an inconsistent travel policy, which ranges from complete moratoriums over longer periods of time to an erratic policy of allowing travel but not approving it in a timely enough fashion to permit rational planning. As a result, staff members are prevented from having updated information from the field on the status of the programs they monitor.

5. The Administrator of OJJDP has frequently made derogatory personal comments about the Office personnel in front of their outside professional associates, participating agencies, and community organizations. On numerous occasions he has without justification said to outsiders that particular staff members are incompetent, thereby making it impossible for them to perform their routine professional duties. For example, on June 9, 1978, at the National Youth Workers Conference in Washington, D.C., the Administrator of OJJDP stated to this large youth serving group that OJJDP has 25 incompetent staff and he urged the youth serving groups to write to the Civil Service Commission to petition their discharge for incompetency.

6. The Administrator of OJJDP has harassed many talented professionals, causing them to leave the Office and greatly depressing the morale of the remaining personnel.

7. The Administrator of OJJDP has made arbitrary and capricious policy decisions about grant administration, and has delayed decisions on award of contracts after competitive procedures have been followed which has had an adverse effect on program implementation.

8. The Office has a major fund-flow problem that is directly related to the cancellation of program guidelines that were in the process of being written when the Administrator of OJJDP took office. Delays in making critical decisions about program issues worsened this problem. In addition, the Administrator has circumvented established funding procedures and has solicited applications without giving potential applicants any directions on application procedures and requirements. This has resulted in long delays in processing applications and has made additional work for applicants. These unsolicited applications result in grant programs which are often duplicative of other existing services and are often inconsistent with state and local priorities.

9. The Administrator of OJJDP has diverted funds from the Special Emphasis programs to support state deinstitutionalization requirements, reducing the access of private youth serving agencies to Special Emphasis monies, contrary to the legislation's clear intent.

10. The Administrator of OJJDP has aborted the program development process by failing to plan and comply with established LEAA procedures for program planning and by his inconsistent decisions about funding strategies. This has been compounded by his abrasive actions and alienation of other agency offices. As a result, coordination between office divisions and other LEAA offices has been disrupted.

11. The Federal Interagency Coordinating Council on Juvenile Justice has not met in more than 18 months despite its legislative mandate. In addition, the Administrator of OJJDP has discouraged staff from planning with other Federal Agencies which is in clear violation of the law.

12. The Administrator of OJJDP has repeatedly cancelled the National Advisory Committee's meetings and has actively discouraged it from carrying out its functions.

13. The Administrator of OJJDP has minimized the importance of basic research and its role in program development and has jeopardized evaluations by delaying decisions essential to their continuation.

14. The Administrator of OJJDP has alienated the states by maintaining an inflexible stance on compliance requirements that disregards local conditions and problems. He has publicly indicated to those states that resist complying with his demands that he will transfer their funds to other states that do conform to his requirements. He has taken an uneven and inconsistent stand on review and approval of state plans. Some plans have been disapproved while others with similar deficiencies have been approved. This has resulted in the organization of sectional protest actions within the SPA conference, and has been unsupportive to good faith efforts made by states.

15. Of the $150 million allocated for fiscal year 1978, approximately $56 million has been obligated to date. Of this, $50.5 million was awarded to formula grant programs, and the money went directly to the states upon approval of their plans. Actual expenditures of these funds are very small. Thus, approximately $5.5 million has been obligated by the Office to discretionary grants since the beginning of the fiscal year on October 1, 1977.

> The Administrator of OJJDP has postponed the development and implementation of major programs, indicating Congressional emphasis was on quality programs and not the flow of funds. His failure to develop alternative programs has resulted in a crisis atmosphere as the end of the fiscal year approaches. Staff is being asked to increase the flow of funds to programs, regardless of merit, and despite the lack of planning caused by decisions made by the Administration of OJJDP.

Mr. RECTOR. Maybe I was not clear. I am talking about now. Those are still factors. I think abolishing the Regions was a factor in some of the disjointedness between our office and the SPAs. They have a close relationship with the Regions.

Another factor is that we are now operating and responsible for the juvenile justice formula grant program. Admittedly a lot of folks don't like that; a lot of folks employed at LEAA don't care for that. We will supply for the record the agreement that Bob Grimes, head of the Office of Criminal Justice Programs, who is working hard with us at this, and I worked out to take care of this very difficult transition period.

It is not like there are no efforts going on. But I am not surprised, on the other hand, to hear about some of these stories.

Mr. CAUSEY. Throughout the day, in your testimony this morning and other comments from other people, there appears to be a degree of tension between your office and LEAA in terms of the operation of your office.

Does that, in your opinion, make a case for taking OJDDP out of LEAA?

Mr. RECTOR. You asked me that the other day. I don't think so at all. I think it makes a case for the fact that we are doing some of the things that the Congressmen indicated that we should do that were neglected for nearly three years. The folks who neglected them are, in the main, still onboard. Some of them in our office, the lion's share not in our office. You can't make that kind of transition and those kinds of changes without some people being unhappy about it.

It is not like we are going out of our way to make people unhappy. But there are high expectations that we implement these changes. So we are caught between a rock and a hard place.

I don't think the fact that there are some persons—at least some slice of that concern is quite understandable from the point of view we are making progress. On the other hand, some slice of it is attributable to shortfall on our part—perhaps not having taken the time to be as sensitive about some of these things with people who have developed certain habits. Maybe we will do better.

Mr. CAUSEY. Let me raise an example where you have taken time in these areas. One, for example, and Governor Hunt addressed this principally today, is the Federal Coordinating Council. Who has the responsibility for calling the Council together?

Mr. RECTOR. The statutory responsibility rests with the Attorney General. I am the vice chairperson of the Council. The responsibility for calling such a meeting rests with us.

Mr. CAUSEY. Have you ever made a request to call the Council together?

Mr. RECTOR. I have made a request. We scheduled, as you are aware, a meeting—I have forgotten the exact date, in the third or fourth week of May, and we scheduled a meeting for the 21st of June. In both instances, the first one because we were not prepared for it, the second one, as I described to you the other day, in the main, because we were not prepared for it, we had to reschedule.

I take substantial if not entire responsibility, for not having gotten our ducks in order in a swift enough fashion to date to have had a meeting. We will have four this year. That is our statutory obligation.

There is a strategy behind this. Mr. Quinn said to me in the hallway a few minutes ago that we didn't have the guts to do this intercoordinating business. I think those of us in the administration, the Attorney General, the President, and other persons who are working on this, including the present staff, have a lot of guts as it comes to coordination efforts. You are going to see emerging from our efforts in the Council and with the National Academy of Sciences something that is rather unique in the area of intergovernmental activities.

It is going to be targeted activity. It is going to focus on the new language in the statute and the 1977 amendments. It is going to assess title XX; it is going to assess title I of the Elementary and Secondary Education Act; it is going to assess the Bureau of Indian Affairs; it is going to assess Economic Development Act money at Commerce. For the first time, we will start blowing the whistle on inconsistent policies and practices.

The predecessors of the Council have been at work for 16 or 17 years. Bobby Kennedy established the first council, with Dave Hackett as Staff Director. That was the beginning. In the interim there has been a lot of time spent on debating things like the definition of delinquency prevention. We have to clarify what we are talking about, but this, in our view, is going to be the first nuts-and-bolts assessment as to why it is that dollars in other Federal agencies are being allocated in a manner inconsistent with the JD Act, as well as what can be done either through policy direction, change in regulations, or statutory revisions to make a difference.

That is what we are going to do. We have just funded a relationship with the National Academy of Sciences Child Development and Public Policy Unit. To help us in that endeavor to provide staff, to provide expertise, persons of multiple experience will be involved. This will assure we don't bite off more than we can chew. It will be something that will be noteworthy. It won't be a dog-and-pony show.

Mr. CAUSEY. What is your view of the purpose and role of the National Advisory Committee, and is that role different from the Council?

Mr. RECTOR. It is an extraordinarily different kind of role than the Council. The Council is made up of the government bureaucrats and cabinet heads. The role of the National Advisory Committee is a very significant one, however.

As we all know, a cornerstone of the JD Act is citizen participation and youth participation. Ongoing public involvement in the

juvenile justice field is commingled with sensible kinds of notions and observations from people who are not entirely part of that system. To the extent they are a part of it, they tend to be from the private nonprofit aspects of that system. They can impact on policy judgments being made in an office like ours, impact in other sectors.

I had no small part in working to assure that the National Advisory Committee would be a more viable entity than some, including the State Planning Agency Conference, had contemplated.

I think it has a vital role. On the other hand, I was glad to hear Barbara Sylvester mention that she didn't expect us to put the National Advisory Committee at the top of our list with all the competing concerns that we have to deal with. It is very important, though. We do have a reassessment as to what the role of our staff should be with regard to it.

I don't think the role should be all that significant. I think that the National Advisory Committee should be far more independent. We are supporting a new contractual relationship to make available at least as much money as the committee has had in the past.

We are urging them—and we commend George Bellitsos, of the Committee—urging them, as we are trying to do, to get to the bare bones, to cut the frills, and to get on with the important business. It is difficult, but we will have a contract. It is very important work. We funded a meeting at Reston to bring together the National Advisory Committee, the State Advisory groups and others. Without that kind of viable voice and citizen input, we won't do as well as we could.

Mr. CAUSEY. Did you ever have communication with the General Services Administration about the role and purpose of the Committee?

Mr. RECTOR. Not until last week. I don't want to throw out all the dirty linen, but I learned from Gordon last week, about a problem with the General Services Administration, which, in fact, has been remedied as near as I can tell.

I think you are referring to the fact that GSA, in conjunction with OMB, did what amounted to a downgrading of the significance of the National Advisory Committee. In fact, they had contacted our General Counsel's office and Mr. Guryansky of the Office of Management and Finance, early this year. It is not always the case, but I didn't receive, as I recall, any copies of these communications. As soon as I found out about the downgrading, I got on the phone with a lawyer at GSA and pointed out to her the new language in Sections 220 and 208(b), where the Congress inserted the words "Congress and the President." She didn't seem to be aware of that, and the decision-making at GSA had been based on lack of awareness of the insertion of those two words and a pretty strange construction of some language under the Council sections. They have assured me that the National Advisory Committee will retain its Presidential character.

Mr. CAUSEY. I believe you are referring to Ms. Stahnke, the attorney at GSA. Did you ever imply or state that it was your intention never to have the Committee file a report to the President?

Mr. RECTOR. I told her that the statute says that the Committee is to advise the Associate Administrator, the President, and the Congress. It is the filing of the report with the President that would allow for the Presidential status, as opposed to the lesser status.

Mr. CAUSEY. I am not sure I have the answer to my question, John.

Mr. RECTOR. I am sorry.

Mr. CAUSEY. Let me rephrase it. We received yesterday a letter from Jay Solomon, the administrator of GAO, in which he strongly implies that you communicated with his office and said it was never the intention of your office to file a report with the President through the National Advisory Committee. Is that true?

[Letters referred to follows:]

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
COMMITTEE ON EDUCATION AND LABOR
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY
ROOM 320, CANNON HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515

June 14, 1978

Ms. Yvonne C. Stahnke
Acting Director
Committee Management Secretariat
General Services Administration
GS Building
18th and F Streets, N.W.
Washington, DC 20405

Dear Ms. Stahnke:

It is my understanding that the General Counsel of the General Services Administration has advised the Secretariat that the National Advisory Committee for Juvenile Justice and Delinquency Prevention does not meet the definition of a Presidential Advisory Committee as defined in the Federal Advisory Committee Act (Public Law 92-463). Section 3(4) of that Act reads as follows:

> "(4) The term 'Presidential advisory committee' means an advisory committee which advises the President."

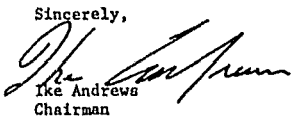
Section 208(b) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, reads as follows:

> "(b) The Advisory Committee shall make recommendations to the Associate Administrator, the President, and the Congress at least annually with respect to planning, policy, priorities, operations, and management of all Federal juvenile delinquency programs."

Since the President appoints the National Advisory Committee's membership and its Chairman, and since he receives their advice through annual recommendations, I would appreciate knowing the rationale used by the General Counsel in advising that this committee does not meet the definition of a Presidential Advisory Committee as established by the Federal Advisory Committee Act.

The Subcommittee on Economic Opportunity, which I chair, will be holding oversight hearings on the Office of Juvenile Justice and Delinquency Prevention and the National Advisory Committee, on June 27, 1978. I would be most grateful for a reply prior to that date.

Sincerely,



Ike Andrews
Chairman

IA:grd

General
Services
Administration Washington, DC 20405

JUN 2 6 1978

Honorable Ike Andrews
Chairman, Subcommittee on Economic Opportunity
Committee on Education and Labor
House of Representatives
Washington, DC 20515

Dear Mr. Andrews:

Thank you for the expression of interest in the National Advisory Committee on Juvenile Justice and Delinquency Prevention (NACJJDP) contained in your letter of June 14, 1978, to Ms. Yvonne Stahnke of the General Services Administration's (GSA) Committee Management Secretariat.

Upon receipt of your letter, our Committee Management Secretariat staff and representatives of the Office of General Counsel reviewed the NACJJDP authority in light of recent efforts of the Law Enforcement Assistance Administration (LEAA) to implement the Juvenile Justice Admendments. A representative of GSA's Office of General Counsel contacted Mr. John M. Rector, Associate Administrator, Office of Juvenile Justice and Delinquency Prevention, LEAA, who is primarily responsible for the Committee at LEAA, to ascertain whether the NACJJDP plans to submit a report directly to the President. Mr. Rector has assured us that, contrary to our previous understanding, the Committee will submit recommendations to the President as required by Section 208(b) of the Juvenile Justice Act, as amended, to which you refer in your letter.

On the basis of this assurance, which corrected our previous understanding, we will again list the NACJJDP as a Presidential advisory committee.

If you desire a more detailed review of the history of this matter, we would be happy to provide it. Please feel free to contact Ms. Yvonne Stahnke of our Committee Management Secretariat, at 566-1642, if you have any questions.

Sincerely,

Jay Solomon

Mr. RECTOR. I haven't seen that letter, but I certainly didn't say that. What I said was that the National Advisory Committee did not have to file their report to the President through us. If that had been the case, then that would support the downgrading.

I said that the National Advisory Committee had to file a report to us, a report to the President, and a report to Congress. That clarification provides a basis for retaining the higher priority of a Presidential committee.

That is why, as I recall, the additional words were placed in the statute.

Mr. CAUSEY. You are aware that the Committee has had seven vacancies since March of this year. Did you ever initiate communication with the White House to encourage those positions to be filled?

Mr. RECTOR. I have, mostly on the telephone, been in contact with persons at the White House personnel office, since my arrival in the Office last summer, including the activity that led up to the appointments last October, and, subsequent to that, on a relatively regular basis.

I don't know if I can compete with Barbara's effort, but on a relatively regular basis I have been in touch with them. They have been delayed for at least three months or more. I know someone, Miss Rothman, or someone mentioned that in the Ford Administration—the reasons we have March as the cut-off is because they waited that long. That is certainly no excuse for us. Interestingly enough, however——

Mr. CAUSEY. Excuse me. In this communication did you ever recommend to the White House these vacancies be filled?

Mr. RECTOR. I have been recommending to the White House the vacancies be filled for quite some time. It is important, however, that you understand the reasons for the delays. There are bureaucratic reasons. I am sure they have had a lot of appointments for other kinds of matters. But the real hangup was getting clearance for the persons who had been convicted. As you know, the statute requires that a number of persons be placed on the Committee that have had criminal justice system experience.

As easy as that is to put in a statute—it was deleted in '74 but was resurrected and put in this year—there were problems relative to FBI clearance. This has been the primary stumbling block delaying the announcements of the appointees.

As I explained to you the other day, an FBI clearance is not something that is a one-week experience. They do a name check. If it turns up negatively, that triggers a host of other matters. Obviously, when you have persons who have been in the penitentiary their names are going to turn up. The more in-depth kind of work that one would expect to be done with those persons was done. That, as has been explained, was the major problem.

I know Gordon has been asking me for a matter of weeks about it. Each and every time I have been given the same explanation by the White House. That is the only explanation I have ever gotten. I believe it is, in fact, the only explanation.

Mr. CAUSEY. Let me go back to a question I asked before.

Mr. RECTOR. May I submit one thing. Believe it or not, I have the names of the persons so we can put this issue to rest. I can run down the list.

Mr. CAUSEY. Names of what?

Mr. RECTOR. The new members of the Committee. You asked me whether I had been on the horn to the White House. I have been calling more regularly in recent days.

Mr. CAUSEY. When will these names be announced?

Mr. RECTOR. They will be formally announced on Thursday. I have been instructed that I can share with you the names of the persons and basic information, but that the material itself is embargoed. That is the ruling on it. I can give to you a copy for access by the chairman and staff.

Mr. ANDREWS. There is not that much urgency about it. We will just wait until Thursday. I do not want any leaks emanating from this hearing. [Laughter.] Congratulations. I am pleased such persons are to be named. That is good.

Mr. RECTOR. We do have two persons—at least two—who will bring a pespective of a practical variety that is seldom brought to bear in a committee such as this.

Mr. ANDREWS. Very good. Thank you.

Mr. CAUSEY. I do have a few more questions but I think in the interest of time those questions could probably be submitted in writing.

Mr. RECTOR. May I mention one thing, not in defense of the Big Apple, but I think more seriously about Mr. Ketchum, who was my congressman from Bakersfield, California, where my home is. It brings to mind one of the problems about serious offenders. I would be willing to bet you that violent crime rates for robbery and aggravated assault are much higher in Bakersfield, California, than Manhattan. That is something you ought to all think about. If you look at the statistics, there are many cities around the country that are very small but when you look at the figures, they have problems well in excess of the kind of problems we have in our major urban areas.

Mr. ANDREWS. Mr. Rector, this could be resolved in private conversation, I am sure, and it is cetainly not the purpose of this committee to embarrass or harass anybody. We want to try to work toward cooperation. Would you care to respond to any of the questions that Mr. Quinn posed? I think you should have that opportunity. I guess some of these are matters of opinion. He says that an application was submitted to you in July 1977, and followups have been sent to you, and he says he called his office about 10 minutes before he testified and as of yet no response from you. Do you care to respond?

Mr. RECTOR. I am not informed enough about the details to give you the kind of response you need. We will give to the committee a blow-by-blow, step-by-step assessment.

Mr. ANDREWS. He says there have been no blows or steps.

Mr. RECTOR. I have personal knowledge that a woman on our staff has had many conversations with persons in Denver. There are some difficult wrinkles regarding the project, not the least of which, as I understand it, is that some parts of the project involved is for-

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profit activities. That has created some difficult wrinkles. The Agency does not normally deal with it. That is about all I know about it. We will provide specifics. [This information is on file and available for review by the public through the Subcommittee on Economic Opportunity.]

He mentioned Track 2. I will check to see whether any representation was made of approval by the regional staff person that was then made difficult later on. I made notes on his testimony. We can go through each one of those. I just don't have the specific answers.

Emerson House—if he had taken the occasion to talk about it—he would have learned that we have been working with the Bureau of Prisons. They are placing Federal delinquents in a number of places. Interestingly enough, the California Youth Authority is another. The third is in Kentucky. They are in fact, as I understand it—and I cannot speak to the efficacy of all that has been said about Emerson House—if they are not in violation of Federal law I think you would be hard pressed to find a place that is. Some of the money we have set aside——

Mr. ANDREWS. Excuse me. That is not one of the questions he asked of you.

Mr. RECTOR. He was talking about the place down the street.

Mr. ANDREWS. You are picking the ones that are a matter of opinion or not within your jurisdiction or something. Specifically, he says he received a letter from you that said, on page 1, that whatever funding was being referred to in the letter was to be on a multi-year basis but, that on page 2 of the same letter, requirements were made to be met annually. In the opinion of himself and others in his office the two points were diametrically contradictory within the same letter.

Mr. RECTOR. I know about the letter. I know that the multiyear criteria we applied are identical to the criteria LEAA applies. I do not understand what that problem is. I will have to check. I do not know of any inconsistency between what we have asked for relative to the multiyear approval and what the agency has asked for. Ironically, I do know that behind all the bragging that is going on about the mulityear plan approval is far more than meets the eye. It applies to LEAA across the board. This is not just something our office did. This was adopted ostensibly to cut some of the red-tape so people would not have to waste time with unnecessary shuffling of papers It should allow them to be out in the field and providing technical assistance.

If you look at what has happened on an interim basis, there is a whole lot more required than is purported. We thought it was an improvement, but we are not satisfied that it is anywhere near ideal. I am surprised to hear it. I do not know why there is a problem with it. We were pleased about being able to do something other than going through those 1000-page documents every year. I think that is a total waste of time.

Mr. ANDREWS. Do you happen to have a copy of the letter to which you referred?

Mr. QUINN. I do not have that but I have a letter from Mr. Denny Weller to Mr. Rector dated December 19, where he discussed in detail the application I spoke of being rejected after having been solicited by the Regional office.

I am quite surprised at a number of his answers today.

Mr. RECTOR. That is on the Denver project.

Mr. ANDREWS. You are talking about the waiving of the 100,000 population requirement?

Mr. QUINN. With the one page saying one thing and the next page saying another, I could do nothing. I do not have that with me.

The problem is that Mr. Rector's letter is useless. It does not solve any paperwork problems.

Mr. ANDREWS. It seems like he is saying in spite of the fact that he adopted an LEAA method, it is not his, and the LEAA method provides for multiyear funding but makes the requirement that certain annual reports are submitted.

Mr. QUINN. I guess John thinks he did that.

Mr. ANDREWS. It is not necessarily inconsistent that you can have multi-year funding but annual requirements as to certain portions of it.

Mr. QUINN. On paper that is true. But what he requires is exactly what had been required every year. So if that letter stays intact, we will not have multi-year studies. The plan used to be 1,700 pages. This year's plan is 290. So you have apparent change when in fact in the line agency there is no change at all.

Mr. RECTOR. I will submit every piece of correspondence I can get on the Denver project. I did not recall the name of the person but our Mr. Weller is the person.

On the point of project New Pride and the distinction I was making between Parts C and E and juvenile justice funds, I know of meritorious projects under LEAA. That was not the point I was trying to make. We found New Pride to be very meritorious. It was money first supported by LEAA in an earlier year. We are going to replicate that with juvenile justice monies. I was not saying there are not good projects with C and E funds around the country. I was referring to the issue of fund flow and the issues raised by our appropriations committees as to why we are spending C and E, rather than juvenile justice money. That is what I was talking about.

Mr. RALEY. When Congressman Andrews asked what was bad about having Parts C and E money in OJJDP, didn't you respond that one of the things bad was that the policies conflicted and one of the things you were upset about was the fact that C & E guidelines only allowed you to work with juveniles inside the juvenile justice system? Yet, we are hearing the Law Enforcement Assistance Administration provisions would not involve kids from the juvenile justice system and that was contrary to what you said this morning.

Mr. RECTOR. We can provide more involvement for the private nonprofit sector through the use of juvenile justice monies, as we have done in the restitution initiative. We can pass through without a match a minimum of 30 percent of the dollar to private nonprofits so they can get involved in community service. They have to be involved—in community service and in compensation and employment programs.

I am not saying that everything under the sun that has ever been done with C and E funds would be bad news. I am saying from our perspective a lot of the good news could be better news.

Mr. RALEY. I was just trying to clarify your answer to Congressman Andrews.

Mr. CAUSEY. Do you have any way of detemining how many dollars that goes through your office eventually reaches kids?

Mr. RECTOR. The anwer is no. As I tried to mention earlier, given the restriction of the OMB circular, given the primitive nature of the bureaucracy, and given a whole host of problems, and given the fact that there are a whole host of SPAs that do not submit report on time—the answer is no. We can barely provide basic information that will give you a hint as to which way things are going. That is one of the problems with the place. It has always been a problem. However, I do not think you can limit that to LEAA money. Go fishing sometime with what they are doing with Title XX money. That is what we are doing with the interagency project. It is no small task.

The answer is no. We are trying to improve that. I understand we cannot request in a mandatory way specific subgrant dollar flow and other kinds of information. Now, the Select Committee on Narcotics, chaired by Congressman Wolff, was concerned about how much LEAA had spent in the drug area. Because of the things I have mentioned, and some more I have not mentioned they cannot tell you. You get it coming and going.

Mr. CAUSEY. I have had several people tell me that they have heard—and this is an estimate—that for every $8 given to the Office, $1 gets to the street. Do you think that is a fair or reasonable estimation?

Mr. RECTOR. I do not know. I would not be surprised. I cannot estimate. If we were operating in a normal fashion the answer would be no. Somebody mentioned ACTION has one staff person per $113,000.

Mr. CAUSEY. $147,000, I believe is the figure.

Mr. RECTOR. Somewhere between $113,000 and $147,000 per person. We have $1.6 million per person. That is related.

Mr. CAUSEY. Is that per person who are physically located in the Office?

Mr. RECTOR. In slots. It is worse if you look at some of the vacancies, the attrition, and the rest of it. We talked about the attrition matter the other day. I know with a turf like this you get a lot of flak no matter what you do. But we should get credit for getting these extra slots. We are trying to fill them as expeditiously as we can. There is a lot of pressure to fill them from within LEAA, from within the Office of Juvenile Justice.

Naturally, the people want to have promotions. They want to go up in the career ladder. They want to get aheaad. They want their work to be rewarded. We have a competitive structure. Under Civil Service, we cannot just say so-and-so is doing very well and they are a grade 12, so a 13 is coming up. They may have proven their ability and they do a day's work for a day's pay. That would be a good reason to give that person a promotion. We cannot do that.

The Civil Service system provides another way of attempting to do that. We have to advertise for the jobs in a competitive way. At the same time we are trying to have outreach with EEO concerns and with all other concerns. You know about the administration's

affirmative action package. At the same time we are trying to do that we are getting all kinds of flak from within because as we bring someone from outside the persons inside lose their ability and options to get promoted.

Let's suppose we filled a GS-13 job with someone who was a 12 in our office. If we did that competitively and there were 12 applicants and that person turned out to be one of——

Mr. CAUSEY. Does the Office or LEAA write the job description and advertisement?

Mr. RECTOR. That is a whole day's hearing in itself. There is a shared responsibility. These entities like Personnel are called support services. I think they are a little on the under side when it comes to support. There is not too well defined role as to who does what. The history has been that they tend to do things in their own time frame. The history of the Office is it has not gotten the kind of priority that it should have. On this point of vacancies, which we hear so much about when the grade 12 in our office becomes a grade 13, what do we have?

In terms of total slots we are nowhere. Now we have a vacant 12. We cannot anticipate the vacancy by advertising for that 12 because that would violate Civil Service as being a preselection because it is a competitive process.

Then where are we? We still have the same options we had before. We have one 12 that is now a 13 and we have to hit the street with an advertisement. Hopefully a job description is in order for the 12. If there is an 11 or 9 waiting back there, it is going to be a similar experience. It is like running on a treadmill. We can get people from within, but your total vacancies are the same. If we bring people from the outside, all hell breaks loose inside.

Mr. RALEY. Is it true that since you have come on last year 12 professional and 8 non-professional employees decided to transfer out of your office?

Mr. RECTOR. That is our best estimate like 12 and 8. I think that is accurate.

Mr. RALEY. In the letter you sent us on June 20, 1978, you said you had 43 individuals on board. It sounds like 20 have left in a 1-year period.

Mr. RECTOR. It was over a period of time. It was not like a mass exodus.

Mr. RALEY. Over a 1-year period of time that is a very high turnover.

Mr. RECTOR. I do not know whether it is high or not. When I asked the main Justice Department personnel office, they said it was a relatively normal rate.

Mr. CAUSEY. It is approximately a 33 percent turnover in one year.

Mr. RECTOR. I guess the positve way of looking at it is that we are all pleased that the folks have found more attractive alternatives.

Mr. ANDREWS. If you have questions, let's address the Chair and be recognized.

Mr. Quinn, I believe you had a question. May I say it is my understanding that we do not have questions of witnesses other than by members or staff people, but I will be glad to hear your question and redirect it to Mr. Rector.

Mr. QUINN. I have two points to make. I brought up New Pride—because I had not planned to speak to that when I came here; now he says he wants to replicate that project when his predecessor did replicate it with central Denver.

The second point I would like to mention is, why, before Mr. Rector took over, could many States get these things done, get letters in and get all that done in a relatively quick time without blaming GAO, SPA, LEAA, their predecessors, their employees, everybody else? Why do we have all these problems?

Why are so many States unhappy, bitter, thinking about withdrawing the program? The kids in school are not getting anything any more. We have to make a decision to get out. I would like to know through you, Mr. Chairman, why have these conditions occurred, and why were they not true a year ago?

Mr. ANDREWS. Would you care to respond?

Mr. RECTOR. That is a whole lot. I could respond in written form to everything that has been mentioned here today. But in general response, nobody who is familiar with the Juvenile Justice Office or familiar with LEAA would characterize the Juvenile Justice Office as having had anything other than a rather rocky road in the first three years of its existence. I think the hearings in the Senate and the House, the assessment by GAO, the deinstitutionalization assessment I gave you this morning, the incredible three years of fund flow problems all speak to the fact things were not well prior to my arrival.

Mr. ANDREWS. Whereas all was not well, nevertheless according to Mr. Quinn up until about a year ago they got relatively prompt responses. I believe he said this morning that while not expedited daily, the normal period for processing responses was within 60 days and maybe LEAA had traditionally required about 90 days to process an application or give an affirmative answer, whereas now it gets no response at all. So what you are saying is, "Well, it is true things are in somewhat of a mess but they were in a mess before I got there."

Mr. RECTOR. I think we have improved it. One basic problem is that the Regions were abolished. That is a problem because there were relationships between SPAs and Regional administrators. That has been abolished. It has been a very difficult period for everybody in the process. In the interim, our office took over responsibilities for the whole shooting works with regard to criminal justice. We are understaffed. In many areas there is a shortfall. The best thing I can say—I will ask our comptroller to provide for the record a comparison on the time frame of getting things done, and the rest of it.

Mr. ANDREWS. That would be a waste of time. What the man wants is an answer. To show us a relative comparison——

Mr. RECTOR. I do not know the answer, Mr. Chairman.

Mr. ANDREWS. Who would he get to find out who he can go to to get his project funded if he cannot get an answer from you?

Mr. RECTOR. He can go to me.

Mr. ANDREWS. He just did. He just asked the question. Can you tell him anything about this central Denver project?

Mr. RECTOR. I cannot tell any more than a few minutes ago when I tried to explain that I don't have specifics.

Mr. ANDREWS. He said it was 10 months ago.

Mr. RECTOR. I know there are a lot of wrinkles in it. There was a for-profit aspect in the project.

Mr. ANDREWS. It seems to me that you or somebody would have written him or whoever addressed that inquiry to you, to tell him if you could approve it—am I oversimplifying things too much? I would just think he would get a letter back saying, "we received your letter, we appreciate your interest in cooperating with us, we are not at this moment able to give you an answer, we have three, four, five, six, whatever it is, aspects of your proposal that bother us, they are one, two, three, four."

Mr. RECTOR. I would imagine there is something like that. I do not have it accessible to me right now.

Mr. ANDREWS. He says he just has not heard anything.

Mr. RECTOR. I will compare notes and see if that is the case. I do not know. I would hope that our staff people did something well in excess of doing nothing. He did make reference, I think, to a letter in December. I will provide for the committee every piece of paper that is in our office about that.

I believe that what he is speaking about is one of our diversion grantees. That the Denver project was one of the grants awarded in the fall of 1976. In fact, its predecessor had been Project New Pride. They submitted a budget revision to sort of refocus the project. I do not know whether it was a small revision or a major revision. If it is a major revision, it is not a routine matter. A budget revision could mean adding three new components or wanting to change staff. It could be a significant change.

Mr. ANDREWS. That is another one he spoke about.

Mr. Quinn, did I understand you are now not asking about that one he is talking about but instead one called Central Denver for which you made application?

Mr. QUINN. There were four projects. One was Central Denver, which was funded before Mr. Rector took office.

Mr. ANDREWS. How many projects have you approved since you have been there?

Mr. RECTOR. Total projects? I have no idea. We have hundreds, probably thousands of projects. There is no way I can respond to a question about a specific project without any notice—there is no way. There are literally thousands of projects in our whole system. I know Jim Gregg, the acting administrator, was asked in an Appropriations Committee hearing about a particular project in Texas that Mr. Slack had a special concern about. He said on that day there were 6300 LEAA projects. I know we do not have that many but we have at least 20 percent of that and some more. I really do not know. We can provide that kind of information, both the projects that are funded through formula grants, the projects funded through the Institute, and through the special emphasis.

Mr. ANDREWS. When a project application comes in, such as this one he has identified by name, what do you do with that application?

Mr. RECTOR. His program had already received an award.

Mr. ANDREWS. I think that is Central Denver. Let's take Larimer County—a new one. I am not speaking of that one in particular, just

some application comes in. Doesn't somebody get assigned by alphabet or something?

Mr. RECTOR. At least since last summer. As I indicated, last July when I arrived there was no system in the Office even to acknowledge correspondence. The courtesy letter that you mention, that I am very familiar with, having been employed in a circle where it was important, did not exist.

We had set up a procedure like that. If the case is as Mr. Quinn described it, there obviously are some gaps in the system.

Mr. ANDREWS. If the Office, and I don't want to say you, but whoever up there, if you all were in private business, if you were trying to sell the products of General Motors the way you are running this program, you would be broke and out of business in 60 days. Instead of being 11 staff positions short, and having an attrition of 30 percent, it would be 100 percent.

Mr. RECTOR. I agree. When I went to the first OMB examination, the statement was made that if special emphasis was a human being, it would be dead. I agreed with that. That is why I said in my statement today that we are cautiously optimistic that we can make a difference. We are working toward it. I hope I can report to you in September that the only real problem we have is that we have all kinds of bonafide applications and not enough money.

Mr. ANDREWS. I don't know what any of us can do about it. I don't want to be overly presumptuous, terribly dictatorial, or hateful to anybody, but I swear, when you get problems that seem to virtually paralyze the Office because you have, allegedly, holdovers who disagree philosophically, don't move, or something, I wish you would let me know and give me the names of the people. I would like to talk to them. There is something bad wrong here.

When that application comes in, anywhere else I know in the world, except the Federal Government, it would go to somebody's desk and that somebody, if I were running it, would have on my desk within a reasonable time—I should think within two days or so—a copy of the letter. There would be a file established, the application would go in it along with a copy of the letter acknowledging receipt of it, and then within some period of a few weeks or so, there would be a follow-up letter, saying "We are having problems or we can't grant it at this point; we just want to give you an interim report. The following things are bothering us, and here they are, identified. If you would like to submit further application to help us make our determination, these are the three problem areas. We want you to know that. Would you like to submit further evidence in support of the fact that we should side favorably with you as expected?"

At least then the people would know something was going on. They would not have to say 10 months later that they could get any response. They would just go to Ford or Chrysler. Unfortunately, here they don't have any place to go. It is a government monopoly.

Mr. RECTOR. I agree. I get phone calls from people who say, "John, what in heaven's sake is a suspension?" Obviously, that tells me that somebody got a letter in the mail that told them they had been suspended and that no phone call preceded that. There is no

explanation of any significance in the letter to explain what that means.

You can imagine what the impact is on someone who has an application in the works and has made steps in reliance on knowing something is going to be funded. I get calls like that frequently. I find out it happened because people were busy. These folks are busy folks. That is another problem. But they crank out a form letter, and they are not always as sensitive as the kind of sensitivity that you describe.

I don't know why. We are working on trying to improve it so there is better rapport about issues like that. All it takes is a phone call to say we need a couple of extra days or there is a wrinkle in this application. We are at the 89th day and we have a 90-day cycle; we are going to need five more days. So you will get something in the mail saying suspension, but don't worry. There is a little fiscal wrinkle and the grant will be awarded in a week. That is easy.

Mr. Chairman, you mentioned holdovers. In our office that concept really isn't applicable. The only persons in our office who are new, in the sense of coming in with the administration, are myself and Mr. Jim Shine, who is here today. I was interested in the Governor's comments. Of course, we have been working closely with the Governor. Mr. Shine is a program person who comes right from the street. He has a track record of involving probably more people and more citizens in the kinds of programs we are talking about than most people in the country.

I am very sensitive to the need to have folks involved very closely. I agree that a Hill-type like myself, even though I have a criminology and program background, just isn't enough. We are a good complement, I think. That was one of the more attractive aspects about Mr. Shine's record and his experience.

He has been onboard for several months, and has already made a real pragmatic, non-jargon kind of contribution to cut through some of that what others might call B.S.

Mr. ANDREWS. Who caused the extinction of the Regional offices? Did you determine that should be done?

Mr. RECTOR. I was in a Senate hearing on my confirmation about one year ago, and I think I heard it on the news. Those who participated in that process included former Deputy Attorney General Flaherty. I was not involved in the primary decision-making. It was at the level of either the Attorney General and/or Deputy Flaherty.

Mr. ANDREWS. I assume those offices serve more programs than just LEAA.

Mr. RECTOR. Those were the LEAA Regional offices, like you have in HEW and HUD. The other Regional offices are still out there. We don't have a Regional office.

You have a double-edged sword. Some people argue that the Regional offices provided an additional level of bureaucracy. Other people argue that they helped to facilitate the process on this question of red tape. In fact, one of our staff persons is over at the White House this morning participating in an ongoing effort of trying to make more uniform the application process in all the ways in which States and localities get money.

I don't want people to get the impression that we are not trying to work on that. Working on it and accomplishing it are two different things. We are hammering away on trying to streamline things.

I want more of my people out there doing site visits and providing technical assistance. Mr. Quinn raised a question about technical assistance. My recollection is that Colorado submitted somewhere between 16 and 17 items to us for which they wanted some help—technical assistance. My recollection is that on the issue of deinstitutionalization, where they are having difficulty, that it was not among the 16 or 17 requests that were submitted. He would know better than I, but I think that is the case.

Mr. ANDREWS. Let me ask you, just fishing around now, I wouldn't know as to whether you really got your manpower and money out of the Regional offices. I don't know that much about it, but in the absence of Regional offices, would it not be wise for you to regionalize your own office. While not formally having a Regional office, couldn't you just more informally, and much cheaper, without having physical space and all, just divide the country into X-numbers of regions, four, six, whatever would seem plausible, and then have someone in your office assigned as an assistant to you to be in charge of the Mid Atlantic region, or in Governor Hunt's case, the South Atlantic region, to the end that you could get to a point that you obviously need to get to. I won't use my office as an example, but I don't think he would care, so let me just use Congressman Jones from North Carolina. I happen to know a little something there.

He has an administrative assistant, Mr. Floyd Lupton. Mr. Jones spends a lot of his time at lunches and dinners and testifying before committees just as you do, so that he can't have, as you can't a knowledge off the top of his head of a thousand programs and how much money went where. But Mr. Lupton can, because he just stays in the office with the nuts and bolts of program after program. Maybe you have so many that Mr. Lupton couldn't even do that.

But if that is the case, then couldn't you have four Mr. Luptons, one for each region of the country, so you have somebody in the office who is not meeting with the Attorney General or interviewing applicants for jobs, or testifying? I can appreciate something of your problem. You are spread so thin you cannot get very deep in to anything. I am sure that is frustrating to you because I think you want to do a good job, and you acknowledge you are really not doing a good job. That is the way I take it.

Mr. RECTOR. That is right.

Mr. ANDREWS. I am not saying that is your fault. Probably you are spread too thin. But wouldn't it be, if you could have, say, four people in your office and try to spare them these time-consuming other problems, and just say you are essentially—they would want a bigger title than that—a case worker for these six States? I want you to monitor and keep up so that somebody here can answer the letters and answer the phone calls and know something about each program, each project, each application—at least within that number of States.

Wouldn't that be a big help to you and help your rapport with these people?

Mr. RECTOR. I hate to tell you, but we already have that.

Mr. ANDREWS. You do?

Mr. RECTOR. It is obviously not working the way it should. We do have within our formula grants program at least, and also, more recently, within the special emphasis discretionary area, persons assigned to regions of the country. There is a person assigned to a number of States, including your State. That individual is responsible for keeping in touch with officials in the State, responsible for keeping us apprised——

Mr. ANDREWS. Let me tell you, since you said that, let me refer to a part of Governor Hunt's testimony that he did not read. He says, for instance, "North Carolina's application to participate in the JJDPA was sent to Washington at the end of December, and we didn't receive word of our acceptance until two weeks ago, six months later."

So somebody just isn't keeping up.

Mr. RECTOR. There were a number of steps, Mr. Chairman, in between discussions. We have been working closely with Barbara for example. I, in fact, had a conversation with the Governor and his staff in mid-May, around May 19. Prior to that, it wasn't like everything was perfect with the submission, so——

Mr. ANDREWS. I can imagine you were trying to get it so you could approve it.

Mr. RECTOR. I wanted to get it approved, obviously, for when we made the visit to the State. That would have been entirely appropriate.

I am responsible for the whole Office. We should have done it in better time than we did. We are trying to improve that.

We do have persons assigned, and those people are busy; some work harder than others.

Mr. ANDREWS. Well, I hope this hasn't been just another wasted day taken away from what you should be doing.

Mr. RECTOR. I think it has been a very helpful day.

Mr. ANDREWS. I hope you don't leave thinking you just came up here. I don't know who is right and wrong and all these things, but I kind of like your candor about it.

Mr. RECTOR. A lot of folks don't like that.

Mr. ANDREWS. Well, I think that is just realism.

Mr. RECTOR. It is related to a lot of the flak, as I view it, that I am experiencing. Then Mr. Quinn makes reference to some of the rough spots with LEAA, and I don't know exactly what he is talking about. But let me give you an example of the kind of things you are talking about.

We were in a monthly managers' meeting two months ago, a meeting where all the LEAA managers talk about problems and try to formulate some solutions. We spent an hour and a half discussing whether or not it would be appropriate to post in the hallways of our building regulations about personnel matters that the Department of Justice in 1976 required the agency to post.

There was a concern among some of the managers that the employees might react negatively, and thus we maybe shouldn't post him. The kind of thing I said in that meeting was, "Listen, folks, if you are going to check your spine at the front door every

morning, don't bitch about the day-to-day problems." That is the kind of thing I have been saying. It doesn't make me popular. I didn't go there to get popular.

But we don't have rough spots all the way around. I have a good working relationship with Bob Grimes, with the Office of Criminal Justice Programs. We have a good relationship with the Office of Community Anti-Crime. We are implementing section 527 that gives us policy direction, working in conjunction with other offices. I am working as a member of the Task Force on correctional Standards with the Attorney General. We have made some headway in that area. The draft standards the Attorney General released last Friday and Saturday are a landmark. They need improvement. He has published them for comments.

In an interagency way across-the-board in the department, we are similarly working on other interagency efforts. Mr. Quinn made reference—I don't know why he had it on his mind—to the fact that at the recent first step in the budget process, I was not in attendance. He probably doesn't know I talked to Mr. Civiletti and others, and had a bona fide reason as to why I was not in attendance. It was because I was out on the street in Vermont, with Governor Snelling, a courageous Governor, committed to the JD Act. Bob Taggert and I were up there in the State, committing the Carter administration to major change in Vermont regarding the way they handle serious offenders and status offenders.

It is accurate that I wasn't at the budget process, but it wasn't of any significance.

It has been a good day and helpful. We can submit a whole ton of stuff to you.

Mr. ANDREWS. That is part of the problem. People spend more time preparing tons of written matter. You need to get on with your work. So other than whatever commitment you have made to Mr. Causey or Mr. Raley, don't take all that time. Get on with your work.

Maybe there are too many—I frequently think there are too many—places, too many boards——

Mr. RECTOR. I think there are too many reports and regulations.

Mr. ANDREWS. That is one reason. Incidentally, the commentator on that ABC program made that statement just as a matter of fact—he didn't ask us if it were true—but he asked if those of us interviewed could explain why only one dollar in eight reached the kids on the street. I didn't know whether it was true or not. I don't know where he got the information. But it is too small a figure. We all know that.

One of the reasons I suspect is that Congress, like so many others, wants all this information, reports, and etc. I expect you spend a disproportionate amount of time trying to comply with the Senate and House and committees, and interrogatories and national conferences, and I can imagine all of that can be overdone.

Mr. RECTOR. We would certainly respond favorably to any suggestions to eliminate reports or regulations, that you would nominate.

Mr. ANDREWS. Well, I notice some things that upset some people don't necessarily upset me. For instance, they ask how much money went into something; you are saying you don't have the exact

breakdown. It would be desirable to have it. But I don't know that that is of the essence. That is more reporting, and then trying to categorize it by State, by programs—by this and that.

In the act, itself, you have to preface most things by projects: this is special emphasis money; this is C&E money. Is there too much of that to have to jockey with? There are about three Federal programs, is that right, that really attempt to deal with youth——

Mr. RECTOR. There are other projects: Bob Taggert's project at Labor; Larry Dye's office: nutrition programs at Agriculture; everybody has a little something tucked away.

Mr. ANDREWS. I mean specifically, are there not about three? Two in LEAA and one in HEW that specifically deal with juvenile delinquents?

Mr. RECTOR. No, they are specific. NIH has a crime and delinquency unit, and Larry Dye has a unit. Title I of the Elementary and Secondary Education Act has $40 million or $50 million that goes into institutions. So there are more than three at HEW that are deliquency-specific.

Mr. ANDREWS. Several?

Mr. RECTOR. Yes.

I think the problem is also a result of action by the executive branch. They certainly have made that contribution.

Mr. ANDREWS. To whatever extent there is something Congress should be doing we are not, I would welcome any telephone conversation to that effect. I love criticism as long as it is constructive. I don't mind giving it or getting it if it is constructive and not personal.

Mr. RECTOR. In January, at the hearing on school violence, I think I spoke favorably of the fact that in the 1977 amendments you didn't require any additional reports, and that you required that existing reports should be more succinct and clear, and that we combine a couple of them. The more of that, the merrier.

Mr. ANDREWS. One more brief word, and I will let you go. We can talk later. But I haven't really, to use a colloquialism, latched on, to the idea of the school violence bill, nor have I determined that we are not going to consider them sort of in abeyance. One of the reasons is what we just were saying. You can get into youth pregnancy and school violence and you just keep identifying some people out there who have some problems, and they do. That is not to say there are not arrays of good examples of where perhaps the Congress or the Federal Government should be innovative and move into, but it seems that history sort of repeats itself.

I am afraid that five years from now, we will be sitting here talking about more programs in addition to the six or however many programs we now have, that tend to be duplicative and overlapping with certain monies in one or the other category, and people in the field not knowing which is which. I wonder if we are trying to identify and put some money out here with respect to school violence, or youthful, unwed, pregnant females, when, if it is to be done at all, perhaps it should be made somewhat of an adjunct of some existing agency, rather than just putting a little money here and a little there—all intended to help.

We are talking about young people in all of these instances, and school violence and pregnancy would just be two more aspects of the problems of the young people we are attempting to reach.

It might be good or might not, but I wonder if it shouldn't be tried in an effort to limit the multiplicity of agencies and people who are attempting to deal with essentially the same group of people.

Mr. RECTOR. I agree. I know the J.D. Act and some of the history that preceded it, in 1972 and 1973. A lot of persons expressed views similar to yours. The original office was to be placed in the White House, so there would be a whip-cracking budget organization. That didn't work, either.

Bill, Gordon, and I were talking the other day, about an entity or organization where all youth programs could be coalesced. That would make some kind of sense. Then we would have one set of guidelines, it would be clear what the direction was. People around the country would know where they should be making contact. That has all kinds of merit.

I think Bob Taggert and Larry Dye and other people around the agencies—I certainly can't speak on behalf of the administration now about such a matter—do seem very supportive of at least exploring the idea. It is a lot of turf, like I said at the beginning. I am not a turf person. I am a short-termer.

Mr. ANDREWS. That is good to quit on, I suppose.

I thank all of you for your continued interest.

[Whereupon, at 5:25 p.m., the subcommittee adjourned, to reconvene upon the call of the Chair.]

[Appendix material follows:]

APPENDIX

MAJORITY MEMBERS:
IKE ANDREWS, N.C., CHAIRMAN
AUGUSTUS F. HAWKINS, CALIF.
WILLIAM D. FORD, MICH.
BALTASAR CORRADA, P.R.
CARL D. PERKINS, KY., EX OFFICIO

225-1556

MINORITY MEMBERS:
WILLIAM F. GOODLING, PENN.
ALBERT H. QUIE, MINN., EX OFFICIO

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
COMMITTEE ON EDUCATION AND LABOR
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY
ROOM 320, CANNON HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515

May 24, 1978

Mr. John Rector
Administrator
Office of Juvenile Justice
and Delinquency Prevention
Law Enforcement Assistance
Administration
633 Indiana Avenue, N.W.
Washington, D.C. 20531

Dear John:

As you know, the Subcommittee on Economic Opportunity has scheduled a hearing for June 27, 1978, on the administration of the Juvenile Justice and Delinquency Prevention Act, as amended. In preparation for the hearing, this letter is for the purpose of requesting certain information to enhance the quality of the hearing.

For the sake of clarity, I will simply number the items or requests:

1. Could you provide a description of the Office's staff organization (an organization chart will suffice), with the existing number of staff positions available to the Office and a listing of vacancies by position?

2. Could you provide a copy of the last annual report submitted by the Administrator pursuant to Section 204(b)(5)? What were the expenditures for the Office for FY 1977 by category (i.e., block grant assistance, special emphasis assistance, concentration of Federal effort, etc.?

3. Section 204(b)(6) authorizes the Administrator of LEAA, with your assistance, to provide technical assistance to various groups. Could you provide a listing of all technical assistance contracts entered into by the Office from FY 1977 to the present with the amount, contractor, and purpose of the contract specified?

4. Section 204(i)(1) requires that the Administrator of LEAA require each Federal agency which administers a Federal juvenile delinquency program to submit annually to the Council a juvenile delinquency development statement. Could you provide the FY 1977 or most recent development statements by agency and date of submission?

5. Section 206(c) provides that the Coordinating Council on Juvenile Justice and Delinquency Prevention make recommendations at least annually to the Attorney General and the President. Could you provide the Subcommittee with the FY 1977 or most recent recommendations of the Council with their date of submission?

6. Section 206(d) requires that the Council meet at least 4 times a year (6 times a year prior to FY 1978). List the dates, location, and meeting topic for each Council meeting in FY 1977 and FY 1978. How much money has been obligated and expended for Council operation since that date?

7. Please list the names of all National Advisory Committee (NAC) members. Which members are full-time employees of Federal, State, or local governments? Which members had not attained 26 years of age at the time of their appointment and what were their ages? How many of those youth members have been or are currently under the jurisdiction of the juvenile justice system?

8. Section 208(a) requires the NAC to meet not less than 4 times a year (6 times prior to FY 1978). List the dates, location, and meeting topic for each NAC meeting in FY 1977 and FY 1978.

9. Section 208(b) requires that recommendations be made annually by the NAC. Could you provide the Subcommittee with the most recent recommendations and their date of submission?

10. What staff and other such support was requested by the Chairman of NAC for FY 1978 pursuant to Section 208(f)? What staff and other such support have you provided as required by Section 208(g)?

11. What States currently participate in Juvenile Justice Act, Part B, Formula Grant activities? Has any State had its plan turned down and, if so, under what circumstances?

Mr. John Rector
Page Three

May 24, 1978

12. What amounts of Federal money have been apportioned among each of the existing special emphasis areas identified in Section 224 since FY 1975? Could you provide the Subcommittee with a list of each special emphasis grant awarded for FY 1977 and FY 1978 with grant title, grant award, and grantee?

13. Briefly describe the activities of the National Institute for Juvenile Justice and Delinquency Prevention in regard to the information, research, and training functions specified in Sections 242, 243, and 244.

14. Section 246 requires that an annual report on Institute activities be submitted to you prior to September 30 of each year. Could you provide the Subcommittee with a copy of the report due September 30, 1977?

15. Could you detail the obligations and expenditures of OJJDP funds for FY 1976, FY 1977, and FY 1978? Of all funds appropriated for OJJDP in FY 1977, what percent has been obligated and what percent expended?

16. What problems have you encountered since assuming the position of Administrator of the Office of Juvenile Justice and Delinquency Prevention? What are your goals and plans for future program development? What can Congress do to help?

While I apologize for the length of the requests made in this letter, I am sure you can understand that it is necessary for the Subcommittee to obtain, before the hearings, accurate and complete information regarding the function and direction of the Office so that a thorough and useful review can be made.

I look forward to your response.

Sincerely,

Bill

William F. Causey
Counsel

GRWC:ps

32-505 O - 78 - 15

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION
WASHINGTON, D.C. 20531

JUN 20 1978

Honorable Ike Andrews
Chairman, Subcommittee on
Economic Opportunity
Committee on Education and Labor
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

We are pleased to have the opportunity to respond to questions regarding the Office of Juvenile Justice and Delinquency Prevention in preparation for the June 27, 1978, Education and Labor Committee Hearing. Attached are our responses which follow a reiteration of your questions.

I trust this information will be useful to your deliberations.

With warm regards,

John M. Rector

John M. Rector
Administrator
Office of Juvenile Justice
and Delinquency Prevention

Enclosures

Question:

1. Could you provide a description of the Office's staff organization (an organization chart will suffice), with the existing number of staff positions available to the Office and a listing of vacancies by position?

Answer:

1.

Attached are various charts reflecting past and current personnel allocations and vacancies within the Office of Juvenile Justice and Delinquency Prevention. As you can discern, we have made substantial progress both in acquiring new positions and in filling positions. In the past year OJJDP has experienced significant change, uncertainty and frustration. Not only was the authorizing Act under reconsideration but, as you know, Congress delayed passage of the bill extending OJJDP until the eleventh hour. Thus, it was difficult if not nearly impossible to appropriately develop the FY 1978 program plan or strategically allocate FY 1977 appropriations. Similarly, unsettling were the Subcommittee Oversight Hearings on OJJDP activities conducted less than three months after my confirmation, before the 1977 Amendments to the Act had been signed and in fact contemporaneously with Congressional passage and during the final week of our fiscal year. Another factor was the partial LEAA reorganization during this period, including the abolishment of its Regional Offices which resulted in extraordinary burdens on personnel support services as well as our affected employees who relocated or found other employment during the period July-September. To enable us to respond more precisely to our Congressional mandate and to provide sorely needed, long overdue management and policy direction, I reorganized OJJDP. In fact, this heavily encumbered complicated process has only recently been finalized. We are quite pleased with what we have achieved. We are now in a better position to direct and manage the program as intended. Incidentally, a short-term workload study, soon to be completed, will hopefully provide us with additional insights and tools to help facilitate better management.

Of importance, likewise, is that 12 professional and 8 other staffers have resigned/transferred during this period.

This process within the bureaucracy is a time-consuming one, but we are now in a better position to direct and manage the program as intended. As indicated on the current organizational chart, the filling of vacancies is proceeding steadily and I expect to have the majority of positions filled between now and the first part of August.

OFFICE - OJJDP As of:	Cong. Auth*	FULL-TIME PERMANENT				PART-TIME PERMANENT				TEMPORARY			
		Allocation	On Board	Pending	Difference	Allocation	On Board	Pending	Difference	Allocation	On Board	Pending	Difference
10/28/75		35	13	12	-10	7	8	0	+1	0		0	0
10/27/76		34	28	5	-1	7	10	3	+6	2	2	0	0
3/2/77		38	30	7	-1	5	2	3	0	2	8	0	+6
5/25/77		41	33	6	-2	5	4	1	0	2	7	2	+7
7/6/77		48	34	1	-13	5	3	0	-2	2	6	1	+5
8/3/77	61	52	33	1	-18	5	3	0	-2	2	5	1	+4
10/28/77	61	61	41	4	-16	5	2	2	-1	2	3	2	+3
4/26/78	61	61	46	4	-11	5	2	2	-1	2	1	0	-1
5/30/78	61	61	43	14	-4	5	2	2	-1	2	1	0	-1

[illegible] POSITION ALLOCATION

	Authorized (6/77)			Vacant (6/77)				Authorized (5/78)			Vacant (5/78)		
	PFT	PPT	Temp	PFT	PPT	Temp		PFT	PPT	Temp	PFT	PPT	Temp
OAA	8	0	0	1	0	0		9*	0	0	2	0	0
SE	11	3	1	3	1	0		12	1	0	2	1	0
FGTA	4	0	1	0	0	1		15	2	1	2	0	1
CFE	2	0	2	0	0	2	(PP&CS)	10**	2	0	6	2	0
NIJJDP	16	2	3	6	1	0		15	0	1	6	0	1
Totals	41	5	7	10	2	3		61	5	2	18	3	2

*Includes Deputy Associate Administrator, Office of Programs and Secretary.

**Reorganization of Office established Policy, Planning and Coordination Staff which includes Concentration of Federal Effort activities.

PFT = Permanent Full Time
PPT = Permanent Part Time

May 30, 1978

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Office of the Administrator

Rector, J.	Administrator	EX-5	
Shine, J.	Exec. Asst.&Spec.Coun.	GS-15	
Vacant	Atty-Advisor	GS-14	(P)
Trethric, M.	Admin. Officer	GS-11	
Watson, B.	Staff Assistant	GS-8	
Taylor, L.	Clerk-Steno	GS-5	
Dana, M.	Asst. Exec. Secy.	(IPA)	
Nader, F.	JJ Program Manager	(IPA)*	

Policy, Planning & Coordination Staff

Doyle, W.	Director (Acting)	GS-15	
Vacant	Secretary (Typ)	GS-5/6	(P)

Management and Planning Branch

Miller, R.	Suprv.Program Plan.Analyst	GS-14	
Vacant	Program Planning Analyst	GS-12/13	(P)
Vacant	Program Planning Analyst	GS-11/12	(P)
Vacant	Program Assistant	GS-7/9	(P)
Whitlock,L.	Clerk-Typist	GS-3	(P)

Policy Analysis and Coordination Branch

Vacant	Suprv.Program Plan. Analyst	GS-14
Riddick, M.	Program Planning Analyst	GS-13
Wolfle, J.	Program Planning Analyst	GS-12
Vacant	Program Planning Analyst	GS-11/12
Vacant	Clerk (Typing)	GS-4/5 (PP

(P) = Pending indicates action being taken by Personnel Division. This includes positions currently being advertised and finalizing of position descriptions prior to advertising.

*This IPA is not counted against authorized position ceiling.

Office of Programs

Vacant	Deputy Assoc.Admin.	GS-16
Carr, R.	Secretary	GS-9 (I.O.)

Special Emphasis Division

Martin, E.	Director	GS-15
Roy, C.	Staff Asst.	GS-6
Wallach, E.	Prog. Asst.	GS-9
McKinney, V.	Dep. Director	GS-14

Miller, M.	Juv.Jus.Spec.	GS-13	
Dorn, R.	Juv.Jus.Spec.	GS-13	
Dodge, D.	Juv.Jus.Spec.	GS-13	
Jackson, C.	Juv.Jus.Spec.	GS-13	
Kemble, K.	Juv. Jus.Spec.	GS-12	
Diaz, M.	Juv.Jus.Spec.	GS-12	
Vacant	Juv.Jus.Spec.	GS-11/12	(P)
Vacant	Clerk-Steno	GS-4	(P)
Vacant	Clerk-Typist	GS-3/4 (PPT	(P)

Formula Grants & Technical Assistance Div.

West, D.	Director	GS-15
Holbert, D.	Clerk (Typing)	GS-5

Formula Grants Branch

Hamm, C.	Sup.JJ Prog.Spec.	GS-14	
Cain, T.	Juv.Jus.Spec.	GS-13	
Porpotage,F.	Juv.Jus.Spec.	GS-13	
Vacant	Juv.Jus.Spec.	GS-11/12	(P)
Donahue, T.	Juv.Jus.Spec.	GS-12	
Sutton, R.	Juv.Jus.Spec.	GS-12	
Robinson, R.	Clerk-Typist	GS-4	
Vacant	Clerk (Typing)	GS-4/5 (T)	

Program Development & Support Branch

Vacant	Sup.JJ Prog.Spec.	GS-14
Modzeleski,W.	Juv.Jus.Spec.(Policy)	GS-13
Kujawski,N.	Juv.Jus.Spec.(Spec.Pro)	GS-13
Gould, J.	Juv.Jus.Spec.(TA)	GS-13
Wood, D.	Juv.Jus.Spec.(Monit)	GS-13
Landen, K.	Juv.Jus.Spec.	GS-11
Thompson,G.	Clerk (Typing)	GS-5 (PPT)
Shelton, S.	Clerk-Typist	GS-3 (PPT)

National Institute of Juvenile Justice and Delinquency Prevention

Howell, J.	Dep.Assoc.Admin.	GS-14
Weston, M.	Secretary (Steno)	GS-6
Vacant	Clerk-Typist	GS-4/5 (T)

Standards Program

VanDuizend, R.	Gen.Atty.(Res)	GS-13
Allen-Hagen, B.	Soc.Sci.Pro.Spec.	GS-12
Vacant	Clerk-Typist	GS-3/4

Research & Program Development Div.

Vacant	Director	GS-13/14	(P)
Modley, P.	Soc.Sci.Prg.Spec.	GS-13	
Swain, P.	Soc.Sci.Prg.Spec.	GS-12	
Vacant	Soc.Sci.Prg.Spec.	GS-11/12	(P)
Vacant	Soc.Sci.Prg.Spec.	GS-11/12	(P)
Brown, D.	Clerk-Typist	GS-4	

Training & Dissemination Div.

Vacant	Director	GS-13	(P)
Vacant	Soc.Sci.Prg.Spec.	GS-11/12	(P)
Landon, M.	Staff Asst.	GS-7	
Rogers, M.	Clerk (Typing)	GS-5	

Question:

2. Could you provide a copy of the last annual report submitted by the Administrator pursuant to Section 204(b)(5)? What were the expenditures for the Office for FY 1977 by category (i.e., block grant assistance, special emphasis assistance, concentration of Federal effort, etc.?

Answer:

2. FY 1977 OJJDP Outlays

Formula	$7,600,000
*Special Emphasis	9,000,000
Institute	2,950,000
Concentration of Federal Effort	400,000
Total	19,950,000

* Includes Technical Assistance

The last report submitted pursuant to Section 204(b)(5) is attached.

3. Question:

Section 204(b)(6) authorizes the Administrator of LEAA, with your assistance, to provide technical assistance to various groups. Could you provide a listing of all technical assistance contracts entered into by the Office from FY 1977 to the present with the amount, contractor, and purpose of the contract specified?

3. Answer:

In response to the above question the following information is provided:

1. Contractor: Arthur D. Little, Inc.

   OJJDP Funds awarded: $1.8 Million

   Project Period: January 1977 - January 1979

   Service Provided: The objective of this contract is to provide technical assistance to support the OJJDP Formula Grant program. The TA contractor is responsible for assessing TA needs under the formula grants program; providing TA to state and local governments and public and private agencies to assist them in implementation of the mandates of the Act; managing the provision of technical assistance resources by a range of consultants, including the contractor's own staff; developing a formula grants reporting system; and preparing program strategy papers.

2. Contractor: National Office for Social Responsibility (NOSR)

   OJJDP Funds awarded: $1 Million

   Project Period: November 1976 - November 1978

   Service Provided: NOSR is responsible for providing technical assistance to the Special Emphasis grantees of OJJDP's DSO and diversion programs; managing the provision of technical assistance consultants; provision of technical assistance resources through the contractor's own staff; TA support to relevant and interested organizations other than DSO and diversion grantees; preparation of technical papers and documentation of program models; and exemplary technical assistance provided to grantees.

3. Contractor: Westinghouse National Issues Center

   OJJDP Funds awarded: $1.7 Million

3. Answer: (Cont'd)

Project Period: April 1978 - April 1980

Service Provided: Westinghouse is responsible for providing technical assistance to the Special Emphasis programs in Delinquency Prevention, and the SPA's and RPU's selected formula grantees and other organizations engaged in delinquency prevention. The contractor shall be responsible for managing the provision of technical assistance resources by a range of consultants, including the contractor's own staff, and preparation of technical papers, monographs and program strategy papers.

4. Question:

Section 204 (1)(1) requires that the Administrator of LEAA require each Federal agency which administers a Federal juvenile delinquency program to submit annually to the Council a juvenile delinquency development statement. Could you provide the FY 1977 or most recent development statements by agency and date of submission?

4. Answer:

Section 204 (1)(1) of the Act requires that a juvenile delinquency development statement be submitted to the Administrator based upon a detailed statement of submission procedures that are included as part of the third annual analysis and evaluation of Federal juvenile delinquency programs report. That report will be submitted as required on December 31, 1978, and will contain the required procedures. Development statements will be submitted annually following publication of the submission procedures. Discussion of the development statements has been scheduled as an agenda item for the June 22, 1978, meeting of the Coordinating Council on Juvenile Justice and Delinquency Prevention.

5. Question:

Section 206(c) provides that the Coordinating Council on Juvenile Justice and Delinquency Prevention make recommendations at least annually to the Attorney General and the President. Could you provide the Subcommittee with the FY 1977 or most recent recommendations of the Council with their date of submission?

5. Answer:

Under the previous Administration, members of the Coordinating Council on Juvenile Justice and Delinquency Prevention designated program administrators under their respective direction to work on a continuing basis with the Office to carry out the responsibilities of the Council. This group of approximately 20 officials met during fiscal year 1977 to discuss and make recommendations on the Second Analysis and Evaluation of Federal Juvenile Delinquency Programs submitted to the Congress and President. Their recommendations, published as part of the analysis and evaluation report, were formulated into a set of uniform definitions and a detailed statement of criteria for identifying the characteristics of juvenile delinquency, juvenile delinquency prevention, diversion of youth from the juvenile justice system, and the training, treatment, and rehabilitation of juvenile delinquency.

Question:

6. Section 206(d) requires that the Council meet at least 4 times a year (6 times a year prior to FY 1978). List the dates, location, and meeting topic for each Council meeting in FY 1977 and FY 1978. How much money has been obligated and expended for Council operation since that date?

Answer:

6. The Council met officially on December 8, 1976, in New York City, New York, to discuss youth employment and its relationship to delinquency. In addition, program administrators designated by Council members met as follows to discuss preparation of the analysis and evaluation report:

November 8, 1976	Washington, D.C.
December 9 & 10, 1976	New York, New York
April 29, 1977	Washington, D.C.

With the required approval of then Attorney General Levi and the Council members, the Office hired an Executive Secretary to the Council through an Intergovernmental Personnel Act agreement with the State of California. The term of that agreement was January 1977 through November 1977. Office costs associated with the agreement were approximately $50,000 (salary, benefits, moving and related expenses). Until such time as a new candidate for Executive Secretary is selected and presented to the Council for approval, I have assigned responsibility for coordination activities to my Policy, Planning and Coordination Division staff. In addition, the Office recently awarded a grant in the amount of $299,800 for a major study of public policies that contribute to the institutionalization and deinstitutionalization of status offenders, dependent and neglected children. This effort was developed to support the Coordinating Council in carrying out its responsibility of reviewing the programs and practices of Federal agencies and reporting on the degree to which they are consistent or inconsistent with Sections 223(a)(12) and (13) of the Juvenile Justice Act.

Question:

7. Please list the names of all National Advisory Committee (NAC) members. Which members are full-time employees of Federal, State, or local governments? Which members had not attained 26 years of age at the time of their appointment and what were their ages? How many of those youth members have been or are currently under the jurisdiction of the juvenile justice system?

Answer:

NATIONAL ADVISORY COMMITTEE MEMBERS:

George C. Belitsos of Iowa
Glen Bower of Illinois
Bernadette Chavira of New Mexico
Timothy Scott Davis of Washington, D.C.
Margaret C. Driscoll of Connecticut
Harold P. Goldfield of California
Marion W. Mattingly of Maryland
Michael Olson of Pennsylvania
Lawrence Semski of Mississippi
George Walker Smith of California
Steven Stark of Connecticut
Barbara Sylvester of South Carolina
Diana Tamez of Texas
Genevieve Wilson of Maryland

YOUTH MEMBERS:	AGE AT TIME OF APPOINTMENT
Ms. Chavira	23
Mr. Davis	23
Mr. Goldfield	25
Mr. Olson *	16
Mr. Stark	25
Ms. Tamez	22

FULL-TIME EMPLOYEES OF GOVERNMENT:

Mr. Bower
Judge Driscoll
Judge Semski

* Has been under the jurisdiction of the juvenile justice system.

8. Question:

Section 208(a) requires the NAC to meet not less than 4 times a year (6 times prior to FY 1978.) List the dates, location, and meeting topic for each NAC meeting in FY 1977 and FY 1978.

DATE:	PLACE:	TOPIC(S):
December 8-10, 1976	New York, NY	Youth Employment in Relation to Delinquency
February 16-18, 1977	Atlanta, Georgia	Committee Objectives and Workplan
April 12-14, 1977	Washington, D.C.	Analysis and Evaluation of and Comprehensive Plan for Federal Juvenile Delinquency Programs
November 30-December 2, 1977	Washington, D.C.	Committee Annual Report, State Advisory Group Meeting
February 6-8, 1978	Arlington, Virginia	Planning for State Advisory Group Meeting
March 1-3, 1978	Reston, Virginia	Meeting with State Advisory Groups
July 12-14, 1978	Kansas City, Missouri	Follow-up to State Advisory Group Meeting, State Participation in the Act
August 16-18, 1978	Proposed Sites: Albuquerque, New Mexico New Orleans, Louisiana Sante Fe, New Mexico	To be determined

(Please note, the Committee has been required to meet 4 times per year since the passage of the Act.)

Question:

9. Section 208(b) requires that recommendations be made annually by the NAC. Could you provide the Subcommittee with the most recent recommendations and their date of submission?

Answer:

The most recent annual report of the National Advisory Committee was approved by the members during their meeting of November 30 - December 2, 1977. The report contained the following recommendations to me:

1. Private citizens should be involved in juvenile justice and delinquency prevention policy and program development at the the Federal, State, and local levels.

2. The Office should provide for citizen participation, with special emphasis on youth participation, in juvenile delinquency policy and program development, implementation, and assessment.

3. The Office should develop and support youth advocacy programs to protect the rights of youth and to improve services for youth who come in contact with the juvenile justice system.

4. The Office should place emphasis not only on the role of public youth-serving agencies in preventing, treating, and controlling delinquency, but also on the role of private, nonprofit community and citizen groups.

5. The Office should encourage and support efforts of citizen groups to monitor State and local efforts to implement the provisions of the Juvenile Justice Act, especially with regard to the deinstitutionalization and separation mandates of Sections 233(a)(12) and (13).

6. The Presidentially appointed Administrator of the Office should be delegated all policy, administrative, managerial and operational responsibilities of the Act.

7. All programs concerned with juvenile delinquency and administered by the Law Enforcement Assistance Administration should be administered by or subject to the policy direction of the Administrator of the Office

8. In addition to the funds appropriated under the Juvenile Justice Act, a minimum of 19.15% from other Law Enforcement Assistance Administration program funds should be expended for juvenile delinquency programs.

9. All States should qualify automatically for Juvenile Justice Act planning funds to establish State and local level juvenile justice and delinquency prevention planning and advisory functions.

10. State level juvenile justice and delinquency prevention advisory groups authorized under the Juvenile Justice Act should advise their respective governor and State legislature, as well as the State Planning Agency, regarding juvenile justice delinquency policies and programs.

11. The Administrator of the Office should be authorized to continue granting Juvenile Justice Act funds to a State if the Administrator finds that the State is in substantial compliance with the requirement that the State deinstitutionalize all status offenders within a 2-year period and if the Administrator has an unequivocal commitment from the State that it will achieve full compliance within 5-year period from initial participation in the program. Substantial compliance should be defined as achievement of 75% deinstitutionalization.

12. A 10% cash match for juvenile delinquency programs administered by the Office should be required, but the Administrator of the Office should be permitted to waive matching requirements for private nonprofit organizations and agencies. Further, the Administrator of the Office should have the authority to waive matching requirements for Indian tribes and other aboriginal groups and to waive State liability and to direct Federal action where the State lacks jurisdiction to proceed.

13. Administration of the Runaway Youth Act should be transferred from the Department of Health, Education, and Welfare to the Office.

14. The scope of the Runaway Youth Act should be broadened to include other homeless youth.

15. Statistical reports and documents profiling the children and parents served under Runaway Youth Act programs should not disclose the identity of the individual youth without the consent of individual youth and his or her parent or legal guardian.

16. The Office and other Federal agencies and departments should provide the necessary leadership and resources to implement the Federal policy for the prevention, treatment, and control of juvenile delinquency as stated in the Second Comprehensive Plan for Federal Juvenile Delinquency Programs. Special Emphasis should be placed on the objective of identifying Federal sponsored or assisted activities which are inconsistent with the provisions of the Juvenile Justice Act, with particular regard to the deinstitutionalization of status offenders and dependent and neglected children, separation of juvenile and adult offenders, and diversion of youth to community-based programs.

17. The President and the Attorney General should give high priority to the

work of the Coordinating Council on Juvenile Justice and Delinquency Prevention.

18. A policy of citizen participation in the meetings and activities of the Coordinating Council should continue to be implemented through representation of the Committee on the Coordinating Council.

19. To improve Federal coordination of juvenile delinquency programs, the Office of Management and Budget should be represented on the Coordinating Council.

20. The Coordinating Council should be responsible for providing advice and assistance to the Office in the preparation of the annual analysis and evaluation of Federal juvenile delinquency programs and the development and implementation of the annual comprehensive plan for these programs.

21. The Office, through the Coordinating Council, should insure that all youth employment efforts undertaken by the Department of Labor are consistent with the Federal policy to prevent, treat, and control juvenile delinquency.

22. The comprehensive plan for Federal juvenile delinquency programs should include as a major objective the collection and analysis of comparable baseline data from Federal agencies and departments with responsibilities for juvenile delinquency programs. The data should be used as the foundation of the third analysis and evaluation of Federal juvenile delinquency programs and should relate to such issues as: (a) organization structure; (b) policy formulation; (c) planning procedures and requirements; and (d) program priorities, operations, evaluation requirements, and results.

23. The Office, with the assistance of the Committee and the Coordinating Council, should establish data collection procedures for other Federal departments and agencies to follow in the submission of information that will be of sufficient detail to allow the Office to evaluate the degree to which each Federal juvenile delinquency program conforms with and further Federal juvenile justice and delinquency prevention policies and objectives.

24. The third analysis and evaluation report should distinquish juvenile delinquency programs and expenditures from general youth programs and expenditures. Further, the analysis should indicate whether Federal expenditures are consistent with the provisions of the Juvenile Justice Act, with special attention to the deinstitutionalization and separation mandates.

25. In accordance with the findings of a recent feasibility study sponsored by the Office, an automated juvenile delinquency program information system--particularly a project level system--is judged not to be cost effective and alternative methods for collecting juvenile delinquency

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program information should be developed.

26. The Office should insure that at the Federal level, emphasis is placed on, and appropriate resources applied to, not only delinquency prevention and diversion of youth from the traditional juvenile justice system, but also reduction of serious crimes committed by juveniles.

27. Status offenders should be removed from the jurisdiction of juvenile court. *

28. Each State government should establish an executive office of youth advocate with the responsibility for investigating and reporting misfeasance and malfeasance within the juvenile justice system; inquiring into areas of concern; and, conducting periodic audits of the juvenile service system to ascertain its effectiveness and compliance with established responsibilities.

29. Written grievance procedures should be established for all residential and nonresidential programs serving juveniles, and the juvenile within these programs should have access to an ombudsperson.

30. The destruction of a record pertaining to a juvenile should be mandatory and should not be contingent upon receipt of a request by the subject of that record.

31. Each State and the Federal Government should enact statutes governing the collection, retention, disclosure, sealing, and destruction of records pertaining to juveniles to assure accuracy and security of such records and to protect against the misuse, misinterpretation, and improper dissemination of the information contained in the records.

32. Privacy councils should be established at the State and Federal levels to assist in review of record keeping practices and in enforcement of the statutes and regulations governing records pertaining to juveniles.

33. The Office should determine the legislative authority of other Federal departments and agencies to develop and implement standards relating to juvenile justice and delinquency prevention. Further, other Federal departments and agencies should be asked to identify areas in which their standards and the recommendations of the Committee are not in accord so that any differences may be resolved.

34. Agencies at all levels of government should design procedures to assure that when standards advocating the use of alternatives to incarceration, deinstitutionalization, or other nontraditional techniques are implemented, the cost savings realized will be reallocated to follow the juvenile served by the alternatives.

35. Greater emphasis should be placed on research in the area of delinquency prevention.

36. Juvenile justice and delinquency prevention research and action programs should be better coordinated and designed to complement each other.

37. Regarding the relationship between action and research programs sponsored by the Office, the Institute should participate in, or sponsor directly, three types of research: small scale research and demonstration projects that test new program approaches; evaluation of programs that use alternative intervention approaches; and assessments on case studies of programs that use traditional service approaches.

38. At the direction of the Office, the Department of Health, Education, and Welfare's Interagency Panel on Research and Development on Adolescence should be encouraged to focus specifically on juvenile delinquency.

39. The Institute should continue to support research programs that address the juvenile delinquency research priorities of the Coordinating Council. Further, the Institute should coordinate other Federal agency research activities that address Coordinating Council priorities.

* The National Advisory Committee has since reversed its position and now recommends that status offenders remain under the jurisdiction of the juvenile court.

Question:

10. What staff and other such support was requested by the Chairman of NAC for FY 1978 pursuant to Section 208(f)? What staff and other such support have you provided as required by Section 208(g)?

Answer:

10. On October 31, 1977, I met with the Executive Committee of the National Advisory Committee to discuss staff and other support services to be provided by the Office. As a result of that meeting, the Executive Committee recommended that the current support services contract for the National Advisory Committee be extended and the dollar amount increased to permit the hiring of one more professional staff person and awarding of a subcontract to assist the National Advisory Committee in planning the March 1-3, 1978, meeting of State juvenile justice and delinquency prevention advisory groups. The contract was extended through August 15, 1978, additional staff was hired, and a subcontract was awarded to the National Youth Alternatives Project. To date, the Office has provided a total of over $700,000 in contract support for the National Advisory Committee. In addition, the equivalent of more than four full-time professional and one full-time clerical staff of the Office have been made available.

In a recent meeting with members of the National Advisory Committee, I agreed to provide approximately $225,000 in support for the coming year. I requested and received a report from the National Advisory Committee that outlines their proposal for future staff and other support services. The report is being reviewed and shortly the Office will determine the most effective and expedient means of providing support to the Committee.

11. Question:

What States currently participate in Juvenile Justice Act, Part B, Formula Grant activities? Has any State had its plan turned down and, if so, under what circumstances?

11. Answer:

Of the fifty-six (56) states and territories, currently only seven are not participating in the state formula grant program, under Part B of the Juvenile Justice and Delinquency Prevention Act. Those seven states are:

Nebraska	Oklahoma
Nevada	South Dakota
North Dakota	Utah
Wyoming	

Additionally, the second part of your question, concerns the number of state juvenile justice plans which have been turned down. To date, none of the state juvenile justice plans have been rejected.

Question:

12. What amounts of Federal money have been apportioned among each of the existing special emphasis areas identified in Section 224 since FY 1975? Could you provide the Subcommittee with a list of each special emphasis grant awarded for FY 1977 and FY 1978 with grant title, grant award, and grantee?

Amounts of Federal money apportioned among each of the existing special emphasis areas identified in Section 224 since FY 1975 are as follows:

Deinstitutionalization of Status Offenders	11,871,910
Diversion	8,556,919
Prevention of School Crime	6,000,000
Prevention	6,190,473
Unsolicited Proposals	5,168,906
Restitution FY 78 (Projected)	24,430,122

Special Emphasis award FY 1977 Title/Grantee	award amounted
Fort Peck Prevention Fort Peck Tribal Executive Board Poplar, Mt.	$176,796
Youth Arbitration Center Washington Urban League Washington, D.C	$401,613
Operation Sisters United National Council of Negro Women Washington, D.C.	$375,653
Model Committee Staff Project in Juvenile Justice Legis/50 Englewood, Co.	$666,006
Juvenile Delinquency Prevention Program Nat'l Federation - Settlement Neighborhood New York, NY.	$469,323

Aspira Prevention Aspira of America, Inc. New York, NY.	$518,506
Juvenile Delinquency Prevention Girl's Club of America New York, N.Y.	$304,974
Consortium for Youth United Way of Greater New Haven New Haven, Ct.	$402,951
Positive Youth Development Boston Teen Center Alliance Boston, Mass.	$373,228
Girl's Coalition City of Philadelphia Philadelphia, Pa.	$401,715
Tuskegee Institute Prevention Alabama Dept. of Youth Services Montgomery, Alabama	$431,413
An Alternative to Incarceration Sacramento Reg. Planning Council Sacramento, Ca.	$29,125
Youth Community Coordinator American Public Welfare Assoc. Washington, D.C.	$200,588
Boston Diversion Advocacy Project Mayor's Office on Criminal Justice Boston, Ma.	$960,000
Dallas County Delinquency Prevention Dallas County Dallas, Tx.	$400,350
Chicago Youth Service Alliance Chicago Dept. of Human Services Chicago, Ill.	$500,000
Venice-West Prevention Venice Drug Coalition Venice, Ca.	$500,000

Youth Services to Rural Area Tulare Youth Service Bureau Tulare, Ca	$76,000
Program to Prevent Juvenile Delinquency The Salvation Army Atlanta, Ga.	$450,000

Special Emphasis awards FY 1978

Juvenile Court Advocacy Open Harbor, Inc. Cambridge, Ma.	$117,098
Youth Diversionary Program Opportunities Industrialization Center Providence, R.I.	$72,966
Deinstitutionalization of Status Offenders Pima County Juvenile Court Center Tucson, Arizona	$247,500
An Alternative to Incarceration Tahoe Human Services, Inc. South Lake Tahoe	$46,166
Juvenile Delinquency & Prevention Boy's Club of America New York, N.Y.	$352,784

Question:

13. Briefly describe the activities of the National Institute for Juvenile Justice and Delinquency Prevention in regard to the information, research, and training functions specified in Section 242,243,and 244.

Answer:

In response to question #13 the following descriptive information is provided with regard to activities of juvenile justice institute, pursuant to Sections 242,243, and 244 of the Act:

INFORMATION FUNCTION

Assessment Centers. The four Centers under the Assessment Centers Program are responsible for the collection, assessment and synthesis of research data and program experience, and the preparation of re-reports, on topics of interest to OJJDP. Topics completed and under preparation include:

- Achievement Place: A Behavioral Treatment Approach in a Group Home Setting (DRAFT)
- Alternative Programs for Young Women
- Implications on Self-Report Studies for the Creation and Use of Alternative Programs
- Youth Service Bureau Program
- Juvenile Diversion Programs (Police and Courts)
- Legal issues in pre-adjudicatory diversion of juveniles
- Update on alternatives to secure detention of juveniles

Major, comprehensive reports on:

- The Serious Juvenile Offender
- The Status Offender in the Juvenile Justice System (DRAFT)
- Classification Factors in the Juvenile Justice System

A series of reports including what is known about status offenders from self-report studies (completed); peer relations and delinquency, school violence, media violence, delinquency prevention experiments and others.

Causes and Correlates of Delinquency. The landmark study of delinquency in Illinois was completed in the past year, at the Institute for Juvenile Research in Chicago. This three-year study in Chicago has involved analyzing data collected during 1972 through a statewide Illinois survey of a random sample of over 3,000 youth aged 14-18, and a field study of Illinois communities and social institutions. Delinquency involvement was measured through self-reports from the youths themselves and correlated with such factors as family, peer groups, community, and school influences. The results have shed new light on the nature of delinquency. Among the major findings were the following: 1) contrary to popular conceptions based on arrest data, kids reporting delinquent behavior (other than armed robbery) are nearly as likely to be white as black, just about as likely to be a girl as a boy, as likely to live anywhere in Illinois as in highly urbanized Chicago, just as likely to come from an intact as a broken home; 2) peer group pressure is the single most important factor in determining the presence or absence of delinquent behavior; 3) the community context serves as an important mediating influence in delinquency--particularly in the case of violent conduct; and 4)much of delinquency arises out of youths' response to contradictions or tensions displayed by authority figures in the family, school, and juvenile justice system contexts.

Learning Disabilities. The Learning Disabilities and Juvenile Delinquency Research and Development Program was designed to examine the relationship between learning disabilities and juvenile delinquency. The two major components of this study are: 1) a comparison of the incidence of LD in groups of adjudicated delinquents and officially non-delinquents populations, and 2) an evaluation of a remediation program for adjudicated delinquents. This study is being conducted in three states: Indiana, Maryland, and Arizona. The preliminary results of the incidence study show that sixteen percent of the officially non-delinquent school population are LD compared to thirty-two percent of the delinquent population. However, based on self-report measures of delinquency, it appears that LD and non-LD youth engage in similar amounts of delinquent activity. Thus the relationship between LD and delinquent behavior remains unclear at this time.

Delinquency and Drug Use. This study will provide extensive information on the incidence, distribution, and patterns and styles of drug use and delinquent behavior among a national sample of approximately 2,000 youth aged 11-17. It will also include an examination of the relationship between drug use, including alcohol, and other kinds of delinquent behavior and the variables associated with changes in patterns of drug use and delinquency over time. Particular attention will be paid to the variables or conditions associated with the commencement of drug use, the connection between drug use and delinquency, and developmental sequences of drug use over time.

Clearinghouse. In response to a specific legislative mandate, OJJDP plans to develop its own clearinghouse and dissemination program, which will be coordinated with LEAA's National Criminal Justice Reference Service.

Useful information for a variety of audiences is generated under basic research; program development, evaluation and standards programs. It is the purpose of the clearinghouse to more actively link state and local audiences with sources of information and assistance in order to advance OJJDP's program goals. The statement of work for the clearinghouse is under preparation.

Residential Care Study. The Office is making preparation to support a replication of the landmark 1966 Census of Children Residential Institutions in the United States and territories. This replication will differ from the original census in that it will involve much more comprehensive coverage of residential programs and also examine them in more depth. It will provide a valuable data base for assessing contemporary institutional care for juveniles noting past trends and preparing for measurement of changes in residential care practices in the future.

Information System Development. Our current work in this area consist of three major efforts. The first is maintenance and expansion of the nationwide Juvenile Court Statistical Reporting System, through which information on juvenile court handling of youth is generated. We are now in the process of awarding a new grant for this purpose.

The second effort is this area is the development and implementation of automated information systems for juvenile courts. Under previous grants, a national assessment of such systems was conducted and the requirements of a model system were developed. We are now in the process of awarding a new grant for the purpose of implementing the model system in a single jurisdiction.

The third effort in this area is the implementation of an automated information system in the D.C. Superior Court which combines a court and prosecutor information system. We are currently processing this award.

EVALUATIVE RESEARCH AND RESEARCH AND DEVELOPMENT

Over the past year, several of NIJJDP's basic research projects have produced noteworthy results that have made signficant contributions to our understanding of juvenile delinquency and related factors.

Serious Juvenile Crime. We have undertaken a number of studies focused on serious juvenile crime with particular emphasis on the development and maintenance of delinquent careers.

Two studies have made significant contributions to our understanding of delinquent career patterns as they relate to adult careers in criminality. The first of these is a follow-up study to the landmark Philadelphia research conducted in the early 1960's of almost all males born in that city in 1945.

The follow-up study involved gathering data up to age 30 on the offender careers of a ten percent sample of the original group. Sigificant findings from this effort include the following: about 15 percent of youths in the 10 percent sample were responsible for 80-85 percent of serious crime: and chronic offenders (5 or more police contacts), who made up only 6 percent of the larger group from which the 10 percent sample was drawn, accounted for 51 percent of all offenses among the total sample--including over 60 percent of the personal injury and serious property offenses.

The second of the two major offender career studies is a project currently underway at the University of Iowa, which is assessing the relationship of adult criminal careers to juvenile criminal careers. This project consists of a follow-up study of 1352 juveniles born in 1942, and 2099 juveniles born in 1949, in Racine, Wisconsin. The study is designed to 1) provide information on the nature of urban delinquent careers (including age, race, sex, and other offender characteristics such as seriousness of offense) and their relationship to later adult careers; 2) determine the extent to which various alternative decisions by juvenile justice system authorities or by the juvenile have contributed to continuing careers; and 3) evaluate the effectiveness of the juvenile justice system and other community factors in deterring or supporting continuing delinquent and criminal behavior.

The major preliminary findings to date follow: 1) about 5 percent of the white males in the 1942 and 1949 groups accounted for over 70 percent of the felony offenses (police contacts); 2) about 12 percent of the white males in these two groups accounted for all police contacts of white males for felonies; and 3) minorities (blacks and Chicanos) were disproportionately represented, in comparison with whites, among those referred to court and placed in correctional institutions.

These data make it clear that, at least in Philadelphia and Racine, Wisconsin, a very small proportion of juvenile offenders account for an extremely large volume of serious and violent crime. However, the difficulty in taking the next step--that of responding appropriately to reduce crime through focusing on chronic offenders--is in predicting who will in the future be a chronic offender. A major conclusion of the Philadelphia and Iowa research is that juveniles do not specialize in particular types of offenses nor do they necessarily progress from less serious to more serious offenses. Prediction of delinquency remains an elusive goal.

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Another study recently concluded under Institute funding constitutes a seven-year evaluation of the Massachusetts experience in its statewide community-based movement. In 1969-72 Massachusetts repleced its training schools for juveniles with community-based alternatives to traditional incarceration. This is the only State that has deinstitutionalized its correctional institutions state-wide, in either the juvenile or adult areas. The results of the evaluation have indicated that youths do as well in the new programs as they did in the old training schools. However, youths in less secure programs did better than those in the more secure community-based programs, and youths in programs providing diversity of treatment options and extensive community linkages did much better than those in the programs which lacked these features. In addition, the community-based programs provide a much more humane and fair way of treating youth than did the large institutions previously used. A major conclusion of the study was that the important factors affecting success or failure with individual youth lay not so much in the qualities of specific individual programs to which the youth were exposed, but in the characteristics of the total social network for each youth in the community.

TRAINING FUNCTION

During the past year the Office has made significant progress in developing its training program, which previously had been given low priority. Three major areas of new activity are described briefly below: delinquency prevention, law-related education, and deinstitutionalization.

Delinquency Prevention. Three projects have been undertaken through which about 1,000 juvenile justice and youth workers personnel in both the public and private sectors are provided training in such areas as evaluation and decisionmaking, youth, participation, and community leadership skills development.

Law-Related Education. The Office is also developing a comprehensive law-related education program. This program will test various methods and approaches to improving youth's understanding of the juvenile, civil and criminal justice systems, their rights and responsibilities as citizens, and the lawful means of securing and enforcing those rights.

Deinstitutionalization. We are in the process of establishing a rather large-scale training rogram, focused on deinstitutionalization of all youth except those that pose a danger to themselves or to communities. Through it, along with OJJDP training, technical assistance, and action programs, the Office is continuing its supportive efforts to persuade States to deinstitutionalize statewide their large juvenile correctional institutions. The content of the training program will draw mainly upon the results of the seven-year Massachusetts study, the new secure care study, and the results of other OJJDP research, evaluation, and action program activities in the deinstitutionalization area.

A major target group for this training group will be State Juvenile Delinquency Advisory Groups, in order to increase the effectiveness of their efforts at the State level. Other trainees will include private non-profit agency youth workers, planners, legislators, media representatives, and Federal agency personnel.

Question:

14. Section 246 requires that an annual report on Institute activities be submitted to you prior to September 30 of each year. Could you provide the Subcommittee with a copy of the report due September 30, 1977?

Answer:

14. As you know, the 1977 amendments were signed into law on October 3, 1977, and Section 246 specifies that the first such annual report is due after the first year the legislation is enacted. No report was prepared for September, 1977. The next such annual report from our Juvenile Justice Institute is due prior to September 30, 1978. A copy of that copy of that report can be made available to the Subcommittee upon completion.

Question:

15. Could you detail the obligation and expenditures of OJJDP funds for FY 1976, FY 1977, and FY 1978? Of all funds appropriated for OJJDP in FY 1977, what percent has been obligated and what percent expended?

Answer:

FY 1976

Category	Obligation	Outlays
Formula	$35,047	$3,968
Special Emphasis	10,611	9,016
Institute	5,609	2,611
Concentration of Federal Effort	212	150
Total	51,479	15,745

FY 1977

Category	Obligation	Outlays
Formula	43,271	7,600
Special Emphasis	10,375	9,000
Institute	4,970	2,950
Concentration of Federal Effort	430	400
Total	59,046	19,950

FY 1978

Category	Obligation	Outlays
Formula	59,616	14,090
Special Emphasis	3,212	6,100
Institute	5,206	4,000
Concentration of Federal Effort	739	65
Technical Assistance	1,872	500
Total	70,645	24,755

15. Answer:(Cont'd)

The figures provided above reflect total dollars obligated and outlayed during each of the fiscal years regardless of the fiscal year they were appropriated.

Of the $100,000,000 appropriated to OJJDP for FY 1977, forty nine percent has been obligated and ten percent has been expended.

FEDERAL REGISTER, VOL. 43, NO. 125—WEDNESDAY, JUNE 28, 1978

[4410-18]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

NATIONAL SCHOOL RESOURCE CENTER

Solicitation

The Office of Juvenile Justice and Delinquency Prevention announces a competitive grant program focusing on the problem of school violence and vandalism. The objective of this solicitation is development of a school resource network that provides assistance to students, teachers, parents, security personnel, school administrators, and community personnel. The national network is to include a national school resource center and four regional school resource centers. The national network will help local schools and school districts design and implement school violence and vandalism prevention programs through training, technical assistance, and advocacy that result in changes in school response to youth behavior.

At the present time, there is no national strategy to assist schools in dealing effectively with school crime. Resources are minimal and fragmented. Many local programs are developed solely in the interest of security. They fail to accomplish their objectives, fail to address the real needs of the school systems, and fail to provide benefits that are consistent with their costs. A national school resource network dedicated to advocacy, reform, and a safer environment for students and teachers is needed to provide overall direction and coordination of existing and new school resources.

Preliminary applications in response to this announcement are due November 1, 1978. While it is anticipated that only one grant award will be made, subgrant arrangements are both acceptable and encouraged. The grant period will be for a duration of fifteen (15) months; the award amount will be up to a maximum of $2,500,000. Preliminary applications will be considered only from public and private nonprofit agency, organizations, and institutions. All such agencies, organizations, and institutions must have demonstrated experience in dealing with youth.

Copies of the program guidelines will be released on August 1, 1978, and can be obtained by contacting the Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, Department of Justice, 633 Indiana Avenue NW., Washington, D.C. 20531.

JOHN M. RECTOR,
Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 78-17870 Filed 6-27-78; 8:45 am]

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
COMMITTEE ON EDUCATION AND LABOR
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY
ROOM 320, CANNON HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515

June 14, 1978

Mr. James M. H. Gregg
Assistant Administrator
Office of Planning and Management
Law Enforcement Assistance Administration
633 Indiana Avenue, N.W.
Washington, DC 20531

Dear Mr. Gregg:

It is my understanding that you currently act as Administrator of the Law Enforcement Assistance Administration while that position remains officially vacant.

Section 204(g) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, reads as follows:

> "(g) The Administrator may delegate any of his functions under this title, to any officer or employee of the Administration."

Could you please inform me of any such functions that you have delegated to Mr. John Rector, Associate Administrator of the Office of Juvenile Justice and Delinquency Prevention. Our oversight hearings on the operation of the Office are to be held June 27, 1978. I would appreciate your answer prior to the hearing date.

Sincerely,

Ike Andrews
Chairman

IA:grd

JUN 22 10

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
WASHINGTON, D. C. 20531

The Honorable Ike Andrews
Chairman
Subcommittee on Economic Opportunity
Committee on Education and Labor
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

This is in response to your letter of June 14, 1978, regarding functions delegated to Mr. John Rector, Administrator, Office of Juvenile Justice and Delinquency Prevention.

Enclosed is a copy of the Delegation of Authority to the Administrator, Office of Juvenile Justice and Delinquency Prevention, issued on January 4, 1978.

Please let me know if you wish us to furnish additional information.

Sincerely,

James M. H. Gregg
Assistant Administrator
Office of Planning and Management

Enclosure

32-505 O - 78 - 17

UNITED STATES
DEPARTMENT OF JUSTICE

LAW ENFORCEMENT ASSISTANCE
ADMINISTRATION

Instruction

I 1310.40B

January 4, 1978

Subject: DELEGATION OF AUTHORITY TO THE ADMINISTRATOR, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (OJJDP)

1. PURPOSE. The purpose of this Instruction is to delegate authority for the administration and operation of the OJJDP to the Associate Administrator (hereafter Administrator, OJJDP).

2. SCOPE. This Instruction is of interest to all LEAA personnel.

3. CANCELLATION. This Instruction cancels LEAA Instruction I 1310.40A dated April 21, 1976.

4. FUNCTIONAL DELEGATION. The Administrator, OJJDP is delegated the authority and responsibility for implementing overall policy and developing objectives and priorities for all Federal juvenile delinquency programs and for activities relating to prevention, diversion, training, treatment, rehabilitation, evaluation, research and improvement of the juvenile justice system, as authorized under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, hereinafter referrred to as the "JD Act") and the related activities under the Omnibus Crime Control and Safe Streets Act of 1968, as amended, hereinafter referred to as "The Act"), including the following:

   a. Administrative Management. Plan, direct, and control the implementation and operations of all LEAA juvenile justice and delinquency prevention programs administered directly through OJJDP.

   b. Policy Development. Develop, approve, and promulgate juvenile justice and delinquency prevention policy for implementation by OJJDP and, to provide policy direction to all programs concerned with juvenile delinquency and administered by LEAA. Where such policies have major administrative or management implications or affect the general policies of LEAA, they are subject to approval by the Administration.

   c. Grants and Program Authority.

      (1) Grant and Program Management. Subject to the policy direction, allocation of funds; and in accordance with directives issued by the LEAA Administration, the Administrator, OJJDP, is delegated the authority to approve, award, administer, modify, extend, terminate, monitor and evaluate grants within program areas of assigned responsibility and to reject or deny grant applications submitted to LEAA within assigned programs

Distribution: All LEAA Personnel

Initiated By: Office of Planning and Management

including grants and agreements and programs supported by fund transfers from other Federal agencies, under the following categories:

(a) Grants under Part A of the "JD Act" separately and specifically delegated by the LEAA Administration.

(b) Formula grants under Part B of the "JD Act."

(c) Grants under Part B (II) of the "JD Act"; categorical grants using Part C and E funds of "The Act" transferred to OJJDP; and, National Institute of Juvenile Justice and Delinquency Prevention grants under Part C of the "JD Act" or using Part D funds of "The Act" transferred to OJJDP separately and specifically delegated by the LEAA Administration.

(d) The comprehensive juvenile justice program required under Part C of "The Act".

(2) Award, Approve, Modification, and Extension of Grants and Contracts. The Administrator, OJJDP is delegated authority to award, approve, modify, and extend grants and contracts as follows:

(a) Grants and contracts under Part A of the "JD Act".

1 Approve and award grants and approve for award contracts separately and specifically delegated by the LEAA Administration.

2 For FY 1977 and subsequent years, approve budget category deviations.

(b) Formula Grants under Part B of the "JD Act".

1 Approve Annual Plan.

2 Award Formula Grants according to applicable fiscal year allocation formula and appropriation.

3 Approve Formula Grant program deviations. (Since Formula Grant funds are not discrete budget items in a State Comprehensive Plan award, coordination with OCJP will be required prior to approval of program deviations.)

4 Approve Formula Grant extension by subgrant to allow expenditure from December 31 to March 31 provided that current acceptable fiscal reports are on file with none outstanding and that all special conditions are satisfied, under the following conditions:

a Delays in equipment deliveries which are unanticipated and are not the fault of subgrantee. (Submission of subgrantee/vendor contract is required).

b Unforeseen delays in obtaining FCC clearances for communication programs.

c Unforeseen delays in construction projects caused by strike, weather, environmental impact, equipment, energy crisis. (Submission of contract which outlines original completion dates is required).

d Delays related to compliance with Uniform Relocation Assistance Act.

5 Approve the use of Formula Grant funds as match for other Federal programs.

6 Approve the use of Formula Grant funds for construction of innovative community-based facilities.

7 Waive the "cash match preference" for Formula Grant funds established by M 7100.1A, Change 3, Chapter 7, paragraph 7 dated October 29, 1975.

(c) Grants and contracts under Part B (II) of the "JD Act"; categorical grants and contracts using Part C and E funds of "The Act" transferred to OJJDP; and, National Institute of Juvenile Justice and Delinquency Prevention grants and contracts under Part C of the "JD Act" or using Part D funds of "The Act" transferred to OJJDP separately and specifically delegated by the LEAA Administration.

1 Approve grant applications and RCAs (Requests for Contract Action) separately and specifically delegated by the LEAA Administration.

2 Award grants and approve for award contracts separately and specifically delegated by the LEAA Administration.

3 Approve budget category deviations.

4 Extend expenditure deadline of grants beyond the 90 day expenditure allowed following the end of the grant period.

(3) Concentration of Federal Effort. The Administrator, OJJDP, is delegated the authority to implement overall policy and develop objectives, and priorities for Federal juvenile justice and delinquency prevention programs and to advise the President, through the Attorney General and the LEAA Administrator, concerning planning, policy, priorities, operations, and management of all Federal juvenile delinquency programs.

(4) Research, Demonstration and Evaluation. The Administrator, OJJDP, is delegated the authority to support research and demonstration projects in order to improve juvenile justice and delinquency prevention programs; to evaluate all federally-funded projects under the "JD Act" and "The Act", and other Federal, State and local programs; and, to disseminate research and evaluation results, and pertinent data and studies in the area of juvenile delinquency.

(5) Training. The Administrator, OJJDP, is delegated the authority to conduct training programs and related activities under the "JD Act".

(6) Information. The Administrator, OJJDP, is delegated the authority to collect, analyze and promulgate useful information regarding treatment and control of juvenile offenders; and, to establish and operate an effective Information Clearinghouse and Information Bank.

(7) Technical Assistance. The Administrator, OJJDP, is delegated the authority to provide technical assistance to Federal, State and local governments and other public and private agencies in planning, operating, and evaluating juvenile delinquency programs.

(8) Audit Clearance. The Administrator, OJJDP, is delegated the authority to clear audit findings and recommendations for those reports in which OJJDP is the designated action office.

(9) Waivers on Consultant Fees. LEAA requirements on requests for waiver of consultant fees by grantees may be approved up to $200 per day.

(10) Pass-Through Funds. Subject to financial and program guidelines the Administrator, OJJDP, is delegated the authority to waive the requirement that 66 2/3 percent of Federal monies be made available to local units of government.

d. Operations. Subject to the general authority of the Administration, the Administrator, OJJDP, is delegated the authority and responsibility to represent the Administration with other Federal agencies and State and local governments in the following matters:

(1) Contacting State and local officials to encourage participation in OJJDP's program.

(2) Providing and/or arranging for the provision of assistance in the form of technical consultation to recipients of "JD Act" funds in the areas of juvenile justice planning, management, and program development.

(3) Reviewing and evaluating LEAA juvenile justice and delinquency prevention programs regardless of fund source.

(4) Monitoring OJJDP grants contracts, interagency agreements, and purchase orders.

(5) Interpreting LEAA juvenile justice and delinquency prevention policy.

5. REDELEGATION. The Administrator, OJJDP, may redelegate the authority in this Instruction, in whole or in part, provided that any redelegation is in writing and approved by the LEAA Administrator. This restriction does not apply to a temporary redelegation of authority to the Deputy Associate Administrator, under Section 201(e) of the "JD Act" or other deputy or assistant to be exercised during the absence or disability of the OJJDP Administrator or deputy or assistant. Authority redelegated by the OJJDP Administrator shall be exercised subject to the OJJDP Administrator's policy direction and coordination and under such restrictions as deemed appropriate.

6. RECORDS. The Office of Juvenile Justice and Delinquency Prevention shall keep such records concerning the delegations in paragraph 4 as the Administrator, OOS, and the Comptroller shall require. Records shall be forwarded to these offices as required.

James M. H. Gregg

JAMES M. H. GREGG
Assistant Administrator
Office of Planning and Management

UNITED STATES
DEPARTMENT OF JUSTICE

LAW ENFORCEMENT ASSISTANCE
ADMINISTRATION

Instruction

I 1310.53

September 30, 1977

Subject: DELEGATION OF ADMINISTRATIVE FUNCTION TO THE ASSOCIATE ADMINISTRATOR, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (OJJDP)

1. PURPOSE. The purpose of this Instruction is to delegate the authority and responsibility for the administration of the Office of Juvenile Justice and Delinquency Prevention to its Associate Administrator.

2. SCOPE. This Instruction is of interest to all LEAA personnel. The authority and responsibility delegated herein applies specifically to the Associate Administrator, Office of Juvenile Justice and Delinquency Prevention.

3. GENERAL DELEGATION. The Associate Administrator is delegated the authority and responsibility for directing and supervising the personnel, administration and operation of OJJDP.

4. COORDINATION. The Associate Administrator shall be responsible for coordinating both administrative and functional activities of OJJDP with other LEAA offices to avoid duplication of effort and ensure effective program delivery.

5. PERSONNEL DELEGATION. The Associate Administrator is authorized to select candidates from among eligible applicants for appointment to positions within OJJDP (except as reserved by the Administrator to determine their respective duties, to designate employees for promotion, reassignment, training, awards, removal or disciplinary action and to request appropriate personnel action concerning these matters. This authority shall be exercised in accordance with policies, procedures and limitations set forth in directives issued by the Assistant Administrator, Office of Operations Support.

6. TRAVEL AND PER DIEM DELEGATION. Subject to the Administration's Travel Regulations and within their approved travel budget, the Associate Administrator is delegated the authority to authorize and approve travel, per diem and travel advances for the official travel of OJJDP personnel.

7. LEAVE DELEGATION. Subject to leave policies and regulations of the Administration, the Associate Administrator is authorized to approved annual leave, sick leave, administrative leave and other leave permitted by law.

Distribution: All LEAA Personnel

Initiated By: Office of Planning and Management

8. OVERTIME AND COMPENSATORY LEAVE DELEGATION. Subject to LEAA Overtime and Compensatory Leave Regulations, and within their approved budget, the Associate Administrator is authorized to approve paid overtime and overtime for which compensatory leave will be granted.

9. REDELEGATION. Authority delegated in this Instruction may be redelegated in whole or in part, provided that any redelegation is in writing and approved by the Administrator. This restriction does not apply to temporary redelegation of authority to a deputy or an assistant to be exercised during the absence of the Associate Administrator. Authority redelegated by the Associate Administrator shall be exercised subject to the Associate Administrator's policy direction and coordination and under such restrictions deemed appropriate.

10. RECORDS. The Associate Administrator shall keep such records concerning the delegation of paragraphs four through nine as the Assistant Administrator, Office of Operations Support and the Comptroller shall require. Records shall be forwarded to these offices as required.

James M. H. Gregg

JAMES M. H. GREGG
Assistant Administrator
Office of Planning and Management

STATUS OF FUNDS - OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

(Amounts in thousands of dollars)
(Except as Noted)

FORMULA GRANTS

	Appropriated	Obligated As of 5/31/78	Expended 3/31/78
FY 1975	$ 10,600	$ 9,331	$ 6,912
FY 1976 (& TQ)	24,204	24,204	9,276
FY 1977	43,127	43,127	8,653
FY 1978	63,750	59,616	480
Total	141,681	136,278	25,321

SPECIAL EMPHASIS GRANTS
In Actual Dollars

	Appropriated	Awarded As of 5/31/78	Expended As of 12/31/77
FY 1975	$ 10,750,000	$ 10,722,776	$ 8,449,145
FY 1976 (& TQ)	19,296,000	17,563,594	7,817,642
FY 1977	23,372,594	0	0
FY 1978	21,250,000	0	0
Total	74,668,594	28,286,370	16,266,787

National Institute for Juvenile Justice and Delinquency Prevention

	Appropriated	Awarded As of 5/31/78	Expended As of 12/31/77
FY 1975	$ 3,150,000	$ 3,063,606	$ 2,895,728
FY 1976 (& TQ)	5,000,000	5,000,000	3,383,971
FY 1977	7,500,000	7,500,000	981,597
FY 1978	11,000,000	139	0
Total	26,650,000	15,563,745	7,261,296

Source of Data: Office of the Comptroller, LEAA

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
COMMITTEE ON EDUCATION AND LABOR
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY
ROOM 320, CANNON HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515

June 14, 1978

Mr. Jim Gammill, Director
Office of White House Personnel
% The White House
Washington, D.C. 20500

Dear Mr. Gammill:

It is my understanding that the Office of White House Personnel has been responsible for Presidential appointments to the National Advisory Committee on Juvenile Justice and Delinquency Prevention. It is my further understanding that members on the Advisory Committee serve staggered terms and that vacancies, including that of the Chair, occurred on March 18, 1978, and have to this date not been filled.

Section 207(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, states that the Advisory Committee "shall consist of twenty-one members." It has been reported to me that it was necessary for the National Advisory Committee to cancel one of its previously scheduled meetings during this three-month interim since it was not in compliance with Section 207(a). As I'm sure you are aware, Section 208(a) of the Juvenile Justice Act requires that the Advisory Committee meet "not less than four times a year."

The Subcommittee on Economic Opportunity, which I chair, will conduct oversight hearings on the Office of Juvenile Justice and the National Advisory Committee on June 27, 1978. I would appreciate verification of these reports, a date on which the appointment of members can be expected, and an explanation as to why these reported delays occurred. In the event your Office is not responsible for these appointments, could you please direct me to the appropriate source. I would be most grateful for a reply prior to the June 27th hearing date.

Sincerely,

Ike Andrews
Chairman

IA:grd

CALIFORNIA
COMMITTEES:
EDUCATION AND LABOR
SUBCOMMITTEES:
EMPLOYMENT OPPORTUNITIES, CHAIRMAN
ECONOMIC OPPORTUNITY
SELECT EDUCATION
HOUSE ADMINISTRATION
SUBCOMMITTEES:
PRINTING, CHAIRMAN
ACCOUNTS
CONTRACTS
JOINT COMMITTEE ON PRINTING

Congress of the United States
House of Representatives
Washington, D.C. 20515

WASHINGTON OFFICE
TELEPHONE [illegible]
JOHN W. [illegible]
ADMINISTRATIVE ASSISTANT
LOS ANGELES OFFICE
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TELEPHONE: 750-0790
HUNTINGTON PARK OFFICE
2710 ZOE AVENUE
TELEPHONE: 587-0421
CHARLES E. KNOX
SPECIAL ASSISTANT

July 7, 1978

Mr. John Rector, Administrator
Office of Juvenile Justice and
Delinquency Prevention
Law Enforcement Assistance Administration
633 Indiana Avenue, N.W.
Washington, D. C. 20531

Dear Mr. Rector:

I am concerned that testimony given by you before the House Subcommittee on Economic Opportunity, on June 27, 1978 indicates a major misunderstanding or misinterpretation on your part and about Congressional intent with respect to the expected use and intended impact of Special Emphasis funds. Before drawing any final conclusions, or taking specific actions, I would like some additional information from you regarding the current status of this program.

Please respond to the following questions:

1. What is the present organizational structure of the Office; what authority has been delegated to the Office; and what authority has been delegated to the operating program divisions within the Office.

2. Where is the responsibility for management of the Special Emphasis funds located; how are program priorities established; what procedures are used for funding these programs, and how were these procedures developed?

3. What was the Office budget for the following periods: July 1975, October 1976, October 1977, October 1978, and June 1978? How were these funds distributed across the operating Office divisions?

4. What do you see as the major mandate and goals of the Juvenile Justice and Delinquency Prevention Act, as amended in 1977? How are the programs now operating, and those projected for funding in this fiscal year achieving these goals?

5. What is the present strategy for utilization of Special Emphasis monies? What is your rationale for this strategy? How does it differ (if there is a difference) from the strategy pursued prior to your administration? How is the present strategy impacting the basic goals of the legislation?

6. Of the Special Emphasis funds available since October 1977, how much has actually been expended? If less than the available amount, why?

7. Please provide the Office staffing plan, and indicate how much full time professional staff are assigned to each division, by grade level, race, sex and ethnic origin? How many staff have been employed by you since July 1977? Of this number, how many are minorities?

8. How many grants and contracts have been awarded by the Office since October 1977? For what purposes? Of the grants and contracts awarded, how many have gone to minority agencies and organizations? When were these grants awarded, and what procedures were used in their selection?

9. How many youth have been served by Special Emphasis projects funded since October 1977, and of this number, how many have been minority youth?

10. What actions have you taken since October 1977 to facilitate and support formula grant and maintenance of effort block grant funds going to minority organizations and disadvantaged communities?

Finally, I would like to reiterate the question which I raised in the June 27th Hearings: Why were the planned initiatives on gangs and serious offenders cancelled after July 1977? And further, how is the restitution program expected to impact minority youth in relation to number of youth involved, and kinds of services available? How does this compare with the two cancelled programs with respect to types of agencies receiving grants, number of youth involved, types of communities affected, and types of services provided? Please provide me with copies of the guidelines or program descriptions of the cancelled initiatives.

As you know, I have had, and continue to have a strong interest in the problems of youth and their families. The legislative mandate being implemented by your Office can be if properly administered, a major force in creatively redirecting available resources, and in shaping a national youth policy.

My concerns are directed at gaining a clear understanding of the extent to which these purposes are being met. I would therefore, appreciate a response to my inquiry within the next week, in order to facilitate clarity relative to the present status and direction of programs within your Office.

Your efforts to expedite the handling of this inquiry, will be greatly appreciated by me, and by my colleagues on the Economic Opportunities Subcommittee, with whom I intend to share your communication.

Sincerely yours,

AUGUSTUS F. HAWKINS
Member of Congress

AFH:ac

AUGUSTUS F. HAWKINS
29th District, California
COMMITTEES:
EDUCATION AND LABOR
SUBCOMMITTEES:
EMPLOYMENT OPPORTUNITIES, CHAIRMAN
ECONOMIC OPPORTUNITY
SELECT EDUCATION
HOUSE ADMINISTRATION
SUBCOMMITTEES:
PRINTING, CHAIRMAN
ACCOUNTS
CONTRACTS
JOINT COMMITTEE ON PRINTING

FOLLOW UP

Congress of the United States
House of Representatives
Washington, D.C. 20515

2350 Rayburn House Office Building
Washington, D.C. 20515
Telephone: 225-2201

JOHN W. SMITH
ADMINISTRATIVE ASSISTANT

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938 WEST MANCHESTER AVENUE
TELEPHONE: 750-0280

HUNTINGTON PARK OFFICE
2710 ZOE AVENUE
TELEPHONE: 587-0421

CHARLES E. KNOX
SPECIAL ASSISTANT

September 5, 1978

Mr. John Rector, Administrator
Office of Juvenile Justice and
Delinquency Prevention
Law Enforcement Assistance Administration
633 Indiana Avenue, N.W.
Washington, D. C. 20531

Dear Mr. Rector:

On July 7, 1978, I sent you a letter of inquiry pertaining to your program, and urged that your response be reasonably quick.

To this date you have not forwarded such a response to me.

Please apprise me of the reasons for the delay, and an indication of when you expect my inquiry to be answered.

Sincerely,

Augustus F. Hawkins

AUGUSTUS F. HAWKINS
Member of Congress

AFH:ac

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION
WASHINGTON, D.C. 20531

July 7, 1978

Honorable Augustus Hawkins
Subcommittee on Economic Opportunity
Committee on Education and Labor
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Hawkins:

I have received your July 7, 1978, letter expressing concerns about the operation of our Special Emphasis Division. Much of the information you requested is not readily available. It will be developed, however, by the Director of our Special Emphasis Division. As we develop our responses to your detailed inquiries, it would be helpful to know specifically what, in your view, in my testimony before the Andrews Economic Opportunity Subcommittee on June 27, 1978, indicated that I don't understand the intended role for discretionary funding.

As your hearing revealed, the Office is grossly understaffed as contrasted with other programs under your jurisdiction, but we will submit the information as it becomes available and in as timely a fashion as possible.

Please let me know if myself or my staff can be of further assistance.

With warm regards,

John M. Rector

John M. Rector
Administrator
Office of Juvenile Justice
and Delinquency Prevention

Western Union

Telegram

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White

July 14, 1978

Mr. John Rector, Administrator
Office of Juvenile Justice and
Delinquency Prevention
Law Enforcemtn Assistance Administration
Washington, D. C. 20531

Dear Mr. Rector:

Your letter of July 7, 1978 causes me some concern, since my request for information goes significantly beyond my very special interest in the Special Emphasis Programs.

The questions raised in my July 7, 1978 letter to you, are directly related to your administration and management of the Juvenile Justice and Delinquency Prevention program.

That is the heart of the issue I am raising. I, therefore do not understand the nature of the role that you have assigned to the Special Emphasis Division in this endeavor.

In order to clarify any misunderstandings on this matter, I would appreciate your arranging an immediate conference between my Administrative Assistant, Mr. John W. Smith, and your principal staff people handling this issue.

Sincerely,

Augustus F. Hawkins

AUGUSTUS F. HAWKINS
Member of Congress

AFH:ac

JUN 2 . 1978

Honorable John C. Culver
Chairman, Subcommittee to Investigate
Juvenile Delinquency
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

We are pleased to have the opportunity to further clarify questions regarding the Office of Juvenile Justice and Delinquency Prevention which you raised at the May 1 Judiciary Committee. Mr. Gregg has asked that I, as Associate Administrator of LEAA, provide the necessary clarifications. Our responses follow a reiteration of your questions.

I trust this information will be useful to your deliberations.

With warm regards,

John M. Rector
Administrator
Office of Juvenile Justice
and Delinquency Prevention

Enclosures

32-505 O - 78 - 18

Question:

1. When the Attorney General sent his appropriation request for FY 1979 to the President, what was the amount requested for the Office of Juvenile Justice and Delinquency Prevention (OJJDP)?

Answer:

1. The amount requested for OJJDP by the Attorney General for FY 1979 was $100 million.

Question:

2a. At a hearing before the Juvenile Delinquency Subcommittee on April 27, 1977, OJJDP was asked to provide the Subcommittee with an analysis of the number of special emphasis grant applications which were received in FY 1975 and 1976 and which were worthy of funding. According to this analysis, the Office received 1,128 grants in FY 1975 and 1976. The Office found that 103 of these projects merited funding, but the Office was able to fund only 39 projects because of limited availability of monies for this purpose.

Was the special emphasis grant program similarly hampered by a lack of funds for meritorious projects during FY 1975 and 1976? Please provide for the record an analysis of the number of special emphasis grant applications determined to be worthy of funding during FY 1977 and 1978 and the number of projects actually funded.

Answer:

2a. The special emphasis grant program was not hampered by a lack of funds for meritorious projects during FY 1977 and 1978. This can be illustrated as follows:

- Carryover of FY 76 funds into FY 77

Special Emphasis	$15,463,000
Part C	2,679,000
Part E	1,524,000
TOTAL	$19,666,000

- Carryover of FY 77 funds into FY 78

Special Emphasis	$28,317,000*
Part C	1,198,000
Part E	8,145,000
TOTAL	$37,650,000

In response to the question concerning special emphasis grant applications determined to be worthy of funding during FY 1977 and 1978 and the number of projects actually funded, the term worthy is highly subjective and cannot be addressed. In lieu of the requested information the following is offered:

	No. of Applications Received	No. of Grants Awarded
FY 1977	450**	36
FY 1978	62	29 (to date)
FY 1978	116 Restitution Applications	54 Estimated Restitution

* Includes $5,088,000 of carryover from FY 76.

** Approximated. Most of the 425 Prevention Applications went to Regional Offices. The Regional Offices have since closed and the records are not available.

2b

Is the National Institute for Juvenile Justice and Delinquency Prevention (National Institute) unable to support meritorious projects because of lack of funds? Please provide for the record an analysis of the number of National Institute grant applications determined to be worthy of funding during FY 1977 and 1978 and the number actually funded.

The answer to the first part of your question is no. The analysis of our NIJJDP FY 1977 and FY 1978 fundable and funded grants is as follows:

	FY 1977	FY 1978 (as of 5/31/78)
Fundable	23	19
Funded	23	19

Question:

3a. At the April hearing before the Juvenile Delinquency Subcommittee there was testimony concerning the slowness which funds were being obligated, awarded and expended by OJJDP.

What is the amount of special emphasis grant funds for each of the last three fiscal years and the current fiscal year that have actually been awarded and expended to date?

Answer:

3a. The amount of special emphasis grant funds for each of the last three fiscal years and the current fiscal year that have actually been awarded and expended to date:

	Awarded	Expended
1975		
Special Emphasis	$10,722,776	$ 8,449,145
Part C	2,066,368	1,628,298
Part E	1,433,552	1,129,639
TOTAL	$14,222,696	$11,207,082
1976		
Special Emphasis	$14,585,336	$ 7,817,642
Part C	470,102	249,154
Part E	5,771,850	3,059,081
TOTAL	$20,827,288	$11,125,877
1977		
Special Emphasis	-0-	-0-
Part C	$ 4,481,378	$ 1,329,635
Part E	4,955,986	1,090,138
TOTAL	$ 9,437,364	$ 2,419,773
1978		
Special Emphasis	$ -0-	$ -0-
Part C	274,500	-0-
Part E	46,166	-0-
TOTAL	$ 293,666	-0-

Question:

3b. What is the current carryover in special emphasis grant funds from previous fiscal years?

Answer:

3b. The current carryover in special emphasis funds from prior years:

Special Emphasis	
FY 1976	5,088,000
FY 1977	23,229,000
TOTAL	28,317,000
Part C	
FY 1976	-0-
FY 1977	1,198,000
TOTAL	1,198,000
Part E	
FY 1976	-0-
FY 1977	8,145,000
TOTAL	8,145,000

Question:

3.c. What are the causes of the fund flow problems in the special emphasis grant program and how are unsolicited applications for special emphasis funds handled?

Answer:

3.c. The fund flow problems in the special emphasis grant program are directly attributable to the fact that only one major initiative has been announced and funded each fiscal year. As a result, most of the unsolicited applications were rejected through the use of an innocuous letter indicating that the application did not meet program guidelines or funding is not available.

In FY 1977 and 1978, $9.7 million in Special Emphasis funds and $5.0 million in Part E funds were set aside for unsolicited applications. This is at the heart of the fund flow problem. The one major initiative per year concept has not generated the response to insure the obligation of each fiscal year's appropriation.

Additionally, understaffing of the entire Office (including the Special Emphasis Division) has contributed to the incredible levels of carryover. We are struggling with a myraid of programs regarding this Division. I am confident that most of the problems will be resolved by the end of Fiscal Year 1979.

The second part of the question is covered by our response to your question #5 which made the identical inquiry.

4. Question:

What special emphasis initiatives is OJJDP currently planning and when is it anticipated that they will be announced?

4. Answer:

OJJDP is currently planning the following special emphasis programs:

(1) Restitution - 116 preliminary applications were received in response to the February, 1978 program announcement, 54 preapplications were rated as fundable and have been invited to submit full applications by July 21, 1978. It is anticipated that $24,000,000 will be awarded for this initiative by September 30, 1978.

(2) Prevention - $6,000,000 will be awarded for continuation funding of 16 projects by August 30, 1978.

It should be noted here that in the future not all special emphasis funds will be set aside for national initiatives. We are in the process of developing several programs to be incorporated into LEAA's Discretionary Grant Guide. Several of the programs are:

(a) Alternative Education
(b) Advocacy
(c) Children in Custody
(d) Law Related Education
(e) Special Incentives for Participating and Non-participating States

Additionally, it is anticipated that funds will be set aside for unsolicited applications.

5. Question: What procedures are currently utilized in awarding special emphasis grants and how are unsolicited applications for special emphasis funds handled?

5. Answer:

I. What procedures are currently utilized in awarding Special Emphasis grants, and how are unsolicited applications for Special Emphasis funds handled?

1) Awards are made to applicants submitting applications in response to program guidelines issued by OJJDP. The steps involved in this process are:

a) A program guideline is issued which focuses upon a problem area or need determined to be of national significance within the context of the requirements of Section 224(a) of the Juvenile Justice and Delinquency Prevention Act. The guideline provides for selected program strategies, judged to have potential for having major impact upon achieving the requirements mandated by Section 224(a). The guideline also outlines performance standards which reflect the intent of the legislative requirements, and sound program methodology.

b) Applicants submit preapplications or full applications by an identified submission date. Applications are then reviewed and rated by staff teams in relation to predefined selection criteria. Those applicants meeting selection criteria at a defined level of acceptability are identified as the fundable group, and are recommended for grant award. The total number funded depends upon the funds allocated for a given program, and the number meeting selection criteria at an acceptable level.

2) Awards are made to applicants submitting unsolicited applications and concept papers. The steps involved in this process are:

a) Upon receipt, unsolicited applications and concept papers are assigned to a staff reviewer. The applications are reviewed in relation to the following criteria:

- Impact upon problems addressed
- Degree of need for the proposed services or activities

- Feasibility of the program methodology and use of innovative or improved program approaches and techniques
- Degree to which the program addresses the requirements identified in Section 224(a) of the Act.
- Cost effectiveness
- Capability and basis of applicant interest in implementing the proposed program.

b) The staff reviewer prepares a summary of the merits of the proposal and makes recommendations regarding funding.

c) The application is then reviewed by the Deputy of Special Emphasis.

d) If the Deputy concurs with the staff rating, a memorandum recommending its consideration for award is prepared and forwarded to the Director of Special Emphasis, along with a letter identifying programmatic deficiencies which need to be addressed.

e) If the Director concurs with the staff review and recommendations, the recommendation is forwarded to the Administrator of OJJDP for a final decision regarding grant award.

f) Where there is non-concurrence, the reviewers meet to resolve and clarify differences of opinion; and the Director of Special Emphasis makes the final recommendation to the Administrator.

II. Please indicate how the procedures have changed, if at all, for the period FY 75 thru FY 78.

In 1974 and early 1975, the Juvenile Justice Task Group encouraged unsolicited proposals, and the first grants funded with Omnibus Crime Control Discretionary Part C and E funds were unsolicited applications. Upon assessment of the impact of these programs upon the legislative mandate, the Task Group determined that a more systematic approach was required if the Office was to realize any significant impact upon defined goals. The policy was therefore changed in 1975, and for the most part, projects were only funded in response to published guidelines. Between March, 1975 and July, 1977, unsolicited proposals were discouraged, and funded by exception only.

The exceptions were based upon interests in a particular program approach, or special needs which were unlikely to be met through response to national scope program guidelines. Since July, 1977, unsolicited proposals have been encouraged, and the number submitted and funded has increased.

CONTINUED

3 OF 7

6. Question:

In FY 1977 how much of the budget of the special emphasis grant program was allocated to special emphasis initiatives and how much was allocated to unsolicited grants? In FY 1978 how much of the budget was allocated to each of these categories?

6. Answer:

In FY 1977 and FY 1978, the special emphasis program budget was allocated to special emphasis initiatives as follows:

FY 1977

Dollars available by Fund type:

Special Emphasis	$38,692,000
Part C	5,679,000
Part E	13,101,000

Dollars Programmed:
(In Millions)

	Part E	Part C	Special Emphasis
Prevention PYSO			8.5
Learning Disabilities		1.0	
Violent Offenders	9.0		
Gangs	1.0		1.0
Restitution	2.0		
Prevention (neighborhood)		3.0	1.0
Transitional Grants		.4	
Unsolicited	1.1	1.3	28.2
Total	13.1	5.7	38.7

FY 1978

Dollars available by Fund type:

Special Emphasis	$49,567,000
Part C	6,000,000
Part E	15,000,000

Dollars Programmed:
(In Millions)

	Part E	Part C	Special Emphasis
Deinstitutionalization		2.0	
Restitution	10.0	3.0	17.0
Prevention			14.0
School Crime			2.5
Model Programs		1.0	2.0
Track II's from Regions			4.4

6. Answer: (Cont'd)

	Part E	Part C	Special Emphasis
Unsolicited	5.0		9.7
Total	15.0	6.0	49.6

As you can tell from the aformentioned figures, especially for FY 1977, the staff developing programs was not necessarily in touch with the budget staff.

7.
How much of the current budget of the National Institute is currently allocated to each of the following program categories: 1) information, collection and dissemination, 2) research, 3) demonstration projects, 4) evaluation, 5) training, 6) development of juvenile justice standards?

Our NIJJDP dollars are allocated for FY 1978 as follows:

1) information*	—	3,065,000
2) research*	—	3,105,000
3) demonstration*	—	1,737,000
4) evaluation*	—	4,238,000
5) training	—	3,283,000
6) standards		572,000
TOTAL		16,000,000

*Includes program development work

Question:

8. A. How many positions have been authorized for OJJDP and how many authorized positions are vacant in each of the following major components of the Office?

(1) Special emphasis grant program
(2) Formula Grant program/technical assistance
(3) Concentration of federal effort
(4) National Institute

(a) Information collection and dissemination
(b) Research
(c) Demonstration Projects
(d) Evaluation
(e) Training
(f) Development of juvenile justice standards

B. How long have each of these positions been vacant?

C. What actions are you taking to fill these vacancies?

D. When do you expect these vacancies to be filled?

Answer:

8 (A-D).

Attached are various charts reflecting past and current personnel allocations and vacancies within the Office of Juvenile Justice and Delinquency Prevention. As you can discern, we have made substantial progress both in acquiring new positions and in filling positions. In the past year OJJDP has experienced significant change, uncertainty and frustration. Not only was the authorizing Act under reconsideration but, as you know, Congress delayed passage of the bill extending OJJDP until the eleventh hour. Thus, it was difficult if not nearly impossible to appropriately develop the FY 1978 program plan or strategically allocate FY 1977 appropriations. Similarly, unsettling were the Subcommittee Oversight Hearings on OJJDP activities conducted less than three months after my confirmation, before the 1977 Amendments to the Act had been signed and in fact contemporaneously with Congressional passage and during the final week of our fiscal year. Another factor was the partial LEAA reorganization during this period, including the abolishment of its Regional Offices which resulted in extraordinary burdens on personnel support services as well as our affected employees who relocated or found other employment during the period July-September. To enable us to respond more precisely to our Congressional mandate and to provide sorely needed, long overdue management and policy direction, I reorganized OJJDP. In fact, this heavily encumbered complicated process has only recently been finalized. We are quite pleased with what we have achieved. We are now in a better position to direct and manage the program as intended. Incidentally, a short-term [illegible] study, soon to be completed, will hopefully provide us with additional insights and tools to help facilitate better management.

Of importance, likewise, is that 12 professional and 8 other staffers have resigned/transferred during this period.

This process within the bureaucracy, which you recently characterized as "Byzantine", is a time-consuming one, but we are now in a better position to direct and manage the program as intended. As indicated on the current organizational chart, the filling of vacancies is proceeding steadily and I expect [illegible] have the majority of positions filled between now and the first part of August.

OFFICE - OJJDP As of:	Cong. Auth*	FULL-TIME PERMANENT				PART-TIME PERMANENT				TEMPORARY			
		Allocation	On Board	Pending	Differ-ence	Allocation	On Board	Pending	Differ-ence	Allocation	On Board	Pending	Differ-ence
10/28/75		35	13	12	-10	7	8	0	+1	0	0	0	0
10/27/76		34	28	5	-1	7	10	3	+6	2	2	0	0
3/2/77		38	30	7	-1	5	2	3	0	2	8	0	+6
5/25/77		41	33	6	-2	5	4	1	0	2	7	2	+7
7/6/77		48	34	1	-13	5	3	0	-2	2	6	1	+5
8/3/77	61	52	33	1	-18	5	3	0	-2	2	5	1	+4
10/28/77	61	61	41	4	-16	5	2	2	-1	2	3	2	+3
4/26/78	61	61	46	4	-11	5	2	2	-1	2	1	0	-1
5/30/78	61	61	42	14	-4	5	2	2	-1	2	1	0	-1

OJJDP POSITION ALLOCATION

	Authorized (6/77)			Vacant (6/77)				Authorized (5/78)			Vacant (5/78)		
	PFT	PPT	Temp	PFT	PPT	Temp		PFT	PPT	Temp	PFT	PPT	Temp
OAA	8	0	0	1	0	0		9*	0	0	2	0	0
SE	11	3	1	3	1	0		12	1	0	2	1	0
FGTA	4	0	1	0	0	1		15	2	1	2	0	1
CFE	2	0	2	0	0	2	(PP&CS)	10**	2	0	6	2	0
NIJJDP	16	2	3	5	1	0		15	0	1	6	0	1
Totals	41	5	7	10	2	3		61	5	2	18	3	2

*Includes Deputy Associate Administrator, Office of Programs and Secretary.

**Reorganization of Office established Policy, Planning and Coordination Staff which includes Concentration of Federal Effort activities.

PFT = Permanent Full Time
PPT = Permanent Part Time

NIJJDP POSITION ALLOCATION
BY FUNCTION

	On Board 6/77	Vacant	On Board 5/78	Vacant
Information & Dissemination	2	0	1	0
Research, Evaluation & Demonstration Projects	5	4	3	3
Training	2	0	1	2
Standards	5	0	2	1

Ma: 30, 1978

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Office of the Administrator

Rector, J.	Administrator	EX-5	
Shine, J.	Exec. Asst.&Spec.Coun.	GS-15	
Vacant	Atty-Advisor	GS-14	(P)
Trethric, M.	Admin. Officer	GS-11	
Watson, B.	Staff Assistant	GS-8	
Taylor, L.	Clerk-Steno	GS-5	
Dana, M.	Asst. Exec. Secy.	(IPA)	
Nader, F.	JJ Program Manager	(IPA)	

Policy, Planning & Coordination Staff

Doyle, W.	Director (Acting)	GS-15	
Vacant	Secretary (Typ)	GS-5/6	(P)

Management and Planning Branch

Miller, R.	Suprv.Program Plan.Analyst	GS-14	
Vacant	Program Planning Analyst	GS-12/13	(P)
Vacant	Program Planning Analyst	GS-11/12	(P)
Vacant	Program Assistant	GS-7/9	(P)
Whitlock,L.	Clerk-Typist	GS-3	(P)

Policy Analysis and Coordination Branch

Vacant	Suprv.Program Plan. Analyst	GS-1[illegible]
Riddick, M.	Program Planning Analyst	GS-13
Wolfe, J.	Program Planning Analyst	GS-1[illegible]
Vacant	Program Planning Analyst	GS-1[illegible]
Vacant	Clerk (Typing)	GS-1[illegible]

(P) = Pending indicates action being taken by Personnel Division. This includes positions currently being advertised and finalizing of position descriptions prior to advertising.

Office of Programs

Vacant	Deputy Assoc. Admin.	GS-16
Carr, R.	Secretary	GS-9 (I.O.)

Special Emphasis Division

Martin, E.	Director	GS-15
Roy, C.	Staff Asst.	GS-6
Wallach, E.	Prog. Asst.	GS-9
McKinney, V.	Dep. Director	GS-14
Miller, M.	Juv.Jus.Spec.	GS-13
Dorn, R.	Juv.Jus.Spec.	GS-13
Dodge, D.	Juv.Jus.Spec.	GS-13
Jackson, C.	Juv.Jus.Spec.	GS-13
Kemble, K.	Juv. Jus.Spec.	GS-12
Diaz, M.	Juv.Jus.Spec.	GS-12
Vacant	Juv.Jus.Spec.	GS-11/12 (P)
Vacant	Clerk-Steno	GS-4 (P)
Vacant	Clerk-Typist	GS-3/4 (PPT) (P)

Formula Grants & Technical Assistance Div.

West, D.	Director	GS-15
Holbert, D.	Clerk (Typing)	GS-5

Formula Grants Branch

Hamm, C.	Sup.JJ Prog.Spec.	GS-14
Cain, T.	Juv.Jus.Spec.	GS-13
Porpotage, F.	Juv.Jus.Spec.	GS-13
Vacant	Juv.Jus.Spec.	GS-11/12 (P)
Donahue, T.	Juv.Jus.Spec.	GS-12
Sutton, R.	Juv.Jus.Spec.	GS-12
Robinson, R.	Clerk-Typist	GS-4
Vacant	Clerk (Typing)	GS-4/5 (T)

Program Development & Support Branch

Vacant	Sup.JJ Prog.Spec.	GS-14 (P)
Modzeleski, W.	Juv.Jus.Spec.(Policy)	GS-13
Kujawski, N.	Juv.Jus.Spec.(Spec.Pro)	GS-13
Gould, J.	Juv.Jus.Spec.(Tr.)	GS-13
Wood, D.	Juv.Jus.Spec.(Monit)	GS-13
Landen, K.	Juv.Jus.Spec.	GS-11
Thompson, G.	Clerk (Typing)	GS-5
Shelton, S.	Clerk-Typist	GS-3

National Institute of Juvenile Justice and Delinquency Prevention

Howell, J.	Dep.Assoc.Admin.	GS-14
Weston, M.	Secretary (Steno)	GS-6
Vacant	Clerk-Typist	GS-4/5 (T)

Standards Program

	VanDuizend, R.	Gen.Atty.(Res)	GS-13
	Allen-Hagen, B.	Soc.Sci.Pro.Spec.	GS-12
(P)	Vacant	Clerk-Typist	GS-3/4

Research & Program Development Div.

Vacant	Director	GS-13/14	(P)
Modley, P.	Soc.Sci.Prg.Spec.	GS-13	
Swain, P.	Soc.Sci.Prg.Spec.	GS-12	
Vacant	Soc.Sci.Prg.Spec.	GS-11/12	(P)
Vacant	Soc.Sci.Prg.Spec.	GS-11/12	(P)
Brown, D.	Clerk-Typist	GS-4	

Training & Dissemination Div.

	Vacant	Director	GS-13
(P)	Vacant	Soc.Sci.Prg.Spec.	GS-11/12
	Landon, M.	Staff Asst.	GS-7
	Rogers, M.	Clerk (Typing)	GS-5

UNITED STATES
DEPARTMENT OF JUSTICE

ADVANCE COPY

LAW ENFORCEMENT ASSISTANCE
ADMINISTRATION

Change

M 4100.1F CHG-3

July 25, 1978

Cancellation
Date: After Filing

Subject: STATE PLANNING AGENCY GRANTS

1. PURPOSE.

   a. This change transmits revisions to the Guide for State Planning Agency Grants, M 4100.1F, January 18, 1977. It is anticipated that this change should require no additional information to be submitted by the States for 1979 plans, and that this Guide (with possible future amendments) will apply to the preparation of FY 1979 and FY 1980 plans.

   b. Revisions are explained in the following paragraph. Pages to be added are attached. Recipients should remove old pages as indicated in the page control chart and add new pages to the Guide where indicated.

2. SCOPE. This Change is of interest to all holders of M 4100.1F.

3. EXPLANATION OF CHANGES.

   a. Paragraph 22, State Planning Agency Supervisory Board, is modified to reflect changes in representation of the SPA Supervisory Board pursuant to Section 223(a)(3) of the JJDP Act of 1974, as amended.

   b. Paragraph 27, Requirements for State Planning Agencies Which Participate in the Juvenile Justice and Delinquency Prevention Act Program, has been deleted. Paragraph 52 now contains all of the requirements for application and receipt of funds under the JJDP Act.

   c. Paragraph 51, Requirements for Juvenile Justice Under the Crime Control Act, has been modified to reflect changes in maintenance of effort requirements. This paragraph now requires that each state allocate and expend at least 19.15 percent of its total Crime Control allocation for juvenile justice programs.

   d. Paragraph 52, Requirements for Participation in Funding Under The Juvenile Justice and Delinquency Prevention Act of 1974, has been modified to include Omnibus Crime Control Act requirements and OJJDP planning grant requirements. All of these requirements are to be addressed jointly in a separate section of the Comprehensive Plan.

Distribution: All Holders of M 4100.1F

Initiated By: Office of Juvenile Justice and Delinquency Prevention

e. Paragraph 52n, Monitoring of Jails, Detention Facilities and Correctional Facilities. Two major revisions have been made in this subparagraph. First, the definitions of juvenile detention or correctional facility have been made less restrictive in that the new criteria modify the commingling provision to allow facilities which are community-based or have a bed capacity of 20 and below to mix status offender and non-offender populations with criminal-type populations at any ratio. Second, the reporting requirements have been modified to require only that information which is essential for a state to demonstrate compliance or progress toward compliance and still maintain the statutory reporting requirements.

OJJDP intends to submit the following additional language to paragraph 52n(2)(c)2 to the Federal Register for clearance. "The use of non-community-based facilities over a bed capacity of 20, which serve status offenders or non-offenders exclusively, is acceptable for monitoring purposes only through December 31, 1980. States should begin eliminating such facilities to meet the January 1, 1981 deadline." This change proposes the elimination of criteria 52n(2)(c)2 for the guidelines issued for the 1981 monitoring effort.

f. Paragraph 52t - Continuation Support. The continuation support policy has been modified to require states to indicate in their plan, and to make known to potential applicants, the minimum number of years projects may request and receive funding. States are also required to provide an assurance that each project funded shall continue unless prematurely terminated due to reasons spelled out in this guideline.

PAGE CONTROL CHART

Remove Pages	Dated	Insert Pages	Dated
Table of Contents		Table of Contents	
iii and iv	Jan. 18, 1977	iii	Jan. 18, 1977
v and vi	May 20, 1977	iv	July 25, 1978
		v	May 20, 1977
		vi	July 25, 1978
16 thru 19	Jan. 18, 1977	16 thru 18 (and 19)	July 25, 1978
22 thru 29	Jan. 18, 1977	22 (thru 28)	July 25, 1978
		29	July 25, 1978
50-56	Jan. 18, 1977		
57-62	May 20, 1977		
63	Jan. 18, 1977	50 thru 63	July 25, 1978
Appendix 1		Appendix 1	
3 and 4	May 20, 1977	3 thru 4-1 (and 4-2)	July 25, 1978

James M. H. Gregg
Assistant Administrator
Office of Planning and Management

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(2) Have a supervisory board (i.e., a board of directors, commission, committee, council, etc.) which has responsibility for reviewing, approving and maintaining general oversight of the State plan and its implementation;

b. Application Requirement. Documentation must be presented as to the location and status within State government of the State Planning Agency.

22. STATE PLANNING AGENCY SUPERVISORY BOARD.

a. Authority of the Supervisory Board.

(1) Act Requirement. Section 202 of the Act authorizes LEAA to make grants to the States for establishment and operation of State criminal justice and law enforcement planning agencies for the preparation, development and revision of State plans. LEAA requires that the State Planning Agency have a supervisory board, (i.e., a board of directors, commission, committee, council, etc.) which has responsibility for reviewing, approving, and maintaining general oversight of the State plan and its implementation. Since the SPA supervisory board oversees the State plan and its implementation, it must possess the "representative character" required by the Act in Section 203(a)(1).

(2) Application Requirement. Documentary evidence must be presented authorizing the State Planning Agency supervisory board to function as stated above.

b. Composition and Representative Character.

(1) Act Requirement. Section 203(a)(1) of the act requires that the State Planning Agency supervisory board must be representative of law enforcement and criminal justice agencies, including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, public agencies maintaining programs to reduce and control crime, and shall include representation of citizens, professional and community organizations, including organizations directly related to delinquency prevention.

* The Chairperson and at least two additional citizen members of any advisory group established pursuant to section 223(a)(3) of the JJDP Act of 1974, as amended, shall be appointed to the State Planning Agency supervisory board as members thereof. These individuals may be considered in meeting the general representation requirements of this section. Any executive committee of a State Planning Agency shall include in its membership the same proportion of advisory group members as the total number of such members bears to the total membership of the State Planning Agency supervisory board. *

Special provision is made for membership from the judiciary. The composition of such boards may vary; however it is required that such boards be fairly representative of all components of the criminal justice system and that the representation takes account of reasonable geographical balance, reasonable urban-rural balance, the incidence of crime, and of the distribution of law enforcement services at state and local levels. The composition of the board must contain representation of the following:

(a) State law enforcement and criminal justice agencies, including agencies directly related to the prevention and control of juvenile delinquency.

(b) Units of general local government by elected policy-making or executive officials;

(c) Law enforcement and criminal justice officials or administrators from local units of government;

(d) Each major law enforcement function -- police, corrections, court systems and juvenile justice systems.

(e) Public (governmental) agencies in the State maintaining programs to reduce and control crime, whether or not functioning primarily as law enforcement agencies;

(f) Citizen, professional and community organizations, including organizations directly related to delinquency prevention. These may include such agencies and groups as those listed below:

1 Public agencies concerned with delinquency prevention or treatment such as juvenile justice agencies, juvenile or family court judges and welfare, social services, mental health, education, or youth service departments.

2 Private agencies concerned with delinquency prevention and treatment: concerned with neglected or dependent children; concerned with the quality of juvenile justice, education, or social services for children.

3 Organizations concerned with neglected children;

4 Organizations whose members are primarily concerned with the welfare of children;

5 Youth organizations; and

6 Organizations utilizing volunteers to work with delinquents or potential delinquents.

7 Minority group representation is encouraged.

(g) The judiciary. Section 203(a)(2) of the Act requires the following judicial representation at a minimum:

1 The chief judicial officer or other officer of the court of last resort (as defined in Section 601(p) of the Act).

2 The chief judicial administrative officer or other appropriate judicial administrative officer of the State;

3 A local trial court judicial officer;

4 Additional judicial members as may be required by LEAA pursuant to Section 515(a) of the Act. The above judicial representation shall be construed as only a minimum applicable to small supervisory boards. Additional judicial representation is required on large supervisory boards in order to ensure that the board is fairly representative of all components of the criminal justice system. Additional judicial members must be appointed from the membership of the Judicial Planning Committee.

(2) Additional Act Requirement. Section 203(a)(2) of the Act requires that local trial court judicial officer and other judicial officers (if the chief judicial officer or chief judicial administrative officer cannot or do not choose to serve) shall be selected by the chief executive from a list of no less than three nominees for each position submitted by the chief judicial officer within 30 days of the occurrence of any vacancy in the judicial membership.

(3) Special Requirements.

(a) Limits on Individual Membership. An individual may serve as a member of a State Planning Agency or regional or local planning agency supervisory board simultaneously. It is possible for one board member to represent more than one element or interest.

(b) Limits on Participation by Federal Officials. Federal representation on State Planning Agency supervisory boards as voting members is not allowed except in D.C., American Samoa, Guam, Virgin Islands, the Trust Territory of the Pacific Islands and the Commonwealth of the Northern Mariana Islands. Federal Officials may assist State Planning Agencies in advisory or non-voting capacities which are mutually agreeable.

(4) Application Requirements.

(a) Documentary evidence must be presented which shows the composition of the supervisory board, how it meets the requirements of balanced representation set forth above and how the board is fairly representative of all components of the criminal justice system. (Forms for membership information are contained in the planning grant application.) Any multiple representation must be identified. Procedures which specify how judicial members are appointed must be set forth.

* (b) Documentary evidence must be presented which shows the provisions of 203(a)(1) regarding the appointment of the chairperson and at least two additional citizen members of the advisory group established pursuant to section 223(a)(3) of the JJDP Act of 1974, as amended, to the supervisory board unless good cause can be shown to justify an extension. The names, positions and dates of appointment must be indicated. For purposes of this requirement, a citizen member is any person who is not a full-time employee of the Federal, state or local government, or a full-time elected official. *

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c. Organization and Committees.

(1) Act Requirement. Section 203(a)(2) of the Act requires that if there is an executive committee of the supervisory board, it shall include in its membership the same proportion of judicial members as the total number of such members bears to the total membership of the supervisory board.

(2) Application Requirement. The rules and procedures which govern the establishment and the functions, composition and authority of any executive committee, subcommittees, standing committees, or advisory bodies of or to the supervisory board must be described. An organization chart must be present ',

d. Operating Procedures.

(1) Act Requirement. Under Section 203(g) of the Act, the State Planning Agency as well as all other planning organizations covered by the Act are required to hold meetings open to the public giving public notice of the time and place of such meetings and the nature of the business to be transacted. The meetings which fall under this requirement are those at which final action is to be taken on the state comprehensive plan or any application for funds. Further, the Act requires that all planning organizations covered by the Act shall provide for public access to all records relating to their functions under this Act, except such records as are required to be kept confidential by other local, State, or Federal laws.

(2) Application Requirement. The State Planning Agency must describe the policy and procedures which it has adopted to ensure compliance with this requirement.

23. STATE PLANNING AGENCY STAFF

a. Personnel Standards Requirement. The State Planning Agency staff must be included within the State's existing personnel system or some other adequate merit system subject to the Administration's approval. This requirement is not meant to preclude exemptions, if appropriate under the State law, for the key administrator of the planning agency and specified key aides.

b. Application Requirement. The State Planning Agency must describe the personnel system within which the SPA staff is placed, indicating whether it is the existing personnel system or some other adequate system, and listing any positions not included under the personnel or merit system.

24. - 25. RESERVED

(4) What the funding level is for the judicial planning committee including a budget which outlines the purposes and functions for which these funds are to be used.

(5) Provisions for public notice of meetings, as required by Section 203(g) of the Act and the requirements of paragraph 22.d.

(6) The procedures and methods for assuring involvement of citizens and community organizations in the planning process.

(7) In the case of situations where the judicial planning committee does not exist, the procedures by which the State Planning Agency proposes to consult with the courts and related agencies in the development and preparation of the annual judicial plan.

* 27. REQUIREMENTS FOR STATE PLANNING AGENCIES WHICH PARTICIPATE IN THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT PROGRAMS.

(Deleted - Change 3. See Paragraph 52.) *

28. REQUIREMENTS UNDER SECTION 518 (c) OF THE CRIME CONTROL ACT, SECTION 262(b) OF THE JUVENILE JUSTICE ACT AND TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AND THE EQUAL EMPLOYMENT OPPORTUNITY REGULATIONS OF THE DEPARTMENT OF JUSTICE

a. Applicability. The State Planning Agency in accepting a grant from the Law Enforcement Assistance Administration for the operation of the State Planning Agency assures that it will comply and will insure compliance by its subgrantees and contractors with Section 518(c)(1) of the Crime Control Act, Title VI of the Civil Rights Act of 1964, and Subparts C, D, and E of 29 C.F.R. Part 42, to the end that no person shall on the grounds of race, religion, color, sex or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under, or denied employment in connection with, any program or activity which receives financial assistance from the Department of Justice.

b. Application Requirement. The State Planning Agency must describe in its planning grant application how it will implement the following procedures in order to carry out its responsibilities under this Act:

(1) Designation of a Civil Rights Compliance Officer. The SPA shall designate by name a staff member as civil rights compliance officer(s) to review the compliance of the SPA, its subgrantees and contractors with Title VI, the regulations implementing Title VI and the equal employment opportunity regulations of the Department of Justice.

(2) Training of the SPA Staff. The SPA shall provide its entire staff with appropriate training and information concerning the SPAs obligations under the nondiscrimination requirements and this statement. A timetable for this training shall be set forth.

(3) Informing Subgrantees and Contractors of Civil Rights Requirements. The SPA is required to instruct all applicants for and recipients of financial assistance of the obligation to comply with the non-discrimination requirements and the available sanctions in the event of noncompliance. The SPA shall set forth the methods by which it has informed subgrantees and contractors of their civil rights requirements.

(4) SPA and Subgrantees and Contractors to Keep Records. The SPA shall require subgrantees and contractors to maintain records as LEAA shall determine to be necessary to assess the subgrantees or contractors continuing compliance with the nondiscrimination requirements.

(5) SPA to Inform Beneficiaries of Rights. The SPA shall provide information to the public regarding the nondiscrimination obligation of the SPA, its subgrantees and contractors and the right to file a complaint with the SPA or LEAA or both concerning violation of those obligations. The SPA shall describe its efforts to inform the public of its nondiscrimination policy.

(6) SPAs Obligation in Complaint Process. The SPA shall establish and set forth appropriate procedures for the receipt and referral of complaints concerning violation of the nondiscrimination requirements.

(7) SPA to Cooperate in Conduct of Civil Rights Compliance Reviews. In accordance with the requirements of LEAA, the SPA shall cooperate with LEAA in conducting civil rights compliance review of criminal justice agencies within the State.

(8) SPA Report of Awards for Construction Projects. The SPA must report to the Office of Civil Rights Compliance all awards for federally assisted Construction Projects in excess of $10,000 using Part C and Part E funds. The SPA must describe the procedures to insure reporting on Construction Projects form, LEAA Form 7400/1. (see G 7400.1B, appendix 2.).

29. RESERVED

(b) The Housing and Community Development Act of 1974 and the programs supported through it.

(c) The Highway Safety Act of 1966, and the programs supported through it.

50. EFFECTIVE COORDINATION WITH SINGLE STATE AGENCIES DESIGNATED UNDER THE DRUG ABUSE OFFICE AND TREATMENT ACT.

a. Act Requirement. Section 303(a)(18) of the Crime Control Act requires that State plans establish procedures for effective coordination between the SPAs and the single state agencies designated under Section 409(e)(1) of the Drug Abuse Office and Treatment Act of 1972 in responding to the needs of drug dependent offenders, including alcoholics, alcohol abusers, drug addicts and drug abusers.

b. Plan Requirement. The State Planning Agency must specify the methods and procedures it will use to assure coordination and cooperation with the single state agencies. If these methods and procedures have been described in the plan or in the planning grant application, page references to the discussion of the relationships and coordination will be adequate.

*51. REQUIREMENTS FOR JUVENILE JUSTICE UNDER THE CRIME CONTROL ACT.

a. Juvenile Justice Requirements of the Crime Control Act. States not participating in the Juvenile Justice and Delinquency Prevention Act (herein referred to as the JJDP Act), should address the provisions for a comprehensive program for juvenile justice, as required by the Omnibus Crime Control and Safe Streets Act.

b. Maintenance of Effort for Juvenile Justice. Pursuant to Section 520(b) of the Crime Control Act of 1976 and Section 261(b) of the JJDP Act, maintenance of effort is determined as follows:

(1) Individual Level of State Funding. To maintain a proportionate share of the statutory maintenance level, each state shall expend at least 19.15 percent of its total annual allocation of Parts B, C and E block grant funds for juvenile justice and delinquency prevention-related programs and projects. Each state may, of course, expend more than the required minimum allocation.

(2) The state shall assure that it has allocated a percentage of Part B funds for juvenile justice planning and administration activities equal to the aggregate percentage of Parts C and E funds allocated for juvenile justice programs * and projects.

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* (3) Plan Requirement. Along with their corresponding fund allocations, the State Plan must identify Parts C and E funded programs and projects related to juvenile justice and delinquency prevention.

(4) Juvenile Justice Reprogramming. Prior OJJDP approval is necessary for any reprogramming.

52. REQUIREMENTS FOR STATE PLANNING AGENCIES PARTICIPATING IN THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT.

a. Applicability. This paragraph now contains all of the requirements for application and receipt of funds under the JJDP Act. The provisions of the comprehensive program for the improvement of juvenile justice, as required by the Omnibus Crime Control and Safe Streets Act, and the provisions of the JJDP Act are to be addressed jointly in a separate section of the comprehensive plan. The requirement of a separate juvenile section emphasizes the distinctions between the juvenile justice system and the criminal justice system, as well as the importance Congress places on juvenile justice.

b. Plan Review Criteria. OJJDP has established the following programmatic areas as critical: Deinstitutionalization of Status Offenders and Non-Offenders; Contact with Incarcerated Adults; Monitoring of Jails, Detention Facilities and Correctional Facilities; Advanced Techniques; and Juvenile Justice Advisory Groups. Failure to address these programmatic areas shall result in disapproval of the juvenile justice formula section of the plan. Unless indicated, an assurance is sufficient for compliance, providing that no change has been made from the previous year. Otherwise, the State shall revise and resubmit its response.

c. Plan Supervision, Administration and Implementation. Pursuant to Sections 223(a)(1) and (2) of the JJDP Act, the State Planning Agency shall assure that it is the sole agency for plan administration and has the authority to carry out the mandate of the JJDP Act, even if an agency other than the SPA implements the formula grant. *

* d. Planning and Administration Funds. Pursuant to Section 222(c) of the JJDP Act, the State Planning Agency shall indicate on Attachment A the amount of planning and administration funds allocated to the State and the amount that units or combinations of units of general local government will use. Such funds shall not exceed 7-½ percent of the total JJDP award, and must be matched dollar for dollar in cash.

e. Juvenile Justice Advisory Group. Pursuant to Section 223(a)(3) of the JJDP Act, the State Planning Agency shall:

(1) Provide a list of all current advisory group members, indicating their respective dates of appointment and how each member meets the membership requirements specified in this Section of the Act. Indicate those members appointed prior to their 26th birthday as youth members; full-time elected officials are considered to be government employees and may not be appointed to chair advisory groups as of the effective date of this guideline.

(2) States shall assure that three youth members who have been or are now under the jurisdiction of the juvenile justice system have been appointed to the advisory group.

(3) Indicate the roles, responsibilities and activities of the advisory group concerning those duties listed in Section 223(a)(3) of the Act.

f. Advisory Group Allotment. Pursuant to Section 222(e) of the JJDP Act, the advisory group shall develop a plan for using the five (5) percent minimum allotment which, upon review by the State, it shall submit as part of the comprehensive plan. The State shall indicate the total amount of funds allocated to the advisory group. For computing that allotment, use the following procedures:

(1) Each State shall allocate a minimum of $11,250; the Virgin Islands, Guam, American Samoa, and the Trust Territories of the Pacific Islands shall allocate $2,812.50. Do not count these funds as part of the maximum 7-½ percent monies set aside for planning and administration. Calculate the latter on the total formula grant award.

(2) Use funds allocated to the advisory groups for such functions and responsibilities as are consistent with Section 223(a)(3) of the JJDP Act. Funds allocated to the advisory group shall not supplant any funds currently allocated to them. *

* g. Consultation with and Participation of Units of General Local Government. Pursuant to Sections 223(a)(4) and (6) of the JJDP Act, the State shall assure that:

(1) The Chief Executive Officer of such a unit has assigned responsibility for the preparation and administration of its part of the State Plan.

(2) The State recognizes, consults with, and incorporates the needs of such units into the State Plan.

h. Participation of Private Agencies. Pursuant to Section 223(a)(9) of the JJDP Act, the State shall assure that private agencies have been consulted and allowed to participate in the development and execution of the State Plan.

i. Pass-Through Requirement. Pursuant to Section 223(a)(5) of the JJDP Act, the State Planning Agency must specify the amount and percentage of funds to be passed through to units of general local government and to local private agencies. For purposes of this requirement, local private agency is defined as a private non-profit agency or organization that provides program services within an identifiable unit or a combination of units of general local government.

(1) Inclusion and Compilation of Pass-Through.

(a) Formula grant funds that the State Planning Agency makes available to units of general local government or combination of units may be included in the compilation of pass-through. This includes funds for planning and administration as well as for programs.

(b) If a unit of general local government or a combination of units has denied funding to a private agency, yet that agency received formula grant funds for programs consistent with the State Plan, then include those funds in the compilation of pass-through. In States lacking regional or local planning units, and in which the State Planning Agency distributes funds directly, a private agency need not first apply to a unit of general local government or to a combination of units for funding. Those funds can also be included in the compilation of pass-through. In addition, if a unit of general local government or a combination of units receives pass-through funds from the State and, in turn, refuses to fund a project submitted by a private agency, the State can reduce the local allocation if it funds the project. *

* (2) Waiver of Pass-Through Requirements. Make all requests for waivers to the Administrator of OJJDP; enclose a statement setting forth the following:

(a) The extent of state and local implementation of juvenile justice and delinquency prevention programs.

(b) The extent of state and local financial responsibility for juvenile delinquency programs.

(c) The extent to which the State provides services or direct outlays for or on behalf of local governments (as distinct from statewide services).

(d) The approval of the State Planning Agency Supervisory Board.

(e) Specific comments from local units of government expressing their position regarding the waiver.

j. Rights of Privacy for Recipients of Services. Pursuant to Sections 223(a)(16) and 229 of the JJDP Act, the State shall assure that they have established procedures to ensure that programs funded under the JJDP Act shall not disclose program records containing the identity of individual juveniles. Exceptions to this require: 1) authorization by law; 2) the consent of either the juvenile or his legally authorized representative; or 3) justification that otherwise the functions of this title cannot be performed. Under no circumstances may public project reports or findings name actual juveniles in the program.

k. Equitable Arrangements for Employees Affected by Assistance Under this Act. Pursuant to Section 223(a)(17) of the JJDP Act, the State must assure that it has established all terms and conditions for the protection of employees affected by the JJDP Act. Appendix 3 states these.

l. Deinstitutionalization of Status Offenders and Non-Offenders. Pursuant to Section 223(a)(12) of the JJDP Act the State Planning Agency shall:

(1) Describe in detail its specific plan, procedure, and timetable for assuring that within three years of its initial submission of an approved plan, juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, or such non-offenders as dependent or neglected children, shall not be placed in juvenile detention or correctional facilities. *

* (2) Describe the barriers, including financial, legislative, judicial and administrative ones, the State faces in achieving full compliance with the provisions of this paragraph. All accounts shall include a description of the technical assistance needed to overcome these barriers.

(3) Submit the report required under Section 223(a)(12)(B) of the JJDP Act as part of the annual monitoring report required by paragraph 52n.

m. Contact with Incarcerated Adults.

(1) Pursuant to Section 223(a)(13) of the JJDP Act the State Planning Agency shall:

(a) Describe in detail its specific plan and procedure for assuring that juveniles alleged to be or found to be delinquent, status offenders, and non-offenders will be removed from any institution in which they have regular contact with incarcerated adults, including inmate trustees. This prohibition seeks as absolute a separation as possible and permits no more than haphazard or accidental contact between juveniles and incarcerated adults. In addition, include a specific timetable for compliance and justify any deviation from a previously approved timetable.

(b) In those isolated instances where juvenile criminal type offenders remain confined in adult facilities or facilities in which adults are confined, the State must set forth in detail the procedures for assuring no regular contact between such juveniles and adults for each jail, lockup and detention and correctional facility.

(c) Describe the barriers, including physical, judicial, fiscal, and legislative ones, which may hinder the removal and separation of alleged or adjudicated juvenile delinquents, status offenders and non-offenders from incarcerated adults in any particular jail, lockup, detention or correctional facility. All such accounts shall include a description of the technical assistance needed to overcome those barriers.

(d) Assure that offenders are not reclassified administratively and transferred to a correctional authority to avoid the intent of segregating adults and juveniles in correctional facilities. However, this *

does not prohibit or restrict waiver of juveniles to criminal court for prosecution, according to state law. It does, however, preclude a state from administratively transferring a juvenile offender to an adult correctional authority for placement with adult criminals either before or after a juvenile reaches the statutory age of majority. It also precludes a state from transferring adult offenders to a juvenile correctional authority for placement.

(2) Implementation. Each state shall immediately plan and implement the requirement of this provision.

n. Monitoring of Jails, Detention Facilities and Correctional Facilities.

(1) Pursuant to Section 223(a)(14) of the JJDP Act, the State Planning Agency shall:

(a) Indicate how it will annually identify and survey all public and private juvenile detention and correctional facilities and facilities usable for the detention and confinement of juvenile offenders and adult criminal offenders.

(b) Provide a plan for an annual on-site inspection of all such facilities identified in paragraph 52n(1)(a). Such plan shall include the procedure for reporting and investigating compliance complaints in accordance with Sections 223(a)(12) and (13).

(c) Include a description of the technical assistance needed to implement fully the provisions of paragraph 52n.

(2) For the purpose of monitoring, a juvenile detention or correctional facility is:

(a) Any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders or non-offenders; or

(b) Any public or private facility, secure or non-secure, which is also used for the lawful custody of accused or convicted adult criminal offenders; or

*

* (c) Any non-secure public or private facility that has a bed capacity for more than 20 accused or adjudicated juvenile offenders or non-offenders unless:

1 the facility is community-based and has a bed capacity of 40 or less; or

2 The facility is used exclusively for the lawful custody of status offenders or non-offenders.

For definitions of underlined terms, see Appendix I, Paragraph 4(a) - (n).

(3) Reporting Requirement. The State shall report annually to the Administrator of OJJDP on the results of monitoring for both Sections 223(a)(12) and (13) of the JJDP Act. Submit three copies of the report to the Administrator of OJJDP no later than December 31 of each year.

(a) To demonstrate the extent of compliance with Section 223(a)(12)(A) of the JJDP Act, the report must at least include the following information for both the baseline and the current reporting periods.

1 Dates of baseline and current reporting period.

2 Total number of public and private juvenile detention and correctional facilities AND the number inspected on-site.

3 Total number of accused status offenders and non-offenders held in any juvenile detention or correctional facility as defined in paragraph 52n(2) for longer than 24 hours.

4 Total number of adjudicated status offenders and non-offenders held in any juvenile detention or correctional facility as defined in paragraph 52n(2). *

* (b) To demonstrate compliance with Section 223(a)(12)(B) of the JJDP Act, the report must include the total number of accused and adjudicated status offenders and non-offenders placed in facilities that are (a) not near their home community, (b) not the least restrictive appropriate alternative, and (c) not community-based.

(c) To demonstrate the progress and extent of compliance with Section 223(a)(13) of the JJDP Act, the report must at least include the following information for both the baseline and the current reporting periods.

1 Designated date for achieving full compliance.

2 The total number of facilities that can be used for the secure detention and confinement of both juvenile offenders and adult criminal offenders.

3 Both the total number of facilities used for the secure detention and confinement of both juvenile offenders and adult criminal offenders during the past 12 months AND the number inspected on-site.

4 The total number of facilities used for secure detention and confinement of both juvenile offenders and adult criminal offenders AND which did not provide adequate separation.

5 The total number of juvenile offenders and non-offenders NOT adequately separated in facilities used for the secure detention and confinement of both juveniles and adults.

(4) Compliance. A State must demonstrate compliance with Section 223(a)(12)(A) and (13) of the Act. Should a State fail to demonstrate substantial compliance with Section 223(a)(12)(A) by the end of the three-year timeframe, eligibility for formula grant funding shall terminate.

o. Detailed Study of Needs and Utilization of Existing Programs. Pursuant to Section 223(a)(8) and (9) of the JJDP Act, the State Planning Agency shall assure that it has conducted a detailed study of the juvenile justice system. This study shall include: an analysis both of the juvenile crime for Part I offenses and of the status offenses and non-offenses, *

* such as dependency and neglect; a listing and analysis of problems confronting the juvenile justice system; and a description of the existing juvenile justice system. These requirements correspond to the process described in paragraphs 34-37 and 39 of M 4100.1F. The result shall be a series of problem statements, listed in order of priority, that reflects an analysis of the data, the monitoring reports and requirements of the JJDP Act. This list shall be the basis for developing the Annual Action Program, which shall follow the format described in paragraph 42 of M 4100.1F.

p. Equitable Distribution of Juvenile Justice Funds and Assistance to Disadvantaged Youth. Pursuant to Section 223(a)(7) and (15) of of the JJDP Act, the State Planning Agency shall assure that:

(1) The State will adhere to procedures for the equitable distribution of JJDP Act formula grant money.

(2) The detailed study of needs analyzes the needs of disadvantaged youth and that assistance will be available equitably. All subgrantees and contractors shall comply with General Grant Conditions and assurances regarding non-discrimination. See Appendix 4.

(3) It has developed and adheres to procedures for filing and considering grievances arising under this section.

q. Advanced Techniques. Pursuant to Section 223(a)(10) of the JJDP Act, the State Planning Agency shall:

(1) Demonstrate clearly in its plan that at least 75 percent of the JJDP funds support advanced techniques as enumerated in this section of the Act.

(2) In order to ensure timely compliance with Sections 223(a)(12), (13) and (14) of the JJDP Act, states should place special emphasis on projects which are designed to deinstitutionalize juveniles, separate juvenile and adult offenders, and monitor compliance.

r. Analytical and Training Capacity. Pursuant to Section 223(a)(11) and (20) of the JJDP Act, the State Planning Agency shall provide an assurance that it will conduct research, training and evaluation activities.

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* s. Continuation Support. Pursuant to Section 228(a) of the JJDP Act, the State Planning Agency shall:

(1) Indicate the minimum duration of each JJDP program described in its plan.

(2) Indicate the minimum number of years that funding may be requested and received for projects in each program.

(3) Assure that each funded project shall receive funding for the minimum number of years, unless prematurely ended due to:

(a) a substantial decrease in Federal funding to a State under the JJDP Act; or

(b) an applicant's failure to comply with the terms and conditions of the award; or

(c) an applicant's failure to receive a satisfactory yearly evaluation. Here "satisfactory yearly evaluation" refers to those activities defined as "Monitoring" in paragraph 19 of M 4100.1F.

(4) The State must assure that potential applicants know the information submitted under 52s(1) and (2) when programs are announced.

t. Other Terms and Conditions. Pursuant to Section 223(a)(21) of the JJDP Act, States shall provide a list of all juvenile projects funded under the prior year's approved plan. This includes projects funded with JJDP funds as well as Crime Control maintenance of effort funds. This list shall include the project title, location, address, level and source of funding.

*

The crucial difference between evaluation and monitoring is that monitoring is designed to measure ouputs, whereas evaluation is designed to determine the extent to which those outputs resulted from the project or program or can be attributed directly to the program or project. Intensive evaluation, unlike monitoring, is not required on all projects. The SPA shall decide which programs or projects to evaluate, but must conduct some intensive evaluations. Such evaluation must incorporate sound evaluation methodologies including, for example, experimental designs developed prior to project implementation, control groups, and independent data collection and analysis.

* 3. DEFINITION OF A PRIVATE AGENCY RELATING TO PAR. 52(h). REQUIREMENTS FOR SPA'S WHICH PARTICIPATE IN JJDP ACT PROGRAMS.

(a) Definition of Private Agency. A private non-profit agency, organization or institution is (1) any corporation, foundation, trust, association, cooperative, or accredited institution of higher education not under public supervision or control, and (2) any other agency, organization or institution which is operated primarily for scientific, educational, service, charitable, or similar public purposes, but which is not under public supervision or control, and no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, and which has been held by IRS to be tax-exempt under the provisions of Section 501(c)(3) of the 1954 Internal Revenue Code.

4. DEFINITIONS RELATING TO PAR. 52. REQUIREMENTS FOR PARTICIPATION IN FUNDING UNDER THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974.

(a) Juvenile Offender- an individual subject to the exercise of juvenile court jurisdiction for purposes of adjudication and treatment based on age and offense limitations as defined by State law.

(b) Criminal-type Offender - a juvenile who has been charged with or adjudicated for conduct which would, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

(c) Status Offender - a juvenile who has been charged with or adjudicated for conduct which would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult.

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* (d) Non-offender - a juvenile who is subject to the jurisdiction of the juvenile court, usually under abuse, dependency, or neglect statutes for reasons other than legally prohibited conduct of the juvenile.

(e) Accused Juvenile Offender - a juvenile with respect to whom a petition has been filed in the juvenile court alleging that such juvenile is a criminal-type offender or is a status offender and no final adjudication has been made by the juvenile court.

(f) Adjudicated Juvenile Offender - a juvenile with respect whom the juvenile court has determined that such juvenile is a criminal-type offender or is a status offender.

(g) Facility - a place, an institution, a building or part thereof, set of buildings or an area whether or not enclosing a building or set of buildings which is used for the lawful custody and treatment of juveniles and may be owned and/or operated by public or private agencies.

(h) Facility, Secure - one which is designed and operated so as to ensure that all entrances and exits from such facility are under the exclusive control of the staff of such facility, whether or not the person being detained has freedom of movement within the perimeters of the facility or which relies on locked rooms and buildings, fences, or physical restraint in order to control behavior of its residents.

(i) Facility, Non-secure - a facility not characterized by the use of physically restricting construction, hardware and procedures and which provides its residents access to the surrounding community with minimal supervision.

(j) 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, alcoholism treatment, drug treatment, and other rehabilitative services. This definition is from Section 103(1) of the JJDP Act. For purposes of clarification the following is being provided:

(1) Small: Bed capacity of 40 or less. *

(2) Near: In reasonable proximity to the juvenile's family and home community which allows a child to maintain family and community contact.

(3) Consumer Participation: Facility policy and practice facilitates the involvement of program participants in planning, problem solving, and decision making related to the program as it affects them.

(4) Community Participation: Facility policy and practice facilitates the involvement of citizens as volunteers, advisors, or direct service providers; and provide for opportunities for communication with neighborhood and other community groups.

(k) Lawful Custody - the exercise of care, supervision and control over a juvenile offender or non-offender pursuant to the provisions of the law or of a judicial order or decree.

(l) Exclusively - as used to describe the population of a facility, the term "exclusively" means that the facility is used only for a specifically described category of juvenile to the exclusion of all other types of juveniles.

(m) Criminal Offender - an individual, adult or juvenile, who has been charged with or convicted of a criminal offense in a court exercising criminal jurisdiction.

(n) Bed Capacity - the maximum population which has been set for day to day population and, typically, is the result of administrative policy, licensing or life safety inspection, court order, or legislative restriction.

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NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

CHARTER

Preamble:

In order to prevent and reduce juvenile delinquency in the United States by encouraging the development and implementation of effective methods and programs aimed at the prevention of delinquency, diversion of juveniles from the traditional juvenile justice system, provision of alternatives to incarceration and improvement of the quality of juvenile justice; by encouraging research, demonstration and evaluation activities and disseminating the results of such research to persons and organizations actively working in the field of juvenile justice and delinquency prevention; by encouraging the provision of technical assistance and resources to state and local communities to conduct more effective juvenile justice and delinquency prevention and treatment programs; and by providing leadership and coordination at the Federal level; the National Advisory Committee for Juvenile Justice and Delinquency Prevention (the Committee) is hereby granted this charter.

I. Designation:

The Committee shall be known as the National Advisory Committee for Juvenile Justice and Delinquency Prevention.

II. Authority and Scope:

The Committee is established under the authority of Section 207 (a) of P.L. 93-415, the Juvenile Justice and Delinquency Prevention Act of 1974 (the Act), as amended by P.L. 95-115, the Juvenile Justice Amendments of 1977. The Committee will operate pursuant to the provisions of P.L. 92-463, the Federal Advisory Committee Act; OMB Circular No. A-63; LEAA Instruction I 2100.1 and any additional order and directives issued in implementation of the Act. The scope of its functions is limited to the duties specified in this charter.

III. Duration and Termination:

The Committee will remain in existence for the duration of P.L. 93-415, as amended by P.L. 95-115, or until September 30, 1980.

IV. Responsible and Supporting Agency:

The Committee will report to and receive support from the Office of Juvenile Justice and Delinquency Prevention, (the Office), Law Enforcement Assistance Administration (LEAA), Department of Justice, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

V. Duties:

Make recommendations at least annually to the Associate Administrator, of LEAA (hereinafter the Administrator of the Office), the President and the Congress with respect to planning, policy, priorities, operations, and management of all Federal juvenile delinquency programs as defined by the Act.

b. Advise and assist the Administrator of the Office in the preparation of an annual 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 and a brief but precise 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, which analysis and evaluation shall include recommendations for modifications in organization, management, personnel, standards, budget requests, and implementation plans necessary to increase the effectiveness of these programs.

Through subcommittees of the Committee shall:

a. Serve as the Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention.

b. Serve as the Advisory Committee to the Administrator of the Office on Standards for the Administration of Juvenile Justice.

c. Serve as the Advisory Committee to the Administrator of the Office on particular functions or aspects of the work of the Office.

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VI. Operations Support:

The Chairman of the Committee with the approval of the Committee, shall request of the Administrator of the Office such staff and other support as may be necessary to carry out the duties of the Committee. The Administrator of the Office shall provide such staff and other support as may be necessary to perform the duties of the Committee. The estimated direct cost of operating the Committee is approximately $175,000 and 2 person years per annum.

VII. Membership:

There shall be 21 regular members of the Committee. The members of the Coordinating Council on Juvenile Justice and Delinquency Prevention shall be ex-officio members of the Committee.

a. The regular members of the Committee 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, such as juvenile or family court judges; probation, correctional, or law enforcement personnel; and representatives of private voluntary organizations and community-based programs, including youth workers involved with alternative youth programs and persons with special experience and competence in addressing the problem of school violence and vandalism and the problem of

learning disabilities. The President shall designate the Chairman of the Committee. A majority of the members of the Committee, including the Chairman, shall not be full-time employees of Federal, State, or local governments. At least seven members shall not have attained 26 years of age on the date of their appointment, of whom at least three shall have been or shall currently be under the jurisdiction of the juvenile justice system.

b. Members appointed by the President to the Committee shall serve for terms of four years and shall be eligible for reappointment. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed, shall be appointed for the remainder of such term.

VIII. Meetings:

The Committee will meet at the call of the Chairman but not less than four times a year.

I Grant This Charter

This day of 1977.

John M. Rector
Administrator
Office of Juvenile Justice and
Delinquency Prevention

ANNUAL REPORT OF THE NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

INTRODUCTION

The National Advisory Committee for Juvenile Justice and Delinquency Prevention, appointed by the President, was established by P.L. 93-415, the Juvenile Justice and Delinquency Prevention Act of 1974,[1] to make recommendations with respect to planning, policy, priorities, operation and management of all Federal juvenile delinquency programs.[2] The Committee works closely with the Office of Juvenile Justice and Delinquency Prevention (the Office) within the Department of Justice. The Office is responsible for implementing the Congressional policy set forth in P.L. 93-415, as amended, of providing the necessary resources, leadership, and coordination to:

1. develop and implement effective methods of preventing and reducing juvenile delinquency;
2. develop and conduct effective programs to prevent delinquency, to divert juveniles from the traditional juvenile justice system, and to provide critically needed alternatives to institutionalization;
3. improve the quality of juvenile justice in the United States; and,
4. increase the capacity of State and local governments and public and private agencies to conduct effective

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[1] On October 3, 1977, President Carter signed into law P.L. 95-115, the Juvenile Justice Amendments of 1977, which reauthorize the Juvenile Justice and Delinquency Prevention Act of 1974 and the Committee through September 30, 1980.

[2] P.L. 93-415, as amended, defines a Federal juvenile delinquency program as any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including drug and alcohol abuse programs; the improvement of the juvenile justice system; and any program or activity for neglected, abandoned, or dependent youth and other youth to help prevent delinquency.

juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of delinquency prevention.[3]

Membership

The Committee is composed of 21 members selected from among persons who by virtue of their training or experience have special knowledge concerning the prevention of delinquency or the administration of juvenile justice. Appointments to the Committee are for staggered terms of 4 years. In order to guarantee that the views of youth are represented, the Act requires that at least seven members be under the age of 26 at the time of their appointment. An amendment to the Act now requires that at least three of the youth members have been or currently be under the jurisdiction of the juvenile justice system. To strengthen the Committee as an independent advisor, a majority of the members, including the Presidentially-designated Chairman, may not be full-time employees of Federal, State, or local government.

Subcommittees

The Committee has three standing subcommittees,[4] and an Executive Committee composed of the subcommittee chairpersons, a youth member, and the Chairman of the Committee. The subcommittees are:

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[3]P.L. 93-415, Section 102 (b)(1), (2), (3), and (4).

[4]Under the amended Act, a fourth standing subcommittee will be established to serve as an advisory committee to the Administrator of the Office on particular functions or aspects of the work of the Office.

1. The Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention (the Institute) which is responsible for advising, consulting with, and making recommendations concerning overall policy and operations of the Institute. The Institute is the research, evaluation, and training arm of the Office.
2. The Advisory Committee to the Administrator of the Office on Standards for Juvenile Justice which assists the Office in reviewing existing reports, data, and standards relating to juvenile justice. The subcommittee develops standards on juvenile justice and delinquency prevention and makes recommendations on Federal, State, and local action required to facilitate the adoption of those standards. The standards and recommendations form the basis of the full Committee's report to the Administrator of the Office, the President, and the Congress.
3. The Advisory Committee for the Concentration of Federal Effort which makes recommendations on improving the coordination of Federal juvenile delinquency programs and provides advice to the Office on the preparation of the annual analysis and evaluation of Federal juvenile delinquency programs and comprehensive plan for implementing Federal policy on the prevention, treatment, and control of juvenile delinquency.

ACTIVITIES, ACCOMPLISHMENTS, AND RECOMMENDATIONS OF THE COMMITTEE

Advocacy

An important role of the National Advisory Committee is that of advocate for a strong national policy that facilitates implementation of the provisions of the Juvenile Justice Act. Through their individual and collective efforts, the members have assisted in defending the rights of youth, intervening on behalf of youth in situations related to services and institutions, and monitoring the delivery of services and the operations of institutions to assure that the rights of youth are protected. The members have participated in national, State, and local conferences, seminars, and training programs both to increase public awareness of the needs and rights of young people and to establish a broad national constituency for the provisions of the Juvenile Justice Act.

A primary interest of the Committee has been to support and assist the efforts of its counterparts which were established at the State level under P.L. 93-415--the State juvenile justice and delinquency prevention advisory groups--and to insure that State and local level concerns are represented at the national level. State advisory group members participated in quarterly meetings of the Committee and presented reports on their accomplishments, problems they have encountered in implementing the Juvenile Justice Act, and suggestions on ways by which youth advocacy activities could be strengthened. Throughout the year, Committee members participated in State

advisory group meetings, in some cases as members themselves, and in State advisory group training programs sponsored by the Office.

Recommendations

1. Private citizens should be involved in juvenile justice and delinquency prevention policy and program development at the Federal, State, and local levels.

2. The Office should provide for citizen participation, with special emphasis on youth participation, in juvenile delinquency policy and program development, implementation, and assessment.

3. The Office should develop and support youth advocacy programs to protect the rights of youth and to improve services for youth who come in contact with the juvenile justice system.

4. The Office should place emphasis not only on the role of public youth-serving agencies in preventing, treating, and controlling delinquency, but also on the role of private, nonprofit community and citizen groups.

5. The Office should encourage and support efforts of citizen groups to monitor State and local efforts to implement the provisions of the Juvenile Justice Act, especially with regard to the deinstitutionalization and separation mandates of Sections 233(a)(12) and (13).

Legislative Concerns

During each Committee meeting, particular attention has been given to review and discussion of problems encountered

in implementing the Juvenile Justice Act. Based on these deliberations, the Committee developed a series of recommendations for strengthening the Act. The recommendations were forwarded upon request to both houses of Congress and formally presented in testimony before the Senate Subcommittee to Investigate Juvenile Delinquency and the House Subcommittee on Economic Opportunity during hearings on reauthorization of the Juvenile Justice Act. The testimony provided the opportunity for the Committee not only to share their experiences with members of Congress, but also to bring the concerns of State and local advisory groups and program administrators to the attention of Congress as well. With few exceptions, the recommendations of the Committee were incorporated into the Juvenile Justice Amendments of 1977 signed into law by President Carter on October 3, 1977.

At the State level, members have assisted the State juvenile justice and delinquency prevention advisory groups in better understanding specific provisions of the Juvenile Justice Act and in developing ways that problems of implementation could be resolved or diminished. Members have also assisted State groups in analyzing juvenile delinquency-related legislation pending at the State level and participated in drafting model legislation patterned after the Juvenile Justice Act.

Recommendations

1. The Presidentially appointed Administrator of the Office should be delegated all policy, administrative, managerial, and operational responsibilities of the Act.

2. All programs concerned with juvenile delinquency and administered by the Law Enforcement Assistance Administration should be administered by or subject to the policy direction of the Administrator of the Office.

3. In addition to the funds appropriated under the Juvenile Justice Act, a minimum of 19.15% from other Law Enforcement Assistance Administration program funds should be expended for juvenile delinquency programs.

4. All States should qualify automatically for Juvenile Justice Act planning funds to establish State and local level juvenile justice and delinquency prevention planning and advisory functions.

5. State level juvenile justice and delinquency prevention advisory groups authorized under the Juvenile Justice Act should advise their respective governor and State legislature, as well as the State Planning Agency, regarding juvenile delinquency policies and programs.

6. The Administrator of the Office should be authorized to continue granting Juvenile Justice Act funds to a State if the Administrator finds that the State is in substantial compliance with the requirement that the State deinstitutionalize

all status offenders within a 2-year period and if the Administrator has an unequivocal commitment from the State that it will achieve full compliance within a 5-year period from initial participation in the program. Substantial compliance should be defined as achievement of 75% deinstitutionalization.

7. A 10% cash match for juvenile delinquency programs administered by the Office should be required, but the Administrator of the Office should be permitted to waive matching requirements for private nonprofit organizations and agencies. Further, the Administrator of the Office should have the authority to waive matching requirements for Indian tribes and other aboriginal groups and to waive State liability and to direct Federal action where the State lacks jurisdiction to proceed.

8. Administration of the Runaway Youth Act should be transferred from the Department of Health, Education, and Welfare to the Office.

9. The scope of the Runaway Youth Act should be broadened to include other homeless youth.

10. Statistical reports and documents profiling the children and parents served under Runaway Youth Act programs should not disclose the identity of the individual youth without the consent of the individual youth and his or her parent or legal guardian.

Concentration of Federal Effort

The Committee and the Office together with the Coordinating Council on Juvenile Justice and Delinquency Prevention (the Coordinating Council) form the core of the Federal effort to coordinate juvenile delinquency programs.

The Coordinating Council is composed of the Attorney General (Chair), the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, the Secretary of Labor, the Director of the Office of Drug Abuse Policy, the Commissioner of the Office of Education, the Director of the ACTION Agency, the Administrator of the Office (Vice Chair), the Director of the Institute, and representatives of other agencies as designated by the President. The Juvenile Justice Act assigns responsibility to the Coordinating Council for coordination of all Federal juvenile delinquency programs. In addition, the Coordinating Council is responsible for making recommendations to the Attorney General and the President with respect to the coordination of overall policy and development of objectives and priorities for all Federal juvenile delinquency programs and activities.

As provided by the Juvenile Justice Act, the members of the Coordinating Council participated as ex-officio members of the Committee. Through a policy established to promote citizen participation, the members of the Committee's Advisory Committee on the Concentration of Federal Effort participated in Coordinating Council meetings and related activities.

Unfortunately, since its creation, the Coordinating Council has suffered from a lack of adequate staff and a lack of active participation by individuals who exercise significant decision-making authority within the Federal agencies they represent. In addition, there have been few focused and enforceable policy guidelines around which Federal programs could be coordinated. For example, the deinstitutionalization of status offenders is clearly a priority of the Act. As a policy, however, deinstitutionalization has been applied almost exclusively by the Office.

To assist in the concentration of Federal efforts, the Committee submitted formal recommendations on the Second Comprehensive Plan for Federal Juvenile Delinquency Programs which contains a statement of Federal policy for the prevention, treatment, and control of delinquency and objectives for implementation of that policy. A priority objective is the identification of Federally sponsored or assisted activities that are inconsistent with the provisions of the Juvenile Justice Act. Of specific concern are the provisions in Sections 223(a)(12) and (13) which relate to the deinstitutionalization of status offenders and dependent and neglected children, and the separation of juvenile and adult offenders. The Committee strongly supported the addition of this objective to the Federal policy as a focus for coordination efforts. New leadership and direction of the Coordinating Council combined with the new focus of the Federal policy, and the advice and assistance of the Committee should alleviate past problems and result in progress toward coordination.

The Committee also submitted formal recommendations on the content and organization of the Second Analysis and Evaluation of Federal Juvenile Delinquency Programs prepared by the Office and submitted to the President and Congress. The report catalogued 144 juvenile delinquency-related programs with a combined Federal expenditure of approximately $42.1 billion. Of that amount, the report estimated that approximately $20 billion was expended on youth, and a much smaller amount was specifically expended on juvenile delinquency. To conclude that these estimates reflect anything more than a crude analysis, however, would ignore the difficulty and complexity involved in analyzing Federal juvenile delinquency program expenditures. A lack of uniformity in evaluation and data collection requirements and differing, often conflicting, program priorities and objectives are complicating factors. The establishment of a consistent Federal policy in regard to the deinstitutionalization of status offenders and the subsequent identification of all relevant Federal expenditures will contribute to the development of a more precise analysis of Federal juvenile delinquency program expenditures.

The Committee reviewed selected major Federal juvenile delinquency-related programs and met with officials of those programs to determine ways that the programs could be better coordinated. Among the programs reviewed by the Committee are those administered by the Department of Labor under the Comprehensive Employment and Training Act (CETA); and the Social Services for Low Income and Public Assistance

Recipients Program (Title XX), Runaway Youth Act Programs, and the National Institute of Drug Abuse Programs, all of which are administered by the Department of Health, Education, and Welfare. In December 1976, the Committee and the Coordinating Council conducted a joint meeting on the issue of youth employment and Department of Labor appropriations for youth employment programs. Based upon the recommendations and support of the Committee, the Office developed a preliminary coordination agreement with CETA program officials and will explore more extensive coordination arrangements for the coming year.

In addition to reviewing juvenile delinquency programs at the Federal level, the Committee assumed responsibility for monitoring selected State and local level projects sponsored by the Office. The purpose of these projects is to explore methods of improving delivery of services to youth through coordination of Federal resources. In one such project, the concentration of Federal resources resulted in cost-savings to support 10 community based programs that would have been terminated for lack of funds. The Committee will continue to monitor efforts of this type and will assist the Office in disseminating project findings.

Recommendations

1. The Office and other Federal agencies and departments should provide the necessary leadership and resources to implement the Federal policy for the prevention, treatment, and control of juvenile delinquency as stated in the Second

Comprehensive Plan for Federal Juvenile Delinquency Programs. Special emphasis should be placed on the objective of identifying Federally sponsored or assisted activities which are inconsistent with the provisions of the Juvenile Justice Act, with particular regard to the deinstitutionalization of status offenders and dependent and neglected children, separation of juvenile and adult offenders, and diversion of youth to community-based programs.

2. The President and the Attorney General should give high priority to the work of the Coordinating Council on Juvenile Justice and Delinquency Prevention.

3. A policy of citizen participation in the meetings and activities of the Coordinating Council should continue to be implemented through representation of the Committee on the Coordinating Council.

4. To improve Federal coordination of juvenile delinquency programs, the Office of Management and Budget should be represented on the Coordinating Council.

5. The Coordinating Council should be responsible for providing advice and assistance to the Office in the preparation of the annual analysis and evaluation of Federal juvenile delinquency programs and the development and implementation of the annual comprehensive plan for these programs.

6. The Office, through the Coordinating Council, should insure that all youth employment efforts undertaken by the

Department of Labor are consistent with the Federal policy to prevent, treat, and control juvenile delinquency.

7. The comprehensive plan for Federal juvenile delinquency programs should include as a major objective the collection and analysis of comparable baseline data from Federal agencies and departments with responsibilities for juvenile delinquency programs. The data should be used as the foundation of the third analysis and evaluation of Federal juvenile delinquency programs and should relate to such issues as: (a) organizational structure; (b) policy formulation; (c) planning procedures and requirements; and (d) program priorities, operations, evaluation requirements, and results.

8. The Office, with the assistance of the Committee and the Coordinating Council, should establish data collection procedures for other Federal departments and agencies to follow in the submission of information that will be of sufficient detail to allow the Office to evaluate the degree to which each Federal juvenile delinquency program conforms with and furthers Federal juvenile justice and delinquency prevention policies and objectives.

9. The third analysis and evaluation report should distinguish juvenile delinquency programs and expenditures from general youth programs and expenditures. Further, the analysis should indicate whether Federal expenditures are consistent with the provisions of the Juvenile Justice Act, with

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special attention to the deinstitutionalization and separation mandates.

10. In accordance with the findings of a recent feasibility study sponsored by the Office, an automated juvenile delinquency program information system--particularly a project level system--is judged not to be cost effective and alternative methods for collecting juvenile delinquency program information should be developed.

11. The Office should insure that at the Federal level, emphasis is placed on, and appropriate resources applied to, not only delinquency prevention and diversion of youth from the traditional juvenile justice system, but also reduction of serious crimes committed by juveniles.

National Standards on Juvenile Justice and Delinquency Prevention

A major activity of the Committee has been the formulation of national standards on juvenile justice and delinquency prevention. Through the work of its Subcommittee on Standards, the Committee has submitted to the President and Congress two reports containing approximately 250 standards and delinquency prevention strategies. In developing standards and other recommendations, the Committee reviewed and analyzed the proposals and reports of the many national and State commissions, professional organizations, and other groups and agencies that have prepared standards, models, and guidelines relating to juvenile justice. In the interest of coordination, whenever

possible the Committee adopted the standards of these other groups rather than formulating a wholly new set of recommendations.

The first report, submitted on September 30, 1976, contains standards regarding the jurisdiction and organization of courts hearing matters relating to juveniles; the rights of the parties in delinquency, status offense, neglect and abuse proceedings; and, the criteria and procedures applicable to intake, detention, and disposition decisions. The report includes a plan for implementation of the standards in general, and specific recommendations on adoption of particular standards.

On March 31, 1977, the second standards report was submitted to the President and Congress. It contains recommendations regarding administration of the juvenile justice system, delinquency prevention, intervention in the lives of children and their families by law enforcement and other government agencies, and supervision of persons subject to the jurisdiction of the family court. With regard to administration of the juvenile service system, the report contains standards on the planning, management and evaluation roles and responsibilities of local, State, and Federal governments. The standards emphasize the need for a coordinated, multilevel planning process. This process is intended to encompass the identification of delinquency prevention needs and resources, the development of a comprehensive prevention program consistent with those needs and resources, as well as the design and

implementation of measures necessary to improve the operation of the traditional components of the juvenile justice system. Also included are standards on the selection and training of juvenile justice system personnel; and on the compilation, retention, correction, availability, and disposition of records pertaining to juveniles.

With regard to delinquency prevention, Committee members agreed that it was inappropriate to recommend, at the Federal level, specific prevention programs to be administered at the State and local levels. Therefore, the report contains a recommended definition of delinquency prevention together with 37 program strategies. These program strategies are presented not as prescriptions, but as general guides for States and communities to consider in developing comprehensive prevention programs that address local needs with available resources.

The portion of the report pertaining to intervention emphasizes the point at which a public official makes contact with a juvenile and/or family because of an alleged delinquent act or status offense, or to protect a juvenile in danger of serious harm. The standards define the situations in which intervention is appropriate, set forth criteria to guide decisions to refer individuals to intake units and to take juveniles into custody, and describe the procedures and rights which should apply following intervention. The standards follow the principle of using the least restrictive or intrusive alternative available to achieve the objectives of the intervention.

The standards pertaining to supervision are directed to those agencies and programs supervising juveniles and familes subject to the jurisdiction of the family court over delinquency, status offenses, neglect and abuse. Particular attention is given to the size and nature of the services and staff which should be available in residential programs, and in particular group homes, foster homes, and shelter care facilities. Recommendations are made that relate to the operation of nonresidential programs, the rights of persons subject to court-ordered supervision, disciplinary, transfer and grievance procedures, the use of mechanical and medical restraints, the creation of ombudsman programs, and the responsibility for operation of supervisory programs.

Recommendations

1. Status offenders should be removed from the jurisdiction of the juvenile court.[5]

2. Each State government should establish an executive office of youth advocate with the responsibility for investigating and reporting misfeasance and malfeasance within the juvenile justice system; inquiring into areas of concern; and, conducting periodic audits of the juvenile service

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[5]This recommendation does not concur with that of the standards subcommittee of the Committee. The subcommittee recommendation allows for court involvement in status offender cases when all other community resources have failed. The appropriate handling of status offender cases and the jurisdiction of the juvenile court will be the subject of extensive deliberations by the Committee during the coming year.

system to ascertain its effectiveness and compliance with established responsibilities.

3. Written grievance procedures should be established for all residential and nonresidential programs serving juveniles, and the juveniles within these programs should have access to an ombudsperson.

4. The destruction of a record pertaining to a juvenile should be mandatory and should not be contingent upon receipt of a request by the subject of that record.

5. Each State and the Federal Government should enact statutes governing the collection, retention, disclosure, sealing, and destruction of records pertaining to juveniles to assure accuracy and security of such records and to protect against the misuse, misinterpretation, and improper dissemination of the information contained in the records.

6. Privacy councils should be established at the State and Federal levels to assist in review of record keeping practices and in enforcement of the statutes and regulations governing records pertaining to juveniles.

7. The Office should determine the legislative authority of other Federal departments and agencies to develop and implement standards relating to juvenile justice and delinquency prevention. Further, other Federal departments and agencies should be asked to identify areas in which their standards

and the recommendations of the Committee are not in accord so that any differences may be resolved.

8. Agencies at all levels of government should design procedures to assure that when standards advocating the use of alternatives to incarceration, deinstitutionalization, or other nontraditional techniques are implemented, the cost savings realized will be reallocated to follow the juveniles served by the alternatives.

Research, Evaluation, and Training

The Juvenile Justice Act establishes the National Institute for Juvenile Justice and Delinquency Prevention (the Institute) to serve as the research, evaluation, training, and information center for Federal efforts to prevent, treat, and control juvenile delinquency. The Act requires the Office, through the Institute, to:

1. conduct research on juvenile delinquency;
2. evaluate juvenile delinquency programs at the Federal and State levels;
3. collect, synthesize, and disseminate information on all aspects of delinquency;
4. train professionals and others in the field; and
5. assist, through training, State advisory groups and comparable citizen groups in States not participating in the Act in the accomplishment of their objectives.

To assist the Office in meeting these requirements, the Juvenile Justice Act establishes the Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention as a subcommittee of the full Committee. During

the past year, the Institute subcommittee has worked closely with the Office in developing program priorities and in reviewing the activities and results of research, evaluation, and training efforts sponsored not only by the Institute, but also by other public and private agencies, nationwide.

The Committee has stressed the need for more research on the specific issue of delinquency prevention and has encouraged the Institute to sponsor projects in support of the juvenile justice and delinquency prevention research priorities that were established by the Coordinating Council. Based on the recommendations of the Committee, the Institute sponsored research last year on 5 of the 11 Coordinating Council priorities: (1) studies tracing the individual and group behavior of delinquent youth; (2) annual compilation of data on youth crime; (3) evaluation of delinquency prevention strategies; (4) a nationwide survey of gang delinquency; and (5) evaluation of diversion and restitution as distinct intervention strategies. During the coming year, the Office plans to fund studies focused on at least three other Coordinating Council priorities. These include basic research projects on delinquency prevention issues, a study of the relationship between youth crime and family economic opportunity, and an examination of the relationship between the use of drugs, including alcohol, and delinquency. In addition, with the support of the Committee, the Institute will assist in coordinating other Federal research efforts that address the priorities of the Coordinating Council.

In considering a wide range of delinquency-related research and evaluation issues, the Committee specifically identified the following activities as appropriate for the Institute: study of the flow of youths through the juvenile justice system and through alternatives to that system; research into the factors associated with the development and maintenance of juvenile delinquency careers and the transition of youth offenders into adult criminals; and exploration of alternative research designs and methodologies for evaluating the effectiveness of programs in the juvenile justice and delinquency prevention areas.

Recommendations

1. Greater emphasis should be placed on research in the area of delinquency prevention.

2. Juvenile justice and delinquency prevention research and action programs should be better coordinated and designed to complement each other.

3. Regarding the relationship between action and research programs sponsored by the Office, the Institute should participate in, or sponsor directly, three types of research: small scale research and demonstration projects that test new program approaches; evaluations of programs that use alternative intervention approaches; and assessments or case studies of programs that use traditional service approaches.

4. At the direction of the Office, the Department of Health, Education, and Welfare's Interagency Panel on Research

and Development on Adolescence should be encouraged to focus specifically on juvenile delinquency.

5. The Institute should continue to support research programs that address the juvenile delinquency research priorities of the Coordinating Council. Further, the Institute should coordinate other Federal agency research activities that address Coordinating Council priorities.

COMMITTEE OBJECTIVES FOR 1977-1978

1. To submit to the Administrator of the Office recommendations on the goals, objectives, priorities, and overall organization of the annual analysis and evaluation of and comprehensive plan for Federal juvenile delinquency programs.

2. To issue periodic reports to the Administrator of the Office, the President, and the Congress on priorities for improving juvenile justice and preventing delinquency.

3. To develop a program of information dissemination on juvenile justice and delinquency prevention issues and programs.

4. To perform an interpretive and advocacy role to the President, the Congress, the Administrator of the Office, and the public on issues, problems, priorities, and policies relating to juvenile justice and delinquency prevention.

5. To provide support and assistance to the Coordinating Council in fulfilling its mandate to coordinate Federal juvenile delinquency programs.

6. To encourage development of interagency collaborative research and demonstration program efforts.

7. To conduct and publish, as part of the annual analysis and evaluation of Federal juvenile delinquency programs, an evaluation of the Concentration of Federal Effort Program of the Office.

8. To promote coordination and simplification of Federally sponsored programs at the State and local levels.

9. To encourage establishment of a requirement that the administrator of any new program affecting youth submit to the Coordinating Council a "Youth Impact Statement" that must be approved by the Coordinating Council before program funds are released.

APPENDIX I: COMMITTEE MEMBERS AND TERMS OF APPOINTMENT

NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

MEMBERS AND TERMS OF APPOINTMENT

APPOINTED MARCH 19, 1975 TO TERMS EXPIRING MARCH 18, 1977

Mr. William R. Bricker
Boys' Clubs of America
771 First Avenue
New York, NY 10019
(212) 684-4400

Mr. Richard C. Clement
Chief of Police
Dover Township Police Department
P.O. Box 876
Toms River, NJ 08753
(201) 349-0150

Dr. Wilmer S. Cody
Superintendent of Schools
P.O. Drawer 10007
Birmingham, AL 35202
(205) 252-1800 Ext. 280

Mr. Edwin Meese, III
Attorney at Law
9001 Grossmont Boulevard
La Mesa, California 92041
(714) 461-0331

George H. Mills, MD
53-179 Kamehameha Highway
Hauula, Hawaii 96717
(808) 842-8215

Honorable Wilfred W. Nuernberger
Judge, County Court
Lancaster County
Lincoln, Nebraska 68502
(402) 473-6367

Rep. Robert B. Martin
House of Representatives
249 Conlee Place
Memphis, Tennessee 38111
(901) 386-1552

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APPOINTED MARCH 19, 1975, TO TERMS EXPIRING MARCH 18, 1978

Mr. J. D. Anderson, Chairman
National Advisory Committee for
Juvenile Justice and Delinquency
Prevention
8721 Indian Hills Drive
Omaha, Nebraska 68144

Mr. Allen F. Breed
324 South Carolina Avenue, S.E.
Washington, D.C. 20002

Mr. John Florez
Director, Office of Equal Opportunity
University of Utah
208 Park Building
Salt Lake City, Utah

Ms. Cindy Moser
Extension Office
Box 473
Mobridge, South Dakota 57601

Dr. Albert Reiss, Jr.
Department of Sociology
Yale University
New Haven, Connecticut 06520

Mrs. Flora Rothman
27-20 216th Street
Bayside, New York 11360

Mr. Bruce Stokes
Leadership Specialist
Maryland Professional, Personnel and
Youth/Adult Vocational Leadership
Development Center
1815 Woodside Avenue
Baltimore, Maryland 21227

I-3

APPOINTED AUGUST 23, 1976, TO TERMS EXPIRING MARCH 18, 1980

Mr. Glen L. Bower
State's Attorney
113 E. Jefferson
P.O. Box 232
Effingham, Illinois 62401

Ms. Bernadette Chavira
1506 8th Street
Albuquerque, New Mexico 87102

*Mr. H. P. Goldfield
Parker-Goldfield
1700 K Street, N.W.
Eighth Floor
Washington, D.C. 20006

*Ms. Marion W. Mattingly
8801 Fallen Oak Drive
Bethesda, Maryland 20034

Mr. Michael Olson
94 Lucky Street
Pittsburgh, Pennsylvania 15212

Honorable Lawrence Semski
Judge, Harrison County Family Court
P.O. Box 7
Gulfport, Mississippi 93510

Reverend George Walker Smith
Pastor, Golden Hill United Presbyterian Church
3120 Market Street
San Diego, California 92102

* Appointed September 22, 1976

I-4

APPOINTED OCTOBER 3, 1977, TO TERMS EXPIRING MARCH 18, 1981

George C. Belitsos
129 Ash Avenue, Apt. 8
Ames, Iowa 50010

Timothy Scott Davis
1410 Q Street, N.W.
Washington, D.C. 20009

Hon. Margaret C. Driscoll
Chief Judge
Connecticut Juvenile Court
Bridgeport, Conn.

Steven David Stark
527 Chapel Street, Apt. D-1
New Haven, Conn. 06511

Barbara Sylvester
510 Camellia Circle
Florence, South Carolina 29501

Diana Tamez
2909 Fredericksburg Road
Building 23, Apt. 4
San Antonio, Texas 78201

Genevieve H. Wilson
3500 Grantley Road
Baltimore, Maryland 21215

FOR IMMEDIATE RELEASE JUNE 23, 1978

Office of the White House Press Secretary

THE WHITE HOUSE

The President today announced the appointment of seven persons as members of the National Advisory Committee on Juvenile Justice and Delinquency Prevention. They are:

C. Joseph Anderson, a Terre Haute, Indiana, attorney and former judge of the Vigo County (Indiana) Circuit Court. He is a former high school teacher, deputy prosecutor and state legislator.

Kenneth McClintock-Hernandez, of San Juan, Puerto Rico, a law student at Tulane Law School who has been active in civic and political activities relating to youth in Puerto Rico;

Ron LeFlore, a center fielder for the Detroit Tigers and author of the autobiography "Breakout".

D. Laverne Pierce, of Salem, Oregon, a consultant to the Marion-Polk-Yamhill Council on Alcoholism, where she is designer of a community alcohol education plan. She is former executive director of a free medical clinic and is the chairperson of the Oregon Juvenile Justice Advisory Committee;

Kenneth F. Schoen, commissioner of the Minnesota State Department of Corrections and a former parole agent and psychiatric social worker;

David Tull, of The Bronx, New York, a student at State University College at Buffalo, a former youth gang leader, and president of the Third World, a coalition of gangs working to improve living conditions;

Alice Udall, a Juvenile Court referee in Pima County, Arizona and member of the Arizona Juvenile Justice and Delinquency Prevention Advisory Committee.

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Congressional Research Service
Washington, D.C. 20540

June 13, 1978

TO: Subcommittee on Economic Opportunity
Attention: Gordon Raley

FROM: Education and Public Welfare Division

SUBJECT: Oversight hearings regarding implemention of provisions of The Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

This is in response to your request for all publications that have been issued pursuant to provisions of the Juvenile Justice Act as well as possible areas for questions during your oversight hearings to be held June 27, 1978.

REPORTS

1. Sections 204 (b) and (c) - General annual reports.

Reports are required to be filed with Congress under several sections of the act, as originally passed and as amended. The original enabling legislation, P.L. 93-415 became effective September 7, 1974, and remained in effect through September 30, 1977; the Juvenile Justice Amendments, P.L.95-115 have been in effect since.

Section 204(b)(5) of the original act, which became effective December 31, 1974 required an annual analysis and evaluation of Federal juvenile delinquency programs to be submitted to the President and Congress, "after the first year the legislation is enacted, prior to September 30" The first such report was issued September 30, 1975 and was entitled, "First Analysis and Evaluation of Federal Juvenile Delinquency Programs." (2 volumes.) The "Second Analysis and Evaluation" was issued sometime in 1977, but there is no date on the report. Because the provisions would have applied through fiscal year 1977, it appears that one such report is missing.

Similarly, section 204(b)6), which also became effective December 31, 1974, called for an annual comprehensive juvenile delinquency plan to be submitted to the President and Congress prior to March 1, after the first year the legislation was enacted. One such plan was issued, March 1, 1976.

Also, under section 204(c) the President is required to submit a report to Congress and the Coordinating Council in response to the analysis and evaluations issued under section 204(b)(5). We are unaware of any such reports ever having been issued at least as a publication for general distribution.

The 1977 amendments to the Juvenile Justice Act consolidated the analysis and evaluation, and the plan requirements into one annual report due December 31, of the first year following the date of the enactment of the amendments. This report would therefore be due December 31, 1978. The provision for a Presidential response remains in effect.

2. Section 247(b) - Report on Standards.

Section 247(b) of the original enabling legislation requires the National Advisory Committee for Juvenile Justice and Delinquency Prevention to submit a report on recommended standards for the administration of juvenile justice at the Federal, State and local levels to the President and Congress no later than one year after the passage of the section (i.e. by September 7, 1975). Apparently, there was a preliminary report issued by the Advisory Committee pursuant to this section on September 6, 1975. The first published standards, including standards on adjudication and a general implementation plan, were issued September 30, 1976. We understand from a spokesman for the Office of Juvenile Justice and Delinquency Prevention that the final standards, on administration, prevention, intervention and supervsion, have been in draft form since March 1977, but have yet to be formally approved.

3. Section 321 (original act) - Survey of Runaway Youth

Title III, part of B of the original Juvenile Justice Act required the Secretary of Health, Education and Welfare to carry out a "comprehensive statistical survey defining the major characteristic (sic) of the runaway youth population", including the age, sex and socioeconomic background of such youth. The results of the survey were to be reported to Congress not later than June 30, 1975. The survey was conducted by the Opinion Research Corporation and was entitled, "The National Statistical Survey on Runaway Youth." It was published in 1976.

4. Section 315 - HEW Reports on Runaway Youth.

This section of the Juvenile Justice Act requires the Secretary of Health, Education and Welfare to report annually to the Congress on the status and accomplishments of the runaway youth houses funded under title III of the act. No date for such a report is specified. We understand from the Youth Developmental Bureau that such reports have been prepared for the Congressional oversight committees, but to the best of our knowledge they are not published as a document for general distribution.

Other provisions of the Juvenile Justice Act require certain other reports that do not have to be submitted to Congress. Section 204(1)(1) requires Federal agencies involved in programs relating to juvenile delinquency to annually submit development statements to the Coordinating Council. Such statements, with any comments from the Associate Administrator of the Office of Juvenil Justice, must be included when the agencies recommend or request Federal legislation affecting juvenile delinquency prevention and treatment.

Section 246 as amended requires the Deputy Associate Administrator for the National Institute of Juvenile Justice and Delinquency Prevention to submit a report on research, demonstration, training and evaluation programs funded under the title, by September 30, each year. The extent to which such reports exist could be a possible area for questioning during your hearings.

OTHER AREAS OF CONCERN WITH REGARD TO OVERSIGHT

1. The Coordinating Council (Section 206)

The Juvenile Justice Act establishes, as an independent organization within the excecutive branch of the Government, a Coordinating Council on Juvenile Justice and Delinquency Prevention composed of cabinet-level officials with responsibilities relating to juvenile delinquency prevention and juvenile justice. The functions of the Council are to coordinate all Federal juvenile delinquency programs and to make recommendations to the Attorney General and President at least annually, "with respect to the coordination of overall policy and development of objectives and priorities for all Federal juvenile delinquency programs and activities." According to the act, Council must meet four times a year.

It is our understanding that the Coordinating Council has not met in over a year. It is scheduled to meet June 21, 1978.

2. Advisory Committee for Juvenile Justice and Delinquency Prevention (Section 207).

The Juvenile Justice Act creates a National Advisory Committee for Juvenile Justice and Delinquency Prevention to make recommendations on policy, priorities, operation and management of Federal juvenile delinquency programs. The Advisory Committee is composed of twenty-one persons appointed by the President. Seven vacancies on the Committee have existed since March 1978 when the terms of members expired. As of a few weeks ago, there had been no new nominees from the Administration to fill these positions.

Also, the Advisory Committee must meet at least four times per year. You may want to ask how many times this group has met.

3. Unobligated funds.

According to testimony of Richard C. Wertz presented before a seminar for members of Congress conducted by the Congressional Research Service, a sizeable percentage of the funds available for the implementation of the Juvenile Justice Act's title II programs is unobligated. As of March 31, 1978 only 42 percent of all Juvenile Justice Act grant funds (block, discretionary and carryover from previous appropriations) were obligated; over $78 million was unobligated. Mr. Wertz estimated that at least 90 percent of the unobligated funds were discretionary and under the direct control of the Office of Juvenile Justice (this estimate was based on his understanding that almost all of the Juvenile plans for fiscal year 1978 had been approved and the block grants were therefore mostly obligated). Mr. Wertz said that LEAA's "Status of Funds Reports", from which these data were taken, does not break down the Juvenile Justice Act monies into block and discretionary grants. You may want to ask the Office of Juvenile Justice to provide such information.

4. Areas of special emphasis.

In a related area of questionning, you may want to determine what priority areas are currently established for the discretionary, or "special emphasis" grants. The only recent initiative of which we are aware is "Restitution by Juvenile Offenders" which was announced in February.

5. Vacancies on staff of Office of Juvenile Justice

In Senate testimony, John Rector, Associate Administrator of LEAA who heads the Office of Juvenile Justice, stated that one problem they have in obligating funds is insufficient staff. Apparently the Office has an authorized staff level staff level of 51 but only 31-32 were on board. (Testimony before the Senate Judiciary Committee May 1, 1978.) You may want to consider questionning whether this staff shortage still exists and why.

6. Definitions relating to deinstitutionalization.

There has been some controversy over the definition of "juvenile detention and correctional facilities" as established by LEAA for compliance with the deinstitutionalization requirement under Section 223(a)(12) of the Juvenile Justice Act and the prohibition against comingling in Section 223 (a)(13). Peter Edelmanm director of the New York Division for Youth, has charged that the definitions would act to force juvenile delinquents out of voluntary agencies and into the public sector and also that compliance would be very difficult (see attached article from Juvenile Justice Digest, April 14, 1978).

7. Office of Juvenile Justice's Training mandate.

The National Institute for Juvenile Justice and Delinquency Prevention is required to conduct a training program under Sections 248, 249 and 250 of the Juvenile Justice Act. To the best of our knowledge, no such program exists.

We hope that this information will be useful to you in planning for your oversight hearings. Please let us know if we may be of further assistance.

Charlotte Moore
426-5867

JUN 15 1978

City of Tuskegee

Johnny Ford, Mayor
Tuskegee, Alabama 36083
205 / 727-4889

Honorable Ike Andrews
Chairman, Sub-Committee on Juvenile Justice
U. S. House of Representatives
Washington, D. C. 20510

Dear Congressman Andrews:

We are very distressed about the management of the Juvenile Justice and Delinquency Prevention Program administered by the Law Enforcement Assistance Administration. Very few of the funds are going to support minority youth in disadvantaged areas and those programs which are being funded, are being administered without consistent federal support. We have a delinquency prevention program operating in Tuskegee, Alabama administered by Tuskegee Institute's Department of Human Resources. The project is operating well, but the staff in the Office of Juvenile Delinquency are not allowed to provide the kind of support needed from the federal level.

We think that this program is an important resource to communities in combating juvenile crime, and we think that it is critical for the discretionary funds to go directly to local programs. We, in small communities, do not have access to state controlled funds, and state planning agencies are not responsive to not-for profit social agencies who provide the greatest of youth services. We also believe that it is important for the program to be administered so that it is responsive to local needs and conditions. We would appreciate it greatly if you and your Sub-Committee would look into the administration of this program.

Sincerely yours,

Johnny Ford
Mayor

JF:dci

"The Pride of the Swift-Growing South and Home of Tuskegee Institute"

JUL 27 1978

Seattle City Council

Phyllis Lamphere
President of the Council
625-2436

George E. Benson
Chairman
Parks & Community Services Committee
625-2441

Michael Hildt
Chairman
Urban Development & Housing Committee
625-2443

Tim Hill
Chairman
Personnel & Property Management Committee
625-2438

Paul Kraabel
Chairman
Water & Waste Management Committee
625-2447

John Miller
Chairman
Finance Committee
625-2451

Randy Revelle
Chairman
Energy Committee
625-2445

Sam Smith
Chairman
Public Safety & Justice Committee
625-2455

Jeanette Williams
Chairman
Transportation Committee
625-2453

July 24, 1978

The Honorable Ike Andrews, Chairman
Subcommittee on Economic Opportunity
Committee on Education and Labor
United States House of Representatives
Room 320, Cannon House Office Building
Washington, D. C. 20515

RE: Juvenile Justice and Delinquency Prevention

Dear Congressman Andrews:

Thank you for the opportunity to submit my comments on the performance of the Office of Juvenile Justice and Delinquency Prevention in implementing the Juvenile Justice and Delinquency Prevention Act of 1974.

Enclosed for publication in the Report of the Subcommittee on Economic Opportunity is my Statement on Juvenile Justice and Delinquency Prevention. My Statement was prepared with the assistance of Daniel E. Greening, Juvenile Justice Specialist, Washington State Office of Financial Management.

If you have any further questions or if I can be of further assistance, please do not hesitate to contact me or Mary Beth Nethercutt, my Administrative Assistant, at 206/625-2445.

Very truly yours,

Randy Revelle

RANDY REVELLE
Seattle City Councilman

RR/mbn

CC: Daniel E. Greening, Juvenile Justice Specialist,
Washington State Office of Financial Management

STATEMENT BY RANDY REVELLE, SEATTLE CITY COUNCILMAN, SEATTLE, WASH.

Thank you, Mr. Chairman and members of the Subcommittee on Economic Opportunity for this chance to discuss the performance of the Office of Juvenile Justice and Delinquency Prevention in implementing the Juvenile Justice and Delinquency Prevention Act of 1974.

As a member of the Seattle City Council since January 1974, I served as Chairman of the Council's Public Safety and Justice (PS&J) Committee for four years, and I am presently the PS&J Committee Vice-Chairman. I also served on the Governor's Juvenile Justice Advisory Committee from August 1975 to July 1977.

Based on this experience, I will comment briefly on the performance of the Office of Juvenile Justice and Delinquency Prevention. While I support the purposes of the Juvenile Justice and Delinquency Prevention Act, I have several concerns about the administration of the Act.

My first concern is the minimal contact between the City of Seattle and the Office of Juvenile Justice and Delinquency Prevention. The City's relationship to the Office and the administration of the Act is through the City's Law and Justice Planning Office, the State Planning Agency, and -- before it was closed -- the Regional Law Enforcement and Assistance Administration Office. My primary contact with the Office was as a member of the Governor's Juvenile Justice Advisory Committee. During my two years on the Committee, inadequate communication was a continuous concern to me and other Committee members.

Since the creation of the Office of Juvenile Justice and Delinquency Prevention, effective communication between that Office and state/local governments has been all too infrequent. Presently, one staff member in the Office is the major contact person for all the western states and trust territories. Saddling one person with the responsibility for such a large geographic area, containing multiple and varied jurisdictions, makes effective communication difficult. This problem worsened last fall with the closure of the Regional Offices. Thus the communication gap is now dramatized by the sheer distance between Washington, D.C. and the West Coast.

The lack of effective communication between the Office of Juvenile Justice and Delinquency Prevention and state/local governments creates another problem -- the untimely distribution of guidelines, program announcements, and other rules and regulations governing the expenditure of funds distributed under the Act. All too often guidelines, announcements, and other information are developed and disseminated within very short time limits. For example, in April of this year, the Office distributed a program announcement for discretionary funds for restitution by juvenile offenders. The Office made ten million dollars available nationally, but allowed state/local governments only about five weeks to respond to very lengthy and detailed funding guidelines.

Every year the Office requires each state to monitor and report on the deinstitutionalization of status offenders and the separation of juvenile and adult offenders. The 1977 Report was required to be in the national Office by December 31, 1977. The states were not advised of the points to be covered in the report until mid-November. Thus, each state had only a few weeks to develop and submit the 1977 Report on how it was complying with the major provisions of the Juvenile Justice and Delinquency Prevention Act. To be more responsive and to get the best information available, the Office of Juvenile Justice and Delinquency Prevention must allow much more time for state/local governments to respond to program guidelines and other directives relating to the Act.

As a supporter of the Juvenile Justice and Delinquency Prevention Act, I am also concerned that the Administration has requested only $100 million of the $150 million authorized by Congress for administering the Act. If this legislation is to be fully implemented throughout the country, the Administration must request full funding.

Finally, I am concerned about the unnecessarily strict guidelines and definitions that do not take into account the unique aspects of the fifty states' juvenile justice systems. Definitions and guidelines have been developed by the Office of Juvenile Justice and Delinquency Prevention with an inflexible approach that treats urban or metropolitan states as rural states. For example, group homes are redefined as correctional facilities if some of the juveniles they house are former offenders. In Washington State that definition severely impairs the ability of over three-fourths of our group homes to operate. I recommend developing guidelines and definitions allowing the unique features of each state to be identified and reinforced to support the purposes of the Juvenile Justice and Delinquency Prevention Act.

I want to emphasize that we have made significant progress in Washington State because of the Juvenile Justice and Delinquency Prevention Act and the federal funds made available to encourage states to deinstitutionalize status offenders and develop more responsible juvenile justice systems. Last year the Washington State Legislature enacted a complete revision of our Juvenile Court Code. (For your review and information, I have enclosed a copy of the new code, entitled "Juvenile Justice Act of 1977.")

Pursuant to the Juvenile Justice and Delinquency Prevention Act, the new code deinstitutionalizes all but the most serious juvenile offenders and has removed status offenders from the jurisdiction of juvenile courts. This legislation will require additional funds to implement its provisions fully. Without the resources made available under the Juvenile Justice and Delinquency Prevention Act, deinstitutionalization of status offenders cannot be fully accomplished in the State of Washington.

In closing, I want to thank you again for the opportunity to present my concerns about the performance of the Office of Juvenile Justice and Delinquency Prevention.

THE NATIONAL PRISON PROJECT

of the American Civil Liberties Union Foundation
1346 Connecticut Avenue NW
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JUVENILE JUSTICE AND DELINQUENCY
PREVENTION ACT

Federal Bureau of Prisons' Placement
of Federal Youth Offenders
Pursuant to Title 18 §5039

In the following outline I will attempt to summarize the history of the Bureau of Prisons' involvement with juveniles committed to its custody pursuant to the Federal Juvenile Justice and Delinquency Prevention Act. This summary should give you a general picture of the problems with the Bureau's compliance and ways in which we have sought to work with Bureau staff to find alternative means of handling and placing federally adjudicated offenders.

Chronology

In 1974, an Amendment to the Juvenile Justice and Delinquency Prevention Act, Title 18 U.S.C. §5039, was passed, which requires the Attorney General, in practical terms the Bureau, to commit juveniles to foster homes or a community-based facility located near their home community wherever possible. Funds for contracting with public and private agencies and halfway houses are specifically authorized under 18 U.S.C. §5040. Shortly thereafter, four institutions were identified by the Bureau of Prisons as classification and confinement centers for offenders committed under the Act. These were the Federal Correctional Institutions at Ashland, Kentucky; Pleasanton, California; Englewood, Colorado; and Morgantown, West Virginia. These four institutions are classified by Bureau policy statements as minimum security.

However, the Bureau's designation of four institutions to hold juveniles did not preclude it from sending many of the youths to other federal prisons, some of which are designated medium security and hold adult prisoners.

The additional facilities used to house juveniles were located at Springfield, Missouri; Terminal Island, California; Tallahassee, Florida; Lompoc, California; Lexington, Kentucky; and Fort Worth, Texas.

From 1974 to the middle of 1977, most federal juvenile offenders were placed in federal institutions, both minimum and medium security. Only one-tenth, amounting to 45-50 juveniles, were sent to state facilities. Unfortunately, most of the state facilities selected during this interim period were much worse than their federal counterparts. Examples of these were the Utah Training School, which was then being challenged in court as having egregious and inhumane conditions; Napa State Hospital in California, a state mental institution; and jails in Louisville, Kentucky; Oklahoma City, Oklahoma; and elsewhere. Most of the facilities used are characterized by tight security measures, large populations, and are located far from residential or urban centers.

We became extremely concerned at this point and wrote several letters to Congresspersons, and Justice Department and Bureau officials. and met with Norman Carlson to discuss the matter. Our basic concerns focused on the Bureau's recorded lack of compliance with its statutory mandate to locate youthful offenders in community-based facilities or foster homes. Instead, juveniles were being held in large institutions housing adult prisoners which simultaneously offended not only the statutory language of §5039, but also the widely accepted notion that juveniles should be segregated from adult offenders. Our meetings with Norman Carlson and Connie Springman, who is in charge of placing juveniles, were instrumental in pressuring the Bureau to revise its practices. During the summer of 1977, the Bureau began removing all federally adjudicated juveniles from BOP institutions and transferring them to state facilities.

The Current Situation

The vast majority of juveniles are currently housed in large, secure institutions. Only a handful are placed at ranches, youth camps and community houses. Only one youth is in a foster home, and this is due to the fact that the facility where the youth lived was closed. Primarily for reasons of convenience, most of the juveniles from the Southeast and East Coast are housed at WoodsBend Boys Camp in West Liberty, Kentucky; Native American youths are all at Emerson House in Denver, Colorado; and kids from the Western states are incarcerated in California Youth Authority facilities. Three youths are locked in a jail in Lexington, Kentucky and two are at the Federal Correctional Institution at Butner, North Carolina. In addition, we did a breakdown last fall of the number of youths who were incarcerated close to their residences. Contrary to the Bureau's figures on this subject, only 22 out of 90 are incarcerated in their home states. 1/

1/The statutory language is even stronger, as it refers to community-based facilities and foster homes in one's home community (emphasis added).

The information we have already provided you about Emerson House indicates its inadequacies and abuses. The institution is poorly administered, has a locked ward for all new prisoners, administers antibuse (a drug which, when combined with alcohol, causes violent sickness and nausea) regularly, and has had two recent suicide attempts, one being successful. According to Walter Echo-Hawk, a staff attorney at the Native American Rights Fund, several tribes in the Dakotas and other mid-western and western states would be willing to establish youth centers for youthful offenders; 2/ The Bureau has never sought to meet with them.

The three facilities being used by the California Youth Authority to house federal youths are equally deficient. The Youth Training School in Chino is a large, secure prison. Quite recently, it has been the setting for gang violence between black and chicano prisoners. Kids are locked in small, one-person cells which are furnished only with a bed, sink and open toilet. One incredible fact which speaks to the high level of violence at the institution is that 40% of the prison population is locked in segregation at any given time (where prisoners spend 23 1/2 hours each day in their cells). The Fred Nelles School, with a population of 325 kids, is a medium security institution and uses as the predominant method of control a rigid behavior modification program. The DeWitt Nelson School houses 280 kids, is isolated and very strictly regimented. A major problem with all these facilities is the presence of adults and the consequent co-mingling of youths and adults.

The Woodsbend Boys Camp, which is considered to be secure by Bureau Standards, houses youths from all over the country: New York City; the state of Washington; Cairo, Illinois; as well as from many southeastern states. It is located far from any metropolitan area and could hardly qualify as a community-based facility for most of the population.

One of the most extreme examples of how kids are mishandled by the Bureau involves a youth who is incarcerated at one of the Bureau's own institutions at Butner, North Carolina. He has written us to report, and Bureau records confirm, that he spent at least four months in solitary confinement. The Bureau's rationale for this harsh action is to keep him separate from adult prisoners. This youth was only permitted to shower once a week, received few opportunities for recreation, and, in fact, rarely left his cell. A letter located in his institutional records written by his father to the Bureau, describes how the distance between his son and himself has hampered their relationship and his (the father's) abilities to help and work with his son, who will be released to his custody.

The Bureau has made only minimal efforts to find suitable placements. On numerous occasions, we apprised the Bureau that no criteria have been devised which direct Bureau officials, Community Program Officers and regional staff in their implementation and interpretation

2/ Certainly the $40 per diem received by Emerson House from the Bureau for each juvenile could well be used by local tribes to provide placements.

of Section 5039. The Bureau's Policy Statement 7300.106 which specifically pertains to placement of federal juveniles merely recites the language of Section 5039. It contains no guidelines, no criteria, no procedures calculated to either elucidate the decision-making process involved in the transfer of juvenile prisoners or facilitate the taking of action. Once facilities are designated, little monitoring occurs.

Bureau's Reasons for Non-Compliance

The Bureau's response to criticism about non-compliance with Section 5039 has been to point to the fact that most of the youths have committed violent crimes. Norman Carlson maintains that in a survey made by the Bureau of the last 96 juveniles in federal institutions, half had committed serious offenses, such as "bank robbery, assault, rape, murder, manslaughter, Firearms, Narcotics, etc." (See Carlson's June 9, 1978 response to Senator Culver). He lumps together several categories of crimes, some of which are not considered serious, such as Narcotics, some types of assault and Firearms. Further, I have no idea what crimes the "etc." represents. In any case, I would take strong issue with his statement. Most studies which have reviewed statistics on the numbers of serious offenses committed by a given juvenile population find the numbers to be exceedingly low. 3/

According to Norman Carlson, another major reason why the Bureau has not made more of an effort is because juveniles simply "are not a priority." During a meeting held with him last year, Mr. Carlson stated that his Community Program Officers, who are in charge of making the placements, do not have the time to devote to exploring alternatives for juveniles. They tend to rely on those institutions which have been used in the past. Carlson further stated that staff in the Central Office are too consumed with issues affecting adults to deal with juveniles' problems. (No one in the Central Office was even assigned to deal with juveniles until our meeting.) He also added that many of the offenders are Indians and cannot be designated to their home communities, which are located on reservations, because of what he termed "a lack of suitable environment or facilities." Needless to say, neither of these justifications is either accurate or convincing in view of the strong statutory mandate established by law to place juveniles in community-based facilities or foster homes located in their home community.

3/ In Massachusetts, for example, where deinstitutionalization is virtually complete, the Department of Youth Services contended that, "no more than 5 percent of youth placed in its care required secure surrounding." Bakal, "The Massachusetts Experience," Delinquency Prevention, Rep. 4 (April 1975).

Conclusion

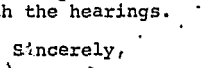
Most juvenile justice standards, as well as numerous court orders, advocate eliminating the use of traditional juvenile institutions. 4/ They also recognize, however, that some sort of institutionalization may be necessary for juveniles who have committed the most violent offenses. For these youths, commitment to secure facilities may be considered as a dispositional alternative of last resort.

According to recent Bureau statistics, over 225 federal delinquents are housed primarily in state prisons or institutions. It is evident, based on much of the legislative history which preceded passage of the Juvenile Justice Act, that traditional correctional facilities and jails have not provided any of the sorely needed services or programs or even satisfactory living conditions for youthful offenders. It is clear the Bureau has made no effort to find alternatives.

What is particularly disturbing to us is that a federal agency, looked to as a model by most state correctional systems, should so totally abdicate its responsibilities as imposed by Congress. While it may be that the Bureau should have nothing to do with juveniles, so long as it does, it must take a leadership role in juvenile corrections in promoting and carrying out the goals set out in the Juvenile Justice Act.

We strongly urge you to arrange for hearings to expose these problems. We would be happy to provide any additional information and to cooperate in assisting you with the hearings.

Sincerely,



Nan Aron
Staff Attorney

NA:zm

4/ Morales v. Turman, 383 F.Supp. 53 (E.D.Tex. 1973), 535 F.2d 864 (C.A. 5 1974); Juvenile Justice and Delinquency Prevention Act of 1974; ABA-ALI Standards relating to Dispositions; National Advisory Committee re Criminal Justice Standards and Goals Regarding Juvenile Justice and Delinquency Prevention, 1976.

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JUL 21 1978

CIRCUIT COURT OF COOK COUNTY
JUVENILE DIVISION

CHAMBERS OF
WILLIAM SYLVESTER WHITE
PRESIDING JUDGE

1100 S. HAMILTON AVENUE
CHICAGO, ILLINOIS 60612

July 18, 1978

The Honorable Ike Andrews, Chairman
Congress of The United States
House of Representatives
Committee on Education and Labor
Subcommittee on Economic Opportunity
Room 320, Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Andrews:

In response to your letter of May 30, 1978, I am enclosing my comments on the overall performance of the Office of Juvenile Justice and Delinquency Prevention for inclusion in the Subcommittee's published report.

Sincerely,

William S. White
dmd

William S. White
Presiding Judge

dmd

Enclosure

I would like to express my appreciation for this opportunity to speak to the Juvenile Justice and Delinquency Prevention Act and to the performance of the Office in carrying out the purposes of this Act. I believe that through my experience as Presiding Judge - Juvenile Division - Circuit Court of Cook County, I can attest to the successes and failures of juvenile programming. The efforts which we have initiated at the juvenile court level have stimulated change within the system and have improved juvenile service provision.

The Juvenile Justice and Delinquency Prevention Act as amended provides less than adequate attention to the needs of serious and violent juvenile offenders.

Despite Congress' number one finding that "juveniles account for almost half the arrests for serious crimes in the United States today;" the design and intent of the Act seriously disregards this very important and much accredited declaration.

Between 1960 and 1970, the arrests of juveniles for all infractions doubled, but arrests of juveniles for violent crimes increased 216 percent.

In the Juvenile Division of the Circuit Court of Cook County, 1 in 4 juveniles sent to juvenile court is charged with a serious violent offense. This proportion has remained fairly constant despite a downward trend in absolute numbers. There has been a decrease of approximately 15% in the number of total juvenile offenders Chicago

Police processed between 1973-1977.

Juvenile arrests in Cook County in 1977 constituted over 22% of all arrests, however, juveniles accounted for 32% of index crime arrests and even more significant, over 31% of all violent and serious crime arrests.

The Juvenile Justice System has been created as a quasi-social agency with access to judicial power, designed principally for child victims of parental failures and socially deviant, quasi-criminal non-violent offenders. The serious, violent youthful offender needs far greater attention and emphasis. This is the offender who is the most serious threat to society. He is the youthful offender committing the murders, the rapes, the robberies and the assaults. He is the youthful offender most likely to continue along his delinquent path. He is the youthful offender who needs maximum attention from all available resources. Yet the Juvenile Justice and Delinquency Prevention Act does not isolate this individual for greater attention or more intensive services.

A recidivism study of some 600 violent juvenile offenders conducted within Cook County, over a three year period, indicated that the overall recidivism rate for 9-13 year olds, who already were repeaters prior to the study context, was a striking 33%. Those violent juveniles under 15, regardless of previous offenses, had an overall recidivism rate of 25%. Further, of the base group studied, almost half of those who recidivated were violent recidivists, i.e., a new finding for a violent offense.

It should be noted that the violent juveniles studied were those receiving the additional supervision of a probation officer and therefore should have been less likely to become reinvolved in criminal activity.

The Act provides disproportionate attention to the less serious and status offenders. All categories of juvenile offenders must be dealt with by the juvenile justice system and all are dealt with, from arrest to disposition through diversion, assistance and incarceration. Yet, dealing with the serious violent offender is far more difficult. It is in this area that the juvenile justice system needs the most support and assistance. This is the area where inovative and intensive programming can have the greatest impact. If we can prevent the serious violent juvenile from becoming a serious violent adult, we have achieved our potential within the juvenile justice system through successfully fulfilling our responsibility to the rehabilitation of the juvenile and to the protection of society.

The disproportionate attention which is directed toward the less serious and status offender, within the Act, is diverting the focus and crucial attention necessary for serious violent offenders.

In Cook County, 70-72% of the juvenile offenders are community or station adjusted each year. These are problem youth who are either acting out their anti-social aggressions or exercising their budding independence by seeking thrills and excitement. They are not beyond help. They can be reached by the system and community-based agencies designed to serve these youth. They need attention and assistance

but of a type radically different from that needed by the serious violent juvenile.

Deinstitutionalization of status offenders is a worthy goal outlined in the Act. In Cook County, as in most large cities and counties, status offenders are served through a variety of alternatives, community-based agencies, foster care, etc., and generally are not detained or committed. In smaller urban and rural areas where detention and institutionalization of status offenders may occur these practices should be replaced by appropriate alternative resources developed within the community.

In urban areas the capability is present for innovative and progressive alternative programming. These urban areas should allow local discretion to establish local priorities based upon local needs for greater attention and additional resources.

The Act should focus with maximum attention on the most severe category of offenders, the serious violent juvenile , while concurrently allowing adequate focus for the less serious and status offender, expecially where the less serious group is not now being accurately identified and appropriately responded to.

The violent offender is a serious but small group. If the JJDP Act were to focus with greater attention on this category of juveniles, the results achieved would be far greater than the funds expended.

While the facts are unclear, it is evident that the Office of Juvenile Justice and Delinquency prevention is not spending the available funds nearly as rapidly as most federal assistance programs. The reasons may be many, but it appears that the priorities established by the Office of JJDP for special emphasis and discretionary grants are in part not consistent with state and local priorities.

Further, the guidelines developed by the Office are quite often seriously late in being released and therefore, do not provide eligible grantees with sufficient time to apply on a nationally competitive basis for these funds. For example, a recent program ammouncement released by the Office regarding Juvenile Restitution Programs was received by our local planning agency on March 9, 1978 when the submission deadline for preapplications was April 21, 1978. This allows hardly enough time for the planning agency to adequately review and release them, let alone sufficient time for grantees to prepare credible applications. Additionally, they are characteristically vague in regard to intent and objectives yet, exhaustively demanding in terms of required documentation. The strict requirements coupled with insufficient time allowance very often dissuade potential applicants.

The priorities for these funds have been slow in development, the Office has too often let the funds lie fallow while priorities and guidelines are being determined. The Office should work in closer cooperation with the state and local planning agencies to determine priorities and should consult with these levels in developing guidelines for all funds.

Juvenile crime exists at the local level and local authority should determine priorities for preventing crime and improving the juvenile justice system. These juvenile justice funds even in combination with LEAA crime control funds are insignificant when compared to the state and local funds expended for criminal and juvenile justice system improvements, less than 5% nationally and less than 1½% in the Chicago-Cook County area. If these juvenile justice funds are to have maximum impact and effectiveness, they must be coordinated with the vast amount of local expenditures and with consistent priorities. If local authority is allowed to determine its own priorities, this coordination will be achieved with the resulting maximum impact and effectiveness.

I hope to have the opportunity to submit additional comments and suggestions for improvement in the near future.

WRITTEN TESTIMONY SUBMITTED BY ALAN BOSCH, STAFF REPRESENTATIVE, AFL-CIO DEPARTMENT OF COMMUNITY SERVICES

In submitting this written testimony, the AFL-CIO Department of Community Services would like to thank Chairman Andrews for his invitation to comment on "the current administration and operation of Office of Juvenile Justice programs ...." The Federation is concerned about youthful offenders and the juvenile justice system, and convinced that a prevalent trait of middle-aged recidivists is an early start.

The AFL-CIO Executive Council has adopted a policy statement on crime and the criminal justice system which was thoroughly reviewed by the members prior to its unanimous adoption at the Council's February 1977 meeting.

The statement has fifteen points. No less than four of them -- items 1, 2, 4, and 11 -- focus on the juvenile area. In those recommendations, the Council called for:

a) "Adequately-funded programs targeted to preventing juvenile crime, including education, training, job placement, and (a) federally-sponsored youth conservation corps.

b) "Diversion of youthful offenders from the corrections system through expanded, properly-supervised, community-based treatment programs.

c) "Removing children who have not committed criminal offenses from institutional confinement, and treating them in community-based treatment centers.

d) "Full funding of community school programs, substitute homes

CONTINUED

4 OF 7

and other service systems, including alternative education for disruptive students and early childhood education to correct learning problems associated with crime. Youthful offenders, except for the most violent, should be rehabilitated without incarceration and within the normal community."

In addition to these four items, the twelfth recommendation specifies "the separation of youth from adult offenders" as an essential element of effective corrections reform.

Taken together, these points parallel the thrust of the Juvenile Justice and Delinquency Prevention Act, as amended in October 1977.

OJJDP Administrator John Rector, speaking before the Children's Embassy this March, summarized that thrust as "an uncompromising departure from the current practice of institutionalization overkill which undermines our primary influence agents -- family, school, and community. We must support policies and practices which protect our communities while also assuring justice for our youth."

It is evident that a similar outlook on the problem of juvenile offenders is embodied in Mr. Rector's remark, the Federation's policy, and the Federal law mandating the activities of the Office of Juvenile Justice -- a mandate which, as we see it, the present OJJDP administration is discharging in good faith.

The basics of that philosophy might be outlined as follows:

a) Rehabilitation is the cure of choice, and should be attempted whenever there is indication it will be fruitful.

b) When there are contra-indications such as violence, the public must be protected from the young offender, and rehabilitation must be attempted in a secure setting.

c) To insure that rehabilitation can succeed, youngsters must be insulated from the unholy apprentice education endemic to corrections facilities, and should be assisted in the community context -- which provides the lifestyles and models it is hoped they will adopt.

d) Status offenses are more correctly diagnosed as symptoms of family and emotional distress than of criminal proclivity. They should be dealt with at their domestic source, not in institutional exile.

e) Youthful delinquency and crime are syndromes, not single-vector infections. Thus, they call for an organic approach and a mix of therapies (substitute homes, special education, counselling, job opportunity, etc.) -- not surgical removal.

There is nothing in the way of revelation, or revolution, in this philosophy. But it has proved serviceable in several AFL-CIO spcsnored juvenile justice programs.

In Portland, OR, the AFL-CIO Community Services labor agency launched Project Bridge under the Community-Citizen Mobilization

Project funded by LEAA's Citizen Participation section. Project Bridge attempted to stabilize the relationship between foster families and children referred for foster care under the Oregon Children's Services Department.

The labor agency recruited, trained and had certified the homes of union volunteers who took in youngsters who could not live with their own parents, and provided on-going support from union and community resources to minimize turnover and dispersion.

The point made clear in Portland is that unions within the community can complement its resources for keeping troubled kinds in the community.

In Dallas, TX, a Community-Services originated program called Unions for Youth is coming to the end of its first operational year. A spinoff of the Community-Citizen Mobilization effort, it has enlisted all sorts of union locals -- AFL-CIO, Autoworker, and Teamster -- to operate a residential diversion facility, principally for adjudicated delinquents facing state incarceration.

Sited in a leased residence into which union volunteers put about $100,000 of renovation time, Unions for Youth operates on county monies.

The program offers a stable home environment, group therapy, job placement, etc. -- and its counselling program involves parents whenever possible.

The point made clear in Dallas is that local governments will invest in community-based rehabiliation, because it can muster organizational resources in behalf of the professional corrections fraternity which are not typically within their reach.

In Fort Worth, TX, the Community-Citizen Mobilization program generated another variety of diversion/prevention project. Called

Labor Youth Sponsorship, this one assists the Tarrant County Juvenile Probation Department by providing CHINS, pre-delinquents, and adjudicated delinquents with foster care, recreation, medical and social service assistance, employment counselling and training, and job placement.

The project has served over 250 clients to date, made successful job placements for a third of them and provided services, ranging from dental care to week-long family vacations, to the youngsters. Interestingly, several of the Labor Youth clients have been walk-in self-referrals -- an important group hardly accessible to state institutions or the court system.

The point made clear in Fort Worth is that diversion programs which involve community volunteers extensively have an advantage every bit as important as change-of-setting. They let community residents collaborate in an effort which is, ultimately, in their own best itnerest: crime prevention. And, as such community/corrections collaboration expands and matures across the country, citizens can both expedite and help evaluate our national progress towards effective deinstitutionalization.

On June 1, 1978, the AFL-CIO-CSA Labor Participation Department of the National Council on Crime and Delinquency was awarded an LEAA Community Anti-Crime/Citizens Participation grant to continue and refine several crime resistance efforts -- involving both AFL-CIO central bodies and affiliated international unions -- which had

initially been funded under ORO/Citizens Initiative. That new program -- "Citizen Participation Towards a Safer Community" -- is actually a tandem effort of Community Anti-Crime and the Office of Juvenile Justice's Special Emphasis section. The OJJDP portion of the funding is earmarked for Labor Youth Sponsorship components which are essential elements of the United Labor Comprehensive Criminal Justice Centers to be established in two project cities.

(The United Labor Criminal Justice Centers will also concern themselves with crime resistance programs tailored to the elderly and with victim/witness assistance services, but the juvenile component will be central.)

This is the first program on which the AFL-CIO Labor Participation Department has worked with the Office of Juvenile Justice and Delinquency Prevention.

And, in the context of our experience, it can only be said that there is consistency between OJJDP's charter and AFL-CIO policy on juvenile justice, as well as between Adminstrator Rector's announced goals and our program commitments. OJJDP has been forthcoming with interest in the Labor Youth Sponsorship approach, input into the new program's design, and an investment in the effort.

Again, in this portion of the project's development, there were no "management" difficulties beyond the processing hitches characteristic of funding applications which draw upon multiple sources. And

they were of the garden-variety, schedule-conflict sort -- not the product of failure in "interagency coordination."

So, speaking as we must -- from AFL-CIO-CSA experience and for our affiliates and members involved with community-based juvenile programs -- we can say that the "current administration and operation of Office of Juvenile Justice and Delinquency Prevention programs" are on target and on time.

We, know that complaints have come from the Congress, the states, and constituencies active in the juvenile justice sector. The bulk of them might be summarily paraphrased in the comment that "OJJDP's heart may be in the right place, but it isn't beating very fast or very steadily."

What seems to us the most persistent current criticism is to the effect that the Office of Juvenile Justice is not getting the funds hitherto allocated out as quickly as it should. For example, there are figures current to the effect that, of the $64 million appropriated for Juvenile Justice special emphasis activity in the past three fiscal years, only $8 million -- or 12.5 cents on the appropriated dollar -- has been spent.

From the standpoint of the typical taxpayer -- of whom there are some 14 million in the AFL-CIO -- it is a bit difficult to appreciate what amounts to a complaint that OJJDP's new management has not thrown enough old money at a perennial problem. This is particularly true given the voting taxpayer's assumption that, upon a change of

Federal administrations, the successors assume the responsibility of re-analyzing perennial problems from their new perspective before they begin program expenditures.

Our members, as both taxpayers and juvenile justice volunteers, would far prefer that the Office of Juvenile Justice solidify its strategy, develop functional guidelines, and assess programmatic responses -- and then fund suitable and promising activities.

It that means taking time, the time should be taken.

For, like every other agency in the administrative branch, OJJDP has a fundamental obligation to the Congress and the public to actively forge a coherent program in discharge of its responsibilities -- not to paste one up in reaction to complaints.

In the matter of disbursements, however, there is a potentially troublesome corollary of deliberate planning -- when it is done in the context of a fast-approaching end of fiscal year.

That is that even a well-designed group of agency proposals and state activities could get launched in a pack. That would mean that their funding cycles would be ending almost simultaneously -- which would create an unwieldly queue of refunding applications a year or so away.

We would close, then, with the suggestion that the monies to be disbursed yet in FY78 be handled so as to spread out project start-up dates as evenly as possible in the time remaining.

JUN 22 1978

STATE OF NORTH CAROLINA
DEPARTMENT OF HUMAN RESOURCES
DIVISION OF YOUTH SERVICES

JAMES B. HUNT, JR.
GOVERNOR

SARAH T. MORROW, M.D., M.P.H.
SECRETARY

401 GLENWOOD AVENUE RALEIGH 27603
TELEPHONE 919-733-3011

WILLIAM R. WINDLEY
DIRECTOR

June 19, 1978

Representative Ike Andrews, Chairman
Subcommittee on Economic Opportunity
Room 320, Cannon House Office Building
Washington, D. C. 20515

Dear Representative Andrews:

The opportunity to express concerns regarding the current management and administration of the Juvenile Justice and Delinquency Prevention Program is indeed a privilege and I would like to thank you for the opportunity.

Looking at the program through a microscope from the perspective of a juvenile justice administrator in, until recently, a non-participating State, the program has followed the normal life-cyle of most progressive Federal initiatives. This cycle generally begins with a tremendous flourish of positive rhetoric encouraging states to follow the philosophical lead of Washington with the carrot of additional categorical funding to help the states fall-in-line. Initially, the funds seem so inviting and the requirements so loose, that an administrator in my position could be accused of dereliction of duty if he did not jump at the opportunity to use these dollars to help those in his care.

As direct service administrators begin to deal with the program in an operational sense, questions begin to rise that require clarification from Washington. The return answers are presented in terms of rules of regulations that usually go beyond the nature of our clarification concern and eventually they begin to work against what initially appeared to be the purpose of the program at the outset.

When this regulatory process has reached its saturation point, a middle ground is reached that satisfies both the regulators and the regulatees and the business begins in earnest to satisfy the needs of the children. I believe we are presently into this third phase of the JJDP Act life-cycle.

Looking at the program through a microscope brings into focus one issue that has created problems both administratively and philosophically that go beyond my reading of the intent of the JJDP Act. This issue is commingling delinquent and non-delinquent children in the same community-based program.

As you know, the present regulations regarding commingling require community-based programs to have at least fifty-one percent of its daily population as non-delinquent children. If a program should in any given thirty-day period happen to serve more delinquent youth than non-delinquent youth, that program (by OJJDP's definition) is no longer community-based, but rather an institution and, therefore, ineligible for JJDP funds.

The potential damage this type of requirement provides is twofold. The first is that it forces local program operators (in North Carolina all community-based programs are locally operated) to label the child either delinquent or non-delinquent and make a decision on the child based upon that label. Since we in North Carolina, would rather deal with a child's fundamental problem rather than his label, this requirement forces us out of what we consider to be a proper treatment orientation. The second danger is that some child might be refused entry into a program he or she desperately needs because that program already has its "top quota" of delinquent children and, therefore, cannot risk its funding base by accepting the child. We believe that a child should receive or not receive services based upon need and availability and not upon whether that child was truant from school (non-delinquent) or whether he shoplifted (delinquent).

The administrative problems of the commingling prohibition are in the nature of unnecessary manpower and paper required to police the locally operated community alternatives to insure that they are, in fact, maintaining during any given thirty-day period more non-delinquent children than delinquent children. Since we are in an arena where resources are truly scarce and where government intrusion in local program operation is much resented, there is little reasonable purpose served in diverting resources and developing "forms" to meet this end.

The heartening aspect of the present administration of the OJJDP is that it is willing to work with states in resolving these kinds of problems. The recent "word" we have received from Washington is that commingling will no longer be an issue in the community-based programs. This spirit of cooperation and concern is to be commended. However, the fact that it was an issue to begin with points to a problem within the OJJDP administration that should be improved. This problem is the dearth of individuals in the OJJDP administration who have direct and recent experience in operating the kind of community-based programs that the OJJDP is trying to develop. The commingling issue is very illustrative of this situation.

During North Carolina's early negotiations with OJJDP the question was raised why the commingling prohibition was inserted since it was not part of the Act. The answer was that research findings had determined that mingling delinquent children with non-delinquent children contributed to delinquency on the part of non-delinquent children. Unfortunately, most of the research regarding commingling has taken place in an institutional environment and not in community residential programs. Therefore, to develop a policy around research findings that are unrelated to the area where the policy impacts leads to the problem depicted in the previous paragraphs. A person in a position of authority in the OJJDP familiar with the internal operation of a community residential program and capable of discerning distinction between relevant institutional research and community program research should be able to prevent a situation like this from arising again.

On the whole, the Office of Juvenile Justice and Delinquency Prevention is to be commended for its efforts in working with states struggling with the issues of status offender deinstitutionalization and community program development. Mr. Rector has guided the agency in a positive direction and we in the Division of Youth Services in North Carolina, look forward to working with him and his staff in the future.

Sincerely,

Dennis O. Grady

Dennis O. Grady
Deputy Director

DOG:bj

JUN 22 1978

GOVERNOR'S JUSTICE COMMISSION
DEPARTMENT OF JUSTICE
COMMONWEALTH OF PENNSYLVANIA
BOX 1167, HARRISBURG, PENNA. 17120

Milton J. Shapp
Governor
Gerald Gornish
Acting Attorney General

Thomas J. Brennan
Executive Director
(717) 787-2040
Panet 447-2040

June 19, 1978

Honorable Ike Andrews
Chairman
Subcommittee on Economic Opportunity
Congress of the United States
Room 320, Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Andrews:

Thank you for the opportunity to comment on the administration of the Office of Juvenile Justice and Delinquency Prevention.

As we see it the problems we experience in attempting to carry out the purposes of this program relate to the philosophy of the program administrators. This philosophy seems based on a concept that all wisdom indeed "rests on the banks of the Potomac"; that it is the function of the Federal Government (or at least Federal program administrators) to make demands of the states and then hold hostage tax dollars paid by the citizens of those states to see the programs are met. In short, the present administrators of this program seem to have little understanding of the constitutional concept of a Federal-State relationship, or of the overall LEAA program design being a "block grant" award to the states.

This philosophy is evidenced by an on-going unwillingness to learn from the past experience of the parent program (LEAA). Over the years LEAA seems to be coming to a recognition that a reduction in bureaucratic paperwork and control is important, perhaps even critical to the functioning of the program. This is shown by such processes as a new multi-year approval of state plans -- something the Office of Juvenile Justice and Delinquency Prevention refused to do.

LEAA has learned that constant changes in administrative guidelines and definitions result in confusion,frustration and large and disproportionate blocks of agency time spent on responding to these demands at the expense of

critical staff functions, such as planning and program detail. OJJDP seems to feel that they are free to re-define administrative requirements semi-annually.

Certainly the intent of the Bayh legislation to provide better treatment for children is both necessary and commendable. We remain convinced that it is the intent of Congress that the approach to accomplish this is one of partnership. OJJDP seems to hold to an adversarial concept requiring Federal administrators to force the States into line.

In summary, if the administrators of OJJDP could be convinced to see the program as a partnership of State and Federal efforts to accomplish the program goals in the most expeditious way possible, we believe the program would be vastly improved.

Again, thank you for the opportunity to express my thoughts on this program.

Sincerely,

Thomas J. Brennan
Executive Director

JUN 22 1978

STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

EDMUND G. BROWN JR., Governor

DEPARTMENT OF YOUTH AUTHORITY
4241 Williamsbourgh Drive
Sacramento, California 95823

June 20, 1978

The Honorable Ike F. Andrews
Chairman
Economic Opportunity Subcommittee of
the Education and Labor Committee
Room 320, Cannon HOB
Washington, D.C. 20515

Dear Congressman Andrews:

Thank you very much for the invitation to provide testimony for your subcommittee's June 27 hearing on the Juvenile Justice and Delinquency Prevention Act of 1974. The Youth Authority is, of course, very supportive of the spirit and intent of the Act. We have, however, experienced great difficulty and frustration with at least one facet of the Act and we do appreciate this opportunity to provide your subcommittee with an explanation of the problem and with a suggestion for an amendment to the Act which would, in our view, solve the problem in a manner which would maximize the benefits of the Act to the public and to the youthful offenders committed to our charge.

The provision of the Act with which we are most concerned is that set forth in Section 223(a)(13), which provides that "juveniles alleged to be or found to be delinquent and youths within the purview of Section 223(a)(12) shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges." We understand that the intent of this provision is to prevent negative psychological and criminal contamination and physical abuse of juveniles. As presently interpreted and applied by the Office of Juvenile Justice and Delinquency Prevention, all persons under the jurisdiction of the juvenile court, regardless of age, must be kept separated from any person sentenced by the criminal courts, again regardless of age. The only exception so far extended by OJJDP relates to those few minors who have been declared unfit for handling by the juvenile court and who thereafter have been convicted in criminal court. According to OJJDP, such individuals may be in contact with either juveniles or adults.

The California Youth Authority was established in 1941 by legislation based on the Model Youth Correction Authority Act drafted by the American Law Institute. As a result of that enabling legislation, subsequent amendments to the law, and the interpretation of the law by the California courts, the Youth Authority has long been regarded as an alternative to the commitment of youthful offenders to local institutions or to the state prison system. Insofar as persons under the jurisdiction of the juvenile court are concerned, the Youth Authority is the last available rehabilitative placement. Under California law, a juvenile court may commit a juvenile to the Youth Authority only if the court is satisfied, based on the evidence, that no local, less restrictive disposition can accomplish the desired result of assisting the young person to lead a productive and law-abiding life. While persons committed to the Youth Authority from the juvenile court may not, under a 1976 amendment to the statutes, be physically confined for a period in excess of the time an adult could be confined for the same offense, jurisdiction of the court and of the Youth Authority may extend until the youth attains the age of 21 or, in the case of certain very serious offenses, until age 23. In other words, it is theoretically possible for the Youth Authority to have under its control a person committed by the juvenile court until as much as five years after the individual has attained his or her majority age of 18.

In the case of young people convicted in the criminal courts, the Youth Authority provides an alternative to local jail or state prison. If the individual is less than 21 at the time of apprehension, and unless the offense is otherwise punishable only by a life sentence or death, the sentencing court may commit the young person to the Youth Authority. As would be expected, this option is most often exercised as to those young people who, notwithstanding that they may be chronological adults, are relatively unsophisticated in crime, are physically or emotionally immature, or are otherwise deemed by the court to be unsuitable for jail or state prison. As in the case of juveniles, the fact that they are placed in a rehabilitative system does not allow periods of control that exceed that to which they would have been subject had they been sent to jail or prison. The maximum period of Youth Authority control over such individuals is to age 23, if the offense was a misdemeanor, or 25, if the offense was a felony.

Whether the individual came to us from the juvenile or the criminal court, once they are with the Youth Authority they come under the same law, reflecting the same rehabilitative

philosophy, with the same Youth Authority Board determining length of institutional stay and suitability for release on parole. The response to these youthful offenders is based on their training and treatment needs and, while there is a natural correlation of age to many of those needs, the source of the commitment in and of itself is largely irrelevant to substantive treatment and placement decisions that must be made.

Notwithstanding the potential for Youth Authority control to age 25, approximately 84.3 percent of the young people within Youth Authority institutions are in the age range of 16 through 20, with the mean age being roughly 18.7 years. Of that group of more than 3,000, 58 percent are from the juvenile courts and 42 percent are from the criminal courts. Approximately 5.8 percent of Youth Authority wards are age 15 and under, while approximately 10.2 percent are age 21 and over.

As can be seen from the above, the overwhelming majority of Youth Authority wards are in a relatively compact age spread. As would be expected, many of these young people have similar training and treatment needs to be met if rehabilitative results are to be obtained. The Youth Authority has, for many years, responded to these needs with programs that are nationally and internationally regarded as models to be emulated. At no time in the history of the Youth Authority has the fact that, as a result of individualized treatment decisions, individuals from the two judicial systems may be in contact with each other been raised as an issue of substance. At no time, even within the context of our current discussions with OJJDP, has that office questioned the quality of the Youth Authority programs. At no time have the concerns that fostered the enactment of the separation requirement been identified as existing within the Youth Authority as a result of allowing contact between adults and juveniles. In fact, based on the fact that we receive the most mature and sophisticated juveniles and the least mature and sophisticated adults, there is reason to be concerned about the contaminating effect of the juveniles upon the adults, rather than the reverse.

As was noted above, OJJDP is of the opinion that the separation requirement of Section 223(a)(13) must be met by precluding contact between persons committed from the juvenile court and those committed from the criminal court, regardless of the age of the individuals. OJJDP feels that the Act simply does not recognize or allow for the existence

of a youthful offender approach, such as that of the California Youth Authority, within which young people are dealt with according to need, and not on the basis of arbitrary labels.

Under OJJDP's interpretation of the Act, the Youth Authority would, in order to continue to respond to the needs of the young people under its charge, have to engage in substantial duplication of programs. If, for example, two 18-year-old youthful offenders, one from the juvenile court and one from the criminal court, both were ready and desirous of being involved in our junior college program, the separation requirement would require a denial of that program to one of the individuals or a costly duplication or repetition of the program. The same would hold true for elementary and secondary education, vocational training, medical/psychiatric care, and a host of other less obvious aspects of our operations, such as recreation, visiting, transportation, and the like.

Within the Youth Authority, the meeting of the separation requirement would require an initial expenditure of $3,200,000, with an annual expense of approximately $2,000,000 thereafter. This would be an expense which, in our opinion, would result in absolutely no substantive benefit to the public and/or the wards of the Youth Authority. For that reason, as emphasized by the fact that the people of the State of California have, by their landslide enactment of Proposition 13 (the property tax limitation initiative) spoken loud and clear on the subject of illogical and non-beneficial expenditures of public tax dollars, California has recently indicated to OJJDP that we are simply unable to meet the separation requirement as interpreted and applied by that office. In this regard, please see the attached letter of June 15, 1978 to John Rector, Administrator of OJJDP, from California Office of Criminal Justice Planning Director Douglas Cunningham and the undersigned.

This is not a step that has been lightly taken. While we have provided Mr. Rector with certain alternative approaches, we do recognize that such alternatives may be rejected and California may be declared ineligible for federal Juvenile Justice and Delinquency Prevention funds. This would be most tragic, as the ultimate recipients of over $5,000,000 of the total of $6,000,000 of those funds are the local programs which will be most directly and adversely affected by the reduction of local property tax revenues mandated by Proposition 13.

While we are hopeful that Mr. Rector will utilize the other options that would allow funds to continue to come to California, we feel that the preferable solution to the problem is to amend the Act. In this regard, we would propose that your subcommittee consider amending Section 223(a)(13) of the Act in a way that will recognize the youthful offender system and which will, at the same time, provide safeguards to assure that such systems are not administrative shams to exploit the Act. We recommend that the section be amended to read as follows:

> (13) provide that juveniles alleged to be or found to be delinquent and youths within the purview of paragraph (12) shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges <u>except that juveniles found to be delinquent may be detained or confined in institutions in which they have regular contact with adults less than 25 years of age incarcerated because they have been convicted of a crime if --</u>
>
> > (A) <u>the institutions within which the regular contact takes place are operated by a state agency other than the state agency responsible for state prisons, pursuant to state statutes which provide rehabilitative programs for juveniles and young adults with similar training and treatment needs without regard to the nature of the court in which the juvenile is found to be delinquent or the young adult convicted of a crime; and</u>
> >
> > (B) <u>the Administrator, in consultation with the Associate Administrator, and after such investigation as may reasonably be required, determines that the practices and policies of the state agency effectively protect juveniles and young adults from criminal contamination and physical abuse to the same extent as would separation by court of jurisdiction or by age.</u>

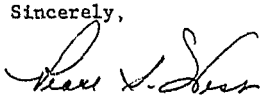
This language would limit the contact to post-disposition/sentenced juveniles and young adults; would require that the system be separate and distinct from the state's adult prison system; would require the system to be preserved in state law, rather than by administrative policy; would

The Honorable Ike F. Andrews
Page 6
June 20, 1978

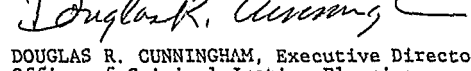
require a rehabilitative, rather than punishment, philosophy of treatment; and would require the concurrence of the Administrator with the state's contention that the goals of the separation requirement are being effectively met by means of an alternative approach.

We believe this is a reasonable solution to a problem that has been generated by a requirement that does not provide for the sophisticated approach to youthful offenders represented by California's statutes. We would be delighted to provide whatever additional information as may be helpful to your subcommittee in its deliberations. Again, thank you for this opportunity.

Sincerely,



PEARL S. WEST, Director
Department of the Youth Authority



DOUGLAS R. CUNNINGHAM, Executive Director
Office of Criminal Justice Planning

Attachment

cc: Senator John Culver (Att)
Members, California Congressional Delegation
Gordon Railey (Att)

ADVOCATES FOR JUVENILE JUSTICE

A PROGRAM OF THE OPEN DOOR

May 25, 1978

MAY 30 1978

Hon. Ike Andrews
Congress of the United States
Committee on Education and Labor
Room 320
Cannon House Office Building
Washington, D.C. 20515

Re: Office of Juvenile Justice and
Delinquency Prevention Hearings
June 27, 1978

Dear Congressman Andrews:

Thank you for your letter of May 19, 1978, concerning the captioned.

I have heard criticism of Mr. John Rector from some state bureaucrats, but it is my impression that Mr. Rector is being criticized simply for trying to implement the Act. I have heard state planners testify to the Louisiana Legislature in favor of provisions that violate the Juvenile Justice and Delinquency Prevention Act. It is understandable why they oppose O.J.J.D.P.

I believe Mr. Rector is aggressively seeking to implement the Act and deserves much credit for seeking the changes that the Act mandates. Any bureaucrat who seeks change is going to be attacted. I think Mr. Rector is a person who can "take the heat" and get the job done. I would hope that your committee supports and commends the current management and administration of O.J.J.D.P.

If you would like any expanded comments from me, or have any questions, please advise.

Sincerely,

William E. Rittenberg
Chief Counsel

WER:mp

344 CAMP ST. SUITE 1101 NEW ORLEANS, LA. 70130 (504) 586-8835

NASSD THE NATIONAL ASSOCIATION OF SCHOOL SECURITY DIRECTORS

1320 S.W. 4th Street
Fort Lauderdale, Florida 33312
Telephone: 305/765-6201

June 20, 1978

Honorable Ike Andrews, Chairman
Committee on Education & Labor
Subcommittee on Economic Opportunity
House of Representatives
Congress of the United States
Room 320, Cannon House Office Building
Washington, D.C. 20515

Dear Chairman Andrews:

Thank you for your letter of May 31st last soliciting my comments concerning your scheduled oversight hearings on the Juvenile Justice and Delinquency Prevention Act for June 27, 1978.

As you know for the first time the Act specifically recognized the serious and costly problem of violence and vandalism in our nation's schools by including such provisions as the following:

Sec. 102 (a) It is the purpose of this Act----

(6) to assist state and local communities with resources to develop and implement programs to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions.

Sec. 207. (a) There is hereby established a National Advisory Committee for Juvenile Justice and Delinquency Prevention known as the "Advisory Committee" which shall consist of twenty-one members appointed by the President from persons including those with special experience and competence in addressing the problem of school violence and vandalism.

Sec. 224. (a) The Administrator is authorized to make grants to and enter into contracts with public and private agencies, organizations, institutions, or individuals to---

(6) develop and implement, in coordination with the Commissioner

of Education, model programs and methods to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions and to encourage new approaches and techniques with respect to the prevention of school violence and vandalism.

Sec. 241. (a) There is hereby established within the Juvenile Justice and Delinquency Prevention Office a National Institute for Juvenile Justice and Delinquency Prevention.

(d) It shall be the purpose of the Institute to provide a coordinating center for the collection, preparation, and dissemination of useful data regarding the treatment and control of juvenile offenders, and it shall also be the purpose of the Institute to provide training for representatives of Federal, State and local law enforcement officers, teachers, and other educational personnel.....

Sec. 244. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to---

(3) devise and conduct a training program, in accordance with the provisions of Sections 249, 250 and 251, of short-term instruction in the latest proven-effective methods of prevention, control and treatment of juvenile delinquency for correctional and law enforcement personnel, teachers and other educational personnel....

Sec. 248. (a) The Assoc iate Administrator shall establish within the Institute a training program designed to train enrollees with respect to methods and techniques for the prevention and treatment of juvenile delinquency. In carrying out this program the Associate Administrator is authorized to make use of available State and local services, equipment, personnel, facilities, and the like.

(b) Enrollees in the training program established under this Section shall be drawn from correctional and law enforcement personnel, teachers and other educational personnel.....

Sec. 261. (b) In addition to the funds appropriated under Section 261 (a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall maintain from the appropriation for the Law Enforcement Assistance Administration, each fiscal year, at least 19.5 percent of the total appropriations for the Administration, for juvenile delinquency programs.

You and your Committee have worked long and hard to enact the Juvenile Justice and Delinquency Prevention Act of 1974. I, and my Association, commend you for your untiring efforts in making this legislation a reality. However, it is equally important to insure that the provisions of the Act, such as those that I have listed, be implemented and I urge you to determine this in your hearings on June 27, 1978.

Sincerely,

Joseph I. Grealy

Joseph I. Grealy, President

JIG:cmw

JUN 23 1978

Youth Advocacy Program

TEACHER CORPS

902 North Meridian Street
Indianapolis, IN 46204
(317) 264-2331

June 21, 1978

Congressman Ike Andrews
Sub-committee on Economic Opportunities
Cannon Office Building, Room 228
Washington, D. C. 20515

My Dear Congressman Andrews,

I wish to share with you some of my observations concerning one of the special interest projects sponsored by the Law Enforcement Assistance Agency (LEAA), the "Youth Involvement Without Walls" project here in Indianapolis. This project has been jointly developed by USOE Teacher Corps and LEAA Office of Juvenile Justice and Delinquency Prevention. We are gratefully indebted to both offices for their cooperative assistance in the development of this project.

The thrust of this project has been to improve the school climate in an inner-city junior high school through facilitation of learning and the reduction in truency, violence and vandalism. The project staff has worked closely with the school administrators, teachers, security guards, custodial staff, and students. Activities have included special workshops in human relations, group problem solving, career exploration and behavior management.

In addition to the instructional training, a jobs program for the students has been established. Some students run their own lawn and garden care service. Implements have been provided through the grant. With the aid of the project staff, many students have begun their first hourly paid part-time work experience. They are employed in a variety of settings like pet shops, fire stations, beauty shops, trucking companies, auto repair shops, and retail stores.

The results of this program are extremely gratifying. Truancy has been reduced by almost 50%. Parents report their sons and daughters are showing increased interest in their education. Finally, as reported by the school administration, the community, and local business, violence and vandalism has been decreased significantly.

In conclusion, I wish to say this program could not have been developed nor been successful without the exemplary cooperation between the two governmental agencies.

Sincerely,

Art Brill

Art Brill
Director

Admin
Clarence Walker
Enclosure

SUNDAY, JUNE 4, 1978 — THE INDIANAPOLIS STAR

LEAA Program Giving 'Disruptive' Junior High Students Jobs, Incentive

By DAN CARPENTER

When Pat Houston was offered a helping hand with her lively inventory of puppies, guppies, gerbils and boa constrictors last February, she could have been forgiven for looking a gift horse in the mouth.

Mrs. Houston, owner of the Fish Bowl pet store, 2101 East Michigan Street, was asked to employ junior high school students who had been identified as real or potential "problems."

Federal funds were to pay their wages. Mrs. Houston's mission was to take the risks and supply the kids with reasons to stop skipping school and wasting critical years.

"We didn't hesitate," Mrs. Houston said. "Our daughter was cutting classes and she had the same problems as the rest of them. We understood what the program was about."

"The program" is a career apprenticeship project, run by the Teacher Corps at Indiana-Purdue University, Indianapolis, and based at School 101, 1801 East 16th Street.

USING A grant from the Federal Law Enforcement Assistance Administration, the Teacher Corps pays 80 of the students $2.65 an hour to work for approximately 25 cooperating employers, mostly in the nearby community.

Guy Underhill, assistant to the superintendent for human relations in the Indianapolis Public Schools, helps coordinate the venture, whose dual aim is to improve school performance and cut into the massive rate of joblessness among inner city teenagers.

Employers range from the Indianapolis Fire Department to retail stores to auto repair shops to beauty shops to trucking companies.

Besides spending money, the youngsters gain practical experience in the world of work and some training for a possible career.

The participants, in turn, spread the word to the other 900 or so students at School 101. They make posters and hold meetings, instructing their schoolmates about filling out job application forms, reading classified ads, taking interviews and other strategies.

THIS MONTH has been dedicated to career education at School 101, with students holding their own panel discussions, workshops and even videotape presentations about the ins and outs of getting a job.

According to those who run the program, the youngsters have not managed to squeeze much trouble into all this activity.

"In 30 months we've had only one kid who failed to stay in school and keep his grades up," said Irving J. Levy, acting director of the Teacher Corps.

"We don't take 'top of the line' kids. We take so-called disruptive kids and they're not disruptive any more."Mrs. Houston, who has had three of the young workers, tends to agree, to a point.

"I think for 30 per cent of them it really helps," she said. "It gives them an incentive to stay in school. And they find out there's much more to running a business than standing behind a counter and selling. You've got to know what you've got to sell and you've got to know how to add and how to spell.

"I HAD A boy, a sophomore in high school, who couldn't count to 10. That's really sad."

If the career program is going to alleviate the problems which gave it birth, the businesses involved will have to start paying the workers. The LEAA grant expires June 30.

"We're hoping to institutionalize it," said Levy. "We paid $2.65, the businesses can get by for $2.25. We hope they'll keep the kids and continue to hire them. It's in [illegible]

(Star Photo By Joel Attebery)

APPRENTICE BARBARA LYNN BENGE, 14, FILLS FISH TANKS

The Menninger Foundation

Center for Applied Behavioral Sciences

BOX 829 TOPEKA, KANSAS 66601 913/234-9566

June 21, 1978

The Honorable Ike Andrews
Chairman
Subcommittee on Economic Opportunity
The United States House of Representatives
Washington, D. C. 20515

Dear Congressman Andrews:

In your letter of May 31, 1978, you asked that we comment on the strengths and weaknesses of the current management and administration of the Office of Juvenile Justice and Delinquency Prevention. We should begin by pointing out that we have not had direct personal or professional contact with the individuals involved in the administration of OJJDP, but our impression of Mr. John Rector is that he is an extremely capable individual who is genuinely interested in the cause of juvenile justice in America.

Aside from that, however, our own work in the field has taken us to more than forty states in the past three years, and we have found evidence, in virtually every state, of shocking mismanagement that runs the gamut from awarding project grants on purely political bases to shoddy planning and the inhumane disposition of children trapped in the maze of our juvenile justice system.

Our own special area of interest and expertise is the deinstitutionalization of children and the creation of alternative community-based facilities. We have seen group homes in at least fifteen states that were funded with state-administered OJJDP funds that were doomed to failure from the beginning. The homes were created without the necessary planning or training, and those that survived until the end of the three-year funding period soon closed for lack of operating capital. We have seen an untold number of group homes close in this way, and we have seen the children returned to institutions, even though many had functioned successfully in their communities for several years.

We can fault OJJDP only to the extent that it has not imposed adequate restrictions on the creation of these homes, and it has not insisted that

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Page two
Congressman Ike Andrews

professional expertise be brought to bear on the problem. The Menninger Foundation is one of many organizations capable of providing the necessary expertise and assistance, yet the cycle of creating and closing group homes continues unabated while the children within the juvenile justice system are bounced about like rubber balls.

Very truly yours,

E. Kent Hayes
Co-Director
Youth Advocacy Project

Alexander A. Lazzarino
Co-Director
Youth Advocacy Project

EKH:AAL:bp

JUN 29 1978

National Board
of the
Young Women's
Christian
Association
of the U.S.A.

600 Lexington Avenue
New York, N.Y. 10022
212-753-4700
Cable: Emisarius, N.Y.

June 22, 1978

The Honorable Ike Andrews, Chairman
Subcommittee on Economic Opportunity
Committee on Education and Labor
House of Representatives
Congress of the United States
Room 320, Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Andrews:

This is in response to the invitation, extended through Mrs. Corienne Morrow, to the National Board of the Young Women's Christian Association to submit for inclusion in the record our statement for the oversight hearings on the Juvenile Justice and Delinquency Prevention Act. We are pleased to have this opportunity to submit the statement, five copies of which are attached in accordance with the advice of your office.

We especially appreciate the suggestion in your letter that the submission of our statement prior to the date of the hearings--June 27--would have more bearing on the hearings themselves. We are deeply concerned about several of the major issues that seem to be in question at this time; we have addressed our statement to these issues; therefore, we do want our position to come to the direct attention of the members.

In addition to the transmittal of the statement itself, we are taking the liberty to send you excerpts from the concluding section of our Final Report of the New England Intervention Programs, to which we refer in the statement. We believe these conclusions will contribute to the Subcommittee's insights with respect to the significance of the kind of program that voluntary private organizations are enabled to mount when they are freed to design projects "custom-made" to relate to their distinctive resources and to the needs they are uniquely equipped to meet.

We thank you for this opportunity and look forward with great interest to the Subcommittee's findings.

Sincerely yours,

Sara-Alyce P. Wright

Mrs. Sara-Alyce P. Wright
Executive Director

SAW:vej

Encl.

...in the struggle for peace and justice, freedom and dignity for all people

TESTIMONY OF THE
NATIONAL BOARD OF THE YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF THE U.S.A.
submitted June 22, 1978 to the
SUBCOMMITTEE ON ECONOMIC OPPORTUNITY
COMMITTEE ON EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES
CONGRESS OF THE UNITED STATES

The National Board of the Young Women's Christian Association of the U.S.A. welcomes the occasion for contributing to the assessment of the overall performance of the Office of Juvenile Justice and Delinquency Prevention in carrying out the purposes of the Juvenile Justice and Delinquency Prevention Act of 1974 and its subsequent amendments. The close relationship between the purposes of this Act and those of the YWCA of the U.S.A., particularly as the latter pertain to youth has been asserted in testimony relevant to the initial passage and subsequent amendment procedures for this Act over the past four years. This statement is addressed specifically to the performance of the Office of Juvenile Justice and Delinquency Prevention: as such, it does not address the problems encountered relative to TITLE III--"RUNAWAY YOUTH ACT," which is under separate--HEW--administration. The National Board of the YWCA will be pleased to respond at any time to a similar invitation relative to that Title.

The National Board of the YWCA's position of support and commendation for the changes which are introduced under the current administration of the Office of Juvenile Justice and Delinquency Prevention are derived from years of experience in working with the Federal Government in efforts to prevent and control delinquency, especially among female youth. As indicated in our statement relative to the then-proposed 1977 Amendments to this legislation, submitted in May 1977, this operating experience has come through realities of working at

National Board of the YWCA

the national and local levels. The National Board YWCA has sponsored three major programs in the past ten years, namely, the Youth Workers Team Learning Program--a three year project in training for delinquency prevention funded by HEW under the Juvenile Delinquency Prevention and Control Act of 1968; the Texas YWCA Intervention Project funded through LEAA Region VI, under which services were provided for delinquent female youth and young women who came to the program upon their release from adult correctional institutions. The third National Board YWCA sponsored delinquency-related program within this ten-year period was the only one of the three to involve the participation of OJJDP: the other two were completed before that Office was created. This third program--the New England YWCA Intervention Program*--was funded through LEAA Region I for its first period under an LEAA discretionary grant, and for its second period under joint funding by LEAA and the Office of Juvenile Justice and Delinquency Prevention. The program, which was operational from January 1, 1974 through April 30, 1977, served 11 YWCA Intervention Centers dispersed throughout the six New England States. In the course of its operations, it provided residential, nonresidential, and in-institution services to more than 800 girls and women, a majority of whom were juvenile status offenders. Some of the services were delivered prior to adjudication; some were cooperative with Probation Departments--delivered to youth who were placed on probation by Juvenile Courts influenced in their decision to place youth on probation in many instances by the availability of the YWCA Community-based Intervention Service. Some of the services were delivered in juvenile institutions to which the YWCA Intervention Project personnel took group programs and individualized help: here it should be noted that a heavy majority

Experience documented in the Final Report submitted to LEAA/OJJDP by Rhetta M. Arter, Ph.D., National Project Director.

of the youth thus served were reported to be confined because of their prior commission of status offenses--most were runaways, incorrigibles, and/or truants. Some of the services were delivered to youth in after-care status, i.e., after they had left the correctional facilities. Through these programs, the YWCA served youth with many problems. In addition to the status offenders, there were youth who had been found guilty of delinquent acts--some minor, many major. The most frequently reported offenses in this non-status category were shoplifting, larceny, drug-related crimes, assault, vandalism and burglary. Others were charged with other acts including auto theft, murder, robbery, fraud, prostitution and embezzlement. The YWCA was able to work with these young people. The known failure rate was low--less than three per cent. A few of the programs are still in operation: their funding was picked up by SPAs or private sources once the then-required cut-off of OJJDP funds after two funding periods was invoked. This, the National Board YWCA was told, represented OJJDP policy. Actually, the "stretch" of this program over a three-year period is a testament to the ability of the YWCA to demonstrate real cost-effectiveness. Because the programs were imbedded in established, ongoing, cost-wise operations which did not require new facilities; which could use existing resources such as residences, meeting rooms, cafeterias, swimming pools, gymnasia, classes, interest groups, clubs, and organization-wide special events, the youthful participants could have recourse to the range of services and activities which are essential to meeting their individualized needs at lowest possible costs. The fact that the work of the LEAA/OJJDP-funded project staffs was augmented by that of established YWCA employed personnel, and by the services of a heterogeneous group of volunteers

representing a cross section of age, race, sex, socioeconomic status, educational backgrounds, and occupations, meant much to the YWCA's ability to "stretch" its funds. The cooperation of an approximate 200 public and private agencies contributed heavily to the program's community support and overall success.

This New England-wide program was well on its way in the development of new types of models for constructive intervention in the delinquency-related careers of its youthful participants when it came to a halt. A very substantial pay load in this area--models that could be used by other YWCAs and other youth-serving organizations across this country--could have been delivered if even one more funding period had been available. Despite the fact that the YWCA had stretched two years' funding over a three-year period, regardless of the fact the YWCA programs were evaluated favorably by the local justice and justice-related agencies that had come to rely on them, not withstanding the fact that the youth and their families showed evidences of benefitting from the services while still needing them, and in spite of the difficulties of achieving orderly, adequate "spin-off" to state or local funding, the program fell victim to the OJJDP "cut-off" policy. "Two years' funding," according to the previous OJJDP administration, was the limit. Since OJJDP had funded one period only, a concession was made for supplemental funding for a four-month period to accommodate the dragging heels of three SPAs from which continuity funds for three programs were pending: none of these programs actually were continued by SPAs.

National Board of the YWCA

This National Board-sponsored New England YWCA Intervention Program was the victim of still another policy of the previous OJJDP administration. Born of an unsolicited proposal which was developed in response to the statements of need by New England representatives of the Justice System, the program died because OJJDP no longer entertained unsolicited proposals, and because it--the New England YWCA Intervention Program--did not conform with the specifications of any OJJDP "Initiative." As a matter of fact, conformity with the goals and purposes of such an initiative would not have mattered: according to the then-policies of the OJJDP, the New England YWCA Intervention Program could not have been included under such an initiative even if it met all of the specifications: as an on-going, in-operation, program it was ineligible for Initiative competition.

Although this statement is addressed to the present administration of the Juvenile Justice and Delinquency Prevention Act, it seems important to continue the description of the New England experience one step further, i.e., to the National Board YWCA's interest in finding other means of mining this experience which had been a bellwether operation with reference to services for female youth. In response to a program for which the National Institute for Juvenile Justice and Delinquency Prevention took the initiative, the National Board YWCA sought resources for study of the results of the program, including follow-up of participants, in order to identify those new programs and methods which evidenced promise of making a contribution toward the prevention and treatment of juvenile delinquency among girls.

In spite of the fact that all of the program's primary data were available for analysis; that participants and their families were available as data

sources; that justice and other cooperating agencies were ready for participation in such a study, the National Institute for Juvenile Justice and Delinquency Prevention rejected the application and, with this action, the possibilities for dissemination of the validated results of the demonstration to persons actively working in the field of juvenile delinquency among girls. The rigidities were built into the policies; the policies were impenetrable.

It is to the changes now taking place with reference to such rigidities--of which the above--cited experience is but one example--that the National Board of the YWCA addresses this statement in support of the present management and administration of OJJDP. In a relatively brief time, the agency has shown signs of recognition that--

-- the experience, the background of knowledge of and work with youth, is vested in part in the nation's voluntary youth-serving agencies;

-- the wisdom regarding the best means of pursuing the purposes and intent of the Juvenile Justice and Delinquency Prevention Act is not the sole province of the bureaucratic structure;

-- flexibility and openness are consonant with sound administration and democratic values.

This recognition has been revealed in approaches taken by the present OJJDP administration. The Office, under its present management has--

-- opened its doors and ears to ideas that were not originated within its walls;

-- accompanied the established OJJDP Initiative approach with objective, serious consideration of the constructive possibilities of an unsolicited proposal that is creatively in accordance with the provisions of the ACT;

National Board of the YWCA

-- given representatives of voluntary organizations, and other sectors of the American citizenry, the reassurance through overt actions that is necessary to establish the credibility of this as the "open" Administration which was promised by the President of the United States.

It is the National Board YWCA's conviction that the present administration of OJJDP is acting out understanding of the complexity and gravity of the responsibilities assigned to that Office, and the importance of drawing upon experience as well as theory and rhetoric to carry them out. This is exemplified in the demonstrated awareness of the persistence of some of the problems. Thus, the OJJDP present administration does not rely upon the 15 programs funded under the one-time Prevention "Initiative" to provide all of the creative, innovative, effective, replicative approaches required to really make a difference in the prevention of delinquency in this country. It is listening to and finding ways to make resources available to others in addition to the limited, funded, few. This conveys the message to the 400+ other organizations and agencies that invested themselves and their resources in the onerous task of submitting applications which were rejected by the previous administration that their contributions may have worth: that some of their ideas still be given the opportunity to demonstrate their efficacy. Although the National Board YWCA was not among this number--it having declined the opportunity to compete because of some of the requirements which it believed to be unsound--it welcomes the opportunity for reconsideration of some of the possibilities that were put forth. The National Board YWCA supports also the implementation of the Juvenile Justice and Delinquency Prevention Act through the present administrative adherence to the law in opening possibilities for funding beyond the previously--imposed two year limitations, to continue programs providing that the yearly evaluation of such programs is satisfactory. This approach reduces the arbitrary cut-off of those

programs which--for sound reasons--are adjudged worthy of sustained support to allow adequate time needed for their spin-off to other resources. This accommodation is essential to coherent programming in a system which is subservient to the vagaries and problem-creating practices of the SPAs which represent the major spin-off resource.

This statement would be incomplete if it did not address some of the problems that have been persistent with OJJDP. Foremost among these is the nature and extent of LEAA controls over the administration of the JJDP Act. It is difficult to locate where these actually lie. It has been YWCA experience that a number of the problems it has encountered have emanated, allegedly, from what has come to be referred to as "upstairs." In the previous administration, this included the alleged origin of some of the negative racial stereotypes affecting some of the practices of the National Institute for Juvenile Justice and Delinquency Prevention, to which nonwhite representatives of the National Board YWCA have been subject and about which the National Board has raised serious questions. It is recommended that any oversight hearing include attention to this matter, and make serious efforts to determine whether the practices and the attitudes behind them still prevail. In this regard, it is important to state that the climate regarding such matters, as affected by the new OJJDP administration, in the experience of the National Board YWCA has improved immeasurably. This is one of the bases on which strong commendation is supported. The oversight hearings to which this statement is addressed can render an important, needed, service by clarifying the above lines. The question is raised here as to whether the OJJDP has authority commensurate with its responsibility, or whether its subordination to LEAA prevents it from meeting commitments while--at the same time--it bears the onus of responsibility. It is clear within YWCA experience that major grant and contract controls are not vested in OJJDP. This question was addressed at the time the Congressional decision was made to locate the OJJDP in the Law Enforcement Assistance Administration.

National Board of the YWCA

It was thought that the reassurances regarding the OJJDP freedom were dependable, and that the social values on which the legislation rested would not be impaired by a competing value system. There is some question as to whether this has proved to be the case. Thus, it is the opinion of the National Board of the YWCA that the desirable and essential oversight review will be incomplete and inadequate unless it takes into consideration the full realities of control and decision-making which affect the management and administration of OJJDP.

The National Board of the YWCA of the U.S.A., therefore, recommends that in order to really review the entire sweep of the management and administration of the Juvenile Justice and Delinquency Prevention Act of 1974 and its subsequent amendments, with reference to the letter, the intent and the spirit of that legislation, the Congressional representatives look at the involved totality, i.e., LEAA and the ways it affects that administration, the National Institute for Juvenile Justice and Delinquency Prevention and the way it functions, and the administration and management of TITLE III, namely--the "Runaway Youth Act." Only by such means will the Congress and the citizenry it represents be able to arrive at conclusions as to what needs to be done at this time on the basis of experience to make it possible for the OJJDP to be assured of the authority it must have before it can be held fully accountable for the accomplishments that the legislation and the citizens desire.

The National Board of the YWCA of the U.S.A. continues to support this legislation. Concerned about all of America's youth, the YWCA brings a special interest in its girls who continue to evidence serious need for help and guidance which call for resources beyond those now available to the private sector. At the same time,

these same girls need the benefits of the decades of experience and demonstrated concern of that voluntary not-for-profit sector which continues to pursue the possibilities for meaningful partnership with the federal government in responding effectively to the needs. The opportunity is still available. The demand is for building constructively on the experiences that have accrued during the years since the JJDP Act was passed--

-- simplify the procedures;

-- support the present administration's efforts to open the doors to genuine partnership with those organizations that bring experience, commitment, readiness, and potential cost-effectiveness to the joint efforts;

-- support also the present administration's efforts to assure the human rights of all of those who are capable of contributing to the efforts to reduce and control juvenile delinquency which are made possible by the Act--including those of unquestionable capability whose racial and cultural backgrounds entitle them to classification as "minorities"--and, of course, ensuring full--if necessary mandatory--attention to the youth whose backgrounds entitle them to the same classifications;

-- locate the hidden as well as the overt controls and make provision for their accountability and responsiveness to the purposes and potential of the Juvenile Justice and Delinquency Prevention Act.

As the Subcommittee on Economic Opportunity of the House of Representatives Committee on Education and Labor moves toward its assessment of the overall performance of the Office of Juvenile Justice and Delinquency Prevention in carrying out the purposes of the Juvenile Justice and Delinquency Prevention Act of 1974 and its subsequent amendments, it is the hope of the National Board

of the YWCA of the U.S.A. that it carry out its mission with full perspective on the transition process which involves more than this one Office in this one Federal Agency. It is the YWCA experience that, generally, the transition is slow. Moving toward cooperation with agency after agency, in the hope that the philosophies and policies of the present Administration would make themselves felt, the National Board has encountered evidence of the entrenchment of former policies and practices: the changeover has crawled. Actually, OJJDP has been found to be more responsive, more in harmony with promises made to the American electorate in 1976, than some of the other governmental units which carry heavy responsibility for implementation of the social policies. It is the hope of the National Board, therefore, that the oversight hearing will be used as a constructive instrument for encouraging and speeding that forward movement; that it will serve as the channel through which the impediments to the desired progress may be located in order that they may be put aside. It is the desire of the National Board that the YWCA of the U.S.A. be counted among those positive forces that use their influence, their collective strength, and their deep concern and caring, in partnership with the legislative, executive, and judicial arms of government, in behalf of the protection and the treasuring of America's youth.

SOME REFLECTIONS--

--on experiences within the LEAA-funded, National Board YWCA-sponsored, New England YWCA Intervention Program.

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The preparation of this report, the termination of the National Board sponsorship of these New England operations, and the "digging" into records--current and past--which this requires have combined to stimulate long, deep, reflections about this undertaking. These processes have called up recollections of the conditions and climates in which this six-State program was mounted. They have tapped remembrance of the fact that the experiences in New England carried forward those which had begun in the State of Texas,* as they evolved within what was the first LEAA-funded, National Board-sponsored YWCA Intervention Program known to be one of or possibly the first national organization-sponsored, locally conducted, intervention programs for female offenders in this country.

The report that follows deals with the protocols of objectives, programs, participants, personnel and other operational aspects. Here we stop to take a look--at once both subjective and objective--at what the National Board YWCA saw as its mission when it moved to initiate and sponsor these multi-unit programs, conducted by its member Associations, under conditions which would bring together the strengths and resources of these national and local voluntary organizational structures in a venture made possible primarily by public funding, to serve a group which had been undernoticed and underserved, namely--female offenders. And here it must be noted, also, that the limitation to "offenders," per se, to the exclusion of those known to be "endangered," was simply and purely a function of the strictures of the source of the available money--provided under the Corrections Program, Part E of the Omnibus Crime Control and Safe Streets Act of 1968.

As we think through our own assessments of the validity of our own premises when we moved--again in days before many of the terms and concepts which we were broaching at that time were in currency--we remain conscious of the fact that in this writing we must draw quickly, with a broad brush, and withstand the temptation to limn in detail.

**TEXAS YWCA INTERVENTION PROGRAMS, sponsored by the National Board of the YWCA--under LEAA Region VI and the Texas Criminal Justice Council, December 1971 - June 30, 1974.*

In these terms, then, we go back to our 1971 statement to the Law Enforcement Assistance Administration that the National Board of the Young Women's Christian Association of the U.S.A. wished to--

-- "develop, demonstrate and test utilization of the resources of an established community-based resource, i.e., the Young Women's Christian Association of the U.S.A.--fortified by those of other cooperating organizations--in the range of services to young females who are in some stage of movement to or within a crime/delinquency-related behavior sequence."

Behind that statement were some concepts, some operational philosophies, and some commitments: not all of these may be identified in this writing. A few are pulled out for brief consideration.

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Community-based programs: These were in discussion-vogue at the time. Many established voluntary organizations, based in their communities, regarded themselves--as did the YWCA--as affording natural settings for "community-based" operations. In the course of our experience, we have encountered some who differed with this approach; who felt that "community-based" as it could be applied to programs with/for offenders referred only to those which--organized and operated by justice systems--would be taken out of remote areas, and relocated in the existing communities and neighborhoods: they would continue to be the responsibility of the justice system which would determine and control the nature and extent of any relationships with the communities to which they had relocated.

It has been the good fortune of the New England YWCA Intervention experience to encounter little, if any, of the above exclusion by justice and justice-related agencies. Rather, we have been joined by many of them in assessing the responsibility and obligation of the established community-based private agency to provide the types of services which this program made possible for an ever-increasing number of offenders--adult and juvenile, status and nonstatus. This experience has served to affirm for us the validity of our original premise.

The Role of National Organizations: There was not any question, at the time that we asserted our interest to the National LEAA that the above responsibility and obligation applied to the national--as well as the local--organization. At the time the idea of a central/nationally administered multi-unit project was proposed at LEAA, it seemed to have elicited higher perception of the value of enabling the national organization to work together with its local affiliates--in roles and relationship which were established and appropriate for both--than seems prevalent today. The experiences within the New England YWCA Intervention Program have sustained the assumptions that--

--there are unique values and strengths in arrangements which provide for experience exchange, the enrichment of jointly-shared staff development programs; opportunities for direct access to the staff expertise made available by the National organization, and which makes possible the standardization of professional methods that have been tested for their adaptability to different local situations;

--there is significant economy of effort and as well as of cost for program sponsors as well as for the funding agencies when all processes--beginning with program planning and development through program administration, accountability, monitoring, analyses of data and collation of reports--for several projects that are directed to the same purpose, objectives, and target groups, can be concentrated under one basic headquarters operation;

--there is opportunity in this experience to assess the validity of operating a modified system of decentralization, i.e., one which functions within a limited area as a basic coordinating unit as distinguished from total decentralization which compels each local entity to invest in all of the steps, to go through all of the process of "trial and failure," to "reinvent the wheel," one-by-one-by-one.

--there is continuing need to enable a National organization to administer groupings of programs in which its "decentralized" member organizations may take part in order to provide local program units amenable to the internal evaluation, comparisons and analysis of diverse operational settings. This is essential to the role of a National organization in carrying out its responsibility for recommendations related to program and policy that converge at the Federal funding agency level.

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Imbedded in an Established Multi-Service Agency: Actually, this has been found to be more important than we realized at the time the plan for this program was developed. It has been found that recourse to a range of existing, established programs and services allows for the high degree of individualization that is essential to successful intervention services, economical operations, and reduced dangers of service duplication. Also, we have discovered that the young offender who enters the doors of an established multi-service agency enjoys some protection against ready identification as an offender per se and thereby is safeguarded against some of the hazards of stigmatization.

Special Needs of Females: The New England Intervention Program has included many coed activities. It has found, however, that there are some distinctive needs and interests which are brought into the program by young and older female participants; that the program--as it draws upon the 100+ years of YWCA experience in addressing such needs--has been able to relate to them and to draw upon the Association's resources for this purpose.

Cooperation of Public and Private Organizations: When this program was first mounted, it was feared by some that it would be "torpedoed" by justice agency resistance. In general, the level of cooperation from these agencies has been unusually high: we found many justice agency personnel ready and willing to articulate the needs of their female client populations and to assist the YWCA in meeting these. Justice personnel served on Committees, offered volunteer services, and worked in many different ways to assure the program's success. The essence of the successful relationship is role definition, accompanied by mutual respect and adherence to agreed upon divisions of responsibility. When they work together as peers, the two structures--voluntary and justice--can demonstrate their effectiveness as a potent team, even as this occurred in most of the New England program location.

The Essential Requirement for Volunteer Involvement: It has been our experience that the nature and extent of volunteer involvement--once the doors are open--go considerably beyond our expectations. Not infrequently, the pre-planning concept is limited to committee membership and one-to-one relationships. In New England, volunteers--in many places--saw needs and responded to them, created roles, delivered services, chauffered, chaperoned, and forgot frequently to record what they had done, because, said one, "I enjoyed doing it." We found that numbers of participants were deeply impressed by their contacts with these volunteers: in some instances, Center Directors felt that "volunteers really made the difference."

Individualized Programs and Services: Again, in pre-planning stages, it is easy to think only of group approaches, or to set up a program which provides for individual counseling and to expect that to do the whole job. We have found that group and individual approaches are essential: most importantly, each participant--as she enters the program--requires assurance that she is a person, accepted as such. The individualized program--which permits her to take part in group experiences, but does not deny her identity as a person, is essential to effective intervention service.

"--fortified by other cooperating organizations": In the proposal to the National LEAA, cited above, this was one of the National Board YWCA's most prescient statements. The New England YWCA Intervention Program drew heavily upon the relationships with other private and public organizations, that YWCAs have built up over the years. In this way, the Intervention Centers enjoyed the benefits of these mutually reenforcing networks of community supports which were essential to their productivity.

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As we approach this report preparation, we think more and more about the ways in which this program has served as a significant vehicle for developing, demonstrating and testing the utilization of the resources of an established community-based organization--the YWCA of the U.S.A.--in its efforts to serve girls and women who have come into conflict with the law in New England. We are conscious of the number of YWCA-sponsored efforts in this field which have been reported to us in the years since this New England program, and its predecessor, were conceived. We call upon our self-discipline to restrain any tendency to assess beyond these reflections without systematic, validating procedures. We know, however, that this program has touched the lives of many of those who availed themselves of the opportunity to take part in it. We are grateful for this opportunity and look forward to others which will make it possible to share this knowledge, to build upon it, to reach an ever-widening circle of girls and women whom we help to stay out of--or reclaim their highest potentials once they have been entrapped by--the snares of life styles which they themselves refer to as "in trouble."

THE ATLANTA CONSORTIUM
TELEPHONE: 404/766-7605 or 761-5411, Extension 247—248

JUN 26 1978

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Atlanta Public Schools
Atlanta University

Atlanta Junior College
Clark College
Georgia State University
Morris Brown College
University of Georgia

Dr. Mae Armster Christian, Director
Dr. Chuck Fuller, Co-Director

June 23, 1978

Mr. Gordon Raley
Staff Director
of Sub-Committee on
Special Emphasis Programs
Room 320
Cannonhouse Office Building
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Raley:

It has come to our attention that you will be chairing a sub-committee to examine the effects of OJJDP's (LEAA) Special Impact Programs, dealing with troubled youth, directed by Ms. Emily Martin. We would like to state emphatically that in Atlanta, this program (Activity II-LEAA) has been successful in reducing the level of student disruptive behavior in schools. The funds provided by Ms. Martin's office were used to develop a Youth Model which brought together students, parents, school personnel and representatives from Institutions of Higher Education to work toward the common goal of developing programs and activities to help resolve the problems facing our youth.

Specifically, Mr. Raley, through the direct involvement of students, parents and school personnel the youth at our target schools have begun to reverse the once destructive trend of student discipline. We are obviously gratified that the program was able to achieve its stated goal of reducing the level of student disruptive behavior. From the beginning of the special emphasis program, staff, parents, school personnel and students have been committed to providing specific program activities to help students with alternatives to disruptive behavior.

Some of the more outstanding features of the program included :

- A total school participation program - all students took part in identifying problems and solutions.

- Peer Counseling Training - students were trained to assist other students in solving problems and building positive images.

- Field trips to enhance the students total development.

Mr. Gordon Raley
Sub-Committee on Special Emphasis Programs

- Arts and Crafts - provided through a summer program.

- Classes in Creative Writing and the production of an 8mm color film on Student Behavior.

- Conference participation - several students attended out of town youth conferences where they met and worked with other students in identifying problems and solutions.

Finally, although the funding was relatively low, the greatest impact of the special emphasis programs has been the changing of student's attitudes and behaviors, and the degree of cooperation between the school, community and institutions of higher education.

If you have need of additional information, please do not hesitate to contact us. We will be more than happy to provide any additional information or assistance necessary.

See attached detailed report on the impact of the program.

Yours truly,

Mae A. Christian

Dr. Mae A. Christian
Director
The Atlanta Teacher Corps

Chuck Fuller

Dr. Chuck Fuller
Co-Director
The Atlanta Teacher Corps

MAC/CF/ap

cc: Clarence Walker

ATLANTA TEACHER CORPS
HIGH SCHOOL CRIME INTERVENTION COMPONENT
EVALUATION REPORT

Chuck Fuller, Associate Director

Evaluation Variables:

(1) Class Cuts

(2) Incidents of Disruptive Behavior

(3) Average Daily Attendance (ADA)

Evaluation period, December, 1976 - May 31, 1977.

The Atlanta Teacher Corps Crime Intervention Program Model identified, on a priority basis, three (3) program evaluation indices: (1) class cuts, (2) incidents of disruptive behavior, (3) ADA. Pre-assessment data (baseline) was compiled prior to the inactment of program strategies, i.e., mini-school, parent involvement, staff development. The following report summarizes the effects of these approaches on selected critical student variables.

Although the mini-school had enrolled a total of 76 students during its highest point (see Table 1) the average enrollment was approximately 70. Due to the criteria for inclusion in the disruptive category, i.e., disruptive incidents, ADA, the evaluation sample represented the total population of disruptive youth. In the category of class cuts, disruptive youth averaged close to four (3.83) class cuts during a six month period of school year, 1976 (see Table 2). One year later, after Teacher Corps intervention, class cuts show a 36% reduction. Closer examination of this data shows that 1/3 of the sample group of students reduced their number of class cuts by 50% or more. Only two students evidenced more class cuts in 1977 than they did in 1976. On the other hand, two students reduced their class cuts by 100% from school year 1976 to school year 1977.

In the area of student disruptive incidents (number of times student was reported to the office) the average number of incidents in 1976 was 1.44. For the same period time, during school year 1977, the overall average was reduced to .83. More encouraging, however, is the finding that 38.8% of these students reduced their disruptive incidents by 100%.

Average Daily Attendance (ADA, see Table 3) is computed on a school basis. Therefore, while Teacher Corps cannot take direct credit for any changes in the attendance patterns of the entire student body, it is interesting to note that the ADA for 1977 for East Atlanta High was 2 percentage points higher than for 1976. While the increase may be coincidental it could have changed in the opposite direction. A footnote to these results is that East Atlanta High showed a larger ADA increase than any of the other schools within school district IV.

The data presented clearly shows that Teacher Corps has had a positive effect on those variables identified as critical indices of student disruptive behavior at East Atlanta High. The data further suggests that the model employed during the six month period studied holds a great deal of promise for effectively reducing student disruption on a larger scale, given time, resources and staff.

TABLE 1

BREAKDOWN OF MINI-SCHOOL STUDENTS

Mini-School Groups	Total Enrolled
Disruptive Youth	31
Leadership Group	15
Film Crew	10
Special Education Class	20
TOTAL ENROLLMENT	* 76

* Represents enrollment at highest point, average enrollment approximately 70 students.

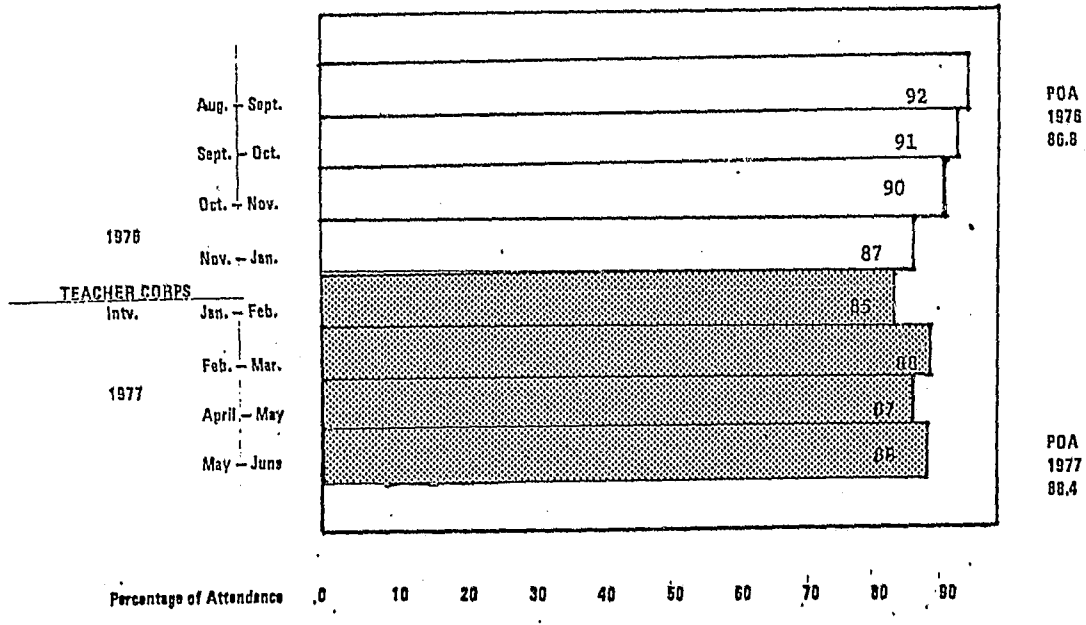
TABLE 2

EVALUATION OF CHANGES IN INCIDENTS OF CRITICAL STUDENT VARIABLES
CLASS CUTS - DISRUPTIVE INCIDENTS -ADA

	January-May, 1976	January-May, 1977	Change
*Total Class Cuts	73	47	36% reduction
Average Class Cuts	4	2.6	
Total Disruptive Incidents	26	15	42% reduction
Average Disruptive Incidents	1.44	.83 less than 1	

* Statistics based upon a sample of eighteen (18) Disruptive Youth

TABLE 3
PERCENTAGE OF ATTENDANCE – HIGH SCHOOL



STUDENT DISRUPTIVE BEHAVIOR

Program Goals and Purpose

The initial charge of the Teacher Corps effort at East Atlanta was to demonstrate how student-centered activities could be developed into a model(s) for reducing the incidence of Student Disruptive Behavior.

What Was The Approach?

The Atlanta Teacher Corps Student Disruptive Behavior Program is concluding its second year of operation at East Atlanta High School. The basic components of the Teacher Corps Disruptive Youth Model involved teachers, administrators, parents, and students. Parents worked in the school and community with students to provide assistance in any way possible. Teachers were provided training and technical assistance in classroom management techniques; teaching techniques and effective teacher-student communications. Students participated in small and large group activities designed to enhance their understanding and perception of self, others and society. They were also trained in various problem solving processes.

What Were The Results?

THE RESULTS OF THE TEACHER CORPS EFFORT HAVE PROVEN TO BE SUCCESSFUL IN REDUCING THE INCIDENCE OF STUDENT DISRUPTIVE BEHAVIOR AS WELL AS CHANGING THE PRE-DISPOSING ATTITUDES AND PERCEPTIONS OF STUDENTS CONCERNING DESTRUCTIVE AND CONSTRUCTIVE BEHAVIOR.

After only about six (6) months of operation, for example, disruptive incidence were reduced by 46%. Class cuts were reduced by a respectable 36%. The question remains as to the overall effect that the Teacher Corps program has had at East Atlanta over the past year and a half. The following report answers this question with hard data.

Experimental Research on the Effectiveness of Teacher Corps Disruptive Youth Crime/Disruption Model

It is clear from the data presented thus far that the approach taken by Activity II (Atlanta) to reduce the rate and incidence of student disruptive behavior has been successful.

The approach involved working directly with both disruptive and non-disruptive students in small groups - - exploring problems, solutions and values.

Because this approach proved to be effective on a small scale basis, Teacher Corps, Activity II decided to test the effectiveness of the model on total school participation basis. Beginning September, 1977, first school quarter - the entire student population was scheduled to take part in the Total School Participation (TSP) Program once each quarter. This essentially required working directly with 90-100 students per week for twelve weeks.

Due to the fact that students attended the TSP only once per quarter, the students normal academic routine was not interfered with.

Research Design

In order to empirically test the effects of the TSP upon the total student population at the target school a research effort was initiated. Two samples of students were randomly drawn from two schools - two hundred fifty (250) from the Activity II target school and two hundred fifty (250) from a school of comparable size and demographic description, which had not been involved in any Teacher Corps activities. Both groups of students were administered a questionnaire to measure various values, perceptions, and decision-making skills identified as being necessary for students to display disruptive-free behavior in schools.

The research question formulated was that Teacher Corps students would score significantly better on pre-determined measures affecting behavior than students who had not taken part in Teacher Corps Disruptive Youth Programs. The following table provides a preliminary look at the research results. A brief discussion of findings follows the table of results.

TABLE OF RESULTS

	Average Percent of Correct Responses	
	Teacher Corps Target School n=203	Non-Teacher Corps School n=249
Student maintains a consistent set of values in relationship to self and others.	50.3	26.0
Student has an understanding and appreciation for the interdependence among people.	58.0	47.0
Student understands and applies the due process of law.	69.5	54.5
Student perceived self realistically in respect to potentials, strengths and weaknesses.	77.6	54.0
Student attempts to satisfy needs in socially acceptable ways.	80.0	65.0
Student recognizes the value of building a proper foundation for developing good self-image during early childhood.	18.0	.07
Student refrains from efforts to force himself/herself or ideas on others.	80.0	30.0
Student does not isolate self from physical or emotional involvement with others.	69.0	33.0
Student recognizes factors which cause problems between individuals and groups in urban communties.	35.5	29.5
Student evaluates ways individual may conduct his/her life so as to respect the well-being of others.	74.2	60.2
Student supports the use of compromise in reaching collective decisions	74.6	68.0

TOTAL STUDENTS SAMPLED - 447

Discussion of Results

The research question formulated: Will Teacher Corps students score significantly better on measures affecting behavior than Non-Teacher Corps students? was answered in the affirmative as indicated by the table of results. Teacher Corps students scored better than Non-Teacher Corps students on all eleven (11) attitudinal or behavioral items. On the whole, students who had attended the Teacher Corps target school and participated in the Mini-School activities possessed attitudes and perceptions about self and others which were more positive and consistent with societies. Further, Teacher Corps trained students indicated a greater willingness to become involved with other students emotionally and physically. Students who participated in Teacher Corps activities were less likely to force or coerce others into adopting their ideas or beliefs.

This general tolerance demonstrated by the Teacher Corps students also carries over into the area of meeting personal needs in a socially acceptable manner. Eighty percent (80%) of those Teacher Corps students tested indicated a propensity to forego immediate gratification of needs in the interest of staying within socially prescribed guidelines for meeting needs.

In summation, it can be concluded from the results of this study that the model implemented at the target school for reducing student disruptive behavior has been successful in building the kind of values, attitudes and tolerance necessary for disruptive-free behavior. This conclusion is based upon hard data provided by students. The Atlanta Teacher Corps model for reducing the level of student disruptive behavior has proven to be successful, as shown by the data presented in the first part of this report. The Teacher Corps model, when implemented on a limited scale, reduces the number of class cuts and improves student attendance. The second half of this report has shown that when the Teacher Corps model is implemented on a total school level, students overall develop more positive and healthy attitudes and values toward self, others, and society.

June 23, 1978

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Baltimore, Md. 21218
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Indianapolis Site Office
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Suite 423
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Phoenix Site Office
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Hon. Ike Andrews
Congress of the United States
House of Representatives
Committee on Education and Labor
Subcommittee on Economic Opportunity
Room 320, Cannon House Office Building
Washington, D. C. 20515

Attention: William F. Causey, Counsel

Dear Congressman Andrews:

Attached is a copy of a letter to John Rector regarding grave problems we of the ACLD-R&D Project are having due to lack of action on the part of OJJDP.

As Chairman of the Subcommittee on Economic Opportunity, Committee on Education and Labor, I feel you should be apprised of the situation as outlined in the attached letter. A great deal of time and effort have gone into the Project to date. We are so very close to truly obtaining good data and to attaining long sought answers to the enigma of JD/LD.

Warm regards,

Dorothy Crawford
Project Director

DC:rg
Encl.

Association for Children with Learning Disabilities

Research and Demonstration Project

June 23, 1978

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John Rector, Administrator
OJJDP
633 Indiana Avenue, N.W.
Washington, D. C. 20531

Dear Mr. Rector:

Once again I am writing you to express my continuing concern for the ACLD-R&D Project. At this point in time I must stress that any further delay on your part in acting on the revised budget (Creighton's) and the grant application issues indicates at best a lack of understanding of the Project's tight timelines and overall objectives.

Currently, the Project is in need of immediate attention and action on your part as Administrator of OJJDP. Your delay in answering various issues that have come about within the Project are seriously jeopardizing a 3.5 million dollar effort. As Project Director I have a tremendous sense of responsibility to the Project and I am also most sensitive to the type of responsibilities you have as Administrator of OJJDP.

Nevertheless, I must point out that OJJDP, at this time, must be held responsible for the Project's current problems. In my judgment, the following is an enumeration of Project problems.

- There was the delay in supplemental funding. The supplemental funding was necessitated by extra, unanticipated activities which were directly requested by OJJDP. If you will recall, you stated you were responsible and apologized for the delay. This one delay created the situation which limited the sample population in remediation to a total of only 130 rather than 300, as in the original design.

- The intervention, on the part of OJJDP, into the management of the Project stripped me of the power to appropriately administer the Project. It seemed political concerns were superimposed over Project concerns.

- The generally impossible situation to resolve Project difficulties created by your lack of availability and/or failure to respond.

- The restrictions placed on travel for the Project Monitor making it impossible for her to participate in planning and decision making, particularly in situations where OJJDP, nonetheless, dictated the decisions.

While it is my understanding that the ACLD continuation grant application is all but awarded, the situation is still grim. For in reality, without approval of the Creighton revised budget and the NCSC continuation grant award, the Project's objectives cannot be achieved and we will have wasted taxpayer's money. Even worse for those of us concerned about delinquency and youth with learning disabilities, failure to complete this study will cause them a tremendous disservice; a disservice that could have a disastrous impact on them for the rest of their lives.

This letter has not been written to offend you. It has been written to instill the sense of urgency those of us directly involved in the Project have. Three point five million dollars (3.5) expended must be utilized as effectively as possible. The Project is designed to do this, and will do this, if action on your part is taken without further delays.

You have assured me (per your letter of 5/2/78) that OJJDP is committed to continuing the Project because "it is an essential step to gaining new knowledge regarding the relationship between LD and juvenile delinquency." I urge you most earnestly to act immediately in order to ensure the commitment and a successful conclusion to the Project.

Sincerely,

Dorothy Crawford

Dorothy Crawford
Project Director

DC:rg
cc: Senator Dennis DeConcini

JUN 29 1978

OAKLAND/FARMINGTON YOUTH ADVOCACY TEACHER CORPS
A Teacher Corps Project
United States Office of Education

OAKLAND UNIVERSITY
School of Education
Rochester, Michigan 48063
Area 313 377-3087

June 23, 1978

Congressman Ike Andrews
Subcommittee on Economic Opportunities
Cannon House Office Building
Room 228
Washington, D.C. 20515

Dear Congressman Andrews:

For the past two years I have been Director of the Oakland University - Farmington Public Schools Youth Advocacy Teacher Corps project. Attached to this program in September of 1976 was an additional component funded under an interagency agreement between Teacher Corps and the Special Emphasis Unit of the Office of Juvenile Justice Delinquency Prevention.

This special interagency component was designed to work with delinquent and disruptive students in selected secondary schools and the staffs at these schools with the aim of decreasing levels of crime and disruption and the fear associated with such acts. The major intervention strategy utilized in this effort was student initiated activities. These activities promoted greater student involvement in the development, implementation, and evaluation of activities within the schools and communities in order to promote increased student awareness of and control over their behavior and the immediate environment.

We are currently in the final stage of evaluating this effort. However, preliminary results indicate that we have been more than successful in changing school climate factors and student behavior. The interagency agreement between Teacher Corps and the Office of Juvenile Justice Delinquency Prevention's Special Emphasis Unit has provided us with the opportunity to not only positively impact on the schools, students, and communities involved, but we have had the opportunity to develop and evaluate program components and strategies that are more effective in developing new roles of responsibilities for young people and adults alike as together we build a better tomorrow.

Director — Dr. Jacqueline Lougheed

Program Development Specialist — Dr. Virginia Schuldenberg
Site Coordinator — Dick Ruiter

32-505 O - 78 - 28

Congressman Ike Andrews
June 23, 1978
Page Two

This type of effort, I am sure, has your Committee's support. Our efforts during the past two years have given us a very important beginning. This effort and similar efforts must be continued.

Sincerely,

Jacqueline Lougheed

Jacqueline Lougheed
Director
Oakland/Farmington Youth Advocacy Teacher Corps
Director
OJJDP Crime Prevention Program
Associate Professor
School of Education, Oakland University

JL:hk

CDC&CSSA
Community Day Care & Comprehensive Social Services Association

26 June 1978

Gordon A. Raley, Legislative Associate
Subcommittee on Economic Opportunity
Committee on Education and Labor
U. S. House of Representatives
320 Cannon Building
Washington, D. C. 20515

Dear Mr. Raley:

Please find attached my response to your invitation to submit written testimony for the forthcoming hearing on juvenile delinquency. In attempting to briefly outline our process and initial results, I have taken the liberty of mentioning specific individuals, with the hope they will be viewed by you as resources if future needs arise.

I appreciate very much the opportunity to submit these comments and sincerely trust such will be of benefit to your process. If I may ever be of any assistance to you in any manner, please do not hesitate to contact me.

Sincerely,

J. Michael Whitaker
Project Director

JMW:jmw

Suite 314 • 2600 Poplar Avenue • Memphis, Tennessee 38112 • Telephone (901) 324-7102

Testimony Prepared for Juvenile Delinquency Hearing
before the
Subcommittee on Economic Opportunity
of the
Committee on Education and Labor
House of Representatives

by
J. Michael Whitaker, Project Director
Memphis-Metro Youth Diversion Project

I. Historical Background

The Memphis-Metro Youth Diversion Project is a special emphasis, research and demonstration project funded through discretionary funds from the Law Enforcement Assistance Administration, Office of Juvenile Justice and Delinquency Prevention. The project was developed in response to the April 1976 program announcement, Diversion of Youth from the Juvenile Justice System. Project implementation began 01 December 1976.

The project is located within the structure of the Community Day Care and Comprehensive Social Services Association (CDC&CSSA), a private, not-for-profit organization. Under the direction of its Executive Director, William R. Hackett, CDC&CSSA serves as a social-service-brokering agency, using local (i.e., United Way, City of Memphis, and Shelby County) funds to serve as match for primarily Title XX funds through the Tennessee Department of Human Services. Since its beginning in 1970, CDC&CSSA has grown to its current position as the largest private broker of Title XX funds in the State of Tennessee.

II. Program Design

A. Diversion Definition

As outlined in the program announcement, diversion was defined as "a process designed to reduce the further penetration of youth into the juvenile justice system," with the stipulation being made that diversion "can occur at any point following apprehension by police for the alleged commission of a delinquent act and prior to adjudication." It was decided diversion in Memphis would occur within the Juvenile Court at a point following receipt of referral but prior to assignment of the case to a Court officer.

B. Target Population

Concerning the target population, the program announcement limited eligibility to "youth who would otherwise be adjudicated delinquent." Youth alleged to have committed offenses

for which routine disposition normally involved being "warned and released, screened and referred to community services, or released by the court" were deemed inappropriate for diversion. Additionally, due to the potential threat to the community, cases involving allegations such as murder, forcible rape and armed robbery were suggested to be generally inconsistent with the aim of diversion.

For the specific population in Memphis, it was decided to include as eligible any youth who would normally be adjudicated and placed under probationary supervision. Toward the identification of this group, with the understanding circumstances of individual incidents prohibit absolute guidelines, criteria was established and refined involving current allegations in reference to the prior-referral record of each youth. For example, probability exists that a first offense of burglary could result in adjudication, while first offense shoplifting seldom results in adjudication, although subsequent allegations of shoplifting can result in adjudication. Thus, a youth whose first offense is burglary is eligible, while the youth whose first offense is shoplifting is not eligible. Thus, certain allegations render youth eligible on the first offense, while the criteria requires that youth have been previously referred to the Court one, two or more times with other allegations.

C. Program Goals

Taken directly from the program announcement, the goals and subgoals of the initiative are:

1. To reduce by a significant number, adjudication of juveniles alleged to be delinquent in selected jurisdictions over a three year period.

2. To achieve a more comprehensive and coordinated approach to the diversion process through redirection and expansion of existing community resources and provision of more cost-effective services.

3. To reduce delinquent behavior of those youth diverted by providing effective services to that portion of youth who need such services.

4. To improve the quality and efficiency of juvenile justice decision making.

5. To develop and strengthen community-based service models which encourage youth employment and youth participation in decision making.

6. To enable the juvenile justice system, as a result of diversion of less serious offenders, to concentrate more of its resources on the juvenile offender whose offenses preclude consideration for diversion.

III. Process Design

A. Randomization

Responding to the guidelines of the program announcement, the diversion process for Memphis from the outset centered primarily around randomization. It was decided that random assignment, i.e., chance distribution, of youth within the project would reduce the influence of irrelevant variables, produce an increased yield of unbiased statistical data, and subsequently enhance the meaningfulness with which the final results of the project would be viewed. Originally committed to randomization only through the initial six-hundred (600) cases to be used in the national evaluation being conducted by the Behavioral Research Institute in Boulder, Colorado, the current intent is to maintain random assignment for the duration of the research component of the project.

Randomization occurs on a daily basis at the Juvenile Court, with two (2) Court supervisors, Mr. Dennis B. Hausman, Supervisor of the Summons and Diversion Unit, and Mr. John C. Jones, Supervisor of the Intake Unit, reviewing all court referrals in reference to diversion eligibility. Once eligibility is determined, the files for each youth are collectively provided to the project staff. At this point, information is transferred to project forms, randomization occurs, and all files are returned to the Court.

With equal distribution of youth from the eligibility pool between groups, the three (3) groups into which randomized youth are placed are as follows:

1. Diversion With Services: Youth randomized into this group are notificed initially by the project and subsequently have no personal contact with Juvenile Court staff following arrest proceedings. The youth attends an initial interview with project staff, at which time the project is explained to the youth and his/her parent(s), and afforded the option of voluntarily participating in the project. If the youth chooses non-participation, most often because of a desire to establish non-involvement as charged, the case is returned to the Court for traditional processing. If the youth volunteers to participate, an individualized needs assessment is conducted with the youth and parent(s), from which emanates a suggested service plan to be delivered by a non-justice, community-based agency or organization. Once the youth and parent(s) make a commitment to participate in the service plan, the referral is made to the agency, where the primary responsibility is assumed for the youth. The role of the project at this point becomes monitoring and evaluation. Following the initiation of services, the youth may withdraw from the program without retribution.

2. Diversion Without Services: Youth randomized into this group also do not have contact with Juvenile Court. Rather, their initial and only contact is with the project in the form of an interview of approximate duration of thirty (30) minutes. During this process, the project is explained and the option is given to voluntarily participate. If the youth decides not to participate, again most often for pursuit of establishment of non-involvement as charged, the case is returned to the Court. If the youth and parent(s) agree to participate, it is suggested to them they possess within their own resources the ability to resolve their problems, and they are instructed further action will not occur in the matter.

3. Penetration: Youth randomized into this group never come into contact with the project and, for practical purposes, are not a part of the routine operation of the project. Rather, minimal information for tracking purposes is gathered and the files are returned to the Court for traditional processing as if the project did not exist. Mr. Hausman and Mr. Jones are aware of these cases but nothing exists in the file or with the youth to suggest to other Court personnel that the case is being followed. The disposition and progress of each case is tracked for comparison of effectiveness to the other methods.

B. "Direct" Referrals

With the realization certain cases might exist which would be eligible for diversion but which would not be considered by the Court as appropriate for randomization into the "without service" group for reasons such as notoriety, the "direct" process was developed. Through this avenue, the project accepts on a monthly basis twenty-two (22) cases from the Court counselors and eight (8) cases from the Judge and/or Referees, which by-pass randomization and are placed directly into services with the community agencies. The "direct" referral must be made as an alternative to definite probation, and has evolved to serve also as an alternative to institutional commitment. As a general rule, these referrals tend to represent more difficult and/or serious cases, and have included two (2) cases of assault to murder, four (4) cases of Rape, and four (4) cases of armed robbery. Since this group represents a different means of processing, i.e., initial contact with Court as opposed to project personnel, although adjudication is still withheld, the statistical data and information is kept seperate and apart from the randomization groups but is being maintained as yet another point of methodological comparison.

C. Participating Agencies or Organizations

At this point, referrals have been made to a total of thirty-five (35) non-justice, community-based agencies or organizations. Represented are private, not-for-profit agencies, which are the majority, public organizations such as community mental health centers and the local school system, and one private, for-profit agency. Additionally, a state university provides youth and youth-worker training. Efforts have been made to limit agencies to delivery of only one of a list of specifically defined services which includes family counseling, individual counseling, employment, social adjustment, recreation, academic counseling, and drug and alcohol abuse counseling. A strict avoidance has been maintained with agencies which subscribe to the more traditional, justice-oriented "everything to everybody" approach.

D. Community Involvement

Key to the entire process has been the decision to have meaningful community involvement. The basis for this decision involves the hypothesis that representatives from various parts of the community must be involved in the development and implementation of the project if the concept of diversion is to remain an active justice component beyond the completion of the project. Such involvement has included from the Juvenile Court the active participation of Judge Kenneth A. Turner, Mr. Charles F. Gray, Chief Probation Officer, and the aforementioned Mr. Hausman and Mr. Jones. Of equal importance has been the citizen Advisory Committee, chaired by Mrs. Leola Hansen, which is composed of nine (9) non-justice (except for Mr. Gray), community-oriented individuals which screen all service-proposal requests to the project. The routine involvement of these two groups has resulted in an increased awareness of the needs of the entire community, and extensive efforts to inform and involve the community as a whole. The result of these efforts has been varied and extensive "ownership" of the project throughout the community.

IV. Initial Findings

As of the date of this testimony, the project is only half-way through the original three-year plan, although some of what had been originally projected as final results are already beginning to be realized. An effort will be made to briefly outline some of these initial findings.

A. Target Population

Probably the greatest expressed concern from the beginning of the project involved the ability to receive from the Juvenile Court referrals consistent with the guidelines in the national

program announcement. Although the referral flow rate has not been as great as originally projected, the referral process has not been a problem in Memphis. Specifically, from 25 April 1977 through 31 May 1978, eleven-hundred twenty-one (1121) youth have been referred to the project. The breakdown is as follows (it should be noted a computerized randomization chart is being used which has final equal distribution but is not equal at various points in the chart):

Randomized With Services	279
Randomized Without Services ...	324
Randomized Penetration	334
"Direct" Referrals	184

The fact eleven-hundred twenty-one (1121) youth have been referred in approximately thirteen (13) months demonstrates the Court's willingness to refer youth but does not address the appropriateness of the referrals. The following statistics concerning the allegations and prior referrals are necessary:

Allegation	% Population
Burglary	33.01%
Larceny	29.35%
Shoplifting	14.09%
Other Felonies	9.27%
Misdemeanors	5.00%
Drug & Alcohol	4.91%
Violent Crimes	2.50%
"Status" Offenses ..	1.87%

Number Prior Referrals	% Population
None	50.58%
One	29.08%
Two	13.02%
Three	4.91%
Four	1.61%
Five or More	.80%

Thus, from the nature of the charges and the prior-referral record, it would seem that the concept of a Juvenile Court demonstrating a willingness to divert youth who would normally "belong" in the juvenile justice system is not an inaccessible concept, at least not in Memphis.

B. Agency Participation

One of the end results of the project was that there would be an ability to demonstrate to non-justice agencies that justice-referred youth could be integrated into their programs with

minimal or no disruption. Through the "redirection and expansion of existing community resources" it was hoped justice-referred youth could be assimilated into these agencies or organizations as routine referrals eligible for services funded by non-Federal or non-justice sources. To date, only ten (10) of the thirty-five (35) participating agencies have requested and received funds through the project. The remaining twenty-five (25) have been able to take referrals for services for which adequate funding already exists. Thus, at last count, approximately sixty per cent (60%) of youth placed into services have been placed without the use of diversion funds. It appears this willingness to redirect existing resources possesses the greatest potential for perpetuating the diversion concept.

C. Recidivism

There has been a tendency on the part of the project to avoid discussions of recidivism due to the belief such should not be the measure of the success of a program, particularly since a large number of crimes remain unsolved. While obviously a high recidivism rate could indicate the non-success of a program, a low recidivism rate indicates only that re-contact with the system is not occuring. Thus, identified problems and related etiologies can remain unchanged, indicating non-success, while the recidivism could remain low, rendering only pseudo-success. However, since orientation remains strongly toward recidivism, an initial survey, with recidivism defined simply as re-contact with the Court, was made of all randomized cases which had been in the program not less than six (6) months. Those findings, with the caution the results are only initial and not final indicators, are as follows:

Group	% Recidivism
Randomized Penetration	21%
Randomized Without Services	12%
Randomized With Services	9%

Upon looking more closely at the "service" group, there are some youth within that group with whom services were never initiated before re-referral. When those youth are removed from the group, the recidivism of youth who actually received services is approximately six per cent (6%).

As the eligibility criteria was refined and the charges became more serious, it was hypothesized the recidivism would more closely approach the Court rate of thirty-three per cent (33%). Thus, a second survey was conducted, still limited to six (6) month levels of involvement. While that survey has not been completed to date on the "Randomized With Service"

and "Direct" groups, the results for the other two groups are as follows:

Randomized Penetration 33%
Randomized Without Services ... 17%

V. Possible Direction

While it is recognized only eighteen (18) of the projected thirty-six (36) months of the project have passed, certain entities exist or have developed which appear to have been and will continue to be keys in the success of the Memphis project. Although scientific documentation does not exist toward their significance, their obvious role in the Memphis experience warrants their brief discussion at this time.

A. The Juvenile Court Judge

Having worked with fourteen (14) different Juvenile Court Judges in the last nine (9) years, this Project Director readily recognized and admits that the Honorable Judge Kenneth A. Turner is atypical and beyond the majority of his peers in the maintenance of equilibrium between a sincere desire for optimum services for justice-referred youth and a genuine concern for the well-being of the community. His sensitivity to this equilibrium has built support for the Juvenile Court in this community. It has been the ability to borrow from this support, and the Judge's personal support which has literally helped insure the success to date of this project, and to deny such would be misrepresenting the potential for replication of the diversion concept in other jurisdictions.

From current and past experiences, the reciprocal of the situation with Judge Turner would seen to be true, i.e., without the meaningful support of the Juvenile Court Judge the implementation of any change-oriented, non-traditional approach will be without avail. Since the judges are the hub of the juvenile justice system, we must either make an honest effort to secure judicial input in the development of alternatives and/or require the full support of judges on an individual-concept basis only after documentation can be made that the concept has been fully explained to and understood by the judge. The time has long passed for those of us in social services to quit trying to sneak in the proverbial back doors of Juvenile Courts with the hope of going unnoticed during the implementation of change, or with the concept the changes can be implemented through initial half-truths or mis-representations. With the history of failure with many "new" social-services-related concepts, it should not be of any surprise that it is not within the innate character of many Juvenile Courts to welcome change. If the change is in fact meaningful, i.e.,

programmatically or fiscally effective, the responsibility should lie with the change-agent to demonstrate such, and not with the Court for automatic acceptance.

B. Programmatic Accountability

In relation to the necessity to demonstrate programmatic effectiveness, it has been the experience with this project that there exists some agencies and organizations which are able to perpetuate their existance solely on the basis of good intentions and affliations, i.e., borrowed credibility. The recognition of such has caused this project through the Advisory Committee to become extremely hesitant to release large amounts of funds over extended periods of time but rather to prefer smaller and shorter duration grants for the purpose of the agency demonstrating its programmatic and fiscal accountability.

Amidst this cautious process have arisen accusations that project concern does not exist for youth because of an unwillingness to release funds at an accelerated rate but it is suggested the exact opposite exists, i.e., that genuine concern for youth-related programs can only exist when there is an end to the traditionally random manner in which funds are distributed for the sole purpose of total expenditure. It is the philosophic position of this project that it would be more positive to turn back funds to O.J.J.D.P. than to release funds in an irresponsible manner to unaccountable agencies or organizations. Too long have we in the social services been permitted to continually exist on our good intentions alone, and the new trend should be for major and minor funding sources to cease lending legitimation through funding to those groups incapable of rising above tired rhetoric. The final result of indiscriminate funding is that inapt organizations through disorganization and misdirection discredit viable programmatic concepts. Thus, there is not only a need to identify inaptitude but to dichotomize the credibility of the implementer and the concept.

C. Community Variation

In the early developmental processes of any new program, it is beneficial to identify the various entities which will be impacted by the program. Even in the juvenile justice system we are capable of quite accurately identifying all of the significant others but are often so preoccupied with introspection that we are unable to transcend our pre-established valuation. We become so intent on implementing at any cost our often reasonably justified causes that we forget and/or are selectively inattentive to expressed community opposition to concepts which in reality are probably not even accurately

and objectively understood. Add to that the variation within communities and the extreme diversity between communities, and it is not difficult to understand why the juvenile justice system is often collectively accused of having taken leave of its senses.

In relation to this, probably the most meaningful aspect of the Memphis experience has been the positive response to the efforts to involve as great a portion of the total community as possible. From the beginning, CDC&CSSA honestly inquired of community representatives whether or not Memphis wanted and/or needed the diversion concept. With sufficent positive response to proceed, community-involvement efforts have evolved to a point where it is now established policy to first contact potentially adversely-affected groups or individuals before implementing related components. Compromise of process but not principle has occasionally been necessary but not a single component has been jeopardized.

Analogically, the juvenile justice system has often lived in a state of parasitism, existing at the expense of the community without making any useful contribution in return. In contrast, the Memphis Juvenile Court has established, and the project has become a part of, what could be defined as social symbiosis through which sometimes dissimilar organizations have learned to live together in a close association which is advantageous to all. To reiterate, the process was accomplished without compromising principles or trading away values but by inviting affected entities to join in the development. It has been the experience of this project that few individuals are opposed to the concept of better services for youth but that the breakdown in the process has come with the failure of the implementer to demonstrate the ability to deliver those improved services, and the benefits thereof.

Along this thought, it should be pointed out that one of the major assets of the Memphis effort has been Mrs. Linda O'Neal, the Juvenile Justice Specialist with the Tennessee Law Enforcement Planning Agency in Nashville. Mrs. O'Neal has become a valued consultant for the project and has played an integral part in its development and implementation. In states such as Tennessee where there is a lack of an organized juvenile justice system, SPA's such as Mrs. O'Neal can play a valuable role. As a result, while the fiscal benefits of operating directly out of Washington seem rather obvious and desirous, it is of some concern the potential of dealing with the SPA along programmatic lines will be by-passed in future special emphasis initiatives. Efforts should be made to programmatically involve the SPA as an advocate, and not to pursue alienation as an adversary.

VI. Conclusion

In conclusion, it is respectfully suggested that no longer is it sufficent to deliver individual services to individual youth but that rather a concerted effort within and between communities is essential to formulate and institutionalize progressive new juvenile justice programs which will not only move toward a reduction in delinquency rates but which will also symbiotically provide immediate, recognizable benefits to the related community. Whether or not the Memphis-Metro Youth Diversion Project exists for even another month, it will have served a meaningful purpose in providing a medium through which dissimilar individuals and communities within a city and county have routinely interacted toward providing better services for its troubled youth.

Respectfully Submitted: J. Michael Whitaker, Project Director

Date: 26 June 1978

JMW:jmw

THE UNIVERSITY OF UTAH
SALT LAKE CITY 84112

OFFICE OF THE PRESIDENT

EQUAL OPPORTUNITY OFFICE
207 PARK BUILDING
581-8365

June 26, 1978

Congressman Ike Andrews
House of Representatives
Committee on Education and Labor
Subcommittee on Economic Opportunity
Room 320, Cannon House Office Building
Washington, DC 20515

Dear Congressman Andrews:

I am pleased to see your subcommittee take a leadership role assessing the overall performance of the Office of Juvenile Justice and Delinquency Prevention. I appreciate your requesting my views on this important and critical subject.

As you know, I was one of the original appointees to the National Advisory Committee which was organized in March of 1975. I was one of the seven members which had a three-year appointment and as such have had the opportunity of seeing the Office function over the past three years. Since I was a member of the Executive Committee of the National Advisory Committee and chair of the Subcommittee on Concentration and Coordination of Federal Effort, I perhaps had a greater opportunity than most to view OJJD staff. I chose to work on the subcommittee concerning the Concentration and Coordination of Federal Effort since I viewed that charge as an awesome one, but yet one that has the greatest opportunity for making our federal bureaucracy work in behalf of the youth of this country. I think the foresight of the Congress and of the Senate in writing into the Juvenile Justice Act, the need for the concentration and coordination of federal effort was timely and critical. California's Proposition 13 is a reaffirmation of our need to get more productivity out of our federal bureaucracies. Let me turn now directly to my observations of how the Office of Juvenile Justice and Delinquency Prevention has operated over the past three years.

While it can be argued that there were many political forces affecting how the Office would operate; nevertheless, how the office would operate within that arena is a reflection of the leadership of that office. Let me cite some specific observations.

National Advisory Committee Relationship With OJJD Office

During the first year and one-half under the direction of Milton Luger, who had been the director for the office, the NAC received a great deal of support which included staff support to work with the various subcommittees. There was a good sense of cooperation and the NAC's subcommittees began functioning. The major limitations were that at times

the NAC was overwhelmed with a lot of speeches from experts and the committee did not have the opportunity to deliberate policy and program issues. The NAC, however, did take the initiative in late 1976 and put together a set of goals and objectives which we wanted the OJJD Office to consider. After Mr. Luger left, the Office activities continued. When Mr. Rector was appointed in July of 1977, we were all pleased to see Mr. Rector assume the leadership of the office. Since that time, however, I have observed (1) the morale of the office diminish, (2) a lack of specific strategy or plan to implement the Act, and (3) that by design, Mr. Rector chose not to make efforts to convene the coordinating council, which according to the Act is mandated to meet four times a year.

Concentration and Coordination of Federal Effort

The Subcommittee on the Concentration and Coordination of Federal Effort, which was part of the NAC, set as one of its major goals that of playing a watch dog citizen role to see that the Federal Coordinating Council was meeting as mandated by the Act. During the first year, the Federal Coordinating Council began meeting, and under the direction of Milt Luger, the Coordinating Council did coordinate around some specific programmatic thrusts. I was impressed with Mr. Luger's style of operating with the Council, which was one of working around specifics and was nonthreatening with the other agencies. Upon Mr. Luger's departure, the Federal Coordinating Council ceased functioning. The total National Advisory Committee subsequently requested that Mr. Rector begin the reconvening of the Coordinating Council; however, it was his belief that the past efforts of the Council were minimal unless he had some specific policy issues prepared, and that it was premature to convene the Council. While the committee agreed there was a need to develop policy statements, there was an equal concern that the Coordinating Council once again become functional.

In July of 1977, the NAC put together a work plan which contained suggestions for operation of the office; however, any report of where we stand with the adoption or rejection of those work plans by Mr. Rector is still pending.

After operating for about one year and one-half, the NAC decided that it would be timely for the committee to receive more direct staff assistance in preparing its reports, which would eventually be made available to Congress, the President, and to the Office. Initially, it was Mr. Rector's thinking that he did not want to become involved in the deliberations of the National Advisory Committee, but wanted to see it operate independently. While he acknowledged the support, results are pending. I think it would be fair to say that Mr. Rector's relationship with the National Advisory Committee is less than adequate.

Let me be more specific with regards to the request NAC made in seeking staff support. While the committee had asked for his support, it was not until February 21st when Tim Davis, another member of the committee, and myself met with Mr. Rector for the purpose of firming up a commitment from him regarding staff support. At that time, it was Mr. Rector's thinking

that he would support whatever efforts could be made to obtain the needed staff, and several alternatives were suggested. Prior to the full NAC Committee meeting on March 2nd, I again met with Mr. Rector to reaffirm his support. After reporting to the committee the outcome of the meeting with Mr. Rector, the full NAC Committee felt positive about the situation. Unfortunately, however, Mr. Rector failed to move on his commitments, and on May 18, 1978, I wrote a letter of understanding to Mr. Rector regarding his commitments to the NAC with the hopes that he would respond. Unfortunately, a response came which did not address the issues raised. In addition, he described positive steps which are now being made with the new members of the NAC committee, which I would question. I attach both of these documents for your review.

During the past 18 months, I, and I suspect most of the NAC members, have not been able to get a grasp of what direction the office is taking. The communication between the director and the committee has been minimal. With regards to the operation of the office and the staff itself, I think it would be safe to characterize the morale of the office personnel as poor, with little communication, not only between the director, but between other administrative units as well.

In your request, you ask that I suggest ways of improving the office. I would suggest that (1) your subcommittee request that the Office of Juvenile Justice and Delinquency Prevention put together for you an office work plan which would detail goals and objectives for the office and that those objectives become their reporting mechanism to your committee on a quarterly basis; (2) that the director be requested to submit to you at least four policy issues which could then be taken to the Federal Coordinating Council body for deliberation and action; and (3) that your subcommittee take whatever steps are possible to improve the morale and productivity of that office.

In closing, let me say that I commend the committee for reviewing and demanding some accountability of our federal agencies. With the passage of the OJJD Act of 1974, I was mostly impressed that it would allow the office to play a leadership role in coming up with creative ways of dealing with old problems. More importantly, that it would help our federal agencies work closely together in solving problems rather than working at odds, which apparently is the case. While I have tried to be candid at the expense of being fairly harsh with Mr. Rector's leadership, I think he and I both share a strong commitment of helping our troubled youth in America and at the same time to gain mileage out of our federal tax dollar. I trust we can all work towards that end.

I thank you for giving me the opportunity to share my perception with you and stand ready to be of service to you as you deem appropriate.

Sincerely,

John Florez
Director

Attachments

32-505 O - 78 - 29

THE UNIVERSITY OF UTAH
SALT LAKE CITY 84112

OFFICE OF THE PRESIDENT

EQUAL OPPORTUNITY OFFICE
207 PARK BUILDING
581-8363

May 18, 1978

John Rector
Assistant Administrator
Office of Juvenile Justice
and Delinquency Prevention
LEAA
U.S. Department of Justice
Washington, D.C. 20531

Dear John:

On February 21st, Tim Davis and I met with you for the purpose of gaining your commitment to allocate resources and administrative support to assist the National Advisory Committee in carrying out its responsibilities. We have been trying to gain adequate staff support to carry out our mandate since the committee's inception. At the committee meeting on February 2nd, Tim and I were directed to meet with you to see how we might acquire needed staff and resources so the committee could function more independently from the OJJDP and yet make a greater contribution towards furthering the objectives of the Act.

Some time has elapsed since the February 21st meeting, at which time we arrived at some specific agreements. In addition, you affirmed your support for the suggestions made during our March 2nd meeting in Restin, VA. However, it seems no action has been taken in the matter.

Perhaps it is timely that you make some determination regarding the agreements which you made at our February 21st meeting. I would like you to consider this a letter of understanding on the points which we agreed upon during that meeting. They were:

1. You agreed that the NAC should have its own independent staff.

2. You said you were prepared to allocate funds from your operating budget for its operation and that, in fact, you had set aside $800,000 for such purposes.

3. You said you were willing to support the NAC in gaining greater autonomy by:

   a. making a direct grant to the committee; or

b. extending the A.L. Nellum contract which would allow the committee to hire its own staff and would be administratively housed in the A.L. Nellum firm; and

c. supporting any of the above efforts, or additional efforts, which would allow the committee to move rapidly.

As you indicated, it was in your own interest that the committee move towards developing its own staff since your staff could then spend less time with committee work.

In our March 2nd meeting you again reaffirmed your interest in supporting the agreements we reached, and it was because of that understanding that Tim Davis and I made our report to the full NAC Committee in which we suggested the following:

> That the NAC immediately begin working with A.L. Nellum and Associates through the extension of the existing contract for the purposes of hiring a staff for the committee.

This staff was to include a Director, an Assistant, two Program Specialists and two Secretaries. It was anticipated the staff would be charged with the responsibility of studying the staffing patterns and recommending how best the organizational structure of the NAC and staff should function. This would be done by the end of June, at which time the Nellum contract would be terminated or renewed. It was understood by the committee members that not all staff would be brought on board initially, possibly just the Director and perhaps an Assistant. They would be charged with the responsibility of putting together the May NAC meeting as well as developing alternatives for the restructuring.

Considerable time has elapsed and I think it is timely that you consider reporting to the committee as to what progress has been made by your office to fulfill the commitments you made. Your support and your leadership are needed if the agreements we made are to be realized. I understand the pressures of your office are great; nevertheless, I hope you will be able to respond to this letter of understanding within the next two weeks. Should you have any questions or do not agree with my understanding of our agreements, I would appreciate your letting me know immediately.

Sincerely,

John Florez

JF/sr
cc: George Belitsos
Bernadette Chavira
Tim Davis
Lawrence Semski
Barbara Sylvester

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION
WASHINGTON, D.C. 20531

June 5, 1978

Mr. John Florez
Director
Office of Equal Opportunity
The University of Utah
Salt Lake City, Utah 84112

Dear John,

I received your letter of May 18, 1978, summarizing your understanding of our meetings of February 21, 1978 and March 2, 1978, and suggesting that I report to the National Advisory Committee on progress made by this Office in fulfilling certain commitments. In reference to your letter, however, I must clarify several points regarding the substance of our meetings.

To date the Office has allocated a total of over $700,000, or an average of approximately $200,000 per year, in contract support for the Committee. I stated that I was prepared to increase the level of support in the future to $225,000 per year. With regard to the means by which that support will be provided, Fred Nader, not I, made the recommendation that a direct grant be made to the Committee. Unfortunately, that is not a legally permissible option.

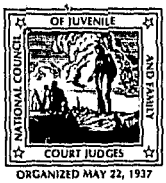
Since our meetings, I extended the A.L. Nellum and Associates contract through August 15, 1978, to provide support for the Committee's next meeting. In addition, I met with the current Executive Committee members to discuss staff support and related issues. As a result, Barbara Sylvester recently submitted to me a report on Committee objectives and staff requirements. The report is being reviewed, and I am sure it will be very helpful to the Office in determining the most appropriate means of providing future support to the Committee's activities.

I appreciate your concern about the Committee. Let me assure you, no one is more interested in resolving the question of staff support for the Committee than I.

With warm regards,

John M Rector

John M. Rector
Administrator
Office of Juvenile Justice
and Delinquency Prevention



ORGANIZED MAY 22, 1937

LOUIS W. McHARDY / Executive Director

JUL 5 1978

NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES

UNIVERSITY OF NEVADA
P.O BOX 8978
RENO, NEV. 89507
(702) 784-6012

June 27, 1978

Honorable Ike Andrews
Chairman
Subcommittee on Economic Opportunity
Committee on Education and Labor
House of Representatives
Congress of the United States
Room 320, Cannon House Office Building
Washington, D. C. 20515

Dear Congressman Andrews:

Judge James W. Byers requested that I respond for him to your letter of May 30, 1978, requesting comments on the performance of the Office Juvenile Justice and Delinquency Prevention in connection with the oversight hearings you plan to conduct June 27.

The National Council of Juvenile and Family Court Judges for many years favored and supported Federal legislation in the juvenile justice area and it applauded the enactment in 1974 of the Juvenile Justice and Delinquency Prevention Act.

Juvenile court judges, central figures in any juvenile justice system, have a natural and major concern for an efficient and effective administration of the Act.

When the present administration assumedoffice, the Council supported the appointment of the present Administrator of OJJDP, Mr. John Rector, having experienced a very positive relationship with him during his tenure as a staff member of the Senate Sub Committee on Juvenile Delinquency. The Council has, on numerous occasions, offered its assistance, advice, and cooperation to Mr. Rector in fulfilling his most important duties. As one, who was so close to the long legislative activities in advance of the enactment of the Act, the Council views Mr. Rector as a highly knowledgeable and key person in this vital Federal effort.

There are several concerns the Council has in regard to the administration and management of OJJDP. These are based upon experience with the Council proposals for projects under discretionary funding. They include:

1. The former Administrator of OJJDP, Mr. Milton Luger, was terminated in February, 1977 and the present Administrator was not appointed until August or September of that year. During the interim period, the office seemed to flounder.

2. An LEAA reorganization scheme was begun abruptly prior to Mr. Rector's appointment. This included the abandonment of the regional offices.

3. Mr. Rector apparently assumed office inherenting a hugh backlog of work and a disorganized staff.

4. There have been extensive delays between the submission of proposals and the award of grants.

5. There has been a rapid turnover of project grant monitors.

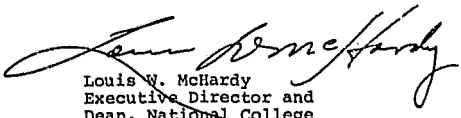
6. Grant monitors are unable to visit project sites and observe, first hand, project activities. To us, this severely lessens their effectiveness.

We fear that all of the above may be due to inadequate numbers of staff members to cope with the major work load involved. We also fear that some staff members are simply incapable of making major decisions in complex areas. This is not to fault Mr. Rector, because we know that he inherited most staff members, some pro-tem, from the previous administration and from the disbanded regional offices.

In substance, Mr. Chairman, we are most supportive of the OJJDP and welcome the opportunity to assist it in any way possible. We sincerely desire the greatest success possible for it and its Administrator.

Thank you.

Yours respectfully,



Louis W. McHardy
Executive Director and
Dean, National College
of Juvenile Justice

LWMcH:je

cc: Honorable James W. Byers
Honorable William S. White
Honorable John Rector

WRITTEN TESTIMONY SUBMITTED BY MILTON G. RECTOR, EXECUTIVE DIRECTOR, NATIONAL COUNCIL ON CRIME AND DELINQUENCY

On behalf of the National Council on Crime and Delinquency (NCCD), I appreciate the opportunity to contribute through written testimony in these oversight hearings related to the Juvenile Justice and Delinquency Prevention Act of 1974 and its subsequent amendments (hereafter, referred to as "the Act"). Having played a major role in the promotion of the Act in 1974, NCCD supports the monitoring role of the Subcommittee on Economic Opportunity which assures the sustained and efficient effort needed to implement the purpose and intent of this progressive legislative mandate.

Due to the level of expertise that will address a broad spectrum of issues during these oversight hearings, NCCD has limited its statement to a few key issues hindering current implementation of the Act, informational input related to administrative issues and brief comments on the progress of Act implementation. Designed to give helpful assistance to both Congress and the Office of Juvenile Justice and Delinquency Prevention, this testimony presents the concerns and observations of an organization which has been well-aware of the foes and throes of justice system reform for seventy years.

A great amount of national attention and concern has recently been focused on the proposed definitions and guidelines for implementation of the Act, which were issued in the Federal Register on March 24, 1978. A product of the previous administration, these regulations

reflect an overprotectiveness of status offenders which necessitates inappropriate multiplicity of community-based services and actually increases the chance of institutionalization for minor delinquent offenders.

NCCD shares this concern. Institutionalization of juveniles, or adults, should remain a last resort, and whenever possible, youths charged as delinquents or status offenders should be treated within their communities.

In their current form, the proposed guidelines stress separation of status offenders from adjudicated delinquents. This misguided emphasis places a false distinction among different groups of juvenile offenders. The distinction made by the juvenile justice system between status offenders and juvenile delinquents is only a distinction of labels--there are other criteria which are perhaps more valid when determining the type of treatment appropriate for a youngster in trouble.

For example, a youth found to have shoplifted and a youth found to have committed murder are both labelled "juvenile delinquents" and may both be held in the same secure detention facilities under the proposed guidelines. This situation aborts the intent of the Act which emphasizes deinstitutionalization and community-based treatment. Would it not be better for the youngster caught shoplifting to be placed (if placement were deemed necessary) in a group home or other community-based program with status offenders than to be locked up with serious and/or violent offenders?

NCCD believes that the proposed regulations should emphasize the Act's attempt to provide treatment for juveniles in the least disruptive manner possible, according to the needs of the youths involved and consistent with community safety. The desire to keep status offenders out of detention facilities is a good one, but it should be kept in mind that there are delinquents who do not belong in detention either. Rather than take minor delinquents out of community-based treatment and commit them to detention facilities far from their homes, flexible guidelines should be developed which take into account the different needs of all juvenile offenders.

Any set of guidelines, purportedly developed to further humanize the juvenile justice system, which might effect an increase in the numbers of youths in detention or correctional facilities should be seriously questioned. NCCD urges that serious consideration be given to changing these regulations in ways which would strengthen, rather than undermine, the progress which has already been made toward deinstitutionalization of nonviolent juvenile offenders.

Ironically, states are experiencing greatest difficulty with implementing that section of the Act requiring separation of juveniles and adults (Sec. 223(a)13). Merely prohibiting "regular contact," the Act does not go far enough. Prohibition of regular contact between adult and juvenile inmates within the same facility is insufficient to protect juveniles from the destructive effects of adult

jails. The inadequacies of this approach have been definitively demonstrated by the two most recent studies on the jailing of juveniles--Under Lock and Key by Dr. Rosemary Sarri at the National Assessment of Juvenile Corrections and Children in Adult Jails by the Children's Defense Fund. Both studies found the jailing of children in adult facilities to be a common practice in the majority of states and recommended an end to this practice.

The abuses documented by these studies have long been a concern of many nationally-recognized standard-setting groups recommending a prohibition on the confinement of children in facilities housing adults. Besides a longstanding policy against the practice by NCCD, the National Sheriff's Association and others, authoritative recent reaffirmations have come from both the U.S. National Advisory Commission on Criminal Justice Standards and Goals and also from the Juvenile Justice Standards Project of the Institute of Judicial Administration and the American Bar Association. To ignore an abuse that has been consistently condemned as destructive to children is to support continued mistreatment of youth. NCCD urges a strong federal stance on this issue.

Nationwide, the role of judges in hindering or supporting implementation of the Act deserves comment. Designed to divert status offenders from the stigma and inappropriateness of the juvenile justice system, the Act mandates development of a community-based system of service alternatives

for troubled youth. However, the majority of judges view the current scarcity of these alternatives as either justification for use of traditional settings or expansion of court services.

In 1974 Congress redirected past treatment of the status offender from the stigmatizing, punitive and even destructive arena of the juvenile justice system into the supportive, non-stigmatizing and reintegrative realm of community-based service systems appropriate to the behavioral and familial problems reflected in status offense behavior. Seemingly benign judges are stealing the local resources badly needed for effective development of community services by their unwillingness to place the responsibility for these youth in the appropriate hands of the community. Again and again, NCCD sees state laws passed with an "escape clause," which returns the status offender to court when community services fail. Why must the blame for community service failure be born by youth?

NCCD believes the appropriate role of the courts is to support implementation of the Act by monitoring the quality of services delivered in the community. The power and influence of the bench on state services and county governments could effectively identify the services needed and guide their development. With the support and cooperation of judges, the realization of community-based systems of quality services able to provide the support needed by youth with problems could occur. NCCD urges assistance for

those judges promoting true implementation of the mandates of this Act and discontinuance of federal support to those programs and activities of judges that undermine the Act.

Since female juvenile offenders suffer the greatest abuse under the status offender category, NCCD supports the development of programmatic alternatives for girls and research on the special characteristics of the female status offender and delinquency. Statistics show that the federal government has done little to spur the development of such programs in the past. A computer printout by the Grants Management Information System indicates that between 1969 and 1975:

- Only 5% of all juvenile delinquency discretionary projects were specifically female-oriented.
- Only 6% of the block juvenile grants were female-oriented.
- None of the grants was issued for research on the special characteristics of female juvenile offenders.

Unfortunately, little has been done since 1975 to change these figures. Under the special emphasis program, only three programs for girls are currently receiving support. Although it has been determined as a priority for next year, no research on girl offenders is presently being conducted under the aegis of OJJDP. This wide discrepancy

in resources and its resulting detrimental impact upon young females must become a priority in order to close the existing gaps in services and knowledge.

The actualization of the Act is an awesome responsibility. Only ten months ago, the present administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) inherited this responsibility from predecessors with neither belief in the Act nor commitment to its mandates. To judge or condemn the actions of this administration at this stage is premature. The task can be likened to that of a conscientious landlord who suddenly possesses an apartment building in complete disrepair. Since the structure cannot be raised, the slower process of renovation must be chosen. To say, "the fifth floor is still a disgrace" and ignore improvements to the lower floors is detrimental to the spirit of the landlord and denigrates his hard-earned improvements.

NCCD is most impressed by this administator's courageous stand for and willingness to battle for the principles of the Act with individual states. In precedent-setting moves, OJJDP showed early its determination to identify insufficient compliance strategies and to enforce previously-ignored Act requirements. "Taking a hard look" at each state plan obviously utilizes staff time and resources not needed for the "rubber stamp" tactics of the previous administration. However, NCCD praises this move and predicts its continuance will yield results ~~on the~~

on the state and community level.

Congress recognized the need for state and local citizen monitoring of compliance by a '77 amendment supporting youth advocacy programs (Sec. 224 (a) 7). OJJDP agreed with this amendment and quickly acted upon it in a responsible manner. Avoiding past funding of duplicative and overlapping programs, OJJDP supported a cooperative process in order to produce a variety of designs with complimenting resources and expertises.

NCCD commends the announcement by OJJDP (4/12/78) that it will attempt "to persuade a few other states to deinstitutionalize statewide their large juvenile correctional institutions," as a replication of the Massachusetts experience. Concentration on such major statewide efforts could yield convincing evidence for other states and produce the experiential learning and solid expertise needed for widespread replication. The willingness to attempt reforms on this level convinces NCCD that the new administration at OJJDP is committed to implementation of the Act and is determined to use its accumulated monies effectively.

The amount of monies awaiting expenditure by OJJDP is impressive. The current budget of OJJDP represents the biggest single categorial youth program in the Federal budget. To distribute these monies nationwide with the assurance that they produce the results desired is the goal of all. The planning, development and strategizing required for best results is a time-consuming process, but a necessary

one. Although it may be politically expedient to expend funds in reaction to media-oriented issues and status quo pressure groups, the wisdom of a carefully-designed strategy allowing for all aspects of national and state needs has greater potential for long-term and effective impact. NCCD awaits a comprehensive plan encouraged by the commitment and the seriousness of the new administration's early actions.

It is unfortunate that the political climate of the past administration caused the Act to be placed in the Department of Justice, rather than the more appropriate aegis of the Department of Health, Education and Welfare (HEW). The Carter Administration has made a strong commitment to reorganization of youth programs. NCCD feels strongly that the troubled young people served by this Act belong in the arena of social services. It is crucial that a coordination of federal effort between OJJDP and HEW be pursued and sustained to facilitate and enhance both current operation and the reorganization of federal youth programs.

Feedback from youth programs lends weight to the need for a coordination of federal youth efforts. Community-based, direct service programs for youth are most often the recipient of funds from a variety of programs within HEW, as well as OJJDP. This has resulted in service providers spending a disproportionate amount of time on repetitious, but varied, federal forms. Delivery of

needed treatment is often hindered by the varied agencies supplementing these programs. The reality of these youth problems dictates the need for collaborative and cooperative efforts at both federal and community levels.

NCCD hopes that the issues outlined above will be forcefully addressed in any forthcoming strategy for implementation of the Act. In addition, NCCD suggests that the following hindrances and priorities be major considerations in the development of Office initiatives.

1. The National Advisory Committee (NAC) has never been implemented to its full potential. Currently stymied by FBI clearance of Carter appointments, the NAC is needed for the policy and direction setting role originally intended.
2. Alternative education programs are scarce and badly needed. However, NCCD is concerned with current emphasis on development of programs outside of the public school setting. Such programs ignore the resistance of public schools to accept their responsibilities to troubled youth and abort effective reintegration of truants. Alternative education programs should be developed as supplemental and complimentary expansions of the school setting.
3. Research has consistently shown one programmatic principle as crucial to successful behavioral change in youth--youth involvement in decision-

making related to their treatment. OJJDP should make a strong effort to encourage client involvement, consultation and monitoring of individual progress at all levels of treatment planning and service delivery.

4. Private sector youth-serving agencies have shown an impressive willingness to include status offenders in their clientele and expand their capacity to provide the needed services. Federal support should continue to provide the incentives necessary to establish the private sector as a viable deliverer of status offender services.

5. Finally, NCCD suggests that OJJDP operate in close concert with representatives of both the public and private sectors. Inclusion of professionals and citizens with various expertises and an understanding of state and regional diversity would greatly compliment federal expertise.

Despite the great need for perserverance of federal and state efforts to realize implementation of the Act, there has been impressive progress since its passage. Twenty-one states now prohibit the interim detention of alleged status offenders. At least 35 states prohibit commitment of adjudicated status offenders to correctional institutions. Recently released FBI statistics indicate a significant decrease in the number of youths arrested

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for status offense behavior. Impressive reductions in the number of status offenders confined in institutional settings have been made in the majority of participating states. The development of comprehensive community-based alternative systems of service has occurred simultaneously in the majority of states. These facts and others indicate a true commitment to the Act on state and local levels.

In 1972, NCCD testified that the purpose and goals of the Act were harmonious with the will of the American people. We believed citizens throughout this country were unaware of the abusive practices being condoned in the name of justice. We believed education on the status offender issue would stimulate an interested citizenry willing to monitor implementation and support community responsibility for these youths. We believed that community-based services would prove as effective as institutional settings and provide more humane treatment. Our beliefs were well-founded. There is little doubt that the will to deinstitutionalize youth is felt throughout our nation and will continue. The Juvenile Justice and Delinquency Prevention Act of 1974 has been instrumental in strengthening that will and supporting the transfer of responsibility for troubled youth to the community realm of social service.

JUL 13 1978

STATE OF ILLINOIS
DEPARTMENT OF CORRECTIONS

JUVENILE DIVISION

July 7, 1978

The Honorable Ike Andrews, Congressman
Chairman of Sub-committee on Economic Opportunity
Room 320
Cannon House Office Building
United States House of Representatives
Washington, D.C. 20515

Dear Representative Andrews:

On behalf of the National Association of Training Schools and Juvenile Agencies I thank you for the invitation to submit testimony regarding the implementation of the Juvenile Justice and Delinquency Prevention Act of 1974. The membership of the Association (NATSJA) is composed of facility and program superintendents; agency administrators, both public and private; concerned workers in the field of juvenile justice and interested citizens. The Association is a permanent co-sponsor of the National Institute on Crime and Delinquency and an affiliate of the American Correctional Association.

At its annual meeting convened in conjunction with the 25th annual National Institute on Crime and Delinquency June 18-21, 1978 in Bal Harbor, Florida, the Association took formal action authorizing the transmittal of concerns related to the implementation of the JJDP Act. The concerns reflect a growing awareness that current implementation of the Act is deviating from Congressional intent and depriving a significant sector of the juvenile justice system of the resources of the Act.

Specific concerns are:

I. The definition of prevention - The Association lauds the intent to provide resources to public and private agencies to develop methods of delinquency prevention. The Act is weak in definition of prevention and has led to the utilization of resources for non-delinquent youth. It is questionable that it is good public policy to label pre-delinquent or delinquent-prone youth and "widen the juvenile justice net" in the name of prevention. Of greater concern to the Association has been the disdain of the Office of Juvenile Justice to provide resources for the adjudicated delinquent and/or juvenile felon. It would appear to be

P. O. BOX 246 / ST. CHARLES, ILLINOIS 60174 / TELEPHONE (312) 584-0750

contradictory that an agency created to cope with the problem of youth crime would direct the bulk of its resources to the non-criminal youth.

II. The definition of deinstitutionalization - The Association lauds the general thrust of deinstitutionalization and the development of mechanisms and programs to ensure that institutionalization is a program choice of "last resort". Unfortunately, the zeal to implement this thrust has been accompanied by an anti-institutional bias that deprives those youths so placed of the resources of the Act. The numbers of youth in institutional care has decreased significantly during the last decade attesting to the acceptance of the deinstitutional thrust. Institutionalization, however, continues to be a valid placement for some youth. Those youth should not be deprived of JJDP Act resources or subjected to negative attitudes by a policy making and funding agency such as OJJDP. The Association believes that current policy in this area has contributed significantly to a backlash effect on the state level. There is increased and growing acceptance of the concept of determinate sentencing as a means to effect mandated institutionalization for certain youth. This trend is resulting in an emphasis on the behavior rather than the youth as the focus of public policy.

III. Funding Catagories - The Association believes that the present funding guidelines create local chaos in many jurisdictions. Governmental jurisdiction (state, county and local) are pitted against each other and private agencies for access to the resources of the Act. It is questionable that such activity can lead to a harmonious and coordinated juvenile justice system in a state or in the nation. In many jurisdictions the State Planning Agency is regarded as a seperate legislative body authorizing statewide programs with federal funds without state operational agencies input. There is often an assumption that successful programs will be funded by the state at a later date. JJDPA funding guidelines tend to encourage the problem despite the recent difficult to understand provision that programs are eligible for repeat funding if they meet evaluation goals. There needs to be another careful review and supplemental legislation in this area.

IV. Technical Assistance - The Association is concerned that technical assistance is made available only in pre-determined areas rather than addressing felt and known needs of those requesting aid. It would appear that aid is available only if an agency is in tune with the philosophy of current administration rather than addressing operational problems on a professional level.

The Association expresses gratitude for the Congressional action creating the OJJDP. The need for Federal involvement in this area is obvious. Since its inception, however, there has been considerable reshuffling of staff and resulting changes in policy and ideology. There is need for stability in the office and clear cut guidelines reflecting a policy of service provision to the entire juvenile justice system rather than selected components. The Association encourages a re-emphasis of concern and resources for those youth deep in the system. The public is concerned about offenders and generally perceives the function of OJJDP to be about the business of coping with offenders. The Association believes that the OJJDP is correctly involved in prevention programs. It is unfortunate, however, that excessive emphasis in this area has led to an avoidance of involvement with the adjudicated delinquent.

If the National Association of Training Schools and Juvenile Agencies can be of any additional assistance to you please feel free to contact this office.

Sincerely,

Samuel Sublett, Jr.

Samuel Sublett, Jr.
Administrator
Juvenile Institution Services

SS:he

cc: Mr. Fred Allen, President-NATSJA

JUL 24 1978

MARY REYNOLDS BABCOCK FOUNDATION, INC.
102 REYNOLDS VILLAGE
WINSTON-SALEM, NORTH CAROLINA 27106
PHONE (919) 724-0519

July 20, 1978

The Honorable Ike Andrews
Chairman
Subcommittee on Economic Opportunity
Cannon House Office Building
Room 320
Washington, D. C. 20515

Dear Congressman Andrews:

Thank you for the opportunity to submit a statement on the overall performance of the Office of Juvenile Justice and Delinquency Prevention in carrying out the purposes of the Juvenile Justice and Delinquency Prevention Act.

Your continuing leadership in this field is greatly appreciated. Your hard work is already starting to awaken many people to both the existing shortcomings and strengths of this program.

Attached are my comments. I hope that they are of some use to you in your deliberations. I hope I will be able to become more deeply involved in these issues in the future and thus be of greater service to you and your fine staff.

Sincerely,

Karl N. Stauber

Karl N. Stauber
Assistant Director

brg

Attachment

Statement of Karl N. Stauber

While there are many continuing problems with the administration of the Juvenile Justice and Delinquency Prevention Act of 1974 and amendments, I have chosen to address only two areas. These areas are the mandate of the Act and the role and independence of the National Advisory Committee. The reason I have chosen these two areas is that they help to create the tone of the federal government's activities in this area and thus have broad and important impact.

Section 204(a) of the Juvenile Justice and Delinquency Prevention Act states:

> "The Administrator shall implement 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."

Subsections f and l of the same section provide much of the authority needed to fulfill subsection a. Section 206 establishes a Coordinating Council on Juvenile Justice and Delinquency Prevention which could be critical in assisting in the implementation of section 204.

The Congress is to be congratulated for seeing the need for such continuing communication and coordination. The need for a central responsible office charged with policy development and the monitoring of its execution has long been of concern to many of us involved in juvenile justice. While we now have the needed laws, it appears that we have little or no execution of those laws.

While the law requires that the Coordinating Council meet four times a year, it has apparently not met under this Administration. If one component of this law is so freely ignored, what assurance have we that other sections are being obeyed. I would suggest that the Subcommittee might wish to request an investigation by the General Accounting Office or other appropriate agency into how well the Office of Juvenile Justice and Delinquency Prevention has carried out its legal responsibilities pertaining to intergovernmental relations and coordination.

This role of coordination is critical from at least three points of view. First, it has the capacity to eliminate duplication and overlap and thus save the taxpayers' money. Next, it sets a tone of cooperation and coordination within the federal government. How can the federal government expect diverse state agencies to work together, when they themselves refuse to. Finally, it provides a single focus of responsibility within the federal government. It gives Congress, lay citizens and professionals a single place to ask for support and information. Thus, if the Office of Juvenile Justice and Delinquency Prevention does not fulfill this function, the overall effort to assist troubled young people and children will be seriously retarded.

The second critical area is the relationship between the Office of Juvenile Justice and Delinquency Prevention and the National Advisory Committee for Juvenile Justice and Delinquency Prevention. The National Advisory Committee is the prime means for providing citizen input into the development of federal policy and program concerning juvenile justice and delinquency prevention. The activities outlined for this group under section 204(a), 204(b)(5), 207, 208 and 209 are to be commended. Congress exhibited foresight in requiring this type of citizen involvement.

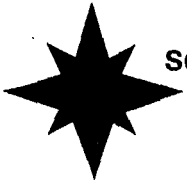
Unfortunately, the relationship between the Office and National Advisory Committee appears to be interfering with the Committee's execution of its responsibilities. Until recently, the Committee has received staff support from and then through the Office. The Office recently announced that it would no longer provide direct staff support. Instead, it would grant funds to a private, nonprofit group to provide staff support.

In many ways, this is the most logical arrangement. However, the critical question is to whom will the private, nonprofit group be responsible? If the nonprofit group is accountable to the Committee, then the Committee will in fact have the capacity to be independent. It will have the ability to prepare its own agendas, identify its priorities and conduct its own reviews. If the nonprofit group is responsible to the Office, then the chances of the group's being free to pursue the interests and directives of the Committee are at least suspect.

It is apparent that the Congress envisioned an independent and effective National Advisory Committee. Unless the staff is under the full control of the Committee, the Congress's intent will not be fulfilled. The Subcommittee may wish to amend the existing law to insure that the Committee is independent.

Both the coordinating role of the Office of Juvenile Justice and Delinquency Prevention and the independence of the National Advisory Committee are critical to how the public views and responds to the federal government's role in juvenile justice. Through the efforts of the Subcommittee and concerned citizens, it is hoped that the abuses and weaknesses mentioned above can be overcome and children and young people can be better served.

JUL 24 1978



SOUTHEASTERN PUBLIC EDUCATION PROGRAM
AMERICAN FRIENDS SERVICE COMMITTEE

401 Columbia Building
Columbia, South Carolina 29201

803-252-0975

July 21, 1978

The Honorable Ike Andrews, Chairman
Subcommittee on Economic Opportunity
Committee on Education and Labor
United States House of Representatives
Room 320, Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Andrews:

It is my understanding that recently the Subcommittee on Economic Opportunity held oversight hearings on the administration of the Office of Juvenile Justice and Delinquency Prevention of the Law Enforcement Assistance Administration.

I would like to bring to your attention that since November, 1977, a group of advocates has been trying to merely meet with Mr. John Rector, the OJJDP Administrator. The group has sought this meeting (1) to share with Mr. Rector the experience and observations of its individual participants who have worked on behalf of public school students subject to disciplinary exclusions from schools, (2) to learn how Mr. Rector perceives and intends to administer Subpart II, Section 224 (6) of the Juvenile Justice and Delinquency Prevention Act, and (3) to learn more about the type and effects of programs currently funded under Subpart II, Section 224 (6) of the Act. I want to make it clear that the group's interest in seeking a meeting with Mr. Rector has <u>not</u> been for the purpose of obtaining funds for any kind of project by the group.

The basic issue which concerns me is one of access. From my frequent contact with other Federal agencies I know that this lack of access is unusual and it is for that reason that I believe it deserves to be brought to your committee's attention. Certainly the group of advocates has been patient during the past eight months. It is not the intention of the group to burden Mr. Rector or to make unreasonable demands of him. Indeed, I believe there is a great potential for the Office of Juvenile Justice and Delinquency Previon to serve the needs of youth whose educational interests are frequently jeopardized by disciplinary exclusions. Those youth and their interests constitute much of the day-to-day work of the agencies which the advocates represent. Because the advocates and the OJJDP seem to have so many concerns in common, Mr. Rector's resistance to meet with the advocates is all the more baffling.

CONTINUED

5 OF 7

I continue to hope that this group can meet and work with Mr. Rector to realize the potential of the OJJDP as both a catalyst and resource to develop model programs "to prevent unwarranted and arbitrary suspensions and expulsions" from public schools, as outlined in the original legislation establishing the agency.

Enclosed is a chronology of the various attempts to establish fruitful communication with Mr. Rector. Thank you.

Sincerely,

M. Hayes Mizell

M. Hayes Mizell
Associate Director

Chronology

November 2, 1977	-	The American Friends Service Committee and the Children's Defense Fund sponsored a small consultation in Washington to discuss school suspension/discipline issues. Mr. Rector had been invited to attend to tell what the OJJDP was doing in relation to those issues. He sent his Executive Assistant and Special Counsel, Mr. John Forhan, to represent him. Mr. Forhan told the group that OJJDP had done relatively little to address the problems of disciplinary exclusions but indicated that program plans would be developed to address this issue. He distributed a brief statement to the group. (See Attachment #1)
November 23, 1977	-	Advocates attending the November 2 consultation wrote Mr. Rector requesting a meeting with him to contribute their field experience to the policy and programs decisions of his office relating to efforts to combat unwarranted and arbitrary suspensions and expulsions. (Attachment #2)
January 19, 1978	-	When Mr. Rector failed to acknowledge or reply to the advocates' letter of November 23, the designated temporary coordinator/spokesperson for the group's efforts to meet with Mr. Rector, Hayes Mizell, wrote a "reminder." (Attachment #3)
January 26, 1978	-	A one-paragraph letter from Mr. Rector indicated that his office was in the process of developing plans to address the disciplinary exclusion issues of concern to the advocates. His letter also stated that he hoped to meet with the group "in the late spring." (Attachment #4)
January/March, 1978	-	Mr. Rector initiated two written but undated communications with Hayes Mizell. One letter enclosed a copy of G 4100, transmitting amendments to the 1978 Planning Grants and Comprehensive Plans. The other letter enclosed a copy of Change 3 to MI 4100.1F, the Guideline Manual for State Planning Agency Grants. It was not clear what relevance these documents had to the interests of the advocates as expressed in their November 23 letter. The letter also enclosed a copy of Mr. Rector's testimony which he had given

before the Subcommittee on Economic Opportunity on January 24, 1978, concerning "School Violence and Vandalism." This testimony, of course, was of interest to the group of advocates. (Attachments #5, #6)

March 13, 1978 - Ms. Patricia S. Fleming, Special Assistant to the Secretary of HEW, wrote one of the group of advocates, Hayes Mizell, indicating that she had spoken with Mr. Rector on the telephone concerning the OJJDP's response to the issue of school suspensions. Mr. Rector told her about his testimony before the Subcommittee on Economic Opportunity and indicated his interest in the problem of disciplinary exclusions. (Attachment #7)

March 14, 1978 - In response to Mr. Rector's last letter, Hayes Mizell wrote him about some of his comments in his testimony before the Subcommittee on Economic Opportunity. In this letter specific information was requested concerning the programs currently being funded by the OJJDP under Subpart II, Section 224 (6). The letter also expressed the hope that a meeting with the group of advocates could be arranged in the near future, and that productive communication between the OJJDP and the group could be established. (Attachment #8)

March 31, 1978 - Mr. Rector replied that it was his intention to address the issue of disciplinary exclusions through the means of the alternative education project referred to in his testimony. Mr. Rector did not address himself to the requests for information about programs currently funded under Subpart II, Section 224 (6). (Attachment #9)

April 15, 1978 - At a conference in Washington concerning school suspensions, Hayes Mizell had an informal discussion with a representative of the OJJDP Special Emphasis Division, Ms. Minerva Riddick, concerning the lack of success in the group of advocates getting a meeting with Mr. Rector. He conveyed the group's disappointment and displeasure at the lack of Mr. Rector's response to the group's efforts to establish positive communications.

April 17, 1978	-	A number of the advocates hoped to be able to see and hear Mr. Rector at the "National Conference on In-School Alternatives to Suspension" sponsored by the National Institute of Education. Though Mr. Rector's name appeared on the program as a panelist to discuss "Federal Perspectives on the Suspension Issue," Mr. Rector did not appear for the panel nor was anyone assigned to the panel to represent him or his agency. (Attachment #10)
June 20, 1978	-	Through the publication, "Education Daily," it was learned that Mr. Rector had announced that he would issue guidelines this summer for a $15.7 million alternative education program to, according to the publication, "cut the number of students suspended from school for delinquency." (Attachment #11)

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION
WASHINGTON, D.C. 20531

OJJDP Efforts on Disciplinary Exclusions
From Public Schools

OJJDP is specifically authorized by Congress to "develop and implement in coordination with the United States Office of Education, model programs and methods to keep students in elementary and secondary schools to prevent unwarranted and arbitrary suspensions and expulsions and to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;" Section 224(a)(6) JJDP Act of 1974, as amended. In addition, specific language in both the Special Emphasis and Formula Grants sections of the Act authorizes advocacy activities to protect the rights of youth impacted by the juvenile justice system. It should be noted that this statutory language is a response by Senator Bayh, Representative Shirley Chisholm, and others to concerns expressed by groups such as the American Friends Service Committee and the Children's Defense Fund.

The Office has developed in conjunction with OE two programs now in their second year in certain public schools across the country. A youth advocacy project has been implemented by OE's Teacher Corps. A school team approach to reducing school violence has been implemented through OE's Alcohol and Drug Abuse Teams. To the extent that these programs prove effective, it is our intention to encourage OE to continue the programs.

ATTACHMENT #1

Under the new administration of the Office, more attention will be focused directly on the issue of disciplinary exclusions with particular emphasis on the due process issues involved. Although unfinalized, programmatic plans include a major youth advocacy effort which will necessarily include the area of student rights. Programs will concentrate on advocacy against the institutions which tend to act as feeders into the juvenile justice system rather than serving the needs of the young people to whom they should be accountable.

In another area, program plans included a law related education program to further the "street law" work now being done by private groups in some secondary schools in various parts of the country. One of the main areas of study and training in these programs is the area of student rights, particularly with respect to disciplinary exclusions.

It is accurate to say that OJJDP is committed to effecting a turnaround in disciplinary exclusions in the public schools and that future program plans reflect that commitment.

SOUTHEASTERN PUBLIC EDUCATION PROGRAM
AMERICAN FRIENDS SERVICE COMMITTEE

401 Columbia Building
Columbia, South Carolina 29201

803-252-0975

November 23, 1977

Mr. John Rector
Administrator
Office of Juvenile Justice
and Delinquency Prevention
Law Enforcement Assistance Administration
633 Indiana Avenue, N.W.
Washington, D.C. 20531

Dear Mr. Rector:

We appreciated very much the presence of Mr. John Forhan from your office at the November 2 consultation on school suspension/discipline issues sponsored by the American Friends Service Committee and the Children's Defense Fund. It was encouraging to learn that your agency is committed to giving a higher priority to fulfill the mandate of the Juvenile Justice and Delinquency Prevention Act to develop model programs "to prevent unwarranted and arbitrary suspensions and expulsions" from public schools.

In our discussion with Mr. Forhan it became clear that the plans of your agency to attack the suspension/expulsion problem are still in the developmental stages. At our meeting with Mr. Forhan we indicated our interest in not only being kept informed as to the process your agency will use to formulate more specific plans, but also in being a part of that process. It is our feeling that we represent a range of experiences and insights which may be quite useful to your staff as they consider how your agency might most appropriately impact on school systems' suspension/expulsion practices which so often result in providing clients for the juvenile justice system.

ATTACHMENT #2

In order to facilitate our orderly and positive contribution to your agency's deliberative process we would like to suggest that you invite us to meet with members of your staff who will have the primary responsibility for developing the strategic and programmatic approaches your agency will pursue to focus more resources on preventing the problems of disciplinary suspensions and expulsions. Because all of our organizations are non-profit groups working with limited funds we hope it will be possible for your agency to provide the travel expenses which will make our involvement in such a meeting possible.

The goal for the meeting would be to try to find the best ways for the Office of Juvenile Justice and Delinquency Prevention to work with both private and public groups at the local level to prevent unwarranted and arbitrary suspensions and expulsions. To accomplish this goal, two activities would be useful. First, it would be helpful for us (1) to be informed by your staff about your agency's funding and decision-making mechanisms; (2) the strategies and activities which are being considered as appropriate uses for OJJDP funds; and (3) the timing and sequencing of events within which your agency will initiate the new emphasis on combating suspensions/expulsions.

Second, we would like the opportunity to react to your plans and program ideas; to ask questions and make suggestions. The individual members of our group have perceptions and experiences relating to program needs and opportunities relevant to the suspension/expulsion issue. This would be an appropriate time to share those ideas with the OJJDP staff. Time should also be spent in general discussion of ways for all concerned to work toward improving the problem. Because we are also aware of your deep interest in the broader issues of educational rights and justice we hope to be able to also discuss aspects of these issues with you, time permitting.

It is our hope that such a meeting would be as substantive as possible and that enough time could be provided for a candid and thorough exchange of views. While we believe such a meeting as described above, covering the issues outlined, is both necessary and preferred, we are open to receiving other proposals which will serve the same ends and meet our mutual needs.

Mr. John Rector
Page 3
November 23, 1977

Thank you again for your interest in this matter. We hope to hear from you in the near future.

Sincerely,

M. Hayes Mizell
M. Hayes Mizell
Associate Director

Steve Bing
Steve Bing
Deputy Director
Massachusetts Advocacy Center
Boston, Massachusetts

Eve E. Block
Eve E. Block
Project Director
Statewide Youth Advocacy Project
New York Civil Liberties Union
Rochester, New York

Pat Brown
Pat Brown
Advocate
Student Rights and Responsibilities Project
American Friends Service Committee
Dayton, Ohio

Robert Brown
Robert Brown
Associate Director
Southeastern Public Education Program
American Friends Service Committee
Macon, Georgia

Susanna S. Doyle
Susanna S. Doyle
Advocates for Children
New York, New York

Judy Gottsegen
Judy Gottsegen
Director
Chicago Public Education Project
American Friends Service Committee
Chicago, Illinois

Susan C. Kaeser
Susan C. Kaeser
Staff Associate
Citizens' Council for Ohio Schools
Cleveland, Ohio

David Rice
David Rice
Deputy Director
Children's Defense Fund
Washington, D. C.

Pert Toins
Pert Toins
Mississippi Project
Children's Defense Fund
Jackson, Mississippi

SOUTHEASTERN PUBLIC EDUCATION PROGRAM
AMERICAN FRIENDS SERVICE COMMITTEE

401 Columbia Building
Columbia, South Carolina 29201

803-252-0975

January 19, 1978

Mr. John Rector
Administrator
Office of Juvenile Justice
and Delinquency Prevention
Law Enforcement Assistance Administration
633 Indiana Avenue, N.W.
Washington, D.C. 20531

Dear Mr. Rector:

It has now been nearly two months since the attached letter was sent to you. To this date we have received no acknowledgement or substantive reply in response to this letter.

Please know that our concern and interest continues at the same high level as expressed in our November 23, 1977, letter to you. We would appreciate your thoughtful response in the near future.

Sincerely,

M. Hayes Mizell

M. Hayes Mizell
Associate Director

ATTACHMENT #3

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION
WASHINGTON, D.C. 20531

JAN 2 6 1978

Mr. M. Hayes Mizell
Associate Director
Southeastern Public Education Program
American Friends Service Committee
401 Columbia Building
Columbia, South Carolina 29201

Dear Mr. Mizell:

Thank you for your letter of January 17 reminding us of your interest in school discipline issues. The Office is presently in the process of developing plans to address those issues and is hoping for a meeting in late spring of the variety that you suggest. Although our movement is slower than we had hoped, we are committed to seeing that it is steady. We will certainly be in touch with you as soon as we schedule the meeting.

With warm regards,

John M. Rector
Administrator
Office of Juvenile Justice
and Delinquency Prevention

ATTACHMENT #4

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION
WASHINGTON, D.C. 20531

Hayes Mirell
American Friends Service Committee
401 Columbia Bldg.
Columbia, South Carolina 29201

Dear Mr. Mirell:

Enclosed please find a copy of G 4100., transmitting amendments to the 1978 Planning Grants and Comprehensive Plans. These amendments are made necessary by the 1977 Amendments to the Juvenile Justice and Delinquency Prevention Act.

This guideline is submitted to you on external clearance for your review and comment. Please return your comments to me by February 27, 1978.

Thank you for your interest and cooperation in this matter.

With warm regards,

John M. Rector
Administrator

Enclosure

ATTACHMENT #5

UNITED STATES DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
WASHINGTON, D. C. 20531

Hayes Mizell
American Friends Service Committee
401 Columbia Building
Columbia, South Carolina 29201

Dear Mr. Mizell:

Attached is a copy of Change 3 to M 4100.1F, the Guideline Manual for State Planning Agency Grants. This document transmits, for your review and comment, the 1979 Juvenile Justice and Delinquency Prevention Act guidelines.

These draft guidelines contain several significant changes from JJDP Act guideline requirements of the previous years. These changes to the guideline, as well as previously established administrative policy, are discussed in the guideline transmittal summary, which is also attached.

Please return your comments to me by April 14, 1978.

Thank you for your interest and assistance to this Office, and to the administration of the Juvenile Justice and Delinquency Prevention Act program.

With warm regards,

John M. Rector
Administrator, Office of Juvenile Justice
and Delinquency Prevention
Enclosure

P.S. May be you MISSED my school testimony!

ATTACHMENT #6

SOUTHEASTERN PUBLIC EDUCATION PROGRAM
AMERICAN FRIENDS SERVICE COMMITTEE

401 Columbia Building
Columbia, South Carolina 29201

803-252-0975

March 14, 1978

Mr. John Rector
Administrator
Office of Juvenile Justice
and Delinquency Prevention
Law Enforcement Assistance Administration
United States Department of Justice
Washington, D.C. 20531

Dear Mr. Rector:

Thank you for your recent communication which included the draft guidelines for the Juvenile Justice and Delinquency Prevention Act, and your testimony concerning "School Violence and Vandalism." Indeed, I had not had an opportunity to see your testimony and appreciate you sending it to me.

I was delighted to see your references to the problem of suspensions and to school-related discipline. It would be of great interest to me and to my colleagues to know in more detail where, how, and with what results the School Crime Intervention Component of the Youth Advocacy Teacher Corps Program has been working, and to receive similar information concerning the School Team Approach for Preventing and Reducing Crime and Disruptive Behavior in the Schools. I would appreciate it very much if you would send me, or have others send me, materials which provide more definitive information about these programs. Also, I would like to know how to contact specific program officers in your office or USOE who can be consulted regarding the specific operational features and results of these programs.

Of course, as your plans develop regarding the School Resource Center and the Alternative Education concept, we would also appreciate being kept informed as to the nature of your activities in these areas. However, unless I have misunderstood your testimony, it is not clear to me that there are plans by your office to focus program attention and resources to "prevent unwarranted and arbitrary suspensions." The various program approaches outlined in your testimony will hopefully have an overall positive impact on schools, but it is not clear to me they are either designed to or will necessarily

ATTACHMENT #8

result in actually preventing out-of-school suspensions for such offenses as cutting class, truancy, excessive tardiness, smoking, one-on-one fighting, disrespect, insubordination, etc. Of course, suspensions for such offenses constitute the vast majority of the suspensions given in public schools.

I realize we may well be coming at this issue from quite different perspectives, and that I simply do not understand your thinking concerning the mandate of Subpart II, Section 224 (6) of the Juvenile Justice and Delinquency Prevention Act. However, it is for this reason that the group of advocates has sought to meet with you (as stated in our November 23, 1977, letter). Given the existing inadequate communication which exists between your office and the group of advocates, it is very difficult for us to gain the information and understanding necessary to work for the effective implementation of that part of the Act relating to suspensions.

Please know that we continue to be eager to establish good communications and to contribute the collective experience of our group of advocates to your policy and program development process. We hope we will soon have that opportunity as a result of your initiative. In the meantime, it would be helpful if we could receive as much information as possible concerning the program and funding efforts of your office which you believe are responsive to our concerns. Thank you.

Sincerely,

M. Hayes Mizell

M. Hayes Mizell
Associate Director

UNITED STATES DEPARTMENT OF JUSTICE
OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION
WASHINGTON, D.C. 20531

MAR 31 1978

Mr. M. Hayes Mizell
Associate Director
Southeastern Public
Education Program
401 Columbia Building
Columbia, South Carolina 29201

Dear Hayes:

I am disappointed to learn that you believe that we have quite different perspectives regarding the mandate of Section 224(6) of the JJDP Act of 1974. The Alternative Education project referenced in my testimony (p. 11) will be to help "prevent unwarranted and arbitrary suspensions" (see p. 4). As you know, I drafted a good deal of the 74 Act and was the Chief Senate staffer involved in the negotiations which led to the first text of the Act. An integral aspect of the Conference Agreement was the acceptance of Ms. Shirley Chisholm's amendments regarding this subject (see Sections 223(a)(10)(E) and 224(6)). The staff and former administrators of the Office (Nader and Luger) declined to give such matters priority. The significance of my testimony and Ms. Chisholm's (see pp. 8-9) is that we intend to carry out this important aspect of the Act. We are working closely with her Office.

In closing, I hope that we can put to rest any misperception about my intentions in this matter. I look forward to working with your group and others that share mutual interests. I will personally keep you posted regarding our progress on the Alternative Education project.

With warm regards,

John M. Rector
Administrator
Office of Juvenile Justice
and Delinquency Prevention

Enclosures

ATTACHMENT #9

National Institute of Education
CONFERENCE ON IN-SCHOOL ALTERNATIVES TO SUSPENSION

The Shoreham Americana Hotel
Washington, D.C.
April 16-18, 1978

AGENDA

Monday, April 17th

12:30 - 2:30 PM

Regency Room

Luncheon: *Federal Perspectives on the Suspension Issue*

Chairperson: Dr. Peter Relic, Deputy Assistant Secretary for Education (DHEW)

Panelists:
- Mr. William Blakey, Deputy Assistant Secretary for Legislation (Education, DHEW)
- Mr. John Jefferson, Equal Opportunity Specialist, Office for Civil Rights (DHEW)
- Mr. John Rector, Director, Office of Juvenile Justice and Delinquency Prevention (LEAA)
- Dr. George Rhodes, Assistant to the Associate Commissioner for Equal Educational Opportunity Programs, Office of Education (DHEW)

ATTACHMENT #10

JUSTICE DEPARTMENT TO MAKE $15.7 MILLION AVAILABLE FOR ALTERNATIVE EDUCATION

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Juvenile Justice Administrator John Rector said Friday the fiscal 1979 program would award grants to private, public and nonprofit educational agencies to establish law-related education programs and other types of alternative education options to cut the number of students suspended from school for delinquency.

Grants under the program would be made after the beginning of the new fiscal year in October.

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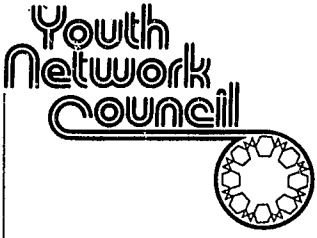

July 26, 1978

Honorable Ike Andrews, Chairman
House Subcommittee on Economic Opportunity
Cannon House Office Bldg, Rm 302
Washington, D.C. 20515

Dear Congressman Andrews:

On behalf of the Youth Network Council of Chicago, I am pleased to be able to share with you our perspective on the administration of the Juvenile Justice and Delinquency Prevention Act by the Office of Juvenile Justice and Delinquency Prevention.

The Youth Network Council is a coalition of 60 community based youth service agencies that serve over 37,000 young people and their families, yearly, in Metropolitan Chicago. Their first hand, daily, contact with young people "at risk" is a continual reminder of the importance of the Juvenile Justice Act and its sometimes controversial, but crucially important, mandate for juvenile justice reform.

There is little question, in our minds, as to the need for Federal Leadership and the wisdom of Congress in establishing the Office of Juvenile Justice and Delinquency Prevention. In John Rector, the Office has a leader who is a strong advocate for responsible social and structural changes in our Country's approach to assisting troubled youth and their families. John Rector has been an accessible and outspoken supporter of the kinds of changes in our Juvenile Justice non-system that those of us in the "trenches" of direct community based service delivery have been advocating for in recent years.

The Office has had its share of difficulities in implementing the mandates of the Juvenile Justice Act. There is general resistance by formal Juvenile Justice agencies to deinstitutionalization of Status Offenders. The 100 million dollars of Federal incentive appropriated for FY 1979 is apparently not enough to sufficiently motivate State and Local government to insure statutory compliance with the JJDP Act. It is virtually impossible for deinstitutionalization to realistically occur without State and Local policy support of grass roots efforts to build State and Local constituencies committed to the full implementation of the JJDP Act.

State and Local government have not obligated JJ Act Funds in a judicious manner. Since 1974, over 130 million dollars have been distributed to State Planning Agencies with less than 20%, to this date, actually being spent. Additionally, there has been an increasing emphasis on using JJDP Act Funds to support services for the violent and serious offender.

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We see this as an appropriate use of Crime Control Act Funds, particularly the 19.15% maintenance of effort portion of states Block Grants.

JJDP Act Funds must be concentrated on working with youth prior to or just after contact with The Juvenile Justice system. A lack of prevention focus and emphasis has helped create the increased need to work with the habitual offender. Re:targeting meager prevention resources will not meaningfully tackle the problems at either end of the Juvenile Justice Continuum.

The Office needs to more closely monitor State and Local efforts in appropriately allocating resources, including concentration of Federal efforts at the State Level. Many projects initiated as "advanced techniques" under the JJDP Act can be enhanced and continued through other sources of funding, Title XX being one example. States have not taken a facilitative role in this type of planning coordination.

There is also concern that Federal efforts need to be strengthened in the area of intergovernmental cooperation concerning JJDP Act mandates. HEW funds for training schools and certain CETA entitlement programs are two examples of sources of funds which can support projects in conflict with the JJDP Act. We have seen examples of this and feel stronger Federal effort is needed to reinforce consistently progressive use of resources aimed at serving young people. This Federal action should take the form of increased coordination in planning and implemention of policy and programs.

There needs to be increased concern and resources devoted to encouraging and insuring meaningful youth participation in Advisory Councils. Advisory Councils, generally, have not been sensitive to nurturing the integration of young people into the confusing world of Robert's Rules of Order and technical jargon of the juvenile justice field.

In Illinois we have been the beneficiaries of competent leadership in our SPA, particularly in the Juvenile Justice section. The Illinois SPA have consistently planned for and allocated its share of JJDP Act funds in a responsible manner. With continued, unyielding Congressional support for the JJDP Act and strong monitoring, priority setting leadership from the Office, Illinois will continue to carry out the mandates of the Act.

The re-organization of LEAA hopefully, will not diminish the Federal oversight role, as that is often the impetus for insuring Congressional intent is being complied with. We look to the JJDP Act and the Office of Juvenile Justice and Delinquency Prevention as a strong ally in the youth rights movement. No other piece of Federal Legislation has more support from youth work practioners than the JJDP Act. No other resource has more potential for successfully challenging and changing non productive Juvenile Justice policy and practices.

We strongly support the Continued Leadership of The Office of JJDP and urge Congress to provide increased resources and even greater public declaration for the mission of the office on behalf of our Countries troubled and needy young people.

With best regards

AE Sherman

Arnold E. Sherman
Executive Director

Statement to House Subcommittee on Economic Opportunity
Regarding the Implementation of the Juvenile Justice
and Delinquency Prevention Act

The National Youth Alternatives Project is a five year old nonprofit organization that serves as a public interest group for youth workers and community based youth services throughout the country. With thirteen coalitions of youth services affiliated with NYAP, representing over 450 local agencies, NYAP is a national membership organization for youth workers and youth service agencies.

NYAP has monitored the implementation of the JJDPA since it was signed into law in 1974, assisting local youth services in developing new avenues to influence youth policy at the federal, state and local levels. Our efforts have been supported by grants from the Ford Foundation, the Lilly Endowment, the Exxon Corporation, the Field Foundation of New York, the W.T. Grant Foundation and the Mary Reynolds Babcock Foundation of North Carolina.

The purposes and goals of juvenile justice reform embodied in the JJDPA have been frustrated since the creation of the Office of Juvenile Justice and Delinquency Prevention (OJJDP), meeting stiff resistance from vested public and private interests in the field as well as an appalling lack of support for the program at the federal level. Previous Senate oversight hearings on the Act have documented this history.

The purpose of this hearing is to again examine the overall performance of OJJDP in carrying out the purposes of the ACT. There are three general areas where extensive criticism of OJJDP has developed over the last twelve months that NYAP will address. These areas are: 1) the guidelines issued to implement the JJDPA, 2) the obligation of its funds and 3) the general administration of the Act by OJJDP.

Before going into these specific areas, it is important to outline briefly the historical origins of some of these issues as well as looking to the immediate future issues. It is our assessment that the major controversies are just ahead of us, and the current criticisms are in part camouflage for these pending issues.

States were first asked to participate in the JJDPA in August, 1975. Forty states agreed at that time to deinstitutionalize 100% of their status offenders by August of 1977. In October, 1977 the new amendments to the JJDPA were signed which gave the states an additional year to remove only 75% of the status offenders, and an additional two years to remove the others, with deminimus exceptions in each state.

For about 37 states, the three years and 75% compliance requirements must be met this August. It happens that OJJDP monitoring reports on compliance are not required until December, 1978.

At this time, many of these states know whether or not they have complied with this provision of the JJDPA, but do not know what actions will be taken against them for non-compliance. Yet their JJDPA planning processes continue, with their Comprehensive Plans due at the OJJDP by September 15, 1978. They do not know whether their plans will be rejected or approved with special conditions, and cause a loss of funding for which the state must accept responsibility.

When these states began participating in the JJDPA, the OJJDP was actively encouraging as many states as possible to participate. Many states accepted the federal money, knowing full well they would not or could not comply. The informal message from the Ford Administration's LEAA was that it would not handle them harshly for noncompliance.

The first monitoring reports submitted last January, are of dubious value, as staff of State Planning Agencies state publicly and privately that these reports are in many cases fraudulant and inaccurate representations of the reality.

Simply put, the current OJJDP Administrator is about to face some of the Office's hardest decisions thus far. Whether or not Congress was serious about the purposes and goals of the JJDPA will be put to the test during the next six to eight months, with the OJJDP Administrator enforcing the Act.

The Congress should place pressure on the OJJDP Administrator to place serious special conditions, if not outright rejections, on the plans of those states not in compliance with the 75% deinstitutionalization requirements.

The Congress should expect the criticism of the OJJDP to intensify substantially over the next six to eight months. Any issue that can be criticized or used to discredit the Office will probably be used.

The states have reasons to be anxious now and to place as much pressure on OJJDP as possible. The more political pressure effectively brought to bear on the Office at this time, the less likely it will be to strictly enforce the deinstitutionalization requirement. Given the current Administrator's previous involvement in the JJDPA, few reasonable people would expect lax enforcement.

One example might be in order. The state of Colorado agreed to participate in the JJDPA in 1976. It committed itself to removing 75% of its status and nonoffenders by December, 1979. Two years into the three year period, it has succeeded in removing only 25%. Experience from other states would lead us to suppose these were the "easiest" status offenders to remove. With 12 months left to remove 50% of its more "difficult", the state may well be hard pressed to comply with the JJDPA.

One of the major issues of concern about the implementation of the JJDPA over the last twelve months has been its definitions of juvenile detention and correctional facilities. Circulated amongst about a dozen public and private agencies during the Spring of 1977, they were published on May 20, 1977, two months before the current Administrator was confirmed. Neither public nor private agencies, NYAP as well as the State Planning Agencies, recognized the difficulties in these definitions when they were first reviewed. Indeed, the real effect of the definitions did not attain wide public attention until late November.

The OJJDP Administrator, after considerable negative feedback on the guidelines, had them printed in the Federal Register in March 1978 for wider public comment. Nearly 300 responses came in. This was the first time that any guidelines related to the JJDPA were opened to an audience wider than the approximately twelve agencies who previously reviewed them.

The major problem with the definitions was the requirement on comingling status offenders in at least equal proportion with delinquents in order to be a community based facility. If the percentage of delinquents were higher, the facility would be labled a correctional facility.

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OJJDP is currently reviewing the comments it received, and substantial changes in this are expected shortly. We therefore expect this criticism of the Office to end in August, save for a few states.

The second major issue of concern has been the failure of the Office to obligate the funds of the JJDPA. Part of the criticism is related to the lack of spending by the State Planning Agencies of JJDPA funds, and some of it is focused on the Special Emphasis funds that have accumulated in OJJDP.

As we view the implementation of the JJDPA, the most visible activity is not the creation of new services with its funds. The most noticeable impact has been and continues to be as a catalyst in changing state legislation and juvenile codes and in producing litigation against state and local governments in redress of youth civil liberties. While beneficial for juvenile justice reform, these activities cannot replace the critical need to create the services required in local communities. This can only be done by obligating the funds.

It is encumbant on those states remiss in obligating funds as well as OJJDP to remedy this situation.

Two months after the current Administrator was confirmed, the Office found itself with nearly $72 million of discretionary funds, $25 million in new appropriations and over $50 million in carryover of unspent funds from previous years. Nine months later, very little progress in actual obligation has been made. However it is important to examine what has been done and what is planned for the rest of the fiscal year.

In April, the Office announced the largest Special Emphasis program ever conducted, $30 million over three years for Restitution. This is more money than was spent on the 1976-1977 initiatives on school violence, prevention and diversion combined. NYAP is pleased to learn of plans to involve OJJDP funds in the youth employment area; in three joint projects with Labor's Office of Youth Programs ($10 million), HEW's Youth Development Bureau ($1.5 million) and HUD's Urban Initiative ($10 million).

Other plans exist to create initiatives in the areas of alternative education, youth advocacy and special incentives to states.

A word of caution is in order here, however.

The Crime Control Act requires that 19.5% of its funds be spent on juvenile justice. In 1975 this percentage level amounted to $124 million, in 1976 $107 million and in 1977 $78 million. That is, from 1975 to 1977 the required amount of Crime Control Act funds for juvenile justice fell $46 million. Inflation in these same years took $11.3 million (9.1% in 1975), $6.2 million (5.8% in 1976) and $5.1 million (6.5% in 1977) for a total decrease in purchasing power of about $23 million.

The JJDPA received $25 million in 1975, $40 million in 1976 and $75 million in 1977. Inflation for these same years decreased that purchasing power by $2.3 million for 1975, $2.3 million for 1976 and $4.9 million for 1977, for a total decrease of about $9 million. So while $140 million was appropriated to the JJDPA in these three years, the effects of Crime Control funding cutbacks and inflation took nearly $78 million away. The net gain was $62 million, a little more than $20 million per year.

With such a low net gain after three years of funding, the rapid expenditure of new funds creates a new dilemna. Obviously Congress and juvenile justice advocates want these funds expended. For whatever reasons, substantial amounts of money were not spent over the last two years. Pressure is on OJJDP to obligate these funds, and plans are underway to do do. However, this money will create new, needed services which will then require continuation support. With the start of FY 1979, OJJDP could well be operating programs at a $125-$140 million annual level but with only a $100 million to continue them.

Given the current plans of OJJDP to obligate funds prior to September 30, this area of criticism should fade away after then. Without additional appropriations, however, OJJDP will find itself unable to continue the projects it will soon be funding, and subject to new criticism for spending its funds unwisely. Those members of Congress as well as national and state groups concerned with improving the Juvenile Justice System who have been critical of OJJ's obligating of funds in the past, should, be prepared to support a substantial increase in the JJDPA appropriation next year.

The third major area of criticism of the Office has been its general administration over the last twelve months. The Subcommittee is aware of the numerous charges made against the Administrator by the union representing OJJDP employees. Rumors abound in the field about these difficulties, with the most visible sign being the number of staff turnovers within OJJDP. The effect of these difficulties is to weaken the credibility of OJJDP, and potentially diminish its ability to enforce the mandates of the JJDPA in the states.

With the abolition of the LEAA Regional Offices, the review of the SPA comprehensive juvenile justice plans is now centralized in OJJDP. One central staff team now reviews state progress and recommends specific conditions based on a national perspective as well as state needs. This new process has been very effective at holding states accountable to the mandates of the Act. The Office has been under intense political pressure to weaken two key provisions of the Act, the separation requirement by California and the deinstitutionalization requirement by New York. Clearly the other states are watching these disputes closely to see if new loopholes to avoid compliance will be created.

NYAP recognizes a bandwagon effect of the criticism against OJJDP. With the three year deadline fast approaching and the new review process for state plans in OJJDP, we should expect the brouhaha to intensify in the next six to eight months. The Congress and juvenile justice advocates are well advised to carefully sift out legitimate criticisms from camouflaged to avoid compliance with the JJDPA.

AUG 8 1978

COMMONWEALTH OF PUERTO RICO
PUERTO RICO CRIME COMMISSION
G. P. O. BOX 1256
SAN JUAN, PUERTO RICO 00936

July 26, 1978

Mr. Ike Andrews, Chairman
Congress of the United States
House of Representatives
Committee on Education and Labor
Subcommittee on Economic Opportunity
Room 320, Cannon House Office Building
Washington, D.C. 20515

Dear Mr. Andrews:

This letter is in response to your request for our comments to help in your effort to assess the overall performance of the Office of the Juvenile Justice and Delinquency Prevention in carrying out the purposes of the Juvenile Justice and Delinquency Prevention Act of 1974 and its subsequent amendments.

After a brief, but concientious analysis of the whole process, our SPA has been involved since the starting planning stage, offering technical assistance as required and monitoring the implementation of the projects funded with Juvenile Justice and Delinquency Prevention Act funds for Status Offenders and Complete Separation with Incarcerated Adults. During our active participation we have discovered the following realities:

1. We believe that the Office of the Juvenile Justice and Delinquency Prevention in almost all occassions, has given clerar and precise instructions of the tasks to be addressed. One of the few exceptions was the first year we submitted a Monitoring of Jails Report. Last Year, 1977, was a better experience, since we were given other instructions that proved to be helpful. The final report was improved considerably and as Mr. John M. Rector said in his July 17, 1978 letter, "The Office of Juvenile Justice and Delinquency Prevention accepts your report as having sufficient information". Besides our effort they made it come true by helping us do a better job.

2. In regard to the funds allocated for the Juvenile Justice Advisory Group, we believe it would be of great assistance to offer more information on all possible permissible expenses, so that more secure steps can be taken in this direction knowing what LEAA expects from these groups, since this will be their first experience with such funds at their service. We believe such funds should be used in close harmony with the Juvenile Justice and Delinquency Prevention Act.

3. This SPA is very aware of all efforts carried out, not only by this office, but also the Office of the Juvenile Justice and Delinquency Prevention,and the sponsoring agencies of our status offenders projects participating in the desinstitutionalization process. We believe firmly that three years is too short a period of time when you study the following realities or limitations that are present in an effort of this nature. We also believe that the Office of the Juvenile Justice and Delinquency Prevention should have visited our jurisdictions periodically, so that they could also benefit from our experience and feel the seriousness of this agencies intentions in trying to comply with the Act requirements:

(a) the difficulty encountered in establishing a new public policy in the desinstitutionalization of status offenders.

(b) emphasize the need to develop a new minor's law, in accordance to these changes; this process is still at its initial stage.

(c) difficulty in securing proper personnel willing to live with these institutionalized minors when returning to the community.

(d) there is a need of good and adequate physical facilities to establish immediately these new projects.

We believe that the Office of the Juvenile Justice and Delinquency Prevention should evaluate the good faith effort of each jurisdiction. If they determine that the SPA has done all possible and they do not comply substantially, that a time extension be considered to help the SPA and the participating agencies to attain their objectives as required by the Juvenile Justice and Delinquency Prevention Act.

Cordially,

Flavia Alfaro de Quevedo

Flavia Alfaro de Quevedo, Esq.
Executive Director

AUG 14 1978

COMMISSION ON ACCREDITATION FOR CORRECTIONS

6110 Executive Boulevard
Suite 750
Rockville, Maryland 20852
(301) 770-3097

August 11, 1978

Honorable Ike Andrews
House of Representatives
Chairman, Subcommittee on
Economic Opportunity
Room 320, Cannon Office Building
Washington, D. C. 20515

Dear Congressman Andrews:

The Commission is most appreciative of the opportunity to submit a statement relative to the national issue of juvenile justice, generally, and the Office of Juvenile Justice and Delinquency Prevention, specifically.

To alleviate the necessity of including the Commission's standards for juvenile corrections in the statement, we are providing copies of the published volumes for distribution to the Subcommittee members. The Commission is hopeful that you and the other members will find our work useful and informative.

We would also like to take this opportunity to express our appreciation for the cooperation received from Gordon Raley of the Subcommittee staff.

We respectfully submit the enclosed statement for consideration by the Subcommittee.

Sincerely,

Sharon J. Winkler
Assistant Director

SJW:cgp

COMMISSION ON ACCREDITATION FOR CORRECTIONS

Statement for the

United States House of Representatives
Committee on Education and Labor
Subcommittee on Economic Opportunity

August 11, 1978

The Commission on Accreditation for Corrections was established in 1974 by the American Correctional Association through a grant from the Law Enforcement Assistance Administration, United States Department of Justice, for the two-fold purpose of (1) developing national standards for all areas of juvenile and adult corrections, and (2) directing a voluntary accreditation program through which compliance with the standards could be measured. To date, the Commission has published seven volumes of standards:

Manual of Standards for Adult Parole Authorities
Manual of Standards for Adult Community Residential Services
Manual of Standards for Adult Probation and Parole Field Services
Manual of Standards for Adult Correctional Institutions
Manual of Standards for Adult Local Detention Facilities
Manual of Standards for Juvenile Community Residential Services
Manual of Standards for Juvenile Probation and Aftercare Services

The following three additional volumes are scheduled for publication next spring:

Manual of Standards for Juvenile Detention Facilities
Manual of Standards for Juvenile Training Schools
Manual of Standards for the Organization and Administration of Correctional Services

Unlike standards developed by various organizations also dedicated to upgrading corrections, the Commission's standards are measurable. By design, they can be applied to the daily operations of an adult correctional institution, a parole authority, a juvenile community residential program, a probation field office, or a jail, in order to measure that agency's compliance with the standards. It is the diversity of purpose, policy and practice of such distinct areas of corrections which required the Commission to develop separate sets of standards for specific application.

The goal of the Commission on Accreditation for Corrections is to upgrade corrections nationwide, resulting in greater public protection,

more effective administration of corrections agencies, protection of the individual rights of offenders, and humane inmate care. Striving to attain this goal through the development of comprehensive corrections standards and the implementation of a voluntary accreditation program, the Commission has achieved an historic first in American corrections. On May 12, 1978, the first nationally-recognized, professional accreditations for correctional services were awarded by the Commission to the following four community corrections agencies: Bureau of Rehabilitation of the National Capital Area, Washington; D. C.; Magdala Foundation, St. Louis, Missouri; The Mahoning County Residential Treatment Center, Youngstown, Ohio; and, Talbert House, Cincinnati, Ohio.

In addition to these agencies, 84 other correctional agencies, including the Federal Bureau of Prisons, California Department of Corrections, Oklahoma Department of Corrections, Idaho Department of Corrections and New Jersey State Parole Board, are involved in the accreditation program.

Soon after its organization in 1974, the Commission on Accreditation for Corrections concluded that its program of work should include the development of standards for both juvenile and adult corrections agencies. This decision was influenced by a number of considerations. It was recognized that in some few instances agencies have legal responsibility for corrections programs for juveniles, youth and adults. It also appeared clear that in jurisdictions where there is a legal provision for the independent administration of such services, there exists nonetheless a need for the coordination of activities and for the development of commonly shared objectives across the continuum of services directed toward the needs of persons, regardless of age, who are either adjudicated delinquent or convicted of crime.

The Commission undertook its work at a time when the system of juvenile justice was the focus of critical assessment by the Juvenile Justice Standards Project of the Institute of Judicial Administration and the American Bar Association, the Juvenile Justice Task Force of the Law Enforcement Assistance Administration, and the Advisory Committee to the LEAA Administrator on Standards for the Administration of Juvenile Justice, as well as other groups.

One of the most important issues addressed by these groups has involved future public policy regarding jurisdiction over children involved in non-criminal behavior. The currently unresolved debate regarding the status offender posed some difficulties for the Commission. After thoughtful and exhaustive discussions, however, agreement was reached that standards should be prepared for programs for juveniles who are adjudicated delinquents.

It is the Commission's position that already insufficient resources to combat serious delinquency are diverted by adding social service responsibilities to juvenile justice facilities. Therefore, the Commission on Accreditation for Corrections believes that status offenders and neglected children should be removed from juvenile correctional institutions.

Dealing with delinquency is a societal issue--an issue which has presented corrections with a continuing dilemma since the inception of the juvenile court system at the turn of the century. How does an administrator simultaneously balance the goals of public protection and those of providing individualized assistance to both serious juvenile offenders and neglected youth and status offenders? Is juvenile justice a corrections process or a social service? Past history and current practice indicate that juvenile justice is challenged to be both.

The public's response to the issue is basically emotional and subject to change. Research findings which might offer a solution remain inconclusive. Therefore, the juvenile corrections administrator is left to juggle an ever-changing emphasis between punishment, incapacitation, rehabilitation and child care services as public sentiment and correctional theory dictate.

The dilemma is compounded by the fact that juvenile justice like adult criminal justice is a "nonsystem." Not only do different jurisdictions have different terminology and processes, they also apply them inconsistently. Generally speaking, the procedures used by the various components of the juvenile justice system preclude their collective effectiveness.

While the amount of serious or violent juvenile delinquency has fluctuated over time, recent surveys indicate that the majority of juveniles in custody have not committed serious offenses. They are non-violent offenders, status offenders and neglected children.

Current studies reveal that a disproportionately greater number and variety of juvenile facilities and programs are available to males in custody than to females. Although females generally are charged with less serious offenses than males, females are more likely to be placed in secure and intrusive programs. It is the Commission's position that services and opportunities for all juveniles should be equally distributed and available throughout each jurisdiction in the country. And, certainly if male and female juveniles are maintained in one facility, both should have equal access to programs and services.

The continuing concern about the most effective methods for adjudicating and managing delinquents has resulted in a reassessment

of the role and purpose of juvenile justice. There is growing acknowledgment that the juvenile court alone cannot solve many of the problems of delinquent and non-delinquent youth. Indeed, there is increased concurrence that minimizing the extent of interaction with the formal juvenile justice system may be of the most benefit to juveniles.

The trend to redefine the role of the juvenile justice system, to narrow the base of the juvenile court's jurisdiction, and to ensure the use of due process safeguards in juvenile court proceedings is continuing. While this evolutionary change continues, it seems appropriate to restate the purpose of the juvenile justice system and define the roles of probation and aftercare therein.

The purpose of juvenile corrections has been well stated by the American Bar Association's Juvenile Justice Standards Project: "To reduce juvenile crime by maintaining the integrity of the substantive law proscribing certain behavior and by developing individual responsibility for lawful behavior. This purpose should be pursued through means that are fair and just, that recognize the unique characteristics and needs of juveniles, and that give juveniles access to opportunities for personal and social growth."

This definition is consistent with the premise made by the President's Commission on Law Enforcement and Administration of Justice (1967): "Our system of justice holds both juveniles and adults who violate the law responsible for their misconduct and imposes sanctions on them accordingly, even though the level of responsibility may be lower for juveniles than for adults. Society thereby obligates itself to equip juveniles with the means--the education and social and cultural background, the personal and economic security--to understand and accept responsibility."

The development, promulgation and application of standards to juvenile justice programs will serve as a catalyst for the improvement of such services. To the degree that the standards are responsive to new knowledge and experience, they can lead to more effective and efficient methods of assisting troubled youth. Equally important, the standards provide for due process safeguards to ensure that the basic rights of all juveniles are maintained. For example, it is the Commission's position that probation prior to adjudication, known as informal probation, should not be used with juveniles.

The development of standards for juvenile corrections programs presents some unique problems. For example, delinquency occurs during the span of years when significant developmental changes take place. Therefore, the juvenile facility must provide the support and nurturance which encourage normal growth and development. In many instances, the juveniles in custody have serious handicaps and hindrances which must be dealt with individually. Each facility should be encouraged by the application of these standards to provide for individual growth and maturation.

Because education is a socially directed process that facilitates individual growth, juvenile facilities have a responsibility to maintain education programs designed to assist each youth to achieve an acceptable level ofperformance, not by passively permitting growth, but by positively promoting it through policy, practice and programs.

Recognizing and supporting the humanitarian principles and benevolent purposes which have helped establish juvenile justice in this country, the Commission, nevertheless, advocates the implementation of specific operating procedures to ensure the protection of individual rights of the juveniles being served. Throughout, the standards reflect the concern of the Commisison that supervising agencies protect the constitutional rights of the young persons for whom they are responsible.

The Commission has sought to incorporate the experience and expertise of corrections professionals by involving them in the development of these standards. Although the numbers of individuals and agencies which participate in the standards development process are too numerous to list here, the Commission is profoundly grateful for their assistance. The special issues relative to juvenile corrections serve to emphasize the need for such involvement in order to ensure the development of standards which are both forward-looking and realistic.

The Commission would like to address the participation of the Office of Juvenile Justice and Delinquency Prevention in the development of these standards. To date, OJJDP staff have reviewed and provided comments on all drafts of juvenile standards which have been published. The Commission seeks their continued involvement not only in the standards development process but also in the application of the standards through accreditation of juvenile corrections agencies. To date, however, there has been no formal commitment by OJJDP to support this accreditation effort, which has achieved a high degree of acceptance from corrections professionals nationwide.

The Commission is of the opinion that the support from OJJDP is vital to the future success of this important effort to apply national standards to juvenile corrections.


PROJECT NEW PRIDE
Denver, Colorado
Office of Technology Transfer
National Institute of Law Enforcement and Criminal Justice
Law Enforcement Assistance Administration
U.S. Department of Justice
An Exemplary Project

Project New Pride in Denver, Colorado is one of 23 programs which have earned the National Institute's "Exemplary" label. Projects are nominated through the LEAA Regional Offices and the State Planning Agencies and are examined by an independent evaluator to verify their:

- Overall effectiveness in reducing crime or improving criminal justice
- Adaptability to other jurisdictions
- Objective evidence of achievement
- Demonstrated cost effectiveness

Validation results are then submitted to the Exemplary Project Advisory Board, made up of LEAA and State Planning Agency officials, which makes the final decision.

For each Exemplary Project, the National Institute publishes a range of information materials, including a brochure and a detailed manual. Publications are announced through the National Criminal Justice Reference Service. To register for this free service, please write: NCJRS, P.O. Box 24036, S.W. Post Office, Washington, D.C. 20024.

NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE

Gerald M. Caplan, *Director*

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An Exemplary Project

Office of Technology Transfer
National Institute of Law Enforcement and Criminal Justice
Law Enforcement Assistance Administration
U.S. Department of Justice

PROJECT NEW PRIDE

Denver, Colorado

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FOREWORD

Delinquents with lengthy criminal records place special burdens on the juvenile justice system, yet available services often tend to be focused on the younger pre-delinquents or first offenders. Typically, the more serious offender either winds up in an institution -- a costly, often unsuccessful venture -- or back on the street with minimal assistance and supervision.

In Denver, Project New Pride has taken a more positive approach by singling out the juvenile probationer with a record of several offenses and social adjustment problems for a year of intensive, individualized treatment. It provides an array of services including alternative schooling, correction of learning disabilities, vocational training, job placement, counseling, recreation and cultural activities.

The National Institute has designated Project New Pride an Exemplary Project and believes that its approach should be considered by other communities.

Gerald M. Caplan
Director

July, 1977

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The Problem

Willy is a young Chicano with a history of arrests for burglary, assault, and robbery. He is close to being an alcoholic at 17. Willy's parents are on public assistance. They are unstable, non-supportive, and unable to discipline him. Even before dropping out of school, he attended only sporadically. He has been placed on probation repeatedly, but all attempts to help Willy have failed. He has just been rearrested.

Margaret is an attractive young girl, very withdrawn, and extremely shy. It is difficult to believe her extensive police record: more than 14 offenses ranging from glue sniffing to prostitution. An unwanted pregnancy shattered an already unstable relationship with her family, and she struck out on her own, supporting herself the best way she could. She has just been caught for shoplifting.

A Solution?

What can be done to help these youngsters and others like them?

A common response is to reprimand them — a verbal slap on the wrist — and let them back out into the community, only to face the same social adjustment problems that first led them into criminal activity. That tactic has been consistently unsuccessful.

Another possibility is to incarcerate them, and hope that a prison sentence will deter future criminal behavior. Yet the failures of institutional programs often outnumber the successes.

Given only these possible solutions, the future of these youngsters does not look bright. A more promising approach is one that offers a wide range of services — remedial education, vocational and individual counseling, cultural enrichment — carefully designed to restore the youth's sense of self-worth. This is the approach taken by Denver, Colorado's Project New Pride.

The Concept

Project New Pride is a community-based program offering intensive services to adjudicated juveniles, most of whom have lengthy records of prior arrests and convictions.

"The typical New Pride client is a Spanish surnamed male; an adjudicated delinquent, with a history of six or more prior arrests. He is 16 years old, from a single parent family (usually the mother), and has three or more siblings, who in most cases have also had contact with the juvenile justice system. The family is usually receiving some form of public assistance, living a transient life-style, and includes one member who has been incarcerated. The child has probably dropped out of school, completing either 9th or 10th grade, and has several identifiable learning disabilities, although possessing average or above average intelligence. He has a history of expulsion and/or other school-related failures. The child's most recent attendance in school can usually be attributed to a court order.

The client's home is unstable, nonsupportive, and frequently other family members are involved in illegal activities and may be contributing to the delinquency of the client. The child is often viewed as an unwanted burden. He has frequently been placed in a variety of treatment programs designed to rehabilitate him. In almost all cases these "treatments" have been failures and have contributed to his feelings of low self-esteem. He has been incarcerated for brief periods of time and expects to be rearrested."

New Pride operates on the premise that an individual must confront his problems in his own environment – i.e., within the community. To do this the offender must be guided in adopting and maintaining a conventional life-style as an alternative to the delinquent life-style he has known.

Traditionally, juvenile services have been highly specialized and fragmented. New Pride's approach is to integrate all services, providing comprehensive treatment to its clients. For example, a single youth may receive remedial treatment for a learning disability, take courses for high school credit, be placed in a part-time job, participate in family

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counseling and experience cultural events at theatres and museums. The staff is familiar with the range of each client's activities and can reinforce gains in any one area.

Youngsters are referred to New Pride through Denver's Juvenile Court Probation Placement Division. Ninety-five percent of the clients are male. Referrals meet the following criteria:

- They are 14-17 years of age;
- Have a recent arrest or conviction for burglary, robbery, or assault related to robbery;
- Have two prior convictions (preferably robbery, burglary, or assault); and
- Reside in Denver County.

New Pride selects 20 of those referrals at 4-month intervals. In its 3½-year existence, the program has provided services to more than 220 youths.

The Services

For the first three months, youngsters in the program receive intensive services. A 9-month follow-up period continues treatment geared to the youth's needs and interests. The follow-up may involve daily to weekly contact. And in some instances, clients have been served continuously since project inception.

The services provided include:

- **Education.** Based on test results, participants are assigned to classes in either the New Pride Alternative School (located at project headquarters) or the Learning Disabilities Center.

  The Alternative School provides one-to-one tutoring with relatively little lecturing. Staff are strongly supportive of student efforts, encourage their strengths, and try to make academic work rewarding to students who have previously experienced repeated failures. Emphasis is on reintegrating students into the regular school system.

Perceptual and motor skills remediation

The Learning Disabilities Center staff works intensively with clients to correct their perceptual and cognitive disabilities. New Pride stresses the relationship between learning disabilities and juvenile delinquency. In its treatment approach, learning disability therapy and academic tutoring are equally important. Tests administered to project youth in the first two years of operations showed that 78 percent of the New Pride participants were found to have at least two learning disabilities. The Learning Disabilities Center has recently received a separate grant and will be able to serve an increased number of clients.

- Employment. Job preparation is a key part of the program. The employment component is designed to introduce clients to the working world and its expectations, and to provide employment experience along with much needed income. During his first month of project participation, the youth attends a job skills workshop on such topics as filling out application forms and interviewing. The Job Placement Specialist counsels each client individually to develop vocational inter-

ests and to provide realistic appraisals of career ambitions and requisite skills. Actual "on-the-job training" occurs in the second and third months of program participation.

- **Counseling.** The project attempts to match clients with counselors who can best respond to their role model needs and personalities. Treatment is planned to enhance the youth's self-image and to help him cope with his environment. Each counselor involves himself in all aspects of his client's life and maintains frequent contact with family, teachers, social workers and any others close to the youth. In the 9-month follow-up period, counselors continue to maintain a minimum of weekly contacts with a youth and his family.

- **Cultural Education.** New Pride takes youngsters who have known little more than their immediate neighborhoods and exposes them to a range of experiences and activities in the Denver area. Extensive community contacts have created a rich variety of opportunities including visits to a television station to watch the news hour being prepared, ski trips, an Outward Bound weekend, sports events, restaurant dinners and many other educational and recreational events.

The Staff

The majority of the staff members have master's degrees in special education, guidance, or psychology, or are working toward advanced degrees. They are relatively young, with backgrounds in teaching or juvenile services.

In addition, a well organized program draws a large, diverse group of volunteers from community organizations and local colleges and universities. Students receive credits for a semester's work at New Pride as counseling interns. Community volunteers may tutor clients, develop special activity programs such as a yoga course or mechanical shop, or provide administrative and clerical assistance.

In many instances, New Pride youths are tutored by volunteers who are not of the same ethnic or racial group. Bringing together inner-city, minority youths with volunteers from varied backgrounds is considered vital. This contact helps both groups learn to cope with differences and gives them the

opportunity to develop more favorable attitudes toward each other. The philosophy has produced many moving stories, this among them:

Ramone and his volunteer tutor have developed a very special relationship. That Ramone is Chicano and his tutor is white is not what makes their relationship so special. His tutor is blind. In part to show his appreciation to the tutor, and in part to impress him, Ramone is learning how to read braille.

The Results

How successful has New Pride been? In keeping with its wide range of services, New Pride set six primary goals: reducing recidivism for both referral and non-referral offenses; job placement; school re-integration; and remediating academic and learning disabilities. The project defined these goals in explicit forms that could be measured and conducted a careful evaluation. The impact of the remaining project activities of counseling, cultural education, and volunteer services was not directly measured.

New Pride's record in achieving its primary goal is impressive: during a 12 month period in the community, 32 percent of a control group were arrested at least once for impact offenses, compared to 27 percent of New Pride clients. A similar reduction occurred in the rearrest rates for misdemeanor and status offenses.

The program also had considerable success in job placement. Following vocational training by New Pride, 70 percent of all clients were placed in full or part-time jobs. The rearrest rate for employed clients was approximately one-third the rate for unemployed clients. New Pride participants also appeared to develop more positive attitudes toward education, as evidenced by a return to school rate of over 40 percent.

The data on New Pride's efforts to improve academic performance and remedy learning disabilities are too preliminary to report definitive results; however, the findings to date suggest potential successes. As noted earlier, New Pride's pioneering work in learning disabilities will be expanded under a separate grant from the Denver Anti-Crime Council.

But what makes New Pride's achievements remarkable is the kind of youngsters it helps — multiple offenders with a variety of social adjustment problems.

Willy attended New Pride only sporadically for the first few months. At times, counselors literally had to drag him in. He stayed out past curfew constantly and refused to cooperate. But New Pride counselors believed he had enough native ability to become a carpenter. After several months of vocational counseling and training, he landed a job with a construction firm. His family is more supportive, and he is trying to overcome his alcohol problem.

Shortly after Margaret joined the program, New Pride staff realized that she needed glasses. Her counselor helped her get a prescription and worked with her constantly. Margaret soon came out of her shell, became more vocal, and has a more positive self-image. She is now living in her own apartment and is beginning to enjoy her life. She still calls her counselor every week or so, even though she has officially completed the program.

Perceptual and motor skills remediation

The cost of incarcerating a youth in Colorado is estimated to be $12,000 annually. New Pride spends approximately $4,000 per year to keep a youngster out of institutions. Of the 160 youth who have completed the program, 89 percent have not been incarcerated. This amounts to a potential savings of slightly over $1.1 million if all the youth had been incarcerated for one year. The program was originally funded by LEAA but has now been institutionalized by the Colorado Division of Youth Services.

New Pride was selected as "Agency of the Year" by the Colorado Juvenile Council and has been visited by legislators, state planners, and members of the judiciary from 22 states.

The Next Move

Although New Pride's concept is particularly well implemented, there is nothing new in each of its separate components. What makes New Pride more than the sum of its parts is the ability to coordinate treatment approaches in an integrated and continuous fashion to address each client's specific interests and needs.

Those who want to try this approach should consider three essential keys to New Pride's success:

- **Relationship with juvenile court.** Arrangements and relationships established with local court and probation officials are integral to successful project operations. The relationship that exists between New Pride and the judiciary is candid and open and cooperative. Each supports the other in achieving objectives. New Pride has been responsive to suggestions by Judges and Probation Officers. These individuals, in turn, are kept fully informed of client progress and problems.

- **Community Relations.** New Pride's involvement with and support from community and business organizations and individuals has been mutually beneficial. Three key supporters are the Mile High Chapter of the Red Cross, the Volunteer Coordinator and the large team of volunteers, and the Chamber of Commerce.

- **Treatment Services.** The New Pride concept is a multi-disciplinary approach to the needs of delinquent youth. The total youth is assessed and an individualized treatment plan is developed which includes counseling, vocational training, cultural education, and academics.

It is a challenge to blend these treatment elements into a single program. It is even more of a challenge to operate the program effectively, but it may well be the last chance for many youngsters with social adjustment problems to avoid incarceration or to reclaim a promising future. Can you meet this challenge? New Pride has done it. The next move . . . is yours.

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ADDRESS BY THE HONORABLE SHIRLEY CHISHOLM
BEFORE THE SECOND ANNUAL YOUTH WORKERS CONFERENCE
GEORGETOWN UNIVERSITY
JUNE 8, 1978

DEAR FRIENDS,

ALTHOUGH I AM HONORED TO JOIN YOU THIS MORNING, I HAVE NOT COME HERE MERELY TO SPEW BENIGN PLATITUDES ABOUT HOW WONDERFUL YOUNG PEOPLE ARE, OR FOR THAT MATTER HOW WONDERFUL YOUR PROGRAMS ARE, AND THEIR IMPORTANCE TO OUR YOUTH. THE REASON I AM HERE IS THAT I AM DEEPLY ANGRY BY THE SHAMBLE WHICH WE CALL OUR FEDERAL YOUTH POLICY, AND THE LOW PRIORITY WHICH YOUTH SERVICE PROGRAMS ARE REGARDED BY OUR CONGRESS. EVERYTHING IS NOT WONDERFUL. PROGRAMS AT THE FEDERAL LEVEL ARE IN A CRISIS STATE, AND I SHARE WITH YOU MY PERSONAL FRUSTRATION WHICH STEMS FROM THE REALIZATION THAT WHILE WE ARE STYMIED BY OUR OWN BUREAUCRATIC INERTIA, OUR YOUNG PEOPLE, WHO ARE THIS NATION'S MOST PRECIOUS RESOURCE, SUFFER ACUTELY FROM A LACK OF OPPORTUNITY, HOPE, AND VISION.

I BELIEVE THAT THE TIME HAS LONG PAST FOR SOME OF THESE DAMN BUREAUCRATS TO WAKE UP TO THE ALIENATION AND FRUSTRATION WHICH COMPRISE THE DAY-TO-DAY EXISTENCE OF TOO MANY YOUNG PEOPLE IN AMERICA. WHETHER YOU TALK TO THE BLACK YOUTH IN BEDFORD-STUYVESANT, THE CHICANO BROTHERS & SISTERS IN EAST LOS ANGELES, THE NATIVE AMERICAN YOUTH ON THE NAVAJO RESERVATION, THE ASIAN YOUTH IN CHINATOWNS ACROSS THE NATION OR OUR TROUBLED WHITE BROTHERS AND SISTERS THERE IS A COMMONALITY OF

PROBLEMS WHICH IS AN INDICTMENT OF THIS SOCIETY, AND THE LEGACY WHICH WE ARE SUPPOSED TO BEQUEATH TO THIS FUTURE GENERATION. AT THE SAME TIME, IT IS NO LONGER ENOUGH TO SIMPLY BLAME SOCIETY IN GENERAL FOR THE ECONOMIC AND RACIAL DISCRIMINATION WHICH DEVASTATES THE FUTURE OF SO MANY YOUNG PEOPLE. THOSE OF US HERE THIS MORNING SHOULD BE SUFFICIENTLY ATTUNED TO THE POLITICAL SYSTEMS TO REALIZE THAT THE COMMITMENT DOES NOT PRESENTLY EXIST IN WASHINGTON, AND OUR YOUNG PEOPLE ARE SUFFERING AS A RESULT.

DURING THE PAST SEVERAL MONTHS, I HAVE CLOSELY MONITORED OUR FEDERAL YOUTH PROGRAMS AND POLICIES, AND IN PARTICULAR THE ROLE OF THE OFFICE OF JUVENILE JUSTICE & DELINQUENCY PREVENTION. MY FINDINGS HAVE BEEN EXTREMELY DISTURBING, AND I WILL NOT BE PULLING ANY PUNCHES HERE THIS MORNING. I APPEAL TO EACH OF YOU TO USE THE COLLECTIVE STRENGTH WHICH EXISTS HERE AT THIS CONFERENCE TO MAKE DEMANDS UPON THIS CONGRESS AND THIS ADMINISTRATION TO RESPOND MORE MEANINGFULLY IN FUNDING AND DEVELOPING INITIATIVES GEARED TO THE SERIOUS PROBLEMS FACED BY YOUNG PEOPLE IN TODAY'S SOCIETY.

AS YOU MAY KNOW, I WAS A TEACHER AND EDUCATOR LONG BEFORE I BECAME A POLITICIAN, AND MY FOREMOST INTEREST IN THE CONGRESS HAS BEEN IN THE FIELD OF EDUCATION, AND EXPANDING OPPORTUNITIES FOR YOUNG PEOPLE. MY INTEREST AND EFFORTS ON ISSUES AFFECTING YOUTH, AND PARTICULARLY JUVENILE DELINQUENCY, HAVE BEEN GUIDED BY TWO FIRMLY HELD BELIEFS:

FIRST, THERE IS A REAL LACK OF COORDINATION AMONG THE VARIOUS

FEDERAL PROGRAMS AND AGENCIES WHICH IMPACT UPON THE NEEDS OF YOUNG PEOPLE. STRUCTURES SUCH AS THE OFFICE OF JUVENILE JUSTICE ARE DESIGNED TO BRING ABOUT THIS NEEDED COORDINATION OF EFFORT. WHEN MECHANISMS SUCH AS THESE BECOME ENTANGLED AND INEFFECTIVE, WE FIND TOO MANY TROUBLED YOUNG PEOPLE GETTING LOST IN BETWEEN THE BUREAUCRATIC CRACKS AND CREVICES IN FEDERAL YOUTH POLICY.

SECOND, I BELIEVE THAT WHILE ENVIRONMENTAL FACTORS ARE CRITICAL, YOUTH ALIENATION FROM OUR EDUCATIONAL INSTITUTIONS IS SO OFTEN THE FIRST STEP TOWARD DELINQUENCY AND CRIME. FOR THIS REASON, MUCH OF MY ATTENTION HAS FOCUSED ON THE NEED TO DEVELOP SOLUTIONS FOR SCHOOL-BASED DELINQUENCY, AND ALTERNATIVES IN EDUCATION.

JUST LAST DECEMBER, THE NATIONAL INSTITUTE OF EDUCATION RELEASED ITS MAJOR TWO VOLUME STUDY ON SCHOOL VIOLENCE & VANDALISM. THE "SAFE SCHOOL STUDY" DOCUMENTED THE SERIOUS PROBLEM OF SCHOOL-BASED DELINQUENCY WHICH AFFECTS ELEMENTARY & SECONDARY EDUCATION. ALTHOUGH YOUNG PEOPLE SPEND NO MORE THAN 25% OF THEIR WAKING HOURS IN SCHOOL, SOME 40% OF THE ROBBERIES AND 36% OF THE ASSAULTS UPON TEENAGERS OCCURED IN SCHOOL. THE CHILDREN'S DEFENSE FUND AND OTHER GROUPS HAVE ALSO DONE EXCELLENT RESEARCH ON THE INAPPROPRIATE AND ARBITRARY APPLICATION OF SUSPENSIONS AND EXPULSIONS TO DEAL WITH THE LACK OF DISCIPLINE IN OUR SCHOOL SETTING.

TOO OFTEN EDUCATORS LOOK AT SCHOOL-BASED DELINQUENCY AS THOUGH <u>IT</u> WERE THE PROBLEM. IT IS NOT MY FRIENDS - IT IS A SYMPTOM, THOUGH A SERIOUS ONE. SERIOUS RATES OF DELINQUENCY AND INCREASING SUSPENSIONS POINT TO THE REAL CRISIS IN AMERICAN EDUCATION: THERE IS

PACE FOUR.

A GROWING ALIENATION OF YOUNG PEOPLE FROM OUR OFTEN IMPERSONAL EDUCATIONAL INSTITUTIONS, COMBINED WITH AN INCREASING INABILITY OF SCHOOLS TO IMPART A SENSE OF DISCIPLINE AND EVEN THE MOST BASIC SKILLS. THERE IS A FEELING THAT MOST OF OUR EDUCATIONAL PROGRAMS LACK RELEVANCE TO THE DEMANDS YOUNG PEOPLE BELIEVE THEY WILL FEEL AS ADULTS. WHAT WE SEE IS THE IGNITION OF A POWDER KEG OF BITTERNESS, ANGER, AND FRUSTRATION IN OUR YOUNG PEOPLE.

IF OUR RESPONSE TO THIS SYMPTOM IS BUILDING BETTER LOCKS, FENCES, SECURITY AND ALARM SYSTEMS, WE WILL ONLY DO OUR YOUNG PEOPLE A GREATER DISSERVICE. THE ALIENATION WHICH HAS BROUGHT TENSION TO THE CLASSROOM IS ALSO REFLECTED IN A GROWING SUICIDE RATE FOR YOUNG PEOPLE. ACCORDING TO THE NATIONAL CENTER FOR HEALTH STATISTICS, THE SUICIDE RATE FOR YOUNG WHITE MALES AGED 15-19 HAS GROWN 171% IN THE PERIOD FROM 1950-1975. THIS IS IN CONTRAST TO A SUICIDE RATE FOR WHITE AMERICANS WHICH INCREASED ONLY 18% OVERALL IN THIS PERIOD. WILL ADDED SECURITY OFFICERS, GUARD DOGS, ELECTRONIC SURVEILLANCE, CYCLONE FENCES, OR BREAK RESISTENT WINDOWS MAKE THE LIVES OF OUR YOUNG PEOPLE MORE MEANINGFUL AND VITAL? I HARDLY THINK SO.

IN JANUARY, I TESTIFIED BEFORE THE SAFE SCHOOL HEARINGS OF THE ECONOMIC OPPORTUNITY SUBCOMMITTEE OF THE EDUCATION & LABOR COMMITTEE. THE PRIMARY THRUST OF MY TESTIMONY WAS FOR THE NEED OF ALTERNATIVE EDUCATIONAL PROGRAMS AS A MEANS OF REVITALIZING OUR SCHOOLS THROUGH ACADEMIC PROGRAMS WHICH STUDENTS FIND RELEVANT. FOLLOWING MY TESTIMONY, MR. JOHN RECTOR, ADMINISTRATOR OF THE OFFICE OF JUVENILE JUSTICE, MADE A PRESENTATION BEFORE THE SUBCOMMITTEE IN

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WHICH HE REFERRED TO CONCERN FOR ALTERNATIVE EDUCATIONAL PROGRAMS. IN FACT TO CITE DIRECTLY FROM HIS TESTIMONY, MR. RECTOR STATED THAT HE WAS "VERY EXCITED" ABOUT AN ALTERNATIVE EDUCATION PROGRAM WHICH WOULD BE A PRIMARY INITIATIVE OF THE OFFICE OF JUVENILE JUSTICE THIS YEAR. IT IS NOW JUNE, AND THERE HAS BEEN NO ALTERNATIVE EDUCATION INITIATIVE, AND THERE IS NO WORD WHETHER THERE WILL BE ONE AT ALL THIS YEAR. IN FACT, IN JANUARY I WROTE TO MR. RECTOR ASKING THAT WE GET TOGETHER TO DISCUSS THE DETAILS OF SUCH A PROGRAM, AND HE HAS NOT YET RESPONDED TO MY REQUEST FOR SUCH A MEETING.

IT IS EXACTLY THIS TYPE OF BUREAUCRATIC DOUBLETALK AND HYPOCRISY WHICH HAS ME SO ALARMED ABOUT THE DIRECTION OF THE OFFICE OF JUVENILE JUSTICE. FURTHER, THE FAILURE OF MR. RECTOR TO ACT IN A TIMELY FASHION TO IMPLEMENT PROGRAMS SO DESPERATELY NEEDED IS HAVING SEVERE RAMIFICATIONS IN CONGRESS. JUST LAST WEEK, THE ELEMENTARY & SECONDARY EDUCATION ACT, H.R. 15, WHICH REAUTHORIZES FEDERAL ASSISTANCE FOR ELEMENTARY & SECONDARY EDUCATION, WAS SCHEDULED TO COME TO THE HOUSE FLOOR. JUST TWO DAYS PRIOR TO ITS INTENDED CONSIDERATION, REP. MARIO BIAGGI ANNOUNCED HIS INTENTION TO OFFER AN AMENDMENT TO PROVIDE $15 MILLION IN THIS BILL FOR SCHOOL SECURITY PROGRAMS. GRANTS WOULD BE AVAILABLE ONLY TO THE 15 SCHOOL DISTRICTS NATIONALLY WITH THE HIGHEST INCIDENCE OF REPORTED CRIME, FURTHER, IN ORDER TO BE ELIGIBLE FOR SUCH A GRANT A LOCAL EDUCATIONAL AGENCY WOULD HAVE HAD TO ADOPT GUIDLEINES REQUIRING THE REPORTING OF EVERY OFFENSE TO THE LOCAL POLICE. I AM EXTREMELY CONCERNED THAT SUCH REQUIREMENTS WOULD

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ENCOURAGE SCHOOLS TO INFLATE THEIR FIGURES FOR VIOLENCE AND VANDALISM IN ORDER TO QUALIFY FOR FUNDS. THE RANGE OF ACTIVITIES UNDER THIS PROGRAM ARE ALMOST SOLELY LIMITED TO SCHOOL SECURITY, HIRING OF GUARDS,ACQUISITION OF EQUIPMENT, AND THE ALTERATION OF PHYSICAL PLANT TO DETER CRIME. I BELIEVE THAT SUCH A PROGRAM WOULD BE EXTREMELY REGRESSIVE, IN THAT OUR EFFORTS SHOULD BE GEARED TO REMOVING YOUNG PEOPLE FROM THE JUVENILE JUSTICE FIELD, AND NOT TOWARD GREATER INVOLVEMENT OF POLICE IN THE SCHOOLS. WE WERE FORTUNATE THAT DUE TO THE PRESS OF OTHER LEGISLATIVE BUSINESS, ACTION ON H.R. 15 HAS BEEN DELAYED AT LEAST THROUGH NEXT WEEK, BUT I AM DEEPLY CONCERNED THAT VOICES BE HEARD IN OPPOSITION TO SUCH A MEASURE. JUST THIS WEEK, I WAS AMAZED TO RECEIVE A REPORT FROM THE AMERICAN FEDERATION OF TEACHERS IN SUPPORT OF THE BIAGGI AMENDMENT. AS MORE ATTENTION IS DRAWN TO THE PROBLEM IN OUR SCHOOLS, THERE WILL ONLY BE INCREASING PRESSURE TO TAKE IMMEDIATE ACTIONS ALONG THESE LINES. MR. RECTOR'S FAILURE TO TAKE CHARGE IN THIS SITUATION IS CREATING A POTENTIAL THREAT TO THE DIRECTION OF JUVENILE JUSTICE PROGRAMS. I WAS ASSURED BY HIM THAT THERE WAS NO NEED FOR MY INTRODUCTION OF LEGISLATION AUTHORIZING AN ALTERNATIVE EDUCATION PROGRAM, BUT UNLESS I SEE SOME SIGNS OF ACTION, YOU CAN BE ASSURED THAT SUCH A BILL WILL BE INTRODUCED IN THE NEXT MONTH.

I ISSUE THIS AS A CHALLENGE TO MR. RECTOR, AS I BELIEVE THAT THE BURDEN RESTS WITH HIM TO DEMONSTRATE THAT HE IS MOVING FORCEFULLY TO IMPLEMENT PROGRAMS WHICH HAVE BEEN MANDATED BY CONGRESS, AND ARE DESPERATELY NEEDED BY OUR YOUNG PEOPLE.

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THERE ARE TWO OTHER PROBLEMS WITH THE FEDERAL JUVENILE JUSTICE EFFORT WHICH ALSO CAST DOUBT UPON THE LEADERSHIP AND DIRECTION OF THE OFFICE OF JUVENILE JUSTICE:

FIRST, I UNDERSTAND FROM DISCUSSIONS WITH OFFICIALS WITH OTHER AGENCIES THAT TWO INTER-AGENCY AGREEMENTS REGARDING YOUTH EMPLOYMENT AND RESIDENTIAL IMPROVEMENT OF PUBLIC HOUSING AUTHORITIES WERE CANCELLED ABRUPTLY BY MR. RECTOR LAST YEAR. ALTHOUGH I CANNOT SPEAK TO THE SPECIFICS, THESE GRANTS WOULD HAVE EXCEEDED $6 MILLION, AND COULD HAVE BEEN OF GREAT ASSISTANCE TO YOUTH PROGRAMS NATIONWIDE. IT IS EXACTLY THIS TYPE OF COORDINATION AND INTER-AGENCY COOPERATION WHICH OJJDP IS DESIGNED TO STIMULATE. I ALSO KNOW THAT THE JUVENILE JUSTICE COORDINATING COUNCIL, WHICH COMPRISES TOP OFFICIALS FROM OTHER AGENCIES RESPONSIBLE FOR YOUTH POLICY, HAS NOT MET ONCE THIS YEAR. WHY IS A MECHANISM SUCH AS THIS, WHICH IS SO VITAL TO COORDINATION BEING TOTALLY IGNORED?

SECOND, AND MORE IMPORTANTLY, I AM TROUBLED BY THE FAILURE OF THE OFFICE OF JUVENILE JUSTICE AND MR. RECTOR TO OBLIGATE AND EXPEND ITS FUNDS AS APPROPRIATED BY CONGRESS. SO MANY OF OUR YOUTH ADVOCACY AND SERVICE PROGRAMS ARE DYING ON THE VINE FOR LACK OF RESOURCES, YET THERE SEEMS TO BE A LINGERING INABILITY TO MAKE AWARDS TO INITIATE AND SUPPORT EFFORTS AT THE LOCAL LEVEL.

REALIZING THE SEVERE FINANCIAL STRAINS FACED BY YOUTH SERVICE ORGANIZATIONS IN BROOKLYN AND OTHER COMMUNITIES, I HAD PLANNED TO OFFER AN AMENDMENT THIS YEAR TO INCREASE FUNDING FOR JUVENILE JUSTICE, BUT WHEN I WAS PRESENTED WITH THE DOCUMENTATION SHOWING HOW FEW OF THE DOLLARS HAD ACTUALLY BEEN SPENT, I KNEW THAT THERE

WAS NO WAY A CASE COULD BE MADE FOR SUCH AN INCREASE.

AS YOU KNOW, FUNDS FROM THE OFFICE OF JUVENILE JUSTICE & DELINQUENCY PREVENTION ARE DIVIDED BETWEEN STATE FORMULA GRANTS AND THE SPECIAL EMPHASIS GRANTS. IT IS A DISGRACE TO SEE HOW FEW OF THE DOLLARS HAVE REACHED YOUNG PEOPLE AT THE LOCAL LEVEL.

FOR THE STATE FORMULA GRANTS PROGRAM FOR FISCAL YEARS '76, '77, & '78, CONGRESS APPROPRIATED A TOTAL OF $131 MILLION. AS OF MAY 1978, $126 MILLION HAD BEEN OBLIGATED TO THE STATES, BUT ACCORDING TO LEAA, ONLY $18 MILLION OF THE TOTAL $131 MILLION APPROPRIATED OVER THE PAST THREE YEARS HAS ACTUALLY BEEN SPENT.

WHILE IT MAY BE ARGUED THAT EXPENDITURES OF THESE FUNDS ARE A STATE RESPONSIBILITY, THERE CERTAINLY NEEDS TO BE GREATER GUIDANCE FROM OJJDP TO ENCOURAGE ALLOCATION OF FUNDS TO LOCAL PROJECTS. ON THE OTHER HAND, THE SPECIAL EMPHASIS PROGRAM IS WHOLLY DISCRETIONARY AND IS AWARDED DIRECTLY TO INNOVATIVE LOCAL INITIATIVES. SINCE FISCAL YEAR '76, $64 MILLION HAS BEEN APPROPRIATED FOR SPECIAL EMPHASIS PROGRAMS, AND AS OF MAY, ONLY $17 MILLION HAD EVEN BEEN OBLIGATED, AND OF THAT ONLY $8 MILLION OUT OF THE TOTAL $64 MILLION HAS BEEN SPENT. IN FISCAL YEAR 1977 & 1978, NOT ONE DOLLAR HAS BEEN EXPENDED OR OBLIGATED ACCORDING TO LEAA.

IF THIS SITUATION WERE NOT BAD ENOUGH, I HAVE BEEN TOLD THAT THE ADMINISTRATOR OF THE OFFICE OF JUVENILE JUSTICE HAS BEEN FUNDING A NUMBER OF UNSOLICITED PROPOSALS. THIS CIRCUMVENTION OF THE FEDERAL GUIDELINES FOR ALLOCATING FUNDS APPARENTLY SERVES THE PURPOSE OF REWARDING FAVORED GROUPS, WHILE NOT ISSUING GUIDELINES

PAGE NINE.

EFFECTIVELY EXCLUDES OTHER GROUPS FROM EVEN COMPETING. IT IS TRAGIC THAT SO LITTLE HAS BEEN DONE IN THE SPECIAL EMPHASIS AREA. AS DEFINED BY THE LEGISLATION PASSED BY CONGRESS, PROGRAMS IDENTIFIED FOR SPECIAL EMPHASIS INCLUDE PROGRAMS OF DIVERSION FROM JUVENILE JUSTICE, PROGRAMS WHICH FOCUS ON THE POSSIBLE CORRELATION BETWEEN LEARNING DISABILITIES AND DELINQUENCY, PROMOTION OF ALTERNATIVE EDUCATIONAL PROGRAMS AS A MEANS OF COPING WITH SCHOOL-BASED DELINQUENCY, DEVELOPMENT OF COMMUNITY-BASED ALTERNATIVES TO INSTITUTIONALIZATION, AND OTHERS. THESE INITIATIVES COULD HAVE A FANTASTIC IMPACT UPON INNER-CITY YOUTH, YET ON PAPER, THEY CAN HAVE LITTLE IMPACT.

I HAVE NOT COME HERE TO ATTACK THE EXISTENCE OF THE OFFICE OF JUVENILE JUSTICE, AS I HAVE BEEN ACTIVE IN ITS CONTINUATION SINCE ITS ENACTMENT IN 1974. BUT I FEEL STRONGLY THAT WE HAVE A RESPONSIBILITY TO MONITOR PROGRAMS OF SUCH IMPORTANCE TO OUR YOUNG PEOPLE, AND I DO NOT BELIEVE THAT WE CAN AFFORD TO OVERLOOK THE DISCREPANCIES WHICH I HAVE CITED. I AM COMMITTED TO WORKING FOR THE IMPOVEMENT OF OUR EFFORTS, AND EXPANDING THE FEDERAL ROLE, BUT WE MUST WORK TOGETHER TO BRING ABOUT THE NECESSARY ACCOUNTABILITY FROM THE OFFICE OF JUVENILE JUSTICE AND ITS LEADERSHIP. I HAVE PUT THESE QUESTIONS TO YOU, AS I BELIEVE THEY DESERVE TO BE ANSWERED. IF THE RESPONSE DOES NOT MEET OUR EXPECTATION, I ASSURE YOU THAT I WILL MOVE FOR CONGRESSIONAL HEARINGS ON THE FUNDS ALLOCATION QUESTION, AS WELL AS OTHER ISSUES WHICH NEED TO BE RAISED SUCH AS THE RECORD OF THE OFFICE OF JUVENILE JUSTICE IN PLACING BLACKS,

HISPANICS, ASIANS, AND NATIVE AMERICANS INTO POLICY POSITIONS. CLEARLY THESE COMMUNITIES ARE IMPACTED HEAVILY BY THE JUVENILE JUSTICE SYSTEM, AND IT IS IMPORTANT THAT INDIVIDUALS WITH SENSITIVITY TO THE SPECIAL NEEDS AND EXPERIENCES OF THESE GROUPS ARE PLACED IN DECISION-MAKING ROLES.

DURING THE NEXT THREE DAYS, I HOPE THAT YOU, TOO, WILL TAKE THE OPPORTUNITY TO ASK QUESTIONS, AND DARE TO CHALLENGE A FEDERAL SYSTEM OF PRIORITIES WHICH PLACES YOUNG PEOPLE AFTER DEFENSE SPENDING, HIGHWAY CONSTRUCTION, AND TAX LOOPHOLES FOR MAJOR CORPORATIONS. ONLY THROUGH SUSTAINED MONITORING AND PRESSURE CAN WE HOPE TO CHANGE THE POLICIES AND PRIORITIES WHICH AFFECT YOUNG PEOPLE. I LOOK FORWARD TO WORKING WITH YOU TO MEET THIS CHALLENGE

Child Protection report

THE INDEPENDENT NEWSLETTER COVERING CHILDREN/YOUTH HEALTH AND WELFARE SERVICES

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SPECIAL REPORT:

VISIT TO THE VILLAGES: A DEDICATED COUPLE CREATES A WHOLE 'NEW LIFE' FOR NINE OUTCAST TEENAGE GIRLS

DR. KARL MENNINGER'S PIONEERING experiment in providing "family living" for abused and neglected teenagers--The Villages--is undergoing an expansion. Started by the noted psychiatrist in 1971 at Topeka, Kansas. The Villages this year opened a new group of homes in Lawrence, Kansas, and plans are being made for a similar operation in Indiana, to be underwritten by the Lilly Endowment of Indianapolis. The living arrangements at The Villages are unique in many respects; that they are successful is a tribute not only to Menninger's concept, but to the dedication of the houseparent,--and their skill--at forging troubled youngsters, hardened by years of abuse and neglect and being shuttled in and out of institutions, into a cohesive family unit. One such couple is Philip and Pat McPhail, who gave up their own private day care business seven years ago to become Village houseparents. Last January, they moved from the first Village, a collection of five homes known as Eagle Ridge in Topeka, to help start the new development at Lawrence. Recently, Kathleen Lyons, formerly managing editor of Child Protection Report, visited the McPhails to observe how they ride herd on nine adolescent girls plus two children of their own, a girl, 9, and a 5-year-old boy. Here is her report:

* * *

Each Village is planned to consist of five to seven cottages, each with room for eight to twelve children (69 children are currently enrolled in the program). The cottages are autonomous, with their own set of houseparents, their own cooking and eating arrangements and their own family guidelines; in short, a home. So far, the original capital investment for land and construction has been picked up by private donations. As Dr. Karl Menninger says, "The state [Kansas] Legislature doesn't want to spend money for the initial expense . . . and I don't know how to get over that hurdle politically." By clustering the housing, however, the Villages in effect create their own neighborhoods and thus dissipate some (but not all) of the local opposition that customarily arises around similar community-based programs.

All of the houses are new and spacious, constructed especially for the Villages. Even so, the McPhail residence stands out. Their girls take delight in the surprised expressions of visitors when they first cast eyes on the wall to wall carpeting and sumptuous furnishings. There are clear signs of a talented interior decorator at work who turns out to be Pat McPhail, advised and assisted by her family. The girls range in age from 10 to 16. Most have been with the McPhails for two years or more; two have joined the family in the last six months. It is a home out of House & Gardens, immaculately maintained, and, even with eleven bedrooms and five bathrooms,

A PERMANENT PLACE IN AN IMMACULATE HOME

not a place one would expect to find 13 kids. Certainly not these kids whose case records indicate more familiarity with detention centers than middle-class homes. Their histories are depressingly familiar, varying only in the subtype and duration of maltreatment they have experienced and the particular pattern that emotional and physical suffering has etched on their individual psyches. A high percentage of the McPhails' girls have been sexually abused by relatives or mothers' boyfriends, incidents that, it should be noted, rarely made it into their case histories. Having come to the attention of Kansas authorities well after they were out of the cuddly stage, it is not surprising that all the children were bounced in and out of a number of different placements before finally coming to rest at the Villages.

There are a number of aspects of the Villages program that make it unique. First, the boys and girls (the sexes are domiciled separately except for one home where they are mixed) know that they are there to stay. The girls know that they have a home with the McPhails until they choose to leave, usually but not always, after finishing high school.

The Villages have gotten good cooperation from their local CETA (Comprehensive Employment and Training Act) sponsors and place a large percentage of their people in summer jobs under this program. A special fund has been established to ensure

JOBS & A COLLEGE FUND

that young people who want to continue their education will have that opportunity; others who go on to jobs, marriage and families of their own return during the holidays to renew their family ties. Although parental rights have been officially terminated in the case of only a small percentage of Villages young people, an agreement with the Kansas Social and Rehabilitation Service, the referral agency, essentially transfers custody over to the Villages and thus prevents disruption of the families by capricious moves. The state pays a per diem rate of $25.67 for each child. Other contributions from the private sector are being used to build up an endowment for each Village cluster which will pay for any major improvements or additions to the physical plant. Overhead costs are kept to a minimum by paying administrative personnel out of training and consultation fees.

Villages families are well integrated withing their communities. The McPhail's teenagers all attend local public schools; three with learning disabilities are getting special help. They were all performing well below their grade level when they came to the Villages and the McPhails, after getting the child's consent, had to arrange for several to repeat grades. Just getting them to attend school regularly was a

INVESTING EXTRA EFFORTS

problem at the beginning since none had had a successful experience in the classroom previously. While they were still in Topeka waiting for their new home to be finished, Pat and Phillip took turns ferrying the girls to school an hour away in Lawrence so that they wouldn't have to switch schools in midterm. This involved some four hours of driving daily for the McPhails, five days a week, for five months. It is an example of the kind of extra effort that Villages parents must invest if their families are to function successfully. One of their younger girls who continued to cause havoc in school after the usual combination of threats and incentives had been tried didn't settle down until Pat spent every day for three weeks sitting next to her in the classroom helping her with her work.

All of the girls are involved in outside activities; some belong to the Girl Scouts or are active in their school's athletic program; most attend church and every one plays a musical instrument--one of the badges of the McPhail household. At dinner-time, each girl recounts something new that she has learned in school that day and defines a new word that she is adding to her vocabulary. The love of words, which Pat has nurtured, is infectious and after dinner, one of the girls springs up from the table to telephone a friend and ask if she knows what "incessantly" means: "She talks incessantly but I bet she doesn't know it!"

Another unusual feature of the Villages, particularly considering their origin, is the de-emphasis on "treatment." By and large, the behavior youngsters exhibit when they first arrive--the veneer of street toughness, lack of self discipline, trucu-lence in the face of authority--is viewed as normal and appropriate to the environ-ment in which they have lived. The trick, as Dr. Karl puts it, is to provide "a new environment to react to; new surroundings, new models of living, new friends and a whole new way of life." At the Villages, psychologists and psychiatrists do not treat the young people; they consult, however, on a regular basis with the houseparents to strengthen and reinforce them in their dealings with their troubled teenagers. A social worker is also on the staff and spends most of her time working on problems the youngsters encounter in the public schools.

'TREATMENT' FOR YOUTHS IS A NEW WAY OF LIVING

A central part of the Villages philosophy is to promote attitudes of caring, saving, protecting, and conserving human and natural resources. Dr. Karl explains: "This is not an exercise in esthetics, but is a part of a new philosophy of living which substitutes preservation and appreciation for destruction and exploitation of the environment."

Perhaps the greatest achievement of houseparents like the McPhails--and the key to their success--is the creation of a real sense of family among the young people in their care. This has not come easy; it usually takes several years to build up a family core that does not disintegrate every time there is a crisis or when a new child joins the family. The houseparents are given wide latitude in establishing family routines and keeping order. Among the seven sets of parents, differences in child rearing techniques and disciplinary practices are evident; this is encouraged so that parents will feel comfortable operating within parameters that they them-selves have largely set.

LATITUDE IN CHILD-REARING

Offers of land for facilities such as the Villages have come from individuals in more than 30 states. More difficult to find are the proper people to become parents, a grueling but nevertheless satisfying occupation for which each couple earns $12,000 a year plus room and board. It is hoped that the Village model will be accepted and duplicated in other parts of the country as one alternative to insti-tutionalizing troubled children and youth. Workshops are held year round in Topeka for child care personnel and other interested in learning more about the Villages program.

After seven years, the McPhails say that the girls are pretty much raising themselves, explaining to the newcomers how things are done in their family, and regaling them with stories of their own earlier escapades. The first time Pat took her new family shopping, the girls cleaned out the store before she realized what was going on. There were a lot of mini-crises like that at the beginning, but comparatively few now. The girls look askance at a neighborhood child who wises off nastily at her natural parent; the foulest-mouthed one is wrestling with the problem of how to use "viscosity" in a sentence; the kid who was sexually molested by her father now lets Phillip hold her hand; the incorrigible runaway who says she has run for the las time. They have played out their survival tricks like a deck of cards. They have bullied and been abused, have been hated and hated back, and out of all those exper-iences they have made a family.

FINDING THEY ARE A FAMILY

REMARKS OF DR. KARL MENNINGER
PRESENTED AT THE TWELFTH MEETING
NATIONAL ADVISORY COMMITTEE FOR
JUVENILE JUSTICE AND DELINQUENCY PREVENTION

July 12-14, 1978
Kansas City, Missouri

MR. ANDERSON: Our next speaker is Dr. Menninger. Dr. Menninger is a co-founder with his father and brother of The Menninger Foundation and Chairman of its Board of Trustees.

He serves on several other boards including that of the W. Clement and Jessie Stone Foundation in Chicago, Illinois. He is the Chairman of the Board of the Villages, Inc. of Topeka, of which he was also one of the founders.

Dr. Menninger holds twelve honorary degrees and is a member of several dozen professional, scientific, and humanitarian organizations. These reflect some of his longtime interests in medicine, psychiatry, mental health, prison reform, music, archaeology, art, conservation, ecology, and American Indians.

He has written a dozen books and participated in the writing of numerous others. His most recent book, Whatever Became of Sin?, was published in 1973.

He has received many awards and honors from professional, scientific and humanitarian organizations. Dr. Menninger was a founder and/or charter member of The Menninger School of Psychiatry, the Kansas Psychiatric Society, the Topeka Psychoanalytic Society, and later the Institute, CNPA, the American Orthopsychiatric Association, and others.

He holds six professorships in psychiatry in various university medical schools.

As a personal note, I would like to add that upon assuming the Bench and office of judge in 1970 in my home town, I read a quote from Dr. Menninger which was as follows: "There is persistent failure of the law to distinguish between crime as an accident, as an incidental explosive event, crime as a behavioral pattern expressed as chronic, unutterable rage and frustration, and crime as a business or elected way of life."

That probably guided me as much as anything in terms of how I operated as judge, and I am singularly pleased and honored at this time to introduce to you, Dr. Menninger.

(Applause.)

DR. MENNINGER: I am glad to have a big, strong judge right here to keep jurisdication over me and protect me.

Ladies and gentlemen, I was skillfully led up to this great honor and great responsibility without a very clear idea of what I was doing. I knew some of your distinguished leaders. Their names were invoked and their presence was promised, and I see some others I know, and who I hear are here. I have been chatting with some of them, telling them how happy I was that there was such an organization as this Committee and that it was taking itself this seriously, and investigating and learning some of the things that most people do not know about -- educated people and uneducated people.

I was told that to some extent, your discussions had been around this matter of treatment versus prevention, perhaps, versus custody without treatment and with uncertain prevention.

Yesterday, as a consultant at the State Diagnostic Center, I saw a man nearly 50 years old who had been in prison off and on for over 30 years. Now he had been convicted to return for another indefinite stay.

We calculated how long he had been with us and what it must have cost our state to keep him there with full room and board, to say nothing of what his wife and children have cost us, because he has a good family, he is fond of them, he or the State supports them, and we calculated what 29 years of this amounted to. It is over $300,000.

My state is not a rich state. We are careful. I do not believe the citizens of my State know that they have been taxed and relieved of $300,000 over the past 29 years, paying the room and board of this fellow that I talked with.

He is quiet and composed, polite, white, a tall man, and electrican who is known to everbody in the town in which he lives -- well, not everybody but well known to all the tradesmen and the mechanics -- and to the nearby town which is about the same size.

Now, what is the vicious crime for which my state put out $300,000 to keep this man carefully behind bars? Incidentally, we have not been very successful in keeping him behind bars because we keep releasing him and having him come back in again. The crime that he committed is not a dangerous one. It is not an expensive one. Nobody ever got hurt very much by it. Nobody ever got scared.

He does one persistent thing. To tell you what he does, I must first tell you why he does it. He is in a labor union, gets a good wage, I think he told me $6.00 an hour. His wife is a good manager, he says. She does as well as she can. They have several children. They are sending them to school.

He goes about his work, is a good workman, and is well regarded by several of the contractors for whom he works. He has a feeling someone is trying to get him. First, I should tell you that as a boy, he came under the jurisdiction of the juvenile court and was sent to jail where he stayed the better part of a year, and either then or during the next incarceration, he thinks he saw some other prisoners committing an inside crime. They knew that he saw them and they threatened to get him.

That was 30 years ago. Ever since then, he nourishes the fear that he will be reported, seen, spied upon, followed, attacked, killed, who knows what, by one of these men whose offense he witnessed.

When he becomes frightened like that, he takes all the money he has, gives it to his wife, goes to a nearby grocery store and passes a check of $30 and $40 and leaves town. Despite everybody knowing him and knowing where he goes, he is arrested within a few weeks. He is brought to trial after an expensive stay in the county jail. He is charged with half a dozen offenses.

He goes through a plea-bargaining deal with the county attorney. He goes before a judge, most of whom know him and don't know what on earth to do about him and end up by sentencing him to jail or to prison.

He then starts one of the many sentences he has served. Can you imagine how worse to treat somebody who has this kind of a propensity? Don't ask me if it is crazy to have such a delusion. I think so, although I don't think most offenders are crazy.

I think maybe he could be said to be crazy -- but then most of us are that crazy. Most of us have a few funny beliefs that probably are not so. He has one, and he blames that persistent fear of his for all the checkwriting he has done in 30 years. The checks have never been more than $100, I believe. There are dozens of them sometimes, sometimes there are two or three, and there have been 15 or 20 times. This man is costing our state $300,000 for that kind of handling.

Now, what would you have done if you had been his judge? What would you advise the diagnostic center to advise the judge to do? He wants to know.

I spent 50 or 60 years of my life treating people. I got well paid for it. If they were suffering, I relieved that suffering, and that is all doctors really are intended for, you know. Diseases are something we named, we formulated. But what the patient knows he has is not a disease; he has got pain. The pain may be in his leg and it may be in his chest and it may be in his head, but he is suffering and he wants help. We doctors offer it and we get paid for it.

Well, about a dozen years ago, I decided that I was through with that job. There are lots of men that want to do treatment. In spite of what you think about the shortage of doctors, there are many eager doctors that want to treat you, and bless them, I hope they do successfully. But I got off on another track.

Through consultation I had with a judge, not the same judge but an equally puzzled judge, he said, "Dr. Karl, what shall I do with this boy, this adolescent delinquent." The man I told you about was a delinquent once. He was under the jurisdiction of a judge that thought jail was the way to cure people. The judge sent him to jail. After that, he will have a jail psychosis all his life which costs Kansas $300,000 -- no, $300,000 for him and another $100,000 for his wife, $400,000.

Well, this judge talked to me. He says, "You have seen this boy; what would you do with him?"

"Well," I said, "it is impossible for him to live in a family like that. Could you live in a family like that?"

"No," says the judge, "I couldn't. I would run away. And that is just what he did. But what would I do with him?"

I said, "What kind of family did he run away from?"

"Well, it is a miserable family -- a hard-worndrunken father and when he isn't beating the child, the mother is."

I said, "Why don't you get him out of that."

"Well, what will I do with him?"

"Well, what crime has he committed?"

"He has not committed any; that is why I can't send him to jail."

I said, "Do you really think that would help him? Do you think that would diminish this suffering that he causes his parents or that they cause him?"

"Well, what will I do? What will I do?"

"Well," I said, "there are half a dozen mental health clinics and mental hygiene clinics and child guidance clinics, psychiatric clinics in the town. Why don't you use them?"

"They said there is nothing the matter with his mind."

I said, "Well, I'd probably agree with them, but they might give you some counsel as to what or where to place him if his behavior is impossible."

He said, "They don't know what to do with him."

"Well, let me suggest the Boys' Industrial School. That is a State institution."

"Oh, yes," he said, "but I can't send him there."

"Why not?"

"Why, he hasn't committed a crime."

"Well," I said, "can't that be arranged; can't a little crime be fixed up -- there are so many others -- with a little plea-bargaining, let us say, instead of innocent, I want to plead guilty to speeding for $10 and then we could take him?"

"Oh, yes, then we could take him."

I said, "Judge, aren't you ashamed of yourself for making use of the great law, in which I believe, for that kind of trivial nonsense."

He said, "Dr. Karl, I did not write the laws of this State, I am just trying to follow them."

I said, "What about the boy."

He said, "I would like to help the boy too, but I've got to obey the law."

"Which law," I asked him, "are you obeying today? The law of ordinary humanity or some kind of statute, some kind of statutory stipulations that you do not believe in? If you do not believe in it, why don't you get up on your hind legs and say so to the proper authorities. The public does not know you are in this bind. Why don't you tell them."

"Well, maybe I ought to, but I am too old. You young fellows can take care of some of these problems," he said. "The law is wrong, this is the wrong place for him to be in; what should I do with him?" Well, I named half a dozen places and he said that they are all running over.

I said to the welfare worker that was with him, "What do you want to do?"

He says, "I don't know what to do with him. What is more, I've got 200 more cases just like his in this county."

I said, "Let's start something," and the three of us did. We said, "Let's try to prevent some of this $300,000 indebtedness to the State. Let's try to start something that will prevent what you have got to deal with now. Not an orphan's home, not a detention home, for heaven's sake, but let's start something where these people who have gotten a wrong start get a right one."

I am an amateur nursery man and when I've got a tree that is doing badly, I transplant it. They sometimes thrive where they have been failing. I said, "Let's get some of the kids busy on helping some of the other kids and let's get a father and mother that love children and want to see them grow in this direction and not that direction."

Well, Mr. Leland will show a short film and you will see what happened with this idea, we now call the Villages. It took several years, but I went with some of my friends and I said, "Look, the State is eager to do something for these kids, but they've got nowhere to do it. Will you give me a little help on this?" The Odd Fellows helped me. The Eagles helped me. A couple of my friends in other cities helped me.

Mr. Leland is the Director of the training school for the foster parents that are in these homes, and he is going to help me today by showing a film that will tell you more than I can tell you about the Villages, and it won't be so hard on your attention. You can sit back and watch the film. It won't last but 15 minutes.

(Movie followed.)

(Applause.)

DR. MENNINGER: Well, we got ourselves in trouble with that idea. Some of the Navajo Indians came over to Topeka to see it. They asked me to come over and tell them about it, and they liked it so much that they now want to have a number of Villages on the Navajo reservation. And the Hopis have heard about it and they want some, and then the Zuni's want some because they have heard, and then the White River Apaches and the Carlos Apaches came to Topeka, so we have had quite a lot of Indian creches at Topeka to see the Villages.

We try to keep a model Village, but one or two things I will tell you even before you ask a question. Our cottage parents are in constant and continuous education for better parenting and better foster parenting. That

has been Mr. Leland's particular job. We have a really wonderful social department. It is now called something else, but that is what it is and they have supported us a great deal.

I think we have a good reputation. We have a branch or two -- they are breaking sod on one in Indiana today and we have some cottages in New York State, Texas, Washington, and several other places.

Let me summarize by saying, having been a treator all my life, a doctor treating people who complain that there was something the matter with them, I switched over and I got interested in trying to prevent some of these social disasters that I saw -- and clinical too -- by helping along with this better care of children.

We only have a few rules for the children, and one is that they must go to school; if they are having too much trouble, we will get them assistance. But they've got to go to school. Another rule is that nobody does any hitting around there.

They don't hit each other and nobody hits the children. There is no so-called "punishment." There are some penalties and reductions of spending money if they do certain things or don't do certain things -- there are some regulations of that kind -- but the Villages is not a place where anybody gets kicked, sworn at, lamblasted or cut down by elders.

On the other hand, we have house parents who make mistakes sometimes. The parents learn alot and they are getting better all the time, of course, but the idea is that if these kids did not have a good home, let's try to give some of these bad-home kids, good homes for a while.

The psychological principle about that is based very simply on the matter of revenge and retaliation -- those human actions of a destructive or even self-destructive sort. Somebody hurts somebody. Somebody hurt that man I saw yesterday as a kid, so he does a little hurting of his own, and then they hurt him back and then he does some hurting. And of course, the prisons make everybody that goes in them worse, and the jails are even worse.

Recidivists are retaliating on you for having done what you did to them. We try to break up that vicious circle. We try to tell these kids, "We are not going to hit you. We are not going to be riding you. We are going to insist that you go to school and that you obey the parents and play with the other kids without fighting." We don't say, "If you can't do that, you cannot stay," but rather, "If you can do that, you can stay; you are not going to be put out in a year or two or three; or when your foster parents move away. We are going to be right here. We are going to take care of you

as much as you want to be taken care of. If you want to go back and see those people you used to call parents, you can do so anytime you want to, when the welfare department says so, that is all right with us if you want to go, but you don't have to go. You don't have to do any of these formal things that you don't want to do. Just go to school, obey the rules in the home, be loyal to the Villages, and some further details."

I feel strongly that this matter of revenge gets overlooked. I read scientific articles about aggression, ego projection, disillusionment and narcissistic encroachment. I read journals and books like that all the time, and I will tell you something. All of my professional reading and knowledge can be summarized very simply -- kids retaliate, usually on the wrong ones. We attack those kids because we have been hurt or the school has been hurt, or the man's car has been stolen. We will punish him. We will do to him. All right.

You think you are winning? You are not winning. He retaliates for what you do to him. Oh, well, then you will get him for that retaliation, and you do, and he does again. It is tit-for-tat. It is all very nice, you know, in opera, in "Il Travotore" and all the other operas where revenge is bloody and fatal, and romantic. But revenge is a mean, hateful hard thing that exists because we participate in it. We participate in it and do not realize it.

The judges in my county, the district court judges are among the finest judges, I believe, that ever were. We have six or eight or ten; I don't know. The judges asked me recently, "You have said so much about the jail; you are making us curious. We have never been in the jail. Would you conduct us through the county jail."

I said, "I certainly will, and I will show you something that you did not know went on."

I am talking about the judges who send people there all the time. I think some of them had been there before, but they wanted me to show them what I saw. I said, "Look at that guy. What good is this jail ever going to do him? What good is he doing to do this jail? Why did you send him here?"

"Well, Dr. Karl, it says to on the books."

"Yes, I know, but why don't you write a new book? Until the last day of my life, I shall do all I can to rid the public of this terrible leech, this terrible dragon that we have inherited and made worse -- jails -- which make every criminal that enters in them, worse; prisons and jails who make it almost impossible for a good person to do any good.

The wonderful man that runs the Villages was a warden. He could not stand it. He was very successful. But he is still more successful in what he is doing now.

I want you to ask any questions you like because I could not possibly cover all of the field you are studying and you know so much more about it than I. I am merely telling you that this is my experience as a doctor and saying that it is more important to avoid injuring people and more important to prevent injuries from coming to those people from our society than it is to treat them.

And I am in the prevention business all I can be.

(Applause.)

DR. MENNINGER: In case you have any questions about the film --

MR. BELITSOS: Dr. Karl, I have an important question. This Committee at its next meeting is probably going to be addressing the question of how the serious juvenile offender should be handled and making recommendations to the Office and in Washington as to how the serious offender, the juvenile offender and the violent offender --

DR. MENNINGER: Mr. Belitsos, I am not an expert on that. I don't pose as the world's authority on what to do with our troubled children.

I just know one thing that you can do with one kind of troubled children. If a child has been so abused, so hurt, so frightened, so mishandled, so mismanaged that he gets into this category of -- what do you call them -- dangerous children?

MR. BELITSOS: Serious offenders.

DR. MENNINGER: Serious offenders. I don't know what to say to you. I would say that this is far past anything we can do -- in fairness to our other children -- in the Villages.

People who know about child behavior should be able to tell you. I can tell you what not to do with them. Don't knock them around. Don't kick them. Don't put them in a stinkhole. Don't put him in one of these terrible things that exist in almost every town called a jail where he is certain to get abused -- if not necessarily hurt -- by the guards.

I am just as concerned about those guards as I am about the prisoners. The guards have to live there too. I went with a group of them in Illinois to one of the places in Joliet. I had not seen it before and I said, "I cannot stand this smell in here, what is it?"

They said, "That is mace, doctor. We had a little trouble." When I asked when, they said, "Well, three days ago."

I said, "You mean this mace is hanging in here all this time?"

"Oh, it gets on their clothes, and it is hard to get it off."

I said, "Why don't you let them out in the air?"

"Oh," they said, "there is a rule against that this month."

I said, "What about you guys?"

"Well, we can't go down in it and stay very long."

I said, "What do you do?"

They said, "We go down and take care of our job and come back up and get a breath of air."

I said, "Do the prisoners get to do that?"

Well," they said, "no, they can't do that. But these men have to to live in that."

I have been to our county jail many times and I know the men in charge down there. My heart bleeds for them, not jut the men that they take care of. They are in a dirty, hot, ugly, noisy, crude place all day. And then they go home to their wife and children and try to be decent gentlemen. They have been taking care of these jailbirds, you know, all day.

I know what they do; I know where they have to sit. I told the judges, "Do you judges know that the men in this particular cellblock cannot even go to the men's toilet without leaving the prison and going out to the other door?"

"Well," the judges said, "that will have to be fixed," and they fixed it.

I said, "Have you no air-conditioner in here?"

"Well, no, we haven't but we did have, but it is broken."

"Well, how long has this been broken?"

The chief jailer said, "Dr. Karl, I have reported it five times, but who are we -- just a bunch of jail guards, what prestige have we in this town? We are lower than street cleaners. They just take us for granted. We are supposed to take care of all the people the judges choke in here and they know we've got twice too many."

I said, "Can't they stop it?"

He said, "I hope they can. It is our business and we will do it the best way we can, but nobody knows the kind of life we live."

Well, some people know it; I know the life they live and it is bad. I blame myself and my city for it. I think I might even blame you if I thought you had any responsibility for it.

(Laughter.)

If I thought you had anything to do with the jails being as bad as they are, I would not like you at all -- for a while.

(Applause.)

MS. SYLVESTER: What is your source of referral of receiving students?

MR. LELAND: All of our referrals are received from SRS. That is the State welfare office. At this time we do not accept any private referrals. At one time, when the Villages were first formed, we did accept some private referrals, but we chose to go with the State referrals.

MR. DAVIS: I was wondering if you would be willing to share your thoughts on the question of jurisdiction of the juvenile court over status offenders.

DR. MENNINGER: Do you mean by that, do I want some sent to jail? I do not have sufficient knowledge and experience to speak about this authoritatively. I want to get all the children out of jail, even the meanest ones. I will show you a better system than jail if you give me a chance. Then I would not have to cry.

(Applause.)

DR. MENNINGER: I will tell you who I would get to help me. I would get the chief jailer. I went one place to see a jail in a big city about like this, and the jailer said, "I do not know that I care to have you here in our jail. I saw the papers."

I said, "What did you see?"

He said, "You said some jails are worse than pigpens."

I said, "Don't you agree?"

"Well," he said, "mine isn't."

I said that I had not seen it.

He said, "You are not going to see it. If you speak too disrespectfully about the jail, I don't know as I want you to see it."

I said, "That is all right with me; I can judge what it looks like from what you say and the way you say it."

He said, "On second thought, I believe I will take you around myself."

He took me around. Everything was very automatic in that place, and he and I got stuck in an elevator. He said, "I am scared to death to ride on these things myself because it is all operated from up there and what if something goes wrong with the signal."

I said, "Well, that is a pleasant contemplation."

(Laughter.)

"Well," he said, "hell, they did not ask me when they built this place."

I said, "I don't imagine they did."

He said, "Do you think they ever ask us policemen or us jailers anything? They tell us, they don't ask us. This place was built without a bit of advice from us."

I said, "How would you have made it different?"

"Why, I would have made it so some of these guys could get out in the air once in a while and I would have built an office in here for the lawyers to sit in; they are always coming in here and I have no place for all the lawyers to sit, and I would make the temperature decent. There is no light in here except for those windows and we have to keep the window blinds pulled or it gets too hot from the sun, so take your choice. It gets over 115 in here."

I said, "Well, you have to put up with it as well as the prisoners."

He says, "You said it. Nobody else says it. They think it is good enough for us. It ain't good enough for anybody."

I said, "You are kind of getting on my side, aren't you? I thought you weren't going to let me get in here."

"Well, yeah, I didn't know you," he said, "nobody comes in here and gives us a fair deal."

I said, "What deal do you want?"

He said, "We just want to be considered. I guess most people do."

JUDGE DRISCOLL: I would like to know whether there is any maximum size that you think is optimal for this kind of facility? Yours is about 50, is that right?

MR. LELAND: You mean for our group homes?

JUDGE DRISCOLL: Yes.

MR. LELAND: We place 10 children in each home. In fact, I would like to see about 8 children per home.

JUDGE DRISCOLL: The whole thing is one unit?

MR. LELAND: Yes. Each home is almost, I use the word "autonomy." Is that what you mean?

JUDGE DRISCOLL: I mean maximum size -- the whole question of what is an institution, what is the optimum size, is one of our current concerns to say the least.

MR. LELAND: That is a good question. We believe that five would be maximum.

JUDGE DRISCOLL: Five houses of 10 each?

MR. LELAND: Five. In fact, at the home at the Villages in Lawrence, we are having two, possibly a total of three, and Bedford, Indiana is going to be two in one area.

I personally would not want to see too many group homes in one particular Village, because it will start to be and institution. But I would like to point out that with our group homes, it is almost like a residential street. Each home has a number on it. Every home has a mailbox. It has an atmosphere of a small community.

JUDGE DRISCOLL: What was the initial investment? How much does it cost in other words?

DR. MENNINGER: Well, the houses cost around $100,000 apiece. Of course, the land costs a good deal near Topeka, but land is the easiest thing to get. People want to give you the land but they usually don't want to build your houses. But once in a while if they see the need, they will.

MS. PIERCE: What is the time that the foster parents stay in your program?

DR. MENNINGER: We have not been running them long enough to say, but several years, some of them ten years, five. I don't think we've got enough to average.

MR. MCCLINTOCK: Do the house parents hold jobs outside of the Villages?

DR. MENNINGER: They may. Different arrangements are made for different individuals. Some men do not want to be house fathers, to sit around all day and wipe the dishes, mow the lawn, or things of that kind. Some want to do such as they can get done in the evenings. They might want to work downtown. Others work around the Village and do plumbing or do gardening or something.

MR. MCCLINTOCK: What is the dropout rate?

MR. LELAND: The dropout rate is almost nil. There is an occasional transfer of a child, but not often.

MR. MCCLINTOCK: How many Villages do you have in operation -- just one in Topeka right now?

DR. MENNINGER: Well, we have some of them that are affiliated with us and bear our approval, and we go in and inspect them and so forth. Then there are some that have just imitated us and then there are some that are owned by us. I can't give you a statistical review; I am not interested in statistics anyway. But you can write and get them if you want.

Now, Arthur, he can tell you; he has got this all written down. I believe there is a question in the back.

MEMBER OF THE AUDIENCE: Dr. Karl, there seems to be nationally a real feeling that any type of long foster care is going to be a bad thing; that a kid should be, within six months, either placed in his home or adopted or something like that.

DR. MENNINGER: Something like that, for most of them.

(Applause.)

I think that theory is ridiculous. Any home is better than no home; you ain't seen the homes, fellows, if you talk that way. You haven't seen the homes I have seen. You haven't seen the daughters -- fathers sexually abusing the daughters -- all of them afraid to tell their mothers, the mother knowing it, however, and afraid to attest because the husband will beat her up. Haven't you all seen any homes in the area you live?

JUDGE DRISCOLL: Yes.

DR. MENNINGER: I don't want to think I live in the only bad place in the world. We've got some families that nobody should have to live in. A child forced by the community, by the welfare department to live in some of these families, it is wrong, wrong. I would run away if I was there. Believe me, I would run away.

Do you know how many children were abandoned today? I've got it somewhere here. I think 2,100. You are going to have 4,200 more children abandoned today. What do you think of that? Their mothers go to prison. Their families are broken up in some way. You know about it; you all have had some experiences, for Heaven's sake.

I conceive of a doctor's task to be that of relieving something. I don't think of myself as a preventer of crime; I just want to be a reliever of suffering. There is too much suffering in this world, too many people hurting today. They are hurting in these families from which the children run and they are hurting after the children have run. We catch the children and hurt them worse. I am interested in all kinds of suffering, not only in the suffering from a razor strap on a child's face but also in the suffering in the heart.

I am interested in the suffering of old people that can't get anywhere on account of their shaky knees. I've got shaky knees and I've got half a dozen friends to take care of me like a poodle dog. But there are lots of old people that can't walk over to the grocery store to get grape juice or whatever it is they need. Nor do they even have the money to get it.

You know about the suffering of old people and I am concerned with that. But the old people will soon be out of it. The children are going to live and bear the marks of that suffering as they grow older and retaliate against us and we will deserve it because we haven't done all we could to lessen the suffering of those children at a time when it was administered -- not by us but by other people expecting us to fix it up. We can't fix it up that way. I think tit-for-tat goes no infinitely. I think a revengeful spirit explains nine-tenths of the criminality in this country. Vengeance.

What do you read in the paper about restitution? Do you read anything about the child expected to repay the damage, or the adult being expected to do that? Nobody suggests that to us. To the fellow I used as an example earlier, I said, "Did you pay any of that back?"

He said, "No, I often wondered why they didn't let me."

I said, "Let you pay back the money you stole by cheating somebody?"

"Yes," he said, "I could have worked and paid alot of it back. I can't help from doing it but I would like to undo it but they won't let me. They put me in jail and I don't earn anything in jail."

That is my objection to the whole system. I think we can do better. We can do better with transportation. We can do better with manufacturing. I think we could do better with this. We've got these human beings and we are put in charge of them. I think we should relieve their pain and redirect their routes -- give them a push.

THE CHRISTIAN SCIENCE MONITOR

Child crime

Community-based programs can make a difference

The drive away from jailing young offenders and toward helping them in their own communities is gaining ground in many states. A Denver program aims to improve youngsters' low opinions of themselves; in Atlanta 'street academies' place tutors in downtown neighborhoods. Second of a series of three articles.

By Ward Morehouse III
Staff correspondent of The Christian Science Monitor

Denver

Cutting through the chilling darkness of increasing child crime in the United States are a number of reassuring beacon lights — crime prevention and delinquency rehabilitation programs that work.

One of the best of these is in Denver. Since "Project New Pride" was founded six years ago by Tom James, a black Vietnam war veteran, it has been so successful in curbing child crime that the U.S. Law Enforcement Assistance Administration (LEAA) has designated it "an exemplary project" and plans to start Pride programs in six other cities.

A 1976 Denver anti-crime council study of Pride also reported the project showed "encouraging reductions in recidivism for all offenses."

Besides the atmosphere of love that a visitor here feels immediately, Pride provides children with three months of intensive daily services and nine months of daily or weekly services, as individually needed. Many of Pride's youngsters are multiple offenders and some have committed murder and rape.

The services include:

— Education. On the basis of tests, youngsters are assigned to classes in either the New Pride Alternative School or its learning disabilities branch, called Morgan Center.

— Counseling. Pride staff attempt to match children with counselors who can best meet their needs, helping them improve the poor images many of the children have of their potential.

— Employment. Job training is a key part of the program. Youngsters not only get employment experience but income — and at higher wages than many training schools pay their inmates. During a young person's first month of job training, he or she attends a job skills workshop that, among other things, explains how to fill out an employment application and teaches the rudiments of an interview.

— Cultural awareness. New Pride also introduces kids to activities outside their own neighborhoods by taking them on weekend trips, to the symphony, to theaters and sports events.

Services integrated

"Traditionally," notes an LEAA evaluation of Pride, "juvenile services have been highly specialized and fragmented. Coupled with this fragmentation was the inconsistency in the delivery of services, which consequently produced negative experiences for some youth. New Pride's approach is to integrate all services, providing comprehensive treatment to its clients."

Willy, a Chicano youth with a history of arrests for assault and robbery, has because of New Pride gone on to a productive life.

At the Morgan Center, a 13-year-old American Indian with a history of shoplifting says, "I'm pretty much over that now," adding that he already has set his sights on a career of "well drilling, or brick and stone laying and carpentry."

"I think the evidence is in," says Tom James, president of Pride. "Community diversion works if it is done properly. . . . Here we try to take a total look at the person and meet as many needs as possible. The kids themselves have such a low opinion of themselves. What I want to get across to them is that when they walk across our doors for the first time, that 'this' is different."

Although a key element of Pride's success is its leader, Mr. James believes others can handle Pride when he moves on. Denver-born Terryl Miller, Pride's project director, is one possible successor, he says, and so is Morgan Center's Jeanne Granville.

Most return to public schools

"If we can begin to show some kids some alternative ways to learn, then there's a certain motivation that takes place in them," says Miss Granville. "We have had kids who cannot get here on the bus until someone here maps the way for them."

About 55 percent of Morgan Center youth return to the public school system, and the recidivism rate is about 33 percent — low compared to most rates after incarceration.

Citywide — Denver has a population of about one-half million — Pride, Morgan Center, and other diversion and prevention projects have helped Denver buck a rising child crime trend. And while Robert March, director of juvenile court services for the Denver juvenile court praises Pride, a program called "Partners," and others, he also pats the local courts on the back.

"We're trying to reach kids before they get involved in tougher sentences," he says, explaining that the court says to a child, in effect: "You work with this agency, or you come back to court and we'll find another course of action."

Some critics of diversion programs argue that too much reliance on community programs amounts to being "soft on crime." But among those who disagree is Kenneth Foster, North Carolina's assistant director of youth services in charge of community-based programs. "The thing I rankle at most is that we're soft on crime. My reply is that the hard-line approach [incarceration] has produced our mushrooming volume of adult criminals. I consider myself just as firm a law and order person as [ex-California Governor] Ronald Reagan, but I think my way is more effective."

Massachusetts leads

Nationally, the drive away from incarceration toward a community-based approach has spread little by little, with Massachusetts leading the states. (Incarceration was studied in depth in an award-winning series appearing in The Christian Science Monitor in 1969. Since then, the shocking abuses of children found at many training schools have fueled the push for community programs.) New York, California, Florida, and Connecticut, among others, recently have begun to lean more heavily on the community-based

approach to stopping recidivism. After July 1 a new North Carolina law will prohibit the sending of juvenile status offenders (youngsters who, because of their status as children, can be referred to courts by their parents for being truant or uncontrollable) to training schools and other "secure" facilities.

In addition to Pride, other community-type programs with punch include:

• Children and Youth Development Services (CYDS). A subway ride away from tawdry Times Square, in the "Park Slope" section of Brooklyn, New York, this program operates with money from Washington, New York state and city, and a seemingly endless flow of volunteers.

Job counseling, camping, and after-school recreation are a few of the activities offered. The CYDS staff encourage parents to go to school to keep tabs on their children and meet their children's teachers. CYDS also provides a "crash pad" for youngsters who, for one reason or another, can't stay at home for a while.

A visitor to Park Slope, a racially mixed community of 70,000, may meet up with Sgt. Edward Schretzman, who runs the Park Slope precinct's youth aide unit and is constantly in touch with CYDS staff.

"We try to see if they [kids under 16] are having problems at home and if they are, we refer them to community service agencies," says the Brooklyn-born holder of a bachelor of arts degree in philosophy.

• Police Athletic League (PAL). One of the oldest juvenile programs in the U.S. is the Police Athletic League, but its crime-fighting efforts in New York, Atlanta, and other cities have been severely cut back recently because of fiscal problems.

In the Atlanta PAL there is a young man called "Grogan" who has punched so many people that the police there beam with delight about him. At this writing, Michael Grogan is the 9th ranked U.S. amateur boxing champion.

"Kids come by from the area and just watch me work out with the bag," says this youngster who has no father and who comes from a poor neighborhood. His PAL coach, Grogan says, "has been like a daddy," and even got him a job as a police "guard," monitoring the police radio for emergency calls. Although he has been offered better jobs, Grogan says he wants to stay where he is, and perhaps become a police officer himself someday and "help someone else like they helped me."

• Exodus ("Project Propinquity"). Across town from PAL is Atlanta's Exodus, Inc., which each year gives more than 1,000 inner-city kids a "way out" of poor school showings and bad behavior by bringing special tutors, social workers, police and court representatives directly to many of the city's public schools.

Exodus, which also goes under the name "Project Propinquity," has out-of-school programs, too – four "street academies" for youth who don't do well in regular school. All programs are funded by federal agencies.

"Something in the program is having a positive impact on these young people," says Fred R. Crawford of Emory University, who has studied Propinquity in depth.

Says 16-year-old Norman, rapping with a reporter at one of Propinquity's street academies: "I'm cool, I'm going to get my diploma and make myself a life."

• The Juvenile Justice Center in Watts.

Perhaps the best juvenile court in the U.S. stands on rambling South Central Avenue in Los Angeles, in the center of an area devastated by the 1965 Watts riot. With the motto "under one roof," 11 departments of government – including representatives from the city, county, and state – are collaborating on solving the problems of young people in trouble.

"The most important thing here is personal contact," says David V. Kenyon, the Los Angeles Superior Court judge who presides at the Juvenile Justice Center. To this end, Judge Kenyon's juvenile court appears to have done for the court what "Project Propinquity" has done for schools.

Surrounded by boarded-up buildings, the justice center is located where it is most needed, not in some "downtown" area. Kids are encouraged to drop by and "rap" as neighbors and friends. And Judge Kenyon says the center judges don't just "sit on the bench," but spend part of their day, often after regular working hours, "supporting the community, especially the juvenile community."

• The Youth Identity Program (YIP) in the Bronx.

Lorence Riley Jr., his brother Carlos, and other former "Black Spades" go to jail day after day – but not to serve time the way they used to. Instead these former gang members spend much of their time showing "straight" school kids the harsh realities of prison life. In "the Tombs," now an empty prison in Manhattan, Lorence tells a suburban youngster on a cell-block tour: "You'd make a nice victim for rape, you're what they call a pretty boy."

Spearheading YIP is Al Martin, a former bus driver. When a neighborhood boy was almost killed by a street gang, Mr. Martin says he asked himself: "Why doesn't somebody do something?" Then it dawned on him: "Hey, I'm somebody."

Mr. Martin has sunk $8,000 of his own money into YIP since it began in 1976. He hopes praise for YIP, such as this from former New York City Corrections Commissioner Benjamin Malcolm, may help spur more funds to bolster the small grant YIP receives from the city: "YIP is very valuable to the New York City Department of Corrections," wrote Mr. Malcolm. "It is my hope that it continues to grow and gain continuing recognition and respect."

• Restitution. Increasingly, federal and state officials are looking at the concept of "restitution" – requiring offenders to pay their victims, either in cash or in services – as a means of preventing recidivism.

Recognizing that restitution is particulary good therapy for young offenders, the U.S. Law Enforcement Assistance Administration will make $30 million available for programs of this type in the next three years.

The case of Alan, a 14-year-old Baltimore boy, helps to illustrate the way restitution generally works. Young Alan had been caught shoplifting an inexpensive watch. A policeman near the scene of the crime wrote out a special citation, used for the Baltimore County restitution program, and Alan and his parents were ordered to appear before a restitution arbitrator, an attorney, four days later.

The "victim" – the store owner – also appeared before the arbitrator. Because the watch was recovered, Alan did not owe the store owner any money. So the arbitrator asked Alan if there was a church or nursing home or community group where he could work. When Alan offered no ideas, the arbitrator sentenced him to work about 20 hours at the Patapsco State Park outside Baltimore. The store owner was satisfied, and the rangers at the park were glad to get more help.

"Every once in a while the youngster does work off what he did [stole or broke] for the victim," says Fred Schmuff, who is in charge of court services division of the Baltimore Juvenile Court. He adds, however, that this is most often the case when an item has not been recovered.

What about violent kids?

Washington

Even some advocates for community-based programs for juvenile offenders feel kids heavily disposed to violence have to be incarcerated. But the question remains: Will the community be safe if less violent youngsters are sent to community programs?

"I don't think we can do without training schools," says John Fellerath, who helps run "Tree House Inc." a group home in Chapel Hill, North Carolina, for some six delinquents with special emotional problems.

In a soon-to-be-published book entitled "Violent Delinquents," Paul A. Strasburg of the Vera Institute of Justice in Washington points out that although juvenile violence appears to be increasing, opinions are sharply divided about where to place young violent offenders.

Mr. Strasburg explains that in Trenton, New Jersey, for example, it is the policy of the court intake office (those who process a case prior to hearing) never to divert a child charged with a violent offense.

In New York City, on the other hand, 54 percent of arrests for violent crime between July, 1973, and June, 1974, were "adjusted at intake" – diverted to community-based programs.

But New York now has a statute that requires that diversion of serious felonies be approved by the director of probation. This, coupled with anti-crime legislation pending in Albany, could reduce diversions in the Empire State substantially.

Many crime experts believe this kind of action is regressive and merely a "reaction" to the problem, rather than an attempt to curb juvenile crime.

"Nationally, there are 76,000 juveniles in custody [residential custody]," reports Milton Rector of the National Council on Crime and Delinquency. "We can justify 2,560 . . . In March, Massachusetts had 79 violent youngsters in custody . . . The juvenile justice system is not the system that's going to stop violence. It's not going to do anything but react if we just keep locking kids up."

What does the record reveal in Massachusetts? Was that state right in doing away with most of its "locked" beds for children?

A report on juvenile correctional reform in the Bay State, prepared by the Center for Criminal Justice at Harvard Law School, details the "course of reforms" that have taken place in Massachusetts.

"Under the old system all detention was in secure settings," the report says. "Under the new system, in June, 1975, 56 youths were detained in secure settings, while 89 were in shelter care settings typically YMCAs, and 68 were detained in foster care."

It continues: "In the newer system, since around 80 percent of the youth are in relatively open settings with relatively low recidivism rates, the policy implication is clear: It is possible to put the majority of youth in open settings without exposing the community to inordinate danger."

W. M.

Former 'Black Spades' gang leader Lorence Riley Jr. shoots pool these days — not zip guns

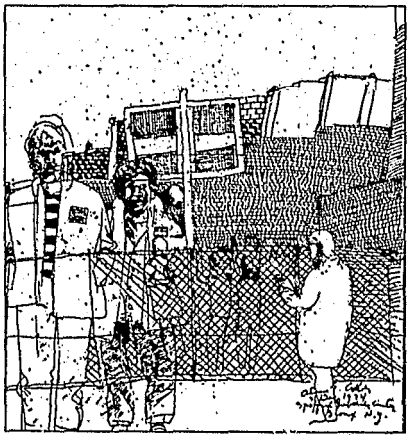
By Barth J. Falkenberg, staff photographer

How Real Is The Juvenile Crime Scare?

"Get 'em off the streets!" is the new cry in the juvenile justice system. Politicians, judges, and DAs have found an anxious public receptive to calls for a crackdown. But with reform neglected in favor of severity, juveniles are cycled through deteriorating institutions, emerging as hardened adults.

PUTTING JOHNNY IN JAIL

by Lucy Komisar



The cover showed three menacing youths clad in washed-out denims. The blade of a knife flashed in one boy's hand. "Across the U.S. a pattern of crime has emerged," declared the story inside. "A new remorseless, mutant juvenile seems to have been born... the deck is stacked in favor of the defendant...."

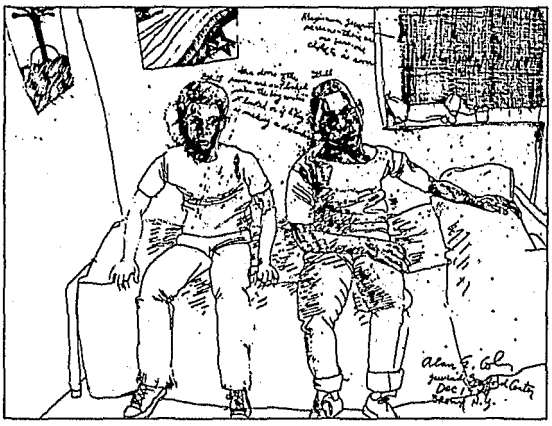
Time magazine had the answer to "the youth crime plague" it described: a tougher policy toward violent delinquents. It was the summer of 1977, and some analysts disputed that youth crime had indeed exploded, but no one had any doubts about the explosion of interest by the media and politicians.

Real or not, the "youth crime wave" (see story, page 25) has provoked stormy reaction among state legislators. In the past two years, at least 18 states have amended

Illustrations: Alan Cober

How Real Is The Juvenile Crime Scare?

Originally, the juvenile court system was set up to resemble a social agency, providing a good talking to, professional counseling, or "institution for their own good." But the general trend now is to view these youthful offenders less as children to be helped and more as criminals to be punished.



their juvenile justice codes to require minimum sentencing or waiver to adult courts for certain crimes. Half a dozen states expect to adopt similar amendments soon. And an American Civil Liberties Union study done last year by Alan Sussman found that "in virtually every state, bills have been proposed which would increase penalties for young people convicted of serious offenses."

At the forefront of this get-tough movement is the New York legislature. In 1976, it passed bills which required that juveniles charged with certain felonies be fingerprinted and photographed and their records opened to law enforcement agencies. It turned down a proposal that youths charged with homicide, rape, robbery, and serious assault be waived to adult courts at the age of 13, but it passed another bill that set minimum sentences for certain designated felonies.

Under the legislation, five-year sentences could be imposed for the Class A felonies of murder, kidnapping, and arson. Youthful offenders could be sent to a secure facility for the first year, a residential setting for the second, and could be placed in a nonresidential program for the rest of the time. The family court could discharge an offender after three years or extend the sentence another year until his 21st birthday. Class B felonies (assault, robbery, attempted murder or kidnapping) required three-year sentences similarly structured.

Then in the fall of 1976, the Timmons case exploded. When police arrested 19-year-old Ronald Timmons for beating and robbing an 82-year-old woman, he was released on $500 bail. Senator Ralph Marino, chairman of the Crime and Corrections Committee, violated the rules on youth record confidentiality to tell the press that Timmons had a long history of delinquency—67 court appearances, suspected of murdering a 92-year-old-man, in and out of state training schools since he was eight, and "known to the police and juvenile authorities as a cruel predator of old people." If the criminal court judge had had access to that sealed juvenile record, Marino charged, he would not have released Timmons back to the streets. The senator quickly won approval of a bill that established mandatory sentencing for assault against the elderly and increased maximum restrictive time from a year to a year-and-a-half.

In the 13 months from February 1977 to March 1978, 56 juveniles in New York State were sentenced to restrictive placement under the law. That was apparently not enough, and Governor Hugh Carey recommended changes to expand the list of offenses and include 13-year-olds twice found guilty of certain felonies.

"If the kids are not going to go out and commit the kinds of crimes they're supposed to commit to be restrictively placed, the state will have to go out and increase the crimes and kids covered," says the deputy director of the Vera Institute of Justice Family Court Disposition Study, Sheridan Faber.

Faber was being sarcastic, of course, but the "get-tough" forces seriously complain that some judges are counteracting the stern intent of the law. "Judges are signing off on adjustments to reduce them out of class," says Paul Macielak, counsel to Marino's committee. Because even some youths found guilty of felonies are not being sent away under that category, Marino has introduced a new bill to reduce plea bargaining in family court and make restrictive placements mandatory.

Legislators who do not trust family court judges to treat youths they only would like to remove their jurisdiction altogether. A bill in New York's hopper this year would send certain felony offenders to adult court and place them in adult jails for up to 15 years.

Such waiver laws are a key part of the "get-tough" strategy. By lowering the age at which juveniles can be sent to adult courts, many states have made it easier for juvenile courts to impose what David Howard, director of the National Juvenile Law Center in St. Louis, calls the most serious sanction a juvenile can receive. "Waiver can amount to a death penalty," he says. "The danger is not just the adult sanction they can receive, but what can happen to a young person in an adult penitentiary."

Most states allow some juveniles to be transferred to adult courts for serious offenses, several states have lowered the age for waiver, and a few have made transfers or transfer hearings mandatory in certain situations. In Arkansas, for instance, the law now allows waiver of any child charged with a misdemeanor or felony. Before, the child had to be 15 and accused of a felony. Likewise, Connecticut now permits transfer for 14-year-olds who are charged with A or B felonies and have convictions of the same magnitude on their records. Previously, waiver was allowed only for ac-

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cused murderers. Maine courts must transfer youths if violence is involved, if there is probable cause the juvenile committed the crime, and if the protection of the community requires his detention in some place more secure than a juvenile facility.

The toughness trend is not uniform, though, since some states have been careful to temper their new waiver laws with restrictions. Idaho reduced the age for waiver from 16 to 15 but stipulated that the youth must be charged with a felony instead of, as before, any criminal offense. West Virginia, which formerly allowed transfers of all 16-year-olds, now limits them to youths accused of committing violent felonies or felonies endangering the public. Similarly, Alabama, which used to allow waiver of any accused 14-year-old, now says they must be charged with felonies. And Kentucky, California, and Oregon now require judges to consider the minor's previous history, the seriousness of the offense, and his prospects for rehabilitation.

Mandatory minimum sentencing is the other chief tool that "get-tough" advocates favor to deal with serious offenders. Historically, juvenile courts have operated on the theory that they are to treat a child's "need" rather than his "deed." Whether a minor committed vandalism, burglary, car theft, arson, rape, or murder, he or she was sent away with an indeterminate sentence for "rehabilitation." As a child, he was not considered responsible for his actions; he was to be "treated," not "punished."

It followed that children should be released when they appeared to be cured. In practice, however, institutional officials sometimes got rid of difficult children and kept those who were more docile or whose parents did not want them. A Rand Corporation study published two years ago found treatment programs to be spora lic and to have limited success when they worked at all. Most of them, it said, excluded serious offenders altogether. In any event, there was no way to tell when a child had been "rehabilitated," and he could not be kept forever. Most were back home in less than a year.

Some states have been changing that practice by setting minimum sentences for serious crimes, thus limiting the discretion of juvenile judges and social agencies. In California, 16-year-olds found guilty of certain felonies can be held until 23 (two years longer than before), although they cannot be held longer than adults convicted of the same crimes. And in Colorado violent and repeat offenders must get minimum one-year sentences and cannot be released without court approval.

Other states, however, have moved to limit restrictive placements. West Virginia law says courts must give preference to the least restrictive placement and terms cannot exceed adult sentences. Pennsylvania also calls for the "minimum confinement" necessary. And youths in Oklahoma institutions must be released at 18 instead of 21.

It is true that most states have tried to design their new laws to separate the serious delinquent from the minor offender, but the legislators' patience with all juvenile delinquency is clearly running out. The general trend now is to view offenders less as children to be helped and more as criminals to be punished. "In every state I know of except Iowa, the legislative trend is regressive," says David Howard. "There's a move afoot in many states to lower the juvenile court jurisdiction age limit to 16. And there's also a move to expose juveniles to the public eye by ending the confidentiality safeguards that have existed." For instance, in Pennsylvania, information about a child charged with a second serious crime can now be released to the newspapers.

While the legislatures are passing laws designed to put juveniles away for longer terms, the courts have been moving toward granting them more due process rights. Like the move to get tough, the trend toward due process rejects the traditional way of treating youthful offenders.

Originally, the juvenile court system was set up to resemble a social agency. Juvenile offenders might need a good talking to, professional counseling, or a stay at a group home or institution "for their own good." The idea that the court was out to help the child became an excuse for ignoring due process. The judge conducted the proceedings without benefit of rules of evidence or procedure. The public was not permitted to attend or see records. Without sentencing standards, judges could be arbitrary. As an Institute for Judicial Administration/American Bar Association study found, racial and class bias intruded into decisions. Serious offenders who knew how to finesse the system could get short terms, and other youths charged with serious crimes could get longer confinements than if they had been tried before adult courts.

Beginning in the late sixties, the Supreme Court issued several decisions that gave juveniles some minimum due process rights. One of the first such cases involved 15-year-old Gerald Gault, who had been sentenced to six years in the state reformatory for making an obscene phone call. Noting that an adult would have gotten a maximum of two months, the Court held in *In re Gault* that accused juvenile delinquents are entitled to notice of charges, the right to counsel, the right to remain silent, and the right to confront and cross-examine adverse witnesses.

Later, the Court went even further. In the 1970 case of *In re Winship* it held that the standard of proof in a juvenile trial must be beyond a reasonable doubt, and in a 1975 decision, *Breed v. Jones*, it said that juveniles are protected by the double jeopardy clause.

Legal analysts think the rulings have been significant. "The system is being judicialized in a way that never seemed imaginable before," says Fred Cohen, professor of law and criminal justice at the State University of New York at Albany. "It's taking on the trappings of a mini-adult system."

Still, civil libertarians charge that the juvenile courts fall far short of granting due process rights—or justice—to youthful offenders. Rena Uviller, who heads the ACLU Children's Rights Project, says, "No matter what judges say about children's welfare, when a child is sent to a training school or a residential treatment center, he or she is being punished, often with terms longer than an adult would get for the same crime."

Without a jury trial based on the evidence rather than adjudication on a child's "best needs," claim the civil libertarians, the results of a recent Tennessee case will continue to be unexceptional. Two youths there were accused of murdering a nurse. The 16-year-old was transferred to criminal court, tried, and acquitted. But the 14-year-old, who was charged with equal culpability, was tried in juvenile court. Lacking the same right to defend himself and be judged on the evidence, he was sent to a juvenile institution, where he remains.

The ACLU calls for the same due process rights adults enjoy and for set sentences for all offenses—both serious and minor—based on the seriousness of the crime. The problem now, it says, is that some states are setting minimum sentences for the hard-core offenders without setting maximums for minor offenders.

The civil libertarian position received a substantial boost last year when the conclusions of a mammoth seven-year, 23-volume study were published by the Juvenile Justice Standards Project of the Institute of Judicial Administration and the American Bar Association. They call for a total overhaul of the system because of its demonstrated failure to either protect society or help children.

"The confusion and overreach implicit in the expectation that a court is capable of devising disposition 'in the best interest' of the child in the absence of guidelines, of reliable predictive measures of future criminal behavior, or of models for effec-

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In a recent case in Tennessee, two youths were accused of murdering a nurse. The 16-year-old was acquitted in criminal court; but the 14-year-old, comparably charged in a juvenile court where he lacked rights of evidence and self-defense, was sent to an institution, where he remains.

tive rehabilitation or treatment programs, punctured the myth of the medical model of juvenile justice," the study said. It recommended that the following basic principles guide any new standards:

1. Proportionality in sanctions based on the seriousness of the offense rather than the court's view of the youth's needs. 2. Determinate sentences. 3. Choice of the least restrictive alternative; restrictive sentences explained by the judge in writing. 4. Status offenses and victimless crimes (except narcotics possession) removed from the juvenile court's jurisdiction. 5. Visibility and accountability of decision-making instead of closed proceedings and unrestrained official discretion.

6. Right to counsel at all stages. 7. Juveniles' right to decide on actions affecting their lives and freedom unless they are found incapable of making reasoned decisions. 8. A redefined parents' role with attention paid to conflicts between their interests and the child's. 9. Limitations on detention, treatment, or other intervention before adjudication and disposition. 10. Strict criteria for waiver to adult courts.

Under the IJA/ABA standards, waiver to adult court would be permitted only for 16- or 17-year-olds who are accused of "class one" juvenile offenses (crimes for which adults would be subject to death or imprisonment for 20 years to life), who have records involving acts or threats of serious personal injury, and who cannot, according to the determination of the judge, be dealt with in juvenile facilities.

The study also advocates that youths have the right to a public jury trial and that the rules of evidence of criminal trials be used in juvenile proceedings. Proof, it says, should be beyond a reasonable doubt, and the judge should not receive social history about the defendant.

As to sentencing, the standards stipulate that juveniles be sent to secure facilities only for the most serious or repetitive offenses and only if such detention is needed to prevent them from causing bodily harm or substantial property injury. In any case, the standards say, juvenile detention centers should hold no more than 20 youths and should be co-educational or at least provide frequent social contact between boys and girls. The standards also establish set sentences for different classes of crimes. Up to 5 percent time off would be allowed for good behavior, but youth agencies would no longer be able to cut sentences dramatically because of rehabilitation or other reasons.

If the proposals are accepted by the ABA House of Delegates at its winter 1979 meeting, they will be sent to the state bar associations and likely become the basis for legislative changes. But nobody thinks that adoption by lawmakers will be easy. Already family court judges, youth service officials, district attorneys, academics, and legislators are engaged in a national debate over the standards.

The judges favor due process procedures, but they disagree strongly with the ABA proposals on disposition and treatment of status offenders. They do not want to give up their traditional jurisdiction or social work role. Judge Eugene Arthur Moore of Detroit, head of the committee on juvenile justice standards for the National Council of Juvenile Court Judges, says, "The judge should look at the offense, but in addition you have to look at the social service factor—the home, I.Q., ability to relate to others, self-control, and other factors."

The family court judges propose a compromise on sentencing as well. "The court ought to be able to set minimum periods of time," Moore explains, "but indeterminate sentences should be maintained depending on the needs of the child and subject to judicial review." The maximum penalties in the ABA standards are too short in his view. "I think two years for murder is wrong," he says. "I would suggest four or five years. If the judge wanted to reduce it, that would be the prerogative of the court."

Many judges would agree that both delinquents and the public have been ill-served by the juvenile justice system, but they believe it has never been given the resources to do the job. Justine Wise Polier, for many years a New York City family court judge, says, "I'm not defending the courts. They've been starved, inadequately manned, and never had the services they should."

Her reservation about the ABA standards is that they emphasize the offense rather than the child. "In the long run, that's not the way to put to work whatever knowledge we have on the problems of children," she says. By giving juveniles determinate sentences in institutions that don't help them, "we're just temporarily getting them out of sight when they look bad."

Juvenile agency officials agree with the judges that rehabilitation has not yet been given a fair chance. "At present there is almost no care," says Jerome Miller, a former Massachusetts and Pennsylvania juvenile corrections chief. "It's either total punitiveness or neglect masquerading as permissiveness." The danger of the civil libertarian approach, Miller claims, is that its reforms stop at proportional sentencing. He thinks people ought to also worry about what is done with offenders after they are sent away. "Dangerous kids shouldn't be out on the streets running loose," he says, "but that doesn't mean they should be in these crimenogenic institutions. For what it costs to institutionalize a kid, you can assign someone to him full time."

Agency officials and judges part company, though, when Judge Moore says that "judges should have the power to remove youngsters from the streets without state agencies being able to release them." New York State Commissioner of Youth Administration Peter Edelman replies, "Judges assume they know more than they really know in fixing the type of institution and length of time a youngster needs to spend there." In New York, Edelman's agency now makes those decisions, and he does not want it to lose that power.

Though he favors the ABA standards of determinance and fitting the sentence to the crime, Edelman wants agencies to have some discretion within those bounds, and he worries that "in getting rid of gross indeterminacy, virtually all states will be tougher than the ABA contemplates." The result, he fears, may be that kids will spend longer stretches in facilities than they should.

The district attorneys, for their part, think the courts should get tougher with serious offenders and stop picking up youths who do not belong in the system at all. They favor due process procedures but insist that some special protections for juveniles must be maintained. "The juvenile court has been run for too long as a social agency," says Robert Leonard, president of the National District Attorneys Association. "But I still believe in certain protections—the confidentiality of the juvenile court proceedings, for instance. I don't think we gain anything by opening juvenile

courts up to public view. I think we can accomplish the protection we need for the public by having the advocacy procedure strictly adhered to."

Rather than waive more cases to adult court, Leonard would prefer that adversary proceedings be used in juvenile courts. "In most cases those people who would come in to the adult court would be given probation anyway. Even if they were sent to prison, that's not going to improve the situation. They would be better helped in juvenile court where there are more facilities—social workers and psychologists."

While the ABA standards continue to be debated by those within the juvenile justice system, the Twentieth Century Fund has issued its own report calling for proportionality in sentencing with maximums fixed by legislatures, actual periods of confinement set by judges, and earlier release dates at the discretion of state juvenile authorities. The report also urged that the top sentence for the most serious crimes should be two-and-a-half years, with two years the limit for property offenses. Waiver, it says, should be allowed only where there is probable cause that a serious violent crime has been committed and where the juvenile court cannot impose the punishment deemed necessary. Similarly, the report advocates lower sentences for 18- to 21-year-olds tried in adult courts.

Amidst all the debates and proposals, about the only thing no one disputes is that the current juvenile system is not working. The media and state legislatures say get tougher, stop "mollycoddling" serious offenders and start treating them more like adults. Civil libertarians say give juveniles the due process rights of adults and stop foisting time on them in the guise of rehabilitation. The juvenile agency people agree with the need for due process, but remind critics that social workers can help kids and that offenders shouldn't simply be sent to serve time.

Aside from the philosophical differences among experts, there is the issue of institutional turf. "Everyone wants to know how changes in the law will affect them," says David Gilman, director of the ABA project. "Will they lose or gain money or power?"

In the long run, the opinions of the experts and the interest groups involved in the debate are likely to have less effect than the headlines in newspapers and the pronouncements of politicians. "The ABA input is more likely to be theoretical than real," predicts Sheridan Faber. "The politicians are running the show, and they see getting tough on crime as a way to get votes." □

Playing the Numbers Game

The typical kid who commits a crime is poor, black, or Puerto Rican, and lives in a ghetto."

"The typical kid who commits a crime may be just as likely rich or poor, white or black, suburban or city dweller."

"Youth crime is increasing." "Youth crime has been constant for years."

Which do you believe? The "experts" have evidence for all of the above. You can take your pick of variations and interpretations. The U.S. Juvenile Justice and Delinquency Prevention Act of 1974 starts out with the alarming assertion that "juveniles account for almost half the arrests for serious crimes in the United States today." In 1975, 43 percent of arrests for serious offenses involved juveniles, and youths were just under half of all persons arrested for property crimes. Thirteen- to 17-year-olds, who make up 10 percent of the population, constituted 21 percent of those arrested for violent crimes, including 32 percent of arrests for robberies, 17 percent of arrests for rapes, 16 percent for aggravated assaults, and 9 percent for homicides.

That does, indeed, sound like a youth crime wave. Of course, figures play tricks. Juveniles would undoubtedly look better in the crime statistics if other groups such as children under 13 and adults over 65 committed their fair share of crimes. And actually, juveniles arrested for serious or violent crime are a very small portion of all youths arrested. Only 4 percent of all juvenile arrests were for violent crimes, and only 10 percent of arrests for serious crimes came under the category of violent crime. The biggest increase in the arrest rate was for property crime.

But the key word in all of this is arrest. "You have to look at what they call serious crimes," says former New York Family Court Judge Justine Wise Polier. "They use the FBI listing, which is misleading. It includes anybody *charged* with an offense —not *convicted*. It's the old J. Edgar Hoover routine. It includes many young people picked up in a group and many young people charged with serious offenses which are later reduced at the police station. It's a most unreliable statistic."

Eugene Doleschal, director of the information center of the National Council on Crime and Delinquency, says, "What we have been experiencing is a crime reporting wave rather than a crime wave. The actual number of serious crimes is roughly 40 million in the United States. The FBI started many years ago with under one million and they are up to 11, so they have another 30 million to go." In the last year or two, there have actually been reporting decreases, Doleschal says, adding that census bureau victimization surveys show the crime rate to be constant.

While the Senate Subcommittee on Juvenile Delinquency found that violent crime by persons under 18 jumped 246 percent from 1960 to 1973, a Rand Corporation report commissioned by the Law Enforcement Assistance Administration attributed part of that jump to improvements in crime reporting and a third to a half of it to an increase in the numbers of young people. The Rand report pointed out that young people accounted for 24.3 percent of all crime in 1967 and 25.6 percent in 1972, "a negligible increase."

The typical picture of the juvenile delinquent as dark-skinned, poor, slinking through the alleys of tenements, may be just as false as the crime wave figures. Martin Gold and David Reimer at the Research Center for Group Dynamics at the University of Michigan have run "self-report" studies on juveniles in upper, middle, and lower socio-economic brackets. They say that the information the juveniles gave them tends to contradict official data on delinquency. In a 1972 sample of 1,600 boys and girls in 40 parts of the country, they found that the average kid whose parents are poor admitted committing 5.9 delinquent acts in the previous three years, the child of middle-class parents admitted to 7.2 delinquent acts in the same period, and the rich youth admitted to 6.6 delinquent acts. In the "seriousness index," the poor were rated at 2.8, the middle class 3.5, and the higher socio-economic group 3.1.

"Something like 20 percent of kids from all kinds of groups have committed serious crimes," says Doleschal. "It's the poor kids who are selected out for juvenile justice processing."

That view is supported by Paul Strasburg, associate director of the Vera Institute for Criminal Justice, in his recently completed study of delinquent behavior in Manhattan, Westchester County, New York, and Mercer County (Trenton), New Jersey. He cites assertions that "the variation of admitted delinquency from one neighborhood to another is far less than the variation in arrest and adjudication rates." One reason might be that pretrial diversion programs for treatment are much more common in the suburbs, where 56 percent of all cases are diverted, than in the cities, where only 43 percent are, according to an L.E.A.A. study. Thus, although suburban children may commit as many crimes, they are not recorded in the official statistics.

Strasburg concludes, however, that there is still more delinquency in slum areas—especially theft, violence, truancy, vandalism, and disorderly conduct. The difference is more a function of socio-economic status than race, according to Strasburg. He found that the violent crime arrest rate of black youths in Manhattan was seven times that of whites. The black rate for robbery was 11 times the white rate, and a higher proportion of black delinquents were chronic offenders. But this was not true at all for Westchester, where youths were better off in terms of residence, education, and health. There, the differences between black and white crime rates were negligible.

Not every authority agrees that serious crime is equally distributed even among social groups. Frank Zimring, professor of law at the University of Chicago, claims that the most serious offenses are committed by poor, minority youths who live in the ghetto. Zimring excludes aggravated assault as a serious violent crime. "That can be a fist fight in the suburbs or a shooting on the south side of Chicago," he says. People who do the self-report studies, he claims, are not talking to "the small population of deep-end kids that are counted in the official statistics.

"Victimization surveys suggest a very intense concentration of robbery in the minority dwelling areas of the biggest cities." Zimring adds that a majority of nonviolent property offenses are "very democratically distributed across the youth population."

Should we get delinquents off the streets

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to keep them from committing more crimes? In his Ford Foundation-sponsored study Paul Strasburg found that "a juvenile's prior record is of little use in predicting whether the delinquent will act violently the next time or in predicting how serious the next offense will be." He explains that, "With the exception of a small handful of hard core delinquents committed to violent crime, delinquents engage in violence only occasionally as part of an apparently random pattern of illegal behavior."

However, Strasburg's study showed that recidivists were responsible for most of the harm done. They committed nearly four times as many crimes as one-time offenders, and most serious violence was committed by repeaters. Thus, chronic offenders do not necessarily commit violent crimes, but violent criminals are generally repeaters. On the other hand, Strasburg's study says that juveniles apprehended by police go on to commit more offenses afterwards than those who are not caught. It would seem logical to try to keep the handful of hard-core delinquents off the streets, but the problem is: how do you throw out a net that catches the dangerous youths without snaring youngsters who might go straight if afforded another chance?

From reading the various studies, it becomes clear that criminologists, law enforcement officials, and social workers cannot agree on the basic facts about juvenile crime—whether it is increasing, who commits it, what remedies are most effective. The media and politicians have stepped into the confusion and played up juvenile crime with dramatic coverage and selected statistics. The resulting proposals in state legislatures more often than not rest on a foundation of emotion rather than reality. —L.K.

The Reform That Flunked

by Daniel B. Moskowitz

Liberal dissatisfaction with the way state and local authorities were treating underage delinquents and criminals ' d in 1974 to a bill that established standards for the treatment of juveniles in the criminal justice system. Under the Juvenile Justice and Delinquency Prevention Act, states were eligible for Law Enforcement Assistance Administration grants if they agreed to meet two key provisions:

- Status offenders—persons who break those laws that apply only to juveniles—were never to be locked up in jail-like facilities, but held, when necessary, in home-like shelter facilities.
- Juveniles, regardless of the crimes they were charged with or convicted of, were never to be housed, even overnight, with adult offenders.

The "commingling" rules were to take effect immediately, but the lawmakers, realizing that new community shelters would have to be set up, gave the states that enrolled in the program two years to comply with the regulations on status offenders.

The concept, of course, is that children who merely defy parental authority or curfew laws—who show society an arrogance it will accept only from adults—are not truly criminals who deserve to be behind bars. And that even children who commit violent acts against others are redeemable, but only if kept out of the influence of adults who may be dedicated to a life outside the law.

But four years later, not a single state has complied with the act's two key provisions. In fact, reporting under the law has been so slipshod that it is impossible to get a fix on just how close to complying the states are. When the General Accounting Office tried to assess how well the states were doing, it found, in a report not yet published, that no state had even checked all its detention facilities to see if status offenders were being kept there. Most of the states did not include local jails in their monitoring, and 80 percent of the states "expressed reservations about whether the state had authority to monitor some local and private facilities," according to GAO Deputy Director William J. Anderson.

Some states have tried to live up to the act's provisions. More than a dozen have passed laws requiring deinstitutionalization of juveniles charged with status offenses—or with no offenses at all—and separation of youths and adults; in Georgia, the legislation was spearheaded by a pair of legislators who had, in their teens, themselves run away from dangerous home situations. A few jurisdictions have even come close to implementing the laws. In 1975, New York opened 15 new group homes for youths who need counseling but not policing. Massachusetts has most of its status offenders out of secure facilities. "They're down to the real nutcracker kind of cases," says John Rector, former staffer for the Senate juvenile delinquency subcommittee and now head of the JD program at LEAA. "Those still behind bars are really complicated human beings who happen to be young." Rector admits that states like Massachusetts haven't made the two-year deadline because it was an "entirely too optimistic timetable."

But the bulk of the states haven't made the timetable because they haven't been trying. A handful have been honest and simply opted not to take the LEAA money. In some years, the thanks-but-no-thanks group numbered more than ten. North Carolina, Utah, and Nevada are among those now out of the program. But most have taken the money and ignored the promise.

Early this year, LEAA released the results of a survey which showed that the number of juveniles held in all kinds of detention facilities, after edging down for three consecutive years, actually started up again in the first year after the new law was passed. Of 47,000 minors in public detention facilities on June 30, 1975, only 200 were in shelters and 2,122 in group homes or halfway houses. Pennsylvania, Oregon, and Connecticut were among the states which reported that every juvenile who was being held in a public facility, regardless of the charges, was in what LEAA rates a "physically restricting environment."

When the Children's Defense Fund recently visited 449 jails in nine states, it found that 38 percent of the jails had children in them and another 9 percent sometimes had juvenile inmates, though not at the time of the CDF visit. "The overwhelming majority of children we found in adult jails were not detained for violent crimes and could not be considered a threat to themselves or to the community," the fund's report on the project says. "Only 11.7 percent were charged with serious offenses against persons." Most were in for property offenses, but 18 percent were there for status offenses and another 4.3 percent "had committed no offense at all. One boy was being held there because 'he had no place to go.' Another boy was fingerprinted and held in jail because his mother had been hospitalized and there was no other adult at home. One child was in jail for protection from her father, who was accused of incest."

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CDF thinks those findings are shocking. But not all the states agree. Several "philosophically disagree with the concept of deinstitutionalization," the National Governors' Conference committee on crime reduction told Congress last year. "They may believe that so-called status offenses are appropriate and that existing state laws should not be changed."

Nor has official Washington been consistent in pursuing reform of the juvenile justice system. The Department of Health, Education and Welfare, for instance, channels huge amounts of elementary and secondary education and vocational education money into big institutions where minors and majors and status offenders and those who have committed violent crimes are all housed together. The Commerce Department's Economic Development Administration gives local government grants to build new prisons designed to hold both adults and juveniles. Interior runs secured training schools for Indian juveniles in a program that Rector calls "one of the most scandalous in the country."

Washington also suggested to the states that it was winking at the LEAA program when the Ford administration asked for no money for the juvenile justice grants even though Congress appropriated half what the act authorized. "No one in LEAA and no one in the Department of Justice did anything to encourage the states to participate in the program," Rector says.

That much has now changed: Rector is sincere about the goals, and is trying to make the states believe him. In the case of California, he actually shut off some of the state's money. The state wasn't any worse than others in treating juveniles--some of its programs are innovative and humanistic—but it had the bad form to thumb its nose at Washington's rules rather than ignore them. California's Youth Authority handles prisoners in some cases up to the age of 25, even though emancipation in the state is now at age 18. It insisted it could lump all "youthful offenders" together, but to Rector putting 15-year-olds and 23-year-olds in the same facility is mixing juveniles and adults. Both sides have backed off from that confrontation: the state promised to end commingling by 1982, and LEAA unfroze some, but not all, of the 1978 JD money.

How fierce Rector will be with other states won't be seen for some months yet. For with the cutoff date long passed and no states in compliance, Congress last year showed just how tough it wanted to be by extending the deadlines. The lawmakers gave the states an additional year on the status offender criterion, and said getting 75 percent—not all —of the status offenders out of jails would suffice. If a state makes 75 percent, it gets another two years to find group home type facilities for the rest.

Given the way the bureaucratic clock runs and the time built in for evaluating whether a quota has been met, it will be January or February before LEAA decides whether or not the status offender rules are being violated. There's no similar deadline on separating teen criminals from their adult counterparts. But already Rector is giving out signals that he'll meet states halfway. "We've allowed for some flexibility," he admits, in defining the population that has to be deinstitutionalized. And even the 75 percent figure has some give in it: 65 percent and signs of improvement would probably satisfy LEAA. "We're talking about a rule of reason," Rector says. □

Cited for 'Intimidation'

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LEAA Workers Protest Snafu

By INDERJIT BADHWAR

Employees of the Law Enforcement Assistance Administration (LEAA) have petitioned Congress to investigate what they call mismanagement and bureaucratic inertia in their agency which have hampered federal efforts to deal with the growing problem of juvenile delinquency.

The petition has been filed in behalf of LEAA employees by American Federation of State County and Municipal Employees Local 2830.

Under the Juvenile Justice and Delinquency Act of 1974, Congress created an office within LEAA — Office of Juvenile Justice and Delinquency Prevention (OJJDP) — to coordinate efforts to deal with the problem on a nationwide scale.

The implementation of the program has come under congressional criticism, most recently from Rep. Shirley Chisholm, D-N.Y.

LEAA employees, in their 15-point petition to Congress, described "current management, staffing and fiscal approaches that do not appear to support the legislative intent of the program."

In particular, the petitioners aimed their criticisms at the OJJD administrator John Rector, who, they charge, has demoralized and "intimidated" his workers. At a recent Annual Youth Workers Conference, the administrator told participants that his office had 25 "incompetent staff members, and he urged the youth workers in attendance to write the Civil Service Commission to petition their discharge for incompetency," AFSCME said.

Rector vehemently denied that he had made public remarks about 25 incompetent employees. He told *Federal Times*: "I never said anything like that. The union used that on hearsay. I may be a presidential appointee," Rector said, "but I'm not a fool."

Frederick Becker Jr., president of Local 2830, said "this is only one of many similar charges of incompetence — many against specific staff members — that made it impossible for staff members to perform their routine professional duties."

Incompetent and inept personnel and fiscal management by Rector, the petitioners said, is the root cause of the program's failure. And they are asking Congress to investigate the following charges:

• The administrator has failed to staff numerous vacancies since January. Of three professional vacancies filled so far, two have gone to officials selected for political reasons.

• There have been no staff meetings since the fall of 1977, and even division chiefs have not been able to meet with Rector regularly. In fact, the administrator has prohibited staffers from consulting with LEAA's general counsel on a day-to-day basis for advice on grants and contracts.

• Employee workload has increased because of "excessive detail work" that is often "redundant and meaningless."

• Rector does not delegate authority in even the most routine matters and enforces an inconsistent travel policy "which ranges from complete moratoriums over longer periods of time to an erratic policy of allowing travel but not approving it in a timely enough fashion to permit rational planning."

• The administrator's decisions on grants and contracts have been "arbitrary and capricious," contract awards are delayed even after competitive procedures have been followed, and he has "circumvented established funding procedures and has solicited applications without giving potential applicants any directions on application procedures."

• OJJDP has "diverted funds" from special emphasis programs to support programs contrary to the legislation's clear intent, has not convened a meeting of the Federal Interagency Coordinating Council on Juvenile Justice in 18 months, has prevented staffers from planning with other agencies and has repeatedly canceled national advisory committee meetings.

• Rector has alienated many states "by maintaining an inflexible stance on compliance requirements that disregard local conditions and problems. He has publicly indicated to those states resisting compliance with his demands that he will transfer their funds to other states that do conform to his requirements."

• Of the $150 million allocated for FY 1978, about $56 million has been obligated to date. Of this, $50.5 million was awarded to formula grant programs, and the money went directly to the states upon approval of their plans.

Rector, the first Carter administration political appointee at LEAA told *Federal Times* that the petition was "inaccurate in specifics and groundless in all respects. I was not even on the list of people who received the union's petition. The union never once talked to me about it or to anyone else on my behalf."

As a former aide and confidante of Sen. Birch Bayh, Rector said, his activities, if anything, were pro-union. And he said he had worked hard at the Judiciary Committee during LEAA's early days to "assure that the labor community got its piece of the action at LEAA." And as a Bayh aide, he recalled, he was involved in helping AFSCME's current metropolitan area coordinator Joe Williams when Williams was trying to organize Library of Congress employees.

"I was always amenable to talk to the union on the 15 points they have raised. But they never talked to me." In fact, he noted, even as

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LEAA

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a political appointee he "opened the door to the union, and discussed procedures and mechanisms with their officers," immediately after coming aboard.

When he came to the agency "we only had 30 people in this office. It was hopelessly understaffed. I had to fight with main Justice and with the appropriations committee to create more slots." Sixty-one full-time slots were created he said.

"Naturally, we have vacancies. These are new jobs." Filling them takes time he noted, because of the various civil service requirements to be met and because of the push and pull between the unions to fill vacancies from within and the administration to attract outside talent to meet EEO goals.

Rector noted that he had "fought hard" for the creation of the statute governing the juvenile delinquency program under opposition from the Ford administration and Pete Velde, a former LEAA administrator.

And he surmised that some of the criticism of him could have come from officials within LEAA still opposed to the program. "I had to exert pressure to move the program, to move money," he said.

Contrary to allegations in the petition, he said he meets "daily" with his division chiefs. "You can ask them. I suppose some of these criticisms come with the turf. My disappointment is I didn't get a fair shake from the union."

Union President Becker said he would have "no further comment at this time."

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youth forum

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A Tool For Change

Advocacy For Youth

By Gwen Ingram

"Advocacy, in general, can be defined as the process of arguing for the rights of others. It calls for defending, maintaining or recommending a cause of another." According to the Institute for Child Advocacy, this definition of an old term is gaining new prominence on the national youth scene.

Since passage of the 1977 Amendments to the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, youth advocacy has become crucial in obtaining compliance with the act. In calling for advocacy programs aimed at improving services for youths affected by the juvenile justice system, Section 223(a) 10(D) recognizes the impossibility of assuring the rights guaranteed young people in the JJDP Act without local advocacy.

Most current youth advocacy programs demonstrate the broad context within which services have been developed. Three years ago, advocacy was defined by major national agencies as "public education." No mention here of arguing, maintaining, defending or even recommending. The danger that future programs will also ignore the action part of advocacy is great.

Urban Phenomenon

Some facts from a 1973 survey of youth advocacy programs provide a national picture of past efforts. Youth advocacy at that time was primarily an urban phenomenon, for two-thirds of all programs were located in major urban centers. Only 18 percent of these programs were more than three years old.

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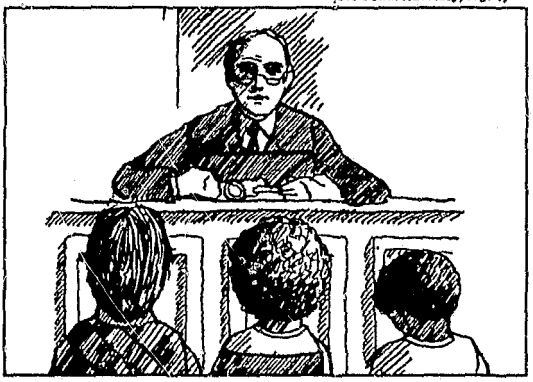

WHAT'S INSIDE

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Violence By Youths

By Eugene Doleschal and Anne M. Newton

The recent perceived upsurge of youthful violence in the United States appears to be related to coverage by the media rather than representing any real increase. Of 338,849 arrests made nationally for serious violent crime in 1976, only 20,813 (6.1 percent) were of juveniles under 15, and only 74,715 (or 22.0 percent) were of juveniles under 18. Furthermore, the more serious the crime the less was the involvement of juveniles; for instance, only 1.3 percent of all arrests for murder were of juveniles under 15, and only 9.2 percent were of juveniles under 18.

This represents a decrease, not an increase, in the number of juveniles arrested for serious violence. Arrests for serious violence of juveniles under 15 declined by 11.6 percent and of those under 18 by 12.1 percent from 1975 to 1976.

The actual incidence of juvenile violence is not known since most crimes are not reported to the authorities and a majority of those reported are not cleared by arrest. We do know that the total incidence of violent crimes, both juvenile and adult, has been reported as remaining constant over the years by national victimization surveys conducted by the U.S. Census Bureau and published by LEAA. We now have data for 1973, 1974, 1975, and 1976.

Treatment is a difficult process, and the search for better methods must continue.

During those years, the rate of victimization per 1,000 Americans aged 12 and over remained unchanged at 32. Even the fluctuations of the various subcategories of violence (as well as of property crimes) have been minor.

Tolerating Violent Youths

Research consistently supports the view that communities are willing and able to tolerate and absorb a far greater proportion of violent behavior committed by its middle- and upper-income youngsters than by those from the lower-income level.

A study of the activities and behavior of two different male gangs, suggested that, while the two groups engaged in similar levels of delinquency, both in frequency and seriousness, the lower-income gangs were perceived by police and community residents as more of a problem.

The Massachusetts Experience

The Massachusetts Task Force on Secure Facilities was established in 1977 in response to concern by the state on the issue of public security from juvenile violence. The Task Force concluded that Massachusetts' commitment to deinstitutionalized, community-based juvenile correction should be preserved and strengthened. The Task Force determined that the Massachusetts Department of Youth Services needs to provide only 100 to 130 secure treatment placements, of which 40 percent need only a light level of security.

Only 54 to 70 youths, the Task Force concluded, need a moderate or heavy level of security, even though the department already had 114 secure placements. Assuming the larger figure of 70 secure placements in a state of six million, and assuming that the U.S. as a whole needs the same ratio of secure placements, then only 2,531 secure placements for violent juveniles are needed in the entire country. At latest count (June 1974) there were 77,000 juveniles in closed public and private institutions.

Massachusetts has been an innovator in handling juvenile offenders. When the state abolished training schools, treatment of dangerous youths was transferred to the Intensive Care unit of the Department of Youth Services. Those in need of such care are highly disturbed youngsters whose actions may include self-destructive behavior, youths who have been damaged by their environment, or juveniles who act out in dangerous ways and who, in many cases, have no rational

Although Massachusetts has achieved "humane jails and some responsible programs," some articles contend that the types of intensive care programs that were envisioned have not been established. Intensive care has been beset by such problems as poorly qualified staff, lack of security, and ineffective treatment. Nevertheless, the Department of Youth Services responds to these persons by emphasizing that no one in juvenile justice has come closer to finding an answer to a proper combination of treatment and security.

Hard-Core Juveniles

Another group of programs for serious juveniles includes "concept" programs that use a therapeutic community approach in dealing with these youngsters. An example is the Elan program in rural Maine. The Massachusetts DYS used this type of program as an alternative to intensive care for serious delinquents.

The program consists essentially of work, therapy, and education. The residents are almost entirely responsible for the management and maintenance of the programs and are expected to face the consequences of their own behavior.

The approximately 200 residents, ages 14 to 18, share one common characteristic — their failure in other treatment or correctional programs. Endorsed by Massachusetts, Connecticut, and Rhode Island as well as Maine, the Elan program claims a retention rate of 90 percent and a recidivism rate of 20 percent.

Another approach to dealing with aggressive youths outside the juvenile justice system is being conducted at the Woodward Day School, which opened in Worcester, Mass., in 1970. Woodward Day School, an alternative school for aggressive adolescents ages 13 to 19 has evolved into a day care program of therapy, traditional education, and vocational training.

Day schools allow children to receive specialized treatment while living in a familiar community environment and avoid institutionalizal confinement which might deprive the children of the opportunity to develop coping skills. Alternative schools of this type may be able to interrupt the cycle of recurrent institutionalization by delivering services within a noninstitutional setting and emphasizing skills that will enhance community adjustment.

The number of juveniles arrested for serious violence has declined.

No one has found the magic pill to cure youthful violence, but several communities and institutions are searching for better ways of dealing with some violent youths in open settings. The results are mixed. Treatment is a difficult process, and the search for better methods must continue.

For additional information, see: William J. Chambliss, "The Saints and the Roughnecks," *Society*, 11(1):24-31, 1973; Pieter DeVryer, *Evaluation of Elan, November 23 to November 26, 1975*; James Kennedy and others, "A Day School Approach to Agressive Adolescents," *Child Welfare*, 55(5):712-724, 1976.

Eugene Doleschal is director and Anne M. Newton senior information analyst for the NCCD Information Center.

Bringing in the Family

By Ann Adams

"Families in Need of Supervision" (or "Families in Need of Services," or "Families with Services Needed," or "FINS") is a proposed category of juvenile court jurisdiction that is receiving serious consideration as a means of dealing with the family problems of status offenders. The FINS concept, presented in detail in the U.S. Criminal Justice Advisory Committee's Task Force Report on Juvenile Justice Standards and Goals, and currently being advocated by the National Council of Juvenile and Family Court Judges, is based on the principle that the familial and institutional environment of a status offender must be considered if that child is to be helped. Yet a critical examination of the FINS proposal will reveal the inappropriateness of applying the principle to an extension of juvenile court jurisdiction.

The Task Force Report on Juvenile Justice and Delinquency Prevention provides the most extensive explication of the FINS concept. However, the very criticisms the Task Force offers of past approaches to court treatment of status offenders appear equally applicable to its own concept of "Families with Service Needs."

The Task Force would set up an elaborate interventionist machinery for a category of cases, which, by its own admission, belongs outside the court system except in extreme cases.

Devastating Effects

In establishing FINS, the Task Force claims to be discarding the vague labels because of the "potentially devastating effects on a child." Yet the Task Force seems to ignore stigmatization. There is no reason to believe that FINS would be less stigmatizing than CHINS (Children in Need of Services) or PINS (Persons in Need of Supervision). FINS may actually be more potentially devastating since it would become attached to the whole family. FINS would extend court power and the damaging stigmatization to the entire family of the status offender, none of whom has committed any criminal act.

The Task Force also claims court intervention would take place on a "no fault" basis: blame would not be placed on the child. Nonetheless, a FINS petition would still be brought "on the basis of some specific conduct that has occurred," and the first step for determining jurisdiction would be "establishing the truth of the allegations of the behavior." This approach would appear to result in fault or blame being placed on the child.

Clearly Unsuccessful

The Task Force claims to have "acted to discard vague labels that have formed the basis for court jurisdiction and some serious abuses up to now." Yet the attempt to establish court jurisdiction for "certain *well-defined* status behaviors" (emphasis added) was clearly unsuccessful. This can be seen in the report's definitions of behaviors to be considered under the FINS jurisdiction. In the case of the "unruly" child, the court is to intervene where a child disobeys "reasonable parental demands," using only the broad guidelines that "the demand is reasonably designed to assure the good order and discipline of the family unit or the protection of the juvenile's welfare." In truancy cases, the judge is to "exercise his or her discretion to require a number [of days absent] that is high

enough to exclude the occasional day missed through caprice or impulse, but low enough to deal promptly with the problem of the habitually absent child in need of services."

In each case, clear definitions of the behaviors are lacking and the judge is to "exercise his discretion." The Task

There is no reason to believe that FINS would be less stigmatizing than CHINS or PINS.

Force's "certain well-defined status behaviors" leave the juvenile court judge, as always, with an awesome amount of discretion and few clear guidelines.

The "limited" role of juvenile court intervention into status offense cases under FINS is supposedly insured by the Task Force's repeated recommendation that "noncoercive resources for providing service be exhausted before the family court may take jurisdiction." The fact that court intervention is to occur only as a "last resort" begs an important question: If community services have been exhausted and are still unsuccessful, how can court involvement magically produce the cure?

The Task Force itself acknowledges this major problem: "If the court has no resources at its disposal to deal with the particular problem before it, assuming jurisdiction would be futile because such

"The best and most effective place to treat the major proportion of status offense cases is outside the family court system."

intervention would have no purpose." This being the case, can the court ever justify intervention?

Enforcement of the court order for the receipt of services is also an important issue. What action will the court take if the family members fail to participate cooperatively in the ordered services? Because FINS jurisdiction is founded primarily on a child's specific behavior, it seems that the child may continue to be the likely target for punitive measures should the family fail to cooperate with the court's order.

Alarming Statistics

The amount of discretion left to the juvenile court judge under the FINS jurisdiction is in many ways the most crucial issue. The past record of the juvenile courts has not been good. According to the General Accounting Office, 70 percent of females and 20 percent of males in juvenile detention and correctional facilities are status offenders. These alarming statistics reflect the results of judicial discretion.

Clearly the lesson to be learned is that judicial discretion and special jurisdictional categories are unsuccessful and may be even harmful. FINS can be expected to result in the same disappointment and problems as did PINS and CHINS.

For more information see: U.S. Advisory Committee on Criminal Justice Standards and Goals, *Juvenile Justice and Delinquency Prevention: Report of the Task Force on Juvenile Justice And Delinquency Prevention*, Washington, D.C., U.S. Government Printing Office, 1976; National Council of Juvenile and Family Court Judges, *Resolution Passed by General Membership*, July 14, 1977; Testimony of William J. Anderson, U.S. General Accounting Office, before the U.S. Subcommittee to Investigate Juvenile Delinquency, Sept. 27, 1977.

Ann Adams is a student at Kalamazoo College who prepared this paper while participating in the NCCD Washington Intern Program.

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Advocacy in Alaska

NOTE: With this issue, Youth Forum *adds a regular column which will highlight innovative or replicable alternative programs for young people. The articles are being written by Enid Kannry, Director of the NCCD Alternative Information and Referral Service.*

Youth advocacy is becoming a much-sought-after but seldom achieved goal. Alaska Youth Advocates, Inc., a private, non-profit organization located in Anchorage, is one of the exceptions. It was initiated five years ago because of the lack of non-coercive community-based services for young people and their families, and because of a concern that the rights of juveniles were not being protected. The overall philosophy of A.Y.A. is evidenced in a simple bumper sticker adorning the front window of the office. It asks, "Have you hugged your kid today?

Staff at the program attempt to reintegrate the juvenile with his family.

The program is not run merely to take the side of young people in trouble. In addition to explaining the law, staff at the program attempt to reintegrate the juvenile with his family. The idea is for the staff to act as a voice for juveniles when they need help. That means providing legal information and initial counseling for families on a short-term care. In many cases the staff works as a third party attempting to bring about a compromise.

Compiles Information

In advocating change in the juvenile justice and social service systems, A.Y.A. carries out the following activities:

- Research/Data Collection — Keeping abreast of trends and problems, researching selected issues, and disseminating information. Because of the sparsity of data collection within the juvenile justice system, A.Y.A. compiles information from all state juvenile system components and from the youth alternative service programs.
- Proposals for Change — Presenting position papers to the legislature, community groups, governmental task forces, and justice system components.
- Legislation — Proposing and working for legislative reform, and service on commissions and task forces.
- Membership in the Youth Alternative Services Network — An association designed to achieve a coordinated network of youth serving agencies, the network works to ensure better services through more thorough planning and less duplication.
- Youth Involvement — Employment of youth interns, encouragement of youth participation in special projects; the youth advisory board; and solicitation of youth opinions. All serve to ensure youth involvement.
- Community Education — Consultation (assisting groups throughout the state to develop youth serving organizations and programs), training (providing advocacy/counseling training), full use of the media, publication of information and distribution to the community and community development (holding public forums to encourage the community's interest in its own youth and family problems).

In addition to advocacy for change, A.Y.A. provides direct services. They include:

- Short-term Services — Providing referral for legal and medical services; distributing information on laws affecting young people and how the legal system operates; short-term counseling/casework, which includes exploring alternatives with young people and families; immediate problem solving; assistance in resolving difficulties with other agencies, schools, or other service programs; and providing follow-up to assure that the services provided were sufficient.
- Treatment Services — Providing assessments of individual and family problems; short-term (up to six months) treatment; referrals when long-range therapy is indicated; and follow-up services.
- Direct Community Education — Presentations before civic, community and professional groups, and in classrooms.

Linda Franklin, an AYA volunteer, discusses the formation of a youth advisory board with Mary Morrison, youth intern.

Handbook for Juveniles

As part of its "advocacy" education program, A.Y.A. has published "One Nation Under Age," a handbook on juvenile law. The handbook is being distributed statewide to youth-serving agencies as well as individuals. It is one of the best publications outlining the rights of juveniles in a particular state that AIRS has seen. The book answers frequently asked questions about juvenile laws and describes how the juvenile justice system functions. Services available to youths and their families — including crisis, medical and legal resources — are listed.

For a copy of "One Nation Under Age" (include 25 cents for postage), or for more information concerning A.Y.A., write to Alaska Youth Advocates, Inc., 835 "D" Street, Suite 105, Anchorage, Alaska 99501.

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A Growing Trend

Restitution As Punishment

Restitution programs for juvenile offenders is not a new concept, but it has been gaining prominence in recent months. The Law Enforcement Assistance Administration recently announced that it was making available to such programs $30 million during the next three years.

"With the restitution programs, juvenile offenders will have sentencing alternatives available to them," said John Rector, administrator of LEAA's Office of Juvenile Justice and Delinquency Prevention. "Restitution will not only recognize offender responsibility but will have positive rehabilitative value as well."

Restitution, as described by Rector, whose office will administer the program, would include permitting young people to return stolen merchandise or to pay in money or service for damage done through vandalism.

"In all cases," Rector said, "restitution will provide a less severe and more humane way of dealing with juvenile offenders and will aid in their rehabilitation. Restitution is one way to right the wrong done to a victim and the community. It also helps the young offender to regain self-esteem and community standing."

Required for Probation

Adding impetus to this movement toward restitution was a decision by the Supreme Court, which ruled that a youthful offender who is sentenced to probation under the Federal Youth Corrections Act may be required as a condition for probation to pay a fine or make restitution to the victim.

Such a condition was recently proposed by Chief Justice Richard J. Hughes of the New Jersey State Supreme Court, who is developing a program for the state that would require that some juvenile offenders make restitution or at least partly compensate their victims for personal injuries and property damage. According to Hughes, juveniles with relatively clean records might be turned into hardened criminals if they were sent to state institutions.

Imposing restitution is a common practice in many juvenile courts.

Also citing the danger of sending juveniles to detention homes and training schools is a recent report of the Twentieth Century Fund Task Force on Sentencing Policy Toward Young Offenders. The report recommends the expanded use of noninstitutional sanctions that impress on the offender the seriousness of his conduct but do less harm than institutionalization.

The report calls restitution a coercive exercise of state power that is imposed because the juvenile has committed serious offenses: "Open recognition of the punitive function of assigned participation in such programs seems preferable to a policy in which the rhetoric of rehabilitation is used to explain decisions that inevitably (and properly) spring in part from punitive motives."

The report reinforces the approaches of numerous judges, administrators, and professionals within the juvenile justice system. This is reflected in a recent survey by the Institute of Policy Analysis which showed a surprisingly large number of juvenile courts requiring restitution. Eighty-six percent of the 133 respondents reported that they use the sanction; of the 19 courts which did not 7 indicated that they plan to introduce the practice in the future, 6 said they lacked the statutory power to impose restitution, and 3 expressed opposition to the concept because offenders usually cannot pay. Five of the 19 said the use of restitution had been discontinued.

As the report says, "Clearly, the imposition of restitutive requirements is a common practice in juvenile courts and is not as innovative as some proponents seem to believe . . . One noteworthy example of a program overlooked in previous surveys has been operated by the Hamilton County (Cincinnati), Ohio, juvenile court since 1959. The restitution Department in that jurisdiction handled nearly 1,500 restitution cases in 1976, with 1,250 being successfully terminated."

Generally, compliance with restitution orders was found to be very good. About 70 percent of the courts covered in the report claimed compliance rates of greater than 90 percent, and only two of the courts said that more than 50 percent of the offenders failed to pay. The extent of compliance did not differ with socioeconomic characteristics of the area or with the proportion of cases in which restitution was a requirement. The report points out that only juveniles who are considered good risks are chosen for restitution, which could affect the high compliance rate.

Restitution helps the young offender regain self-esteem and community standing.

The report found that belief in the effectiveness of restitution for reducing recidivism and improving victim attitudes toward the system was high and was not confined to court personnel from white, middle-income areas who use restitution only in a limited number of cases. The degree of confidence was greater for courts that use it than for those that do not, and it tended to be higher in courts that have more types of restitution available, including work restitution and community service.

The Task Force report and the LEAA announcement indicate that restitution programs are already well established and are on their way to being expanded. Thus, restitution is becoming an accepted alternative to locking up juveniles.

For more information, see: "Restitution Requirements for Juvenile Offenders: A Survey of the Practices in American Juvenile Courts," by Peter Schneider et al., in the November issue of *Juvenile Justice*; and the Twentieth Century Fund at 41 E. 70th Street, New York, N.Y. 10021.

Youth Forum

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Youth Advocacy

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Fifty percent were publicly funded and 33 percent relied upon voluntary support. Advocacy approaches included both direct services and social action. For the most part, advocacy aimed to correct inadequate services, inaccessible programs, and the unresponsiveness of the service agency to consumer needs. Although half the advocacy programs used volunteers to supplement small paid staffs, few had no paid staff members. Unfortunately, the changes wrought by these programs were not surveyed.

The major changes since 1973 have come in the area of legal advocacy. Social workers' indignation and advocacy activities are often inadequate responses to legitimate grievances, and legal action has proven to be an effective strategy in every movement for social change in America. It is certainly indispensable for all advocates. It is also an expensive tool often not available on the local level.

Effective Strategy

The political realities of legal and other advocacy efforts are not attractive. Advocates must be willing to "fight City Hall" even though City Hall often holds the purse strings. Law suits and other forms of litigation represent a tactic that causes most agencies significant discomfort, and seldom do administrators encourage this most effective strategy.

Camp Fire Girls recently became the first national agency to identify itself as a youth advocate. Scouting USA, which is the largest private organization serving youths in this country, restricts itself to service alone. Most youth agencies are close to this latter position, but many are showing signs of succumbing to citizen pressure to use their power and influence for youths.

By combining the efforts of citizens and professionals, youth advocacy has the potential to change laws affecting the rights of youths, and to add greater legal protection of our youngsters. It may no longer be extravagant to hope that we are moving toward a time when youth advocacy will be the job of all responsible adults.

Consultants—Helping Themselves By Helping the Government

"Consulting" may have become a dirty word in Washington, but no one seems to know what it means. Here's a look at seven forms it can take.

BY JAMES W. SINGER

They're called "Beltway Bandits," accused of ripping off the government and criticized for secretly assuming the government's decision-making power.

A year ago, President Carter said, "There has been, and continues to be, evidence that some consulting services, including experts and advisers, are being used excessively, unnecessarily and improperly."

"Consultant" has become a dirty word in Washington, almost as dirty as "politician" in the rest of the country. But there's a difference: everyone knows what a politician is, but no one seems to know exactly what constitutes a consultant.

Until last month, the federal government did not have a common definition of the term. As a result, no one can say how many consultants and consulting firms are employed by the government or how much the government is spending for such services.

Last year, the Office of Management and Budget (OMB) compiled admittedly imperfect data from 64 government agencies that indicated that as of mid-1977, they had 33,926 consulting arrangements costing $1.8 billion. OMB has asked the agencies to furnish new data based on the common definition by the end of June.

OMB also has issued new guidelines for the agencies to follow when they use consultants. Lester A. Fettig, administrator of OMB's Office of Federal Procurement Policy, said the goal is not necessarily to reduce the number of consultants but to impose greater discipline on their use.

Under OMB's definition, consulting services are those of a "purely advisory nature relating to the governmental functions of agency administration and management and agency program management." The services normally are provided by persons or organizations considered to have knowledge and abilities not generally available to the contracting agency.

Regardless of how they are defined, consultants provide a wide variety of services. They analyze policy options and give management advice. They evaluate programs and sometimes they even operate programs, especially experimental ones. They furnish a wide range of technical assistance.

While the OMB definition appears broad enough to cover many kinds of firms and services, a number of firms that furnish professional services to the federal government are very sensitive about what they are called and what they do.

Clark C. Abt, founder and president of Abt Associates Inc., stresses that his company does social research but very little management consulting. Earle C. Williams, president of BDM Corp., calls his company a professional services firm. The Rand Corp. emphasizes that it is a non-profit research institution.

Yet more than 90 per cent of the work done by each of these organizations is for the federal government. No matter what they are called and how their work is described, they provide the government with the kind of professional assistance denoted by the term "consultant" and currently viewed with such suspicion.

President Carter fueled those suspicions last year when he ordered tighter controls on consulting. He charged that:

- consultants make policy decisions for the government;
- many of their studies are useless or duplicate those of other consultants;
- agencies use some consultants as full-time employees to get around agency personnel ceilings, salary ceilings or competitive hiring requirements;
- former government employees are favored with contracts from their former colleagues;
- consultants have vested interests in the outcome of the policies they study.

The General Accounting Office (GAO) added to the criticisms last fall when it reported that the government frequently hires consultants on a non-competitive basis without justification. Ordinarily, agencies must solicit bids when they seek the help of outside groups—but even then, they may reject the lowest bid if they judge that the bidder would do an inadequate job. Agencies may hire a consultant without soliciting bids only if they can show that the consultant has a unique capacity to do the desired work.

Even when agencies seek bids from consultants, government officials and consultants acknowledge, they sometimes "wire" their proposals so that a particular consultant will be chosen. Consultants sometimes are selected because they will tell the contracting agency what it wants to hear. Too many consultants are hired by government agencies at the end of the fiscal year to use up their budgets.

At the same time, consultants undoubtedly perform valuable services that the government could not provide itself. As Comptroller General Elmer B. Staats, head of the GAO, told the Senate Governmental Affairs Subcommittee on Reports, Accounting and Management last fall, "Agencies must be able to obtain highly qualified talent to cope with a great diversity of highly technical and complicated problems and programs."

Consultants can provide specialized assistance that the government does not need on a continuing basis from its own employees, Staats said. And they can provide objectivity in analyzing problems and evaluating programs.

Most firms that provide professional

services to the federal government are located in Washington and a few other cities that have an abundance of talent from colleges and universities—Cambridge, Mass., Princeton, N.J., and the San Francisco and Los Angeles areas. A number of the firms in Washington are located near the beltway that surrounds the capital—hence the name "Beltway Bandits."

Those who work for the top consulting firms are highly educated, many holding advanced degrees from the most prestigious universities in the country. They enjoy analyzing public policy but do not—often because of a distaste for bureaucracy—want to work directly for the government. Nevertheless, many of the top people move between jobs with consulting firms, the government and academia.

Contrary to the general impression, most of those who work for firms that provide consulting services to the government do not earn large amounts of money, although top management sometimes makes more than the $47,500 ceiling on civil service salaries.

Consulting firms questioned by *National Journal* reported average professional salaries ranging from $23,000 a year at BDM to $28,000 at Peat, Marwick, Mitchell & Co. The most senior professionals at most firms earn in the $40,000 to $60,000 range, while partners at Peat, Marwick make an average of $80,000.

Consultants said the salaries are not larger because the business is competitive, overhead is high and not everyone is always doing "billable" work. It can take several weeks to prepare contract proposals, they said, and the firms cannot charge for this work.

Some consulting firms, such as Arthur D. Little Inc., have been in the business for the better part of a century, while others, such as Abt and BDM, are of more recent origin. A number of consulting firms spring up one year and disappear the next.

"There are always a lot of new firms popping up—boutiques that specialize in certain areas," said Pamela A. Fenrich of Arthur D. Little. "They go great guns for a few years, but then there's a shift in policy, and they quietly fade away."

"It's a strange business," said Robert Dubinsky, a free-lance consultant in Washington who has worked for Rand, Arthur D. Little and other firms. "You have to like to travel, meet people and work in a very unstructured way. There is an ebb and flow to the work, periods of intense effort and pressure followed by periods of comparative calm."

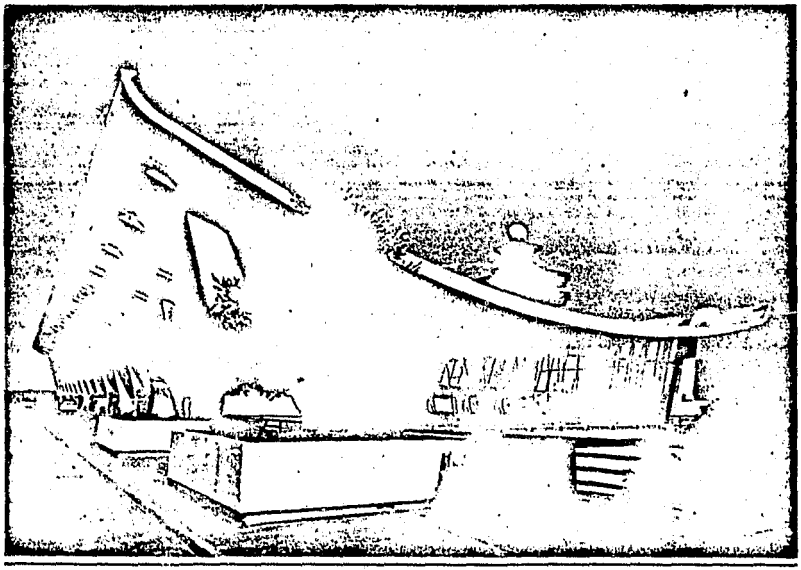
Another Washington consultant said, "The people who work as consultants to the federal government generally are aggressive and competitive. You've got to be to survive. You don't sit passively and wait for people to call—it just doesn't work that way. On every contract we've ever gotten, we've worked hard against very good competition. It's a tough business—long hours and lots of travel—but the work is challenging. There are many talented people in the field."

Beltway Bandit or dedicated expert helping the government resolve complicated public policy issues? The debate about the government's use of consultants and the value of their contribution is likely to continue for some time.

There are good consulting firms and bad ones. Some of their work is valuable and some is not. The government wastes a lot of money hiring consultants, but it saves a lot too.

"You can prove anything you want," as one consultant said. To generalize is impossible. The following pages offer seven examples of the broad range of activities that fall under an increasingly controversial label—government by consultant.

Metropolitan Washington Airports hired a consulting firm to plan the future of Dulles Airport.



Evaluating Education Programs

When Congress established the National Institute of Education (NIE) in 1972, it required that at least 90 per cent of the institute's budget be spent for studies prepared by consultants. So when Congress directed the NIE four years ago to analyze the government's compensatory education programs for elementary and secondary students, the NIE had no choice but to go outside its own staff for most of the work.

The institute contracted for some 30 studies of the compensatory education programs, at a total cost of $15 million over the past three years. The purpose: to help Congress decide whether to reauthorize the programs, which are scheduled to expire this year.

One of the consultants selected by the NIE was Abt Associates Inc., a social research firm headquartered in Cambridge, Mass. On a competitive basis, Abt was awarded a three-year, $3.7 million contract to determine the impact of altering the way in which federal aid is distributed to schools and students.

Clark C. Abt founded Abt Associates in 1965 when he rented an office over a machine shop in a Cambridge alley. For the previous five years, he had managed the strategic studies department at Raytheon Co.

Abt, who has degrees in engineering, philosophy and political science, said he started the firm because he wanted to apply social science and mathematical techniques to social programs. "Social science research concerns the combined application of many different disciplines and fields of knowledge to major social problems in objective and scientific systematic research," he wrote in a booklet about his firm's first 10 years.

Abt's Abt.

Abt said 98 per cent of his firm's work is for the federal government, most often for the Departments of Health, Education and Welfare (HEW), Housing and Urban Development (HUD) and Labor. Abt Associates, whose revenues reached about $17 million last year, employs some 700 people, including 400 professionals—economists, statisticians, computer scientists, survey sociologists, social psychologists and political scientists—in Washington, Denver, Canada and Germany as well as Cambridge.

Abt said a typical contract with the federal government for social research runs for a year, brings in $250,000 and occupies the time of five employees. The firm's largest contract, for $35 million, required it to run two housing experiments for seven years in 10 cities.

In its compensatory education study, Abt Associates has been evaluating the effects of allowing 13 school districts to change the way their federal aid is distributed to individual schools. Under current law, funds are allotted on the basis of the number of low-income students at each school.

The experimental districts were allowed to distribute their aid on the basis of the number of low achievers in their student bodies. Abt's task: to study the effect of the change on the nature of services purchased with the federal aid, the costs of the services and other factors.

Ann M. Milne, the NIE senior associate who served as the in-house director of the Abt study, said the study showed that distributing funds to schools on the basis of educational achievement rather than poverty made little difference.

Reports of the study were submitted to Congress, where aides said the work done by Abt provided Congress with information it had not had before. One staff member said the Abt study stood out from the bulk of consultant reports, which often are written in incomprehensible, pseudo-scientific jargon.

"Educational researchers are trying to look like scientists and quantify something—human conduct—that can't be quantified," the aide said. "And they talk their own language that frequently is as arcane as ancient Arabic."

One final note: the Abt study has had no particular impact on compensatory education programs. The Senate Human Resources Committee and the House Education and Labor Committee have reported bills (S 1753, HR 15) extending the programs without changing the way funds are distributed to schools.

Helping States . . .

The Office of Juvenile Justice and Delinquency Prevention does not rank as one of the best known or most powerful agencies of the federal government. As a part of the Justice Department's Law Enforcement Assistance Administration, the juvenile justice office disburses about $100 million a year to state and local governments and private groups.

In January 1977, the office awarded a two-year, $2.1 million contract to Arthur D. Little Inc., a large research, engineering and consulting firm headquartered in Cambridge, Mass. The contract, which was awarded on a competitive basis, was to provide technical assistance to a variety of agencies working to improve state and local juvenile justice systems.

John M. Rector, administrator of the juvenile justice office, said his agency decided to use a consultant because it had neither the range of skills nor the manpower necessary to do an effective job. Because Arthur D. Little has performed well, he said, the office is considering extending its contract for at least another year.

Pamela Fenrich of Arthur D. Little

"My major concern with ADL, as with all consultants, is to make sure that we set the policy and that they don't take over that function," Rector said. "That can happen, more as a by-product of circumstances than by specific design, unless government officials are careful."

Arthur D. Little earns only a fraction of its income—20 per cent of $87.5 million last year—from government contracts. About half of its revenue came from domestic corporate clients, 10 per cent from state and local

. . . Help Themselves

governments and 20 per cent from abroad.

Eight of ADL's employees were assigned to the juvenile justice project. In addition, the firm has hired some 40 persons as subcontractors to carry out particular aspects of the project.

Pamela A. Fenrich, the project director, said ADL has provided technical assistance on 220 projects in practically every state. Currently, she said, the firm is working on more than 100 projects. It has helped revise juvenile codes in Maine, Washington and the Virgin Islands; designed standards governing what should be done with juveniles when they are arrested in Texas, Georgia and South Carolina; and developed alternative educational programs for juveniles in Florida and Michigan.

Instead of helping to treat individual children, Arthur D. Little is attempting to improve juvenile justice systems.

"In addition to solving problems, we try to teach our clients how to go about solving the problems themselves," Fenrich said. "For example, if we help set up a community alternative to jail, such as a group home, we work with the people so that they'll learn the process of setting up a community program."

As a consultant to the federal government, ADL in turn has used consultants with particular skills for short periods of time. For example, Fenrich said, a man who set up a volunteer foster parent program in Florida was hired by ADL to set up the same program in New Mexico.

Anthony C. Sorrentino, former executive director of the Illinois Commission on Delinquency Prevention, said Fenrich provided valuable aid to the commission. As a new agency, the commission asked Arthur D. Little to determine whether it was getting off to a good start; Fenrich generally supported what the commission was doing.

"Sometimes consultants are counterproductive because a little knowledge can be a dangerous thing," Sorrentino said. "But Fenrich knows the juvenile justice field very well and the quality of her work was outstanding."

Robert L. Smith of the California Office of Criminal Justice Planning also praised ADL. He said a consultant retained by the firm helped Fresno find a way to raise $500,000 for a multi-purpose juvenile program.

How to Manage the Space Shuttle

The National Aeronautics and Space Administration (NASA) has big plans for the space shuttle that it is preparing to launch next year.

Unlike other spacecraft, the shuttle is designed to be sent into space over and over again for a variety of purposes—for example, to repair or retrieve orbiting satellites or to put new satellites into orbit. It will be available to private companies and foreign governments as well as U.S. government agencies.

Andrew J. Pickett, a NASA official at the Kennedy Space Center, said he expects the space shuttle to be fully tested and "operationally mature" by the middle of 1982. Then the question will become: Should NASA continue to operate the shuttle itself, or should it turn its daily operation over to a private contractor?

Lacking the expertise to answer that question itself, NASA sought the help of a consultant. "In our request for proposals," Pickett said, "we specifically said we were seeking the objectivity and experience of a large management consulting firm."

The winning proposal, for $775,000 over a period of seven months, came from Booz, Allen & Hamilton Inc., which certainly qualifies as a large management consulting firm.

Booz, Allen describes itself as "the largest worldwide professional organization of career consultants in management, technology and market research." In its most recent fiscal year, the company reported billings exceeding $100 million. It carried out some 2,400 assignments for 900 clients in 20 countries.

McCullough of Booz, Allen

R. Michael McCullough, a senior vice president with Booz, Allen, said 40 per cent of the firm's business is for domestic and foreign governments, between 25 per cent and 30 per cent of it for the U.S. government.

Last year Booz, Allen evaluated the ocean shipping division of a multinational commodities concern, designed a new suspension system for trucks and developed a system for determining staffing requirements at the Labor Department.

Booz, Allen's staff of 2,500, which includes 1,300 professionals, is divided into three major divisions—management consulting, technology management and marketing services. Its principal U.S. offices are in New York, Washington and Chicago; it is also located in four foreign countries.

To the NASA project, McCullough said, Booz, Allen assigned six of its own staff members, four full-time and two part-time. In addition, it coordinated the work of three subcontractors that were paid out of its $775,000 from NASA.

Booz, Allen submitted its report to NASA last October, recommending that NASA eventually withdraw from the daily operation of the space shuttle and confine itself to a general supervisory role. The firm proposed that the agency, using competitive bids, hire one private contractor to operate the shuttle and another to oversee the use of the spacecraft by private and public clients.

"Booz, Allen felt this arrangement would have two principal benefits," Pickett said. "They felt NASA would be less likely to become captive to any single contractor. And they felt that those who might want to use the vehicle would be better served by having a contractor, who was not directly involved in operating it, looking out for their interests."

Pickett said he felt the Booz, Allen consultants, already experienced in assessing complex management questions, quickly mastered the technical aspects of the spacecraft business. "They were objective," he said, "and I think we got our money's worth."

Pickett said the agency should make a decision on management of the space shuttle in the next six months. "I couldn't say how we'll decide the basic question," he said, "but I expect most of Booz, Allen's recommendations will be implemented."

AN INVITATION

One of the advantages of the game of collaboration, played for such high stakes, among such diverse groups—by scouts and the Junior League—is that there is a place and a time slot available for anyone who wants to help kids. They need it ... and we need them even more.

National Juvenile Justice Program Collaboration

*AFL-CIO, Department of Community Services
American Red Cross
Association of Junior Leagues
Boy Scouts of America
Boys' Clubs of America
Camp Fire Girls, Inc.
Girl Scouts of the U.S.A.
Girls Clubs of America, Inc.
JWB (Jewish Welfare Board)
*National Conference on Catholic Charities
National Council for Homemaker-Home Health Aide Services, Inc.
National Council of Jewish Women
*National Council of Negro Women, Inc.
National Council on Crime and Delinquency
National Federation of Settlements and Neighborhood Centers
*National Urban League, Inc.
The Salvation Army
Travelers Aid Association of America
National Board, Y.W.C.A. of the U.S.A.
National Council, Y.M.C.A. of the U.S.A.
*United States Catholic Conference

*As of May, 1978

For referrals, resource materials and audio-visual aids, contact:

The National Assembly of National Voluntary Health and Social Welfare Organizations, Inc.,
345 East 46th Street,
New York, N.Y., 10017

(212) 490-2900

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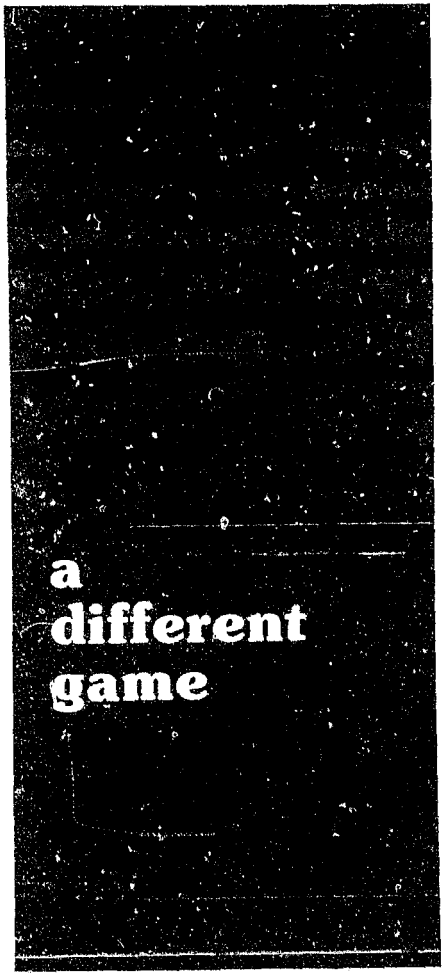

"Our mandate was not to let happen what all too often has happened in the past. That is, each organization scrambling for its own piece of the action, going its own way and tooting its own horn; seeing programs spring up unrelated to each other; continuing piecemeal planning that's not integrated, rather than working from a corporate plan that sees the community and its resources in full perspective; and perpetuating the terrible gaps between public and private sectors with each suspicious of the other."

Robert Dye, National Collaboration Chairperson & Executive Director of YMCA Urban Action & Program Division

...a different game...an active, effective means of helping young people when they first get into trouble. The name of the game...collaboration. And though the stakes are higher than anyone dares estimate, so are the benefits.

THE STAKES

More than 180,000 kids each year are forced to enter the "incubator" of the criminal justice system: Three out of four girls and one out of four boys picked up on their first arrest are charged with "crimes" for which no adult could be arrested. Running away from home or classroom, disobeying the adult responsible for them, are crimes only for those who have the *status* of minors. Hence, the label, *status offender*. Singled out, haphazardly, from most adolescents who commit exactly the same acts, these young people are detained—awaiting court hearings—too often in the same institutions with convicted or accused juvenile and adult burglars, arsonists, murderers and those guilty of other criminal offenses. The only status conferred is dubious: a good start toward a life of crime.

The learning that goes on in our institutions is phenomenal. Any eleven-year old can, within forty-eight hours, learn to pick locks, hotwire cars, shoplift without getting caught . . . In eight years on the adult bench, I sentenced hundreds of persons to prisons. Almost never did I sentence a person who did not have an extensive juvenile record—a history of being kicked out of school—a record, which usually began with a status offense.

Hon John O. Collins, Justice, Superior Court, State of Arizona.

THE STIMULUS

After years of prompting by agencies and volunteers who work closely with youth, Congress in 1974 enacted the Juvenile Justice and Delinquency Prevention Act. The first programatic result of this legislation was the commitment to deinstitutionalize the status offender. Community-based services were to be developed as alternatives to detention.

After hearing months of testimony—much of it effectively presented by youth-serving agencies—the lawmakers had been convinced that too many young people were being permanently and needlessly impaired by detention outside of supportive communities. Once labelled, research indicated that they tended to revolve in and out of prison—often ending up as hardened adult criminals. Moreover, the financial as well as the human cost was tremendous. In some regions estimates for institutional placement ran as high as $23,000 per youth per year.

By 1975, major voluntary agencies serving and advocating for the rights of youth decided to create the National Juvenile Justice Program Collaboration to help implement, in the private sector, the forward-looking youth policy that they had helped inspire. As a task force of The National Assembly of National Voluntary Health and Social Welfare Organizations, Inc., they represent 30 million urban and rural young people, 4 million volunteers, thousands of board members and 36,000 professional staff. A $1.4 million grant was awarded to The National Assembly by the Law Enforcement Assistance Administration (LEAA) to increase the capacity of these agencies to include status offenders in their service populations and to establish demonstration collaborations in five of the ten local communities where deinstitutionalization projects for status offenders were already being funded in the public sector (in juvenile courts, probation departments and youth bureaus).

The challenge was a big one. Did we want to take the risks? Did we want to expose ourselves to each other's jealousies? Did we want to have kids coming in to tell us, the experts, what to do? And we decided that we did. And it was a gutsy move.

YWCA Director

THE RECORD OF THE FIRST PHASE

In five very different communities—Spartanburg, Spokane, Tucson, Oakland and northwestern Connecticut, encompassing Danbury, Torrington and Waterbury—collaborative efforts are helping remove the labels and much of the misery of being a status offender. Advocacy programs—community workshops, radio spots, bumper stickers—have identified some of the rights and special problems of young people. Many local and nationally affiliated groups have included the so-called "bad" kids in their programs—often finding that by including them, their agency activities became more popular and relevant. The cost to involve status offenders in these programs takes less than one tenth of what it would cost to keep them in prison.

I ran away...because my father beat me when he found I went out with a certain boy he didn't like. The first night I spent in an old closed down filling station, but by the next morning it was so creepy, I just turned myself in to the police.

A 16 year-old runaway

Different regions, priorities and personalities varied the form and activities of each collaboration. Collectively, they successfully demonstrated many new models for engaging youth and protecting their rights:

- A parent drop-in center in the same building with a teen drop-in center helps parents and their children, together and individually, recognize their mutual needs and weaknesses.
- A non-traditional occupations training program for girls teaches status offenders carpentry skills, develops confidence and a wider range of job options.
- A jail watch program, staffed by volunteers from several agencies, whose checking twice a day has reduced the number of young people entering jail by 32 percent and cut down by 78 percent the number of total hours they stay, if they are put behind bars.

• An in-school suspension program, with a special classroom and understanding teachers, tutors students with behavioral problems. Attitudes and academic work improve dramatically in contrast to what happens when a suspended student drifts around on the streets lagging further behind on his assignments.

• A youth resource fair where forty agencies—staff, volunteers and youth—set up booths in a local hotel, received 500 visitors, including educators, police and the general public, as well as dozens of enrollments for programs and workshops.

• A youth law project where a fulltime attorney represents status offenders in civil court and advocates for their rights in the family, at school and in conflicts with public authorities.

• A family survival kit developed for families who do not need long-term intervention or are unwilling to accept face-to-face community services. Its easy-to-use materials cover a wide range of subjects including coping with stress and conflict, skill development, and child management techniques.

• Workshops on adolescent sexuality, alcoholism, drugs; peer counseling groups; wilderness survival training; mural designing and painting projects; and an ombudsman for schools are among the other direct services that two or more agencies sponsored.

Many of these new programs are continuing with local funding.

At home my father would get drunk and beat my mother and beat me. I had trouble at school—seemed like every minute I was awake I was doing something I didn't like. So I quit school for a while and had some fun hangin' out. When I got back to class, they made me go out and wash the employees' dishes. So I dropped out for good.

17 year-old ex-truant, now successful student YWCA Alternative school, Spokane.

THE LEARNINGS OF THE FIRST PHASE

Collaboration, like all other movements toward real change, has no known blueprint for success. But several principles have emerged from the common experience of many collaboration participants:

- Collaboration cannot exist in the abstract. Concentrating on specific services for status offenders identifies agency over-lapping, neglected populations, mutual concerns and particular rights in need of advocacy.
- Collaboration takes time. Building trust, assessing needs and existing services, sharing leadership, making shared decisions, identifying the real agendas and priorities of each organization—cannot be rushed.
- Collaboration needs neutral turf. If any one agency appears to own the effort, the group's commitment and effectiveness quickly dwindles.
- Collaboration thrives on diversity. The most effective projects often brought together agencies that had never met on common ground to work on a common problem. Advocacy agencies—non-direct service agencies—have demonstrated their effectiveness in helping direct service agencies determine policies, and commit themselves to action.
- Collaboration's greatest resource is the concerned volunteer. Key members of agency boards—often leaders in the community—have a way of breaking deadlocks and breaking new ground.

Deinstitutionalization of status offenders can function as a focus, but not as the basis of continuing collaboration. Long-term issues are the quality of services to youth....Universal competition is not the key to survival. We are not dealing with our differences here. We are trying to establish a continuity, a community.

Collaboration member, Oakland.

MOMENTUM INTO THE SECOND PHASE

Collaborating since 1975 has confirmed that the status offender is not the only category of youth in trouble who can respond to concerned community programs. Another truth borne out by collaborative experience: young people in trouble are, more often than not, members of *families* in trouble. With additional funding, the next steps in fostering collaboration will be to widen the coordination of community services to include all but the most seriously disturbed youth—and their families.

The second phase of the national collaboration effort will be launched in ten other communities and continued in the first five. Special emphasis will be placed on developing local funding sources, public and private, to increase collaborative community services for youth in need. Another major goal at all sites will be to work even more closely with public agencies to provide troubled youth with alternatives to imprisonment.

To create the climate where long range planning—real change of the criminal justice system—is possible, the National Juvenile Justice Program collaboration will also continue to form and maintain community and national advocacy programs on behalf of the status offender and other youth at risk.

Changes in climate and inadequate nervous systems doomed the dinosaur. They were large, slow, and could not respond to changing conditions. They were replaced by more quickly moving, more complex organisms which functioned in groups, which served and protected each other and which gave information vital to the security and well-being of the group.

You can remain aloof from each other and be picked off slowly by the changing social environment or you can collaborate to serve the rapidly changing needs of this community. It is in your self-interest to collaborate. It is in your self-interest to work with each other in serving the needs of so-called status offenders. It is in your self-interest to change—and you don't have a lot of time.

Hon John O. Collins, Addressing the Pima County Juvenile Justice Collaboration

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Partial contents.--Research considerations and procedures.--Analysis of the act and legislative history.--Analysis of state codes and regulations.--Optional classification criteria.--Shelter facilities.
Juvenile institutions--[U.S.] / Federal aid to law enforcement agencies--[U.S.] / Juvenile Justice and Delinquency Prevention Act
ED (Moore) LRS77-7488
LIMITED AVAILABILITY

Dimock, Edmund T.
Youth crisis services: short-term community-based residential treatment. Child welfare, v. 56, Mar. 1977: 187-195.
"A group home program to divert predelinquent youths from the juvenile criminal system requires a structured, therapeutic setting, stress on solving family problems, and community acceptance of the group homes."
Rehabilitation of juvenile delinquents--[California] / Juvenile institutions--[California]
HV 9088 U.S. A LRS77-4709

Donohue, John W.
Violent schools. America, v. 139, July 8, 1978: 10-12.
Summarizes material from the National Institute of Education's study, Violent Schools--Safe Schools. The report states that "'Many schools today have a substantial problem with crime and misbehavior. One school in 4 experiences some vandalism in a month's time; 1 in 8 has school property stolen: and 1 in 10 is burglarized.'" It recommends strong and effective school governance as the best way of dealing with the problem.
School vandalism--[U.S.] / Violence--[U.S.] / School discipline--[U.S.] / Juvenile delinquency--[U.S.]
LB 3200 LRS78-7837

Dunford, Franklyn W.
Police diversion: an illusion? Criminology, v. 15, Nov. 1977: 335-352.
Concludes "that diversion as conceptualized by its proponents is not receiving a fair test and will be rejected on the basis of programs that have been operationalized in ways inconsistent with the original intent of its early advocates."
Pretrial intervention--[U.S.] / Police services for juveniles--[U.S.] / Administration of juvenile justice--[U.S.]
HV 9088 U.S. A LRS77-16123

Empey, LaMar T.
A model for the evaluation of programs in juvenile justice. [Washington] National Institute for Juvenile Justice and Delinquency Prevention [for sale by the Supt. of Docs., U.S. Govt. Print. Off.] 1977. 15 p.
"Suggests that contemporary reformers in juvenile justice run the risk of repeating an age-old error: assuming that change can be equated with effectiveness and that modern programs will succeed where others have failed. To avoid such an error, the paper suggests that more might be done to gather knowledge on our innovations. These should be carefully evaluated rather than accepted outright as improvements over existing practices."
Administration of juvenile justice--[U.S.] / Evaluation research (Social action programs)--[U.S.]
HV 9088 U.S. A LRS77-3668

Emrich, Robert L.
The safe school study report to the Congress: evaluation and recommendations: a summary of testimony to the House Education and Labor Subcommittee on Economic Opportunity. Crime & delinquency, v. 24, July 1978: 266-276.
Asserts that "overall, the Safe School Study is a clear, thoughtful, and thorough report. In general, its findings may be accepted as trustworthy. Yet there are also many serious deficiencies, of such a character as to impeach the accuracy of the more detailed findings and to suggest that serious errors may have been made within the study. For this reason, only the very broad findings should be regarded as trustworthy."
Educational surveys--[U.S.]--Evaluation / School vandalism--[U.S.]--Research / School security--[U.S.]--Evaluation
LB 3200 LRS78-8004

Grier, Margaret C.
Can the justice system meet the challenge? Youth Authority quarterly, v. 30, summer 1977: 18-21.
"Recent legislation and case decisions in California have, and will, substantially impact the operation of statewide justice system agencies and how they can deal with adult and juvenile clients. The author finds that legislation should not limit the search for a variety of methods to provide community protection and individual rehabilitation."
Administration of criminal justice--[California]--State laws
HV 9088 U.S. A LRS77-11832

Heal, Kevin.
Misbehaviour among school children: the role of the school in strategies for prevention. Policy and politics, v. 6, Mar. 1978: 321-332.
Examines "the extent to which variation in the self-reported misbehaviour of 470 [British] primary school children depends upon which school they attend. The conclusion is reached that while the school exerts some influence over the behaviour of its pupils, the total influence of the school is too small to support the view that the school has a central role to play in prevention."
Schools--[Gt. Brit.]--Research / Juvenile delinquency--[Gt. Brit.]--Research
HV 9088 For. LRS78-6408

Higgins, Thomas.
The crime costs of California early minor offenders: implications for prevention. Journal of research in crime and delinquency, v. 14, July 1977: 195-205.
"Explores some of the costs of crime attributable to the typical target of delinquency prevention programs and draws some implications for prevention efforts."
Juvenile delinquency--[California]--Economic aspects / Delinquency prevention--[U.S.]--Costs
HV 9088 U.S. A LRS77-10351

Juvenile justice standards project: symposium. New York University law review, v. 52, Nov. 1977: 1014-1135.
Partial contents.--Protecting the rights of minors: on juvenile autonomy and the limits of law, by I. Kaufman.--The judge and the social worker: can arbitrary decision making be tempered by the courts?, by M. Lowry.--Judicial control over noncriminal behavior, by A. Sussman.--Paternalism, prevention, and punishment: pretrial detention of juveniles, by M. Guggenheim.--Delinquency dispositions under the juvenile justice standards: the consequences of a change of rationale, by P. McCarthy.--The penal model of juvenile justice: is juvenile court delinquency jurisdiction obsolete?, by S. Wizner and M. Keller.
Administration of juvenile justice--[U.S.]--Standards / Juvenile courts--[U.S.]--Standards / Arrest--[U.S.]
HV 9088 U.S. A LRS77-21505
LIMITED AVAILABILITY

Juvenile justice: symposium. Boston University law review, v. 57, July 1977: 677-795.
Partial contents.--Status offenders need a court of last resort, by L. Arthur.--Why jurisdiction over status offenders should be eliminated from juvenile courts, by O. Ketcham.--"Family autonomy" or "coercive intervention"? Ambiguity and conflict in the proposed standards for child abuse and neglect, by R. Bourne and E. Newberger.--Accountability in the child protection system: a defense of the proposed standards relating to abuse and neglect, by R. McCathren.--The disposition process under the juvenile justice standards project, by S. Fisher.
Administration of juvenile justice--[U.S.] / Juvenile courts--[U.S.]
HV 9088 U.S. A LRS77-16987
LIMITED AVAILABILITY

Katz, Al.
Teitelbaum, Lee E.
PINS jurisdiction, the vagueness doctrine, and the rule of law. Indiana law journal, v. 53, fall 1977: 1-34.
Article focuses on both delinquency and PINS statutes dealing with ungovernable children and tries to demonstrate that the parent-child relationship cannot be undertaken consistently with the rule of law.
Administration of juvenile justice--[U.S.] / Parent and child--[U.S.]
HV 9088 U.S. A LRS77-21219

Katzeff, Paul.
Equal crime: teen-age girls are getting in on the delinquency act. Boston magazine, v. 69, Dec. 1977: 107-108, 206, 208-210.
Analyzes the increase in crime by young women and recounts the lack of adequate programs to help them.
Women criminals--[Boston] / Juvenile delinquency--[Boston] / Administration of juvenile justice--[Boston]
HV 9088 U.S. A
LRS77-16684

Ketcham, Orman W.
National standards for juvenile justice. Virginia law review, v. 63, Mar. 1977: 201-219.
Article "consider[s] six of the Standards' more important modifications in the philosophy, legal theory, and social goals of the juvenile court movement [and] ten significant new rights that the Standards accord to juveniles."
Juvenile courts--[U.S.] / Administration of juvenile justice--[U.S.] / Jurisdiction--[U.S.]
HV 9088 U.S. A
LRS77-7741

Krajick, Kevin.
Independence High: a school for delinquents. Corrections magazine, v. 3, Dec. 1977: 45-48.
Independence High in Newark, N.J., has developed a program for keeping problem kids in school and out of trouble.
Rehabilitation of juvenile delinquents--[New Jersey] / Educational innovations--[New Jersey] / Delinquency prevention--[New Jersey]
HV 9088 U.S. A
LRS77-16115

LaKind, Elizabeth D.
Sussman, David W. Gross, Richard.
Knowledge of police and court procedures and respect for the law: a survey. Journal of criminal justice, v. 5, winter 1977: 329-337.
Presents a brief survey of the development of a separate juvenile justice system and concludes "that by relying on informal channels of communication about its role, the court does not meet its obligation to educate the public."
Administration of juvenile justice--[U.S.] / Juvenile courts--[U.S.]
HV 9088 U.S. A
LRS77-19766

Little (Arthur D.) inc.
Cost and service impacts of deinstitutionalization of status offenders in ten states: "responses to angry youth." [Washington, Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, 1977] 61 p.
Examines "public and private responses to a particular kind of youth in trouble, the status offender. Status offenders are minors brought to the attention of courts because they are runaways, truants, or are considered ungovernable or incorrigible. ... The clear trend toward dealing with these children and youth in community settings rather than institutions...is evidenced everywhere. Responses to these angry youth are increasingly focused on help within small, close to home settings, using a wide array of social services."
Problem children--[U.S.] / Community-based corrections--[U.S.] / Community-based corrections--[U.S.]--Costs
ED (Moore)
LRS77-21331
LIMITED AVAILABILITY

Lundman, Richard J. Scarpitti, Frank R.
Delinquency prevention: recommendations for future projects. Crime & delinquency, v. 24, Apr. 1978: 207-220.
"A review of forty past or continuing attempts at the prevention of juvenile delinquency leads to the nearly inescapable conclusion that none of these projects has successfully prevented delinquency. After briefly examining the results of previous projects, the authors discuss a series of nine recommendations for future projects. These recommendations include separation of implementation and evaluation, enrichment or abandonment of the individual treatment approach, diversification of evaluative measures, and greater sensitivity to the rights of the juvenile subjects involved in future projects."

Lundman, Richard J. Sykes, Richard E. Clark, John P.
Police control of juveniles. Journal of research in crime and delinquency, v. 15, Jan. 1978: 74-91.
Concludes that "most police encounters with juveniles arise in direct response to citizens who take the initiative to mobilize the police to action, ... the probability of arrest increases with the legal seriousness of alleged juvenile offenses, as that legal seriousness is defined in criminal law for adults," and "the probability of arrest is higher for juveniles who are unusually respectful toward the police and for those who are unusually disrespectful."

MacDonald, Douglas Aird.
Forecasting juvenile delinquency trends in the state of Utah. Intermountain economic review, v. 8, fall 1977: 66-71.
Develops a model to forecast juvenile delinquency referrals in Utah.

Margosian, Michael. Cissna, Heather Scott.
Good grievance! Is this procedure appealing? Youth Authority quarterly, v. 30, spring 1977: 18-22.
Evaluates California's Ward Grievance Procedure and how it fits into both the justice model of corrections and the treatment and rehabilitation theory.

Marino, Ralph J.
New York's juvenile criminals: a call for trial by adult courts. Trial magazine, v. 13, Feb. 1977: 25-27.
"Until this year, New York has been reverently modifying its Family Court in small particulars until that core component of its crime-control system now lacks any relevance to the critical problem of juvenile crime. Its citizens, and in particular its senior citizens, have announced they will no longer bear the burden of victimization while their officials tinker with a juvenile justice system that has collapsed."

Lundman, Richard J.
Scarpitti, Frank R.
Delinquency prevention: recommendations for future projects. Crime & delinquency, v. 24, Apr. 1978: 207-220.
"A review of forty past or continuing attempts at the prevention of juvenile delinquency leads to the nearly inescapable conclusion that none of these projects has successfully prevented delinquency. After briefly examining the results of previous projects, the authors discuss a series of nine recommendations for future projects. These recommendations include separation of implementation and evaluation, enrichment or abandonment of the individual treatment approach, diversification of evaluative measures, and greater sensitivity to the rights of the juvenile subjects involved in future projects."
Delinquency prevention--[U.S.]--Research / Evaluation research (Social action programs)--[U.S.]
HV 9088 U.S. A LRS78-3473

McCarthy, Francis Barry.
Should juvenile delinquency be abolished? Crime & delinquency, v. 23, Apr. 1977: 196-203.
"Delinquency jurisdiction should be removed from the juvenile court and be allowed to revert to the criminal courts, where many interests which are highly valued in our society can be protected more fully."
Juvenile courts--[U.S.] / Administration of criminal justice--[U.S.]
HV 9088 U.S. A LRS77-2668

Miller, M. Eugene.
Montilla, M. Robert.
Corrections in the community. Newton, Va., Newton Pub. Co. [c1977] 291 p.
Partial contents.--Management of community-based correctional programs.--Community vs. institutional treatment for juveniles.--Special offender groups.--Innovative resources for community corrections.--Halfway houses.--Evaluation of correctional programs.
Community-based corrections--[U.S.] / Probation--[U.S.] / Juvenile corrections--[U.S.] / Halfway houses--[U.S.] / Parole--[U.S.] / Corrections--[U.S.]--Evaluation
ED (Saxon) LRS77-20007
LIMITED AVAILABILITY

Miller, Walter.
The rumble this time. Psychology today, v. 10, May 1977: 52-54, 56, 58-59, 88.
"Youth gangs aren't 'back.' They never went away, except in the media. What's new is, their wars are growing deadlier. And the enemy is us."
Juvenile delinquency--[U.S.]
HV 9088 U.S. A LRS77-4716

Morash, Merry A.
Anderson, Etta A.
Impact assessment: a technique for evaluating criminal justice programs. Criminal justice review, v. 2, fall 1977: 23-33.
"Reports on a study which employed the technique of social impact assessment to examine the effect of a change instituted by a juvenile justice probation and court agency on police operations. The change was the introduction of a citation procedure for making juvenile misdemeanor arrests and an arbitration session for carrying out the initial screening of cases.... The conclusion drawn from the discussion of the utility of such research is that impact assessment is a technique particularly well suited to identifying unexpected and/or unwanted effects of a program innovation on other parts of the justice system."
Administration of juvenile justice--[Maryland] / Evaluation research (Social action programs)--[Maryland]
HV 9088 U.S. A LRS77-18373

Murphy, Suzanne.
A year with the gangs of East Los Angeles. Ms., v. 7, July 1978: 56-64.
Presents women members' comments about gang life in the Mexican American barrio of East Los Angeles.
Mexican Americans--[East Los Angeles] / Minority women--[East Los Angeles] / Women criminals--[East Los Angeles] / Juvenile delinquency--[East Los Angeles] / Community life--[East Los Angeles]
JV 6201 U.S. E Mexicans LRS78-7532

Murray, Charles A.
Thomson, Doug. Israel, Cindy B.
UDIS: deinstitutionalizing the chronic juvenile offender. Washington, American Institutes for Research, 1978. 222 p.
"AIR-58000-12/78-BS"
Reports on the Unified Delinquency Intervention Services (UDIS) in Cook County, Illinois.
Includes executive summary.
Rehabilitation of juvenile delinquents--[Illinois] / Administration of juvenile justice--[Illinois]
ED (Moore) LRS78-2729
LIMITED AVAILABILITY

O'Brien, Kevin E.
Juvenile diversion; a selected bibliography. 2d ed. [Washington] National Institute of Law Enforcement and Criminal Justice] 1977. 72 p.
Pretrial intervention--[U.S.]--Bibliography / Juvenile courts--[U.S.]--Bibliography
ED (Moore) LRS77-12260
LIMITED AVAILABILITY

Ohlin, Lloyd E.
Miller, Alden D. Coates, Robert B.
Juvenile correctional reform in Massachusetts: a preliminary report of the Center for Criminal Justice of the Harvard Law School. Washington, National Institute for Juvenile Justice and Delinquency Prevention, for sale by the Supt. of Docs., U.S. Govt. Print. Off. [1977] 116 p.
Partial contents.--Radical correctional reform: a case study of the Massachusetts youth correctional system, by L. Ohlin, R. Coates, and A. Miller.--Community-based corrections: concept, impact, dangers, by R. Coates.--Subcultures in community-based programs, by C. McEwen.--An exploratory analysis of the recidivism and cohort data, by R. Coates, A. Miller, and L. Ohlin.--Neutralizing community resistance to group homes, by R. Coates and A. Miller.--Some observations on the conceptualization and replicability of the Massachusetts reforms, by A. Miller, L. Ohlin, and R. Coates.--Preliminary thoughts on generalizing from the Massachusetts experience.
Juvenile institutions--[Massachusetts]
HV 9088 U.S. C LRS77-3665
LIMITED AVAILABILITY

Pitchess, Peter J.
Juvenile justice changes. Youth Authority quarterly, v. 30, summer 1977: 13-17.
"Takes a look at the impact of recent legislation and case law and finds that what has been done can lead to new problems which require new solutions."
Administration of juvenile justice--[California] / Juvenile courts--[California]
HV 9088 U.S. A LRS77-11831

Quay, Herbert C.
Love, Craig T.
The effect of a juvenile diversion program on rearrests. Criminal justice and behavior, v. 4, Dec. 1977: 377-396.
A pretrial intervention program in Pinellas County, Fla. compared 436 juveniles who were diverted from the criminal justice system with a control group of 132 juveniles who were treated by other means. Only 25% of the treated group were rearrested as compared to 64% in the control group.
Administration of juvenile justice--[Florida] / Pretrial intervention--[Florida]--Evaluation / Evaluation research (Social action programs)--[Florida]
HV 9088 U.S. A LRS77-20161

Rector, John M.
Juvenile justice: a congressional priority. Judicature, v. 61, June-July 1977: 8-14.
Analyzes the provisions of the Juvenile Justice and Delinquency Prevention Act.
Administration of juvenile justice--[U.S.]--Law and legislation / Juvenile Justice and Delinquency Prevention Act
HV 9088 U.S. A LRS77-8431

Second annual juvenile law thematic journal. Pepperdine law review, v. 5, summer 1978: whole issue.

Partial contents.--Procedural due process in the discipline of incarcerated juveniles, by A. Breed and P. Voss.--Criminals without crime: the dilemma of the status offender, by L. Blum.--Child abuse victims: are they also victims of an adversarial and hierarchial court system? by L. Adler.--Stay no longer: California juvenile court sentencing practices, by S. Lightholder.

Juvenile corrections--[U.S.] / Due process of law--[U.S.]--Legal cases / Parent and child--[U.S.]--Legal cases / Juvenile delinquency--[U.S.] / Administration of juvenile justice--[U.S.] / Child abuse--[U.S.] / Children's rights--[U.S.]

L Per. LRS78-6628

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The Serious juvenile offender; proceedings of a national symposium held in Minneapolis, Minnesota on September 19 and 20, 1977. [Washington] Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration [1978] 185 p.

Partial contents.--The serious juvenile offender: notes on an unknown quantity, by F. Zimring.--Systems of control and the serious juvenile offender, by J. Miller.--Aftercare and the serious delinquent: alternative strategies, by R. Tennyson.--The serious or violent juvenile offender--is there a treatment response?, by S. Goins.--The legal response to the "hard-core" juvenile--the offender or the offense, by B. Feld.--The prediction of violent behavior in juveniles, by J. Monahan.

Juvenile delinquency--[U.S.] / Juvenile corrections--[U.S.] / Rehabilitation of juvenile delinquents--[U.S.] / Administration of juvenile justice--[U.S.]

HV 9088 U.S. A LRS78-5630

LIMITED AVAILABILITY

Tyd, John M.
Constitutional challenges to New York's youthful offender statute. Fordham urban law journal, v. 5, spring 1977: 475-491.
Comment "examine[s] the youthful offender statute and its 1975 amendment in light of Drummond and the conflicting lower court decisions."

U.S. Congress. Conference Committees, 1977.
Juvenile justice amendments of 1977; conference report to accompany H.R. 6111. [Washington, U.S. Govt. Print. Off.] 1977. 24 p. (95th Cong., 1st sess. House. Report no. 95-542)
Also appears as 95th Cong., 1st sess. Senate. Report no. 95-368.

U.S. Congress. House. Committee on Education and Labor.
Compilation of the Juvenile Justice and Delinquency Prevention Act of 1974 as amended through Oct. 3, 1977. Washington, U.S. Govt. Print. Off., 1977. 39 p.
At head of title: 95th Cong., 1st sess. Committee print.

U.S. Congress. House. Committee on Education and Labor.
Juvenile Justice and Delinquency Prevention Amendments of 1977; report together with supplemental views including cost estimate of the Congressional Budget Office to accompany H.R. 6111. [Washington, U.S. Govt. Print. Off.] 1977. 58 p. (95th Cong., 1st sess. House. Report no. 95-313)

U.S. Congress. House. Committee on Education and Labor. Subcommittee on Economic Opportunity.
Juvenile Justice and Delinquency Prevention Act amendment of 1977. Hearing, 95th Cong., 1st sess., on H.R. 1137 and H.R. 6111. Apr. 22, 1977. Washington, U.S. Govt. Print. Off., 1977. 383 p.

U.S. Congress. House. Committee on Education and Labor. Subcommittee on Economic Opportunity.
Oversight hearing on safe school study. Hearing, 95th Cong., 2d sess. Jan. 24, 1978. Washington, U.S. Govt. Print. Off., 1978. 430 p.

U.S. Congress. House. Committee on Science and Technology. Subcommittee on Domestic and International Scientific Planning, Analysis and Cooperation.
Research into violent behavior: overview and sexual assaults. Hearings, 95th Cong., 2d sess. Jan. 10-12, 1978. Washington, U.S. Govt. Print. Off., 1978. 934 p.
"No. 64"

U.S. Congress. Senate. Committee on the Judiciary.
Juvenile Justice Amendments of 1977; report on S. 1021. Washington, U.S. Govt. Print. Off., 1977. 135 p. (95th Cong., 1st sess. Senate. Report no. 95-165)
Juvenile delinquency--[U.S.]--Law and legislation
HV 9088 U.S. A LRS77-5300
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U.S. Congress. Senate. Committee on the Judiciary. Subcommittee to Investigate Juvenile Delinquency.
Drugs in institutions. Hearings, 94th Cong., 1st sess., pursuant to S. Res. 72, section 12. Volume I. July 31 and Aug. 18, 1975. Washington, U.S. Govt. Print. Off., 1977. 717 p.
The abuse and misuse of controlled drugs in institutions; volume I: Interstate placement and traffic in children and their drugging.
Chemotherapy--[U.S.] / Juvenile institutions--[U.S.] / Mental care facilities--[U.S.] / Adoption--[U.S.] / Custody of children--[U.S.] / Hyperactive children--[U.S.]
RBC 3079 LRS77-1067
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Extension of the Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415). Hearing, 95th Cong., 1st sess., on S. 1021 and S. 1218. Apr. 27, 1977. Washington, U.S. Govt. Print. Off., 1978. 229 p.
Juvenile delinquency--[U.S.]--Law and legislation / Federal aid to law enforcement agencies--[U.S.]--Law and legislation / Administration of juvenile justice--[U.S.] / Runaway children--[U.S.]--Law and legislation / U.S. Law Enforcement Assistance Administration. / Juvenile Justice and Delinquency Prevention Act
RBC 1725 LRS78-2024
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U.S. General Accounting Office.
Learning disabilities: the link to delinquency should be determined, but schools should do more now, Departments of Justice and Health, Education, and Welfare; report to the Congress by the Comptroller General of the United States. [Washington] 1977. 70 p.
"GGD-76-97, Mar. 4, 1977"
States that "the Department of Health, Education, and Welfare should develop prevalence rates of children having learning disabilities, determine the resources needed to combat the problem, and develop procedures so that such children are adequately diagnosed and treated."
Learning disabilities--[U.S.] / Juvenile delinquency--[U.S.]
RBC LRS77-1887

U.S. General Accounting Office.
Reevaluation needed of educational assistance for institutionalized neglected or delinquent children; report to the Congress by the Comptroller General of the United States. [Washington] 1977. 67 p.
"HRD-78-11, Dec. 19, 1977"
"Describes the problems faced by institutionalized neglected or delinquent youths and suggests ways to enhance the effectiveness of Federal educational assistance made available for them."

U.S. General Accounting Office.
Removing status offenders from secure facilities: Federal leadership and guidance are needed; report to the Congress by the Comptroller General of the United States. [Washington] 1978. 80 p.
"GGD-78-37, June 5, 1978"
Discusses "problems the States are having in removing status offenders from detention and correctional facilities and presents ... recommendations on how to deal with those problems. Removal of status offenders from such facilities is required of participating States by the Juvenile Justice and Delinquency Prevention Act."

U.S. National Criminal Justice Information and Statistics Service.
Children in custody: a report on the juvenile detention and correctional facility census of 1973. [Washington, For sale by the Supt. of Docs., U.S. Govt. Print. Off.] 1977. 143 p.
"No. SD-JD-2F"
"This report, treating the Nation as a whole, presents findings based on the 1973 Juvenile Detention and Correctional Facility Census and on data selected for comparison purposes from the corresponding 1971 census. It provides an analysis of the characteristics of the Nation's public non-Federal residential facilities for juvenile offenders, with special reference to change occurring during the period between the two censuses."

U.S. National Criminal Justice Information and Statistics Service.
Children in custody: advance report on the juvenile detention and correctional facility census of 1975. Washington, For sale by the Supt. of Docs., U.S. Govt. Print. Off., 1977. 39 p.
"SD-JD-4"

U.S. National Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention.
Abuse and neglect. [Washington] National Institute for Juvenile Justice and Delinquency Prevention [1977] 209 p.
At head of title: A comparative analysis of standards and state practices.
"...cover[s] a wide range of issues related to laws governing child abuse and neglect."

U.S. National Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention.
Court structure, judicial and non-judicial personnel, and juvenile records. Vol. III. [Washington] National Institute for Juvenile Justice and Delinquency Prevention, Office of Juvenile Justice and Delinquency Prevention [1977] 78 p.
At head of title: A comparative analysis of standards and state practices.
Partial contents.--Positioning.--Juvenile or family court.--Qualifications of judges.--Assignment of judges.--Selection of judges.

U.S. National Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention.
Jurisdiction--delinquency. [Washington] National Institute for Juvenile Justice and Delinquency Prevention [1977] 55 p.
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"...contains a series of eight comparative analyses which explore a number of closely related issues regarding the appropriate scope of the juvenile or family court's jurisdiction over delinquency cases."

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Jurisdiction--status offenses; a comparative analysis of standards and state practices. [Washington] U.S. Law Enforcement Assistance Administration [1977] 78 p.
Partial contents.--Jurisdiction over status offenses.--Truancy and other school-related misbehavior.--Runaway.--Conduct dangerous to self or others.--Conduct which imperils a juvenile's morals.

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At head of title: A comparative analysis of standards and state practices.
Partial contents.--Dispositional authority.--Duration of disposition.--Dispositional procedures.--The right to treatment for juveniles.--Intake guidelines.

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Police-juvenile operations. Vol. II. [Washington] National Institute for Juvenile Justice and Delinquency Prevention [1977] 109 p.
Partial contents.--Police roles and responsibilities.--Developing delinquency prevention policy.--Police cooperation with other agencies.--Police arrest authority.--Policy authority to protect juveniles.--Applicability of the laws of arrest.--Police discretion.--Guidelines for police intercession.--Legal and procedural guidelines for intercession.--Court review of police guidelines.--The organization of police-juvenile operations.

U.S. National Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention.
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U.S. National Task Force to Develop Standards and Goals for Juvenile Justice and Delinquency Prevention.
Preventing delinquency. Vol. I. [Washington] National Institute for Juvenile Justice and Delinquency Prevention, Office of Juvenile Justice and Delinquency Prevention [1977] 173 p.
At head of title: A comparative analysis of delinquency prevention theory.
Partial contents.--Comparative analysis of social control theories of delinquency--the breakdown of adequate social controls.--Comparative analysis of subcultural theories of delinquency--delinquency as a subculture.--Comparative analysis of psychological theories of delinquency.--The biological bases of delinquent behavior.--Labeling theory.

Wagner, Robert.
The system listens but does not hear. Criminology, v. 15, Feb. 1978: 431-441.
"Attempts to pinpoint some of the reasons why institutions are unable to meet the challenge of delinquency in our society. On the one hand, impediments are inherent to the institutional system; on the other, due to outside forces and factors, they are beyond the control of the institution. Patchwork attempts to shore up a sagging, outmoded system are futile. The facets that perpetuate the present system are identified, and some of the decisions required to build a new system of child care are noted."
Juvenile institutions--[U.S.] / Rehabilitation of juvenile delinquents--[U.S.]
HV 9088 U.S. C LRS78-1367

Welsh, Ralph S.
Delinquency, corporal punishment, and the schools. Crime & delinquency, v. 24, July 1978: 336-354.
"There is a growing trend in this country to blame youth crime on parental overpermissiveness. Available data fail to support this and show that all types of crime, including school crime, develop within families and school systems emphasizing aversive and authoritarian discipline techniques. ... It is suggested that a national effort be made to discourage the use of corporal punishment as a socially acceptable child-rearing technique. Since corporal punishment tends to produce both fear and anger, its continued use in the schools can only be counterproductive to the learning process."
School discipline--[U.S.] / School vandalism--[U.S.] / Child abuse--[U.S.] / Juvenile delinquency--[U.S.] / Teacher-student relationships--[U.S.] / Minority students--[U.S.]
HV 9088 U.S. A LRS78-8002

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