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ABSTRACT

This record of the testimony presented to the Subcommittee to Investigate Juvenile Delinquency of the Committee on the Judiciary concerns the problem of the juvenile status offender in Iowa. Running away, truancy, defiance of and refusal to submit to parental authority and promiscuity are defined and treated as status offenses. This problem is viewed from the different perspectives of (1) the Civil Liberties Union, (2) a U.S. senator, (3) a judge, (4) a law professor, (5) a probation officer, (6) family services, (7) the crime commission, and (8) program specialists. (BN)

JUVENILE STATUS OFFENDER

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HEARING

BEFORE THE

SUBCOMMITTEE TO INVESTIGATE JUVENILE DELINQUENCY

OF THE

COMMITTEE ON THE JUDICIARY UNITED STATES SENATE

NINETY-FIFTH CONGRESS

FIRST SESSION

JUNE 25, 1977

DES MOINES, IOWA

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CONTENTS

APPENDIX

JUVENILE STATUS OFFENDER

SATURDAY, JUNE 25, 1977

U.S. SENATE,
SUBCOMMITTEE TO INVESTIGATE
JUVENILE DELINQUENCY OF THE
COMMITTEE ON THE JUDICIARY,
Des Moines, Iowa.

The subcommittee met, pursuant to notice, at 9:30 a.m., in the Polk County Courthouse, Des Moines, Iowa, Hon. John C. Culver (chairman of the subcommittee) presiding.

Present: Senator Culver.

Staff present: Josephine Gittler, chief counsel.

STATEMENT OF HON. JOHN C. CULVER, A U.S. SENATOR FROM IOWA

Senator CULVER. The U.S. Senate Judiciary Subcommittee To Investigate Juvenile Delinquency will now come to order. The purpose of today's hearing is to hear testimony concerning the problem of the so-called juvenile status offender.

Juvenile courts in Iowa, as elsewhere, presently have jurisdiction over juvenile status offenders. Status offender is a term applied to juveniles who engage in noncriminal behavior which is nonetheless regarded as undesirable or lacking in propriety. Running away, truancy, defiance of and refusal to submit to parental authority, and promiscuity are typically defined and treated as status offenses.

The problem of juvenile status offenders, particularly runaways, is a large and disturbing one in this Nation today. It is estimated that there are from 700,000 to 1 million runaway youths each year in America.

Juvenile status offenders are often dealt with by the police, courts, and corrections process of the juvenile justice system. Unfortunately, there is a great deal of evidence that such handling has not been effective; and the people that have been submitted to that experience, often suffer permanently damaging legal, social, and economic consequences as a result of that process.

Perhaps the most disturbing aspect of current treatment of status offenders is the fact that many are detained in adult jails or other secure facilities for long periods of time under undesirable conditions before or during court processing of the cases. Moreover, a substantial number of juveniles who are found by the court to be status offenders are ultimately sentenced to training schools or other secure institutions.

The Subcommittee To Investigate Juvenile Delinquency, of which I have recently assumed the chairmanship, has a long history of concern about the treatment of status offenders. This subcommittee was responsible for the drafting of the Juvenile Justice and Delinquency Prevention Act of 1974, which made Federal funds available for

programs to help status offenders and improve State juvenile justice systems. In this act Congress placed extremely high priority on removal of status offenders from secure facilities and institutions. Congress specifically required that all States receiving grants under the act were to assure that within a given period of time no status offenders would be locked up in secure facilities and institutions.

I cannot overemphasize the importance of finding alternative solutions to traditional ways of handling status offenders. Our success or failure will have a direct bearing on our Nation's ability to control the alarming rise of serious crime in the years ahead. Moreover, the social waste of precious human resources entailed in failure to meet the needs of these noncriminal but problem children is something that should be considered unacceptable in a civilized society. I think the problem of runaways also is fundamentally significant. It points up the needs in our society for reexamination of our own values as a people, the role of the family, the problems of parental alcoholism, child abuse, the inadaquacy of flexibility in our educational systems, and in terms of an imaginative approach to the special problems of certain youth. Most importantly we must determine whether or not this society can afford opportunities of employment, can deal with the problems of poverty and discrimination, and whether or not we can develop alternative social services that are properly coordinated to meet this challenge.

I do think this whole status offender issue is symptomatic of a more basic illness in American life today.

The specific purpose of today's hearing, which is one of a serious nature, is to inquire into the nature and extent of the status offender problem here in Iowa and to inquire into how this problem is being handled in our State with a view to determining what the Federal Government has done, is doing, and should do to help States such as Iowa deal with the status offender problem more effectively and equitably.

In light of the number of witnesses who are scheduled to testify today and the limited time available for the hearing, the subcommittee will impose a 10-minute limitation on the questioning of each witness. In order to insure that each witness has ample time to provide the subcommittee with testimony, the hearing record will remain open for sufficient time for the witnesses to provide the subcommittee with additional written statements or respond to questions that we may wish to additionally propound to them. The hearing record will then, of course, remain open for the responses to those questions.

Our first witness is Representative Thomas Higgins. Representative Higgins has been the vice chairman of the Interim Study Committee on Juvenile Justice of the Iowa General Assembly, and was floor manager of House file 248, which constitutes a complete revision of the Iowa Juvenile Code which was passed by the Iowa House of Representatives during this last session. We are delighted to have you with us this morning.

STATEMENT OF HON. THOMAS HIGGINS, A REPRESENTATIVE IN THE STATE LEGISLATURE OF IOWA, DES MOINES, IOWA

Representative HIGGINS. Thank you very much, Senator Culver. I want to thank you for the opportunity to speak here today. The subject of these hearings has been the paramount concern of my legislative career, and this is a particularly appropriate time for it to be

receiving national attention. Being familiar with your own long devotion to individual rights and welfare of society, I am particularly pleased that you have assumed the major responsibility in the Senate for legislative action in this area.

Present Iowa law that applies to the so-called status offenders may be found in chapter 232 of the Iowa Code. It defines a status offender as one who is "uncontrolled by his parents, guardians, or legal custodian by reason of being wayward or habitually disobedient or who habitually deports himself in a manner that is injurious to himself or others." I want to stress parenthetically that that line which is sexist is lifted from the code. It is not my own.

These definitions are found under the title "Child in Need of Assistance," which also includes the definitions for abused, neglected, dependent, and abandoned children. Prior to action taken by the last general assembly, status offenders were defined and treated as delinquents. As such, many of them were incarcerated in the two State training schools at Eldora and Mitchellville. Acting, however, upon the stimulus provided by the Federal 1974 Juvenile Justice Act, the legislature stopped the labeling of status offenders as delinquents and forbade their placement at the training schools.

While this was a valuable improvement over previous law, it was certainly not enough, nor as we shall see, did it fully satisfy the requirements of the 1974 act. In 1973, I approached the legislative council with a request for an interim study of Iowa's juvenile justice system. The topic was assigned, and has been the object of continuing study by the legislature during the ensuing years. It resulted not only in the aforementioned legislation, but also the passage in the house last year of a comprehensive revision of Iowa's Juvenile Code, which treats status offenders in a very different manner indeed.

The reasons for these changes, I suggest, may be found in what the committee discovered were serious inadequacies in the present law. Put simply, the definition of status offenders is so broad and so vague that it invites serious abuse of judicial discretion. Almost any child could fit the definition. Members of the committee talked to scores of children and caseworkers who dealt with status offenders. We discovered a pattern of arbitrary and discriminatory disposition of such cases. Part of the problem, of course, is that there are children who have committed no crimes against the State. Yet, they are frequently treated like criminals. Their freedoms are curtailed and they may be institutionalized, often for nothing more serious than running away from home. I am mindful of one such instance from my community where a girl spent 3 years in an institution because she ran away from home. Still another girl from northern Iowa was placed in jail, we were told by the judge, "Because she was shacking up with a nigger." Other such children are routinely placed for up to 6 months in mental health institutes despite the fact there has been no allegation of emotional disturbance.

One could rationalize such abuses, which are much more systematic than my examples, if in the majority of cases coercive State intervention was effective. Unfortunately, such is not the case. Studies have shown conclusively what the subjective judgment of our committee was. That is, the State is not a very good parent. Indeed, one may infer from such studies that more harm may be done than good, that the

child, and later society may have been better off if the child had simply been left to run the streets. In the majority of cases, of course, there is a middle ground, but surely if the State is going to break up families and place children in foster situations, the burden should be on the State to show that its interest is compelling and its actions are effective. That cannot be done for status offenders.

The other serious consequence of jamming the court with status offenders is that it diverts the court and its resources from what should be its true mission. Like other States, Iowa has experienced an alarming increase in vandalism, theft and other delinquent acts, as well as child abuse and neglect. The court's attention might far better be devoted to these problems. And our proposed new code gives the court better tools for addressing them by—for example, giving it access to the control of parental behavior.

Most importantly, it provides a much more satisfactory mechanism for handling the status offender. First, it flatly prohibits their detention in secure facilities. Given that they are no danger to society, that is only just. Second, it substitutes a voluntary family in need of assistance proceedings for coercive State intervention. It views the problems of status offenders as social and family problems and insists that they be dealt with by community resources, such as mental health centers and family counseling, rather than the forceful power of the court. Experience shows that is the only way that works.

Senator CULVER. Excuse me, Tom. Is that voluntary parental participation?

Representative HIGGINS. It is the family in need of assistance proceeding. They are voluntary up until the point where the court orders some family counseling, which is the disposition limited to the court. Access to the court is voluntary. If the court orders the parents to engage in family counseling, and the parents refuse a lawful order, then the court, of course, has the right to enforce its lawful order.

Clearly the problem of status offenders is not solved merely by changing the law. There is an essential continuum of services which must be available in a community if that community wishes to meet the needs of troubled children. They include, at a minimum, youth service bureaus and in-home family counseling programs. Sadly, such services are absent more often than not, in part because in the words of Justice Bazelon: "We have allowed the courts to be a dumping grounds for such children."

However, part of the reason is also that the State has not assumed its lawful responsibility to fund a sufficient number of such programs. It would seem perfectly appropriate to me that any update of the 1974 act should condition the distribution of LEAA funds to a State so that it make a showing it is moving to fulfill that responsibility. I do not regard that, as some do, as unwarranted interference by the Federal Government into the role of the State.

Finally, of course, it will take the disciplined dedication, and I will say the love, of all of us who care about children to see to the improvement of justice for them. In that, these hearings encourage me.

Senator CULVER. Thank you very much, Representative Higgins. I wish to commend you for your leadership in this area. I am very grateful for the knowledge that you bring to bear on this subject and your suggestions here this morning.

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As you know, the Juvenile Justice and Delinquency Prevention Act of 1974 requires that States receiving grants under the act prohibit the detention and institutionalization of status offenders. Would House file 248 as passed by the House of Representatives bring Iowa into compliance with those particular eligibility requirements?

Representative HIGGINS. That is correct, it would.

Senator CULVER. How about the adequacy of alternative social services in Iowa in terms of implementing the objectives and goals of this legislative policy?

Representative HIGGINS. There has been a lot of progress, Senator, in the last 4 years in that respect; we've gotten a lot more group homes, a lot more family counseling programs than we used to. There are excellent programs in Iowa City. I think you will hear about one later today. Also Ames and other communities. Nevertheless, it is still very spotty, and one of the responsibilities that my committee is going to assume during this interim is to devise legislation which will provide wherever one is in Iowa, if you're a troubled child, you will have access to those basic services. We intended that the act, which has passed the House, will not take effect until 1979 to allow us to increase the funding for those services so that they are available at the time the act needs to be implemented.

Senator CULVER. What is the status of the bill in the Senate?

Representative HIGGINS. Every indication I have is that they are intending to have the bill ready for debate the first week of the session.

Senator CULVER. Your interim study, is that available now?

Representative HIGGINS. We are just now commencing.

Senator CULVER. You haven't any documented——

Representative HIGGINS. No.

Senator CULVER. One of the things that concerns me a great deal, when we talked about alternative services to the juvenile justice system for dealing with the problem of status offenders is the lack of coordination in the social services sector. For example, juveniles finding themselves in this kind of situation are subjected to an incredible maze of people, agencies, and paper work. I am troubled about what I perceive to be the lack of concern about responsibility for the long-term resolution of a juvenile's problems by a probation officer or someone else. It seems to me that if we just bounce juveniles around it only exacerbates the insecurity that, to a significant degree, gave rise to some of their problems initially.

Representative HIGGINS. I have no question about that. In fact, I have been working with a young man the last 6 months who just happened to come up to the legislature because somebody told him the legislature was dealing with the problem of juvenile justice. He is 18 now. He was separated from his parents when he was 6 years old. He was essentially abandoned by them and was raised in Iowa's institutions and foster homes from the age of 6 until the age of 17. He had, I think, some 15 different placements over that period of time.

He has an IQ—I have seen the test scores—of 125 and yet has only a third grade reading ability. As a consequence, he is in no sense emotionally prepared to handle the responsibility of adulthood; and yet he is thrust out the other end of the system now. What we are intending is the creation of youth service bureaus whose primary function, sole function really, will be to coordinate that system, make it work for

27-721—78——2

that child so they are centrally accountable for that child. They are the child's advocate and what services are going to be brought to bear upon that child will be channeled effectively through that youth services bureau to that individual. We have too many kids who fall through the cracks.

Senator CULVER. I want to thank you again for your testimony, and say that I deeply appreciate and have been greatly impressed by the attention the Iowa General Assembly is giving to the status offender problem.

In this area as well as some others the legislature is in the vanguard of trying to come up with more effective approaches to basic social problems and I hope the legislation is successfully implemented.

[The prepared statement of Rep. Thomas J. Higgins follows:]

PREPARED STATEMENT OF HON. THOMAS J. HIGGINS, A REPRESENTATIVE IN THE STATE LEGISLATURE OF IOWA

Senator Culver, members of the committee: I am pleased to be able to testify before you today on the progress Iowa has made in complying with one of the key provisions of the 1974 Juvenile Delinquency Act, the abolition of incarceration for status offenders.

Let me note for the record, however, that I am offering only a personal perspective based upon my service in the Iowa legislature as Vice Chairman of the Interim Study Committee on Juvenile Justice. Recently I was designated to be the Principal Regional Official for Region VII of HEW, and my remarks should not be construed as necessarily reflecting the position of the Department.

I am very happy to tell you that Iowa is within sight of not only full compliance with the 1974 law, but appears likely to go beyond that goal to elimination of the court's jurisdiction over status offenders altogether.

Let me back up. Shortly after the enactment of the 1974 law, the Iowa General Assembly passed legislation redefining status offenders as "children in need of assistance" instead of delinquents, and forbade their placement in either of the State's two juvenile security institutions. This change was prompted more by the findings of an interim legislative committee than by a fear of loss of federal funds, which demonstrates, I think, that the policy direction was a sound one. Fortunately, it was only a beginning step.

Faced with a renewed mandate, the Legislative committee began the more comprehensive task of rewriting the whole of Iowa's juvenile code. Although it engaged many issues concerning the rights of individuals and the needs of society, no single issue received as much concentrated attention and debate as the question of status offenders.

After a thorough examination of the literature, extensive hearings and site visitations, the committee concluded unanimously that the best public policy was to eliminate status offenders from the jurisdiction of the court. It was a move dictated by logic and experience. Happily, it more than fulfills the mandate of the 1974 law. The point I wish to emphasize, however, is that it was done because it is good public policy.

The 1974 Act required that status offenders not be detained in secure institutions. Obviously we solved that problem by the action I have described, but in addition, our legislation would prohibit the incarceration of any juvenile in a locked facility unless there could be shown on rather specific grounds that he or she was a physical threat to themselves or those around them. Naturally, we are speaking here of individuals charged or adjudicated as delinquents. The bill does not allow dependent or neglected children to be kept in a locked facility.

The bill has at least one other relevant feature. It requires a detention hearing within 48 hours of being taken into custody. I believe that both this feature and the safeguards on detention that I described above should become a condition of receiving federal funds in any future legislation. There is abundant evidence that the practice of incarceration, where it is not necessary as a matter of public safety, ultimately does far more harm to the individual than any conceivable benefit to society. It reinforces the kind of negative stereotyping which leads almost inexorably to a future lifetime of crime.

The same reasoning underpinned our move on status offenders. The preponderance of evidence gathered by psychologists, sociologists, and criminologists over the last two decades suggests very strongly that coercive intervention by the

State in such situations generally serves to make them worse. We talked with scores of young people who had been through such an experience. Status offenders typically are pleading for help by their actions, i.e., running away, truancy, etc. No one disputes the obligation of government to provide that assistance. That was the well intentioned rationale which provided for court intervention in the first place.

What we must now demonstrate is the sensitivity to know how such assistance should be offered. Court intervention is overkill. We in Iowa will opt instead for the use of voluntary community resources which have as their goal the preservation of the family unit. Court intervention, particularly by those courts already overburdened by delinquency cases and possessing inadequate training and resources, too often results in the breakup of the family. The State has never, and will never, be able to devise an adequate substitute for the family. Certainly there will be those instances where separation will be a necessity. But again, the evidence gathered by in-home counseling efforts demonstrates that many separations take place which are not necessary.

I do want to stress that such legislation carries with it the obligation to develop good community resources. There will be those who will claim, Senator, that this will never be done. If so, it is a terrible indictment of our ability to respond to an overriding need. But, I would say this. So long as we continue to use the courts as a dumping ground for our most pressing social, rather than criminal problems, States and local communities will never answer the challenge. And we will never break out of the syndrome of failure which permeates our efforts for families in need of assistance.

We have made a good start in Iowa. After much debate and approval by two committees, the Iowa House approved the legislation by a vote of 91 to six this year. I anticipate favorable action by the Senate next year. The role of the court in status offense cases is limited to the provision of counseling and then only when requested by the family after a showing that all other voluntary remedies have been exhausted. In the absence of any neglect or criminal interest, that is the proper role of the State.

Finally, I want to say that the role of this committee and its legislation has been invaluable in the intelligent struggle to identify the causes and proper solutions for juvenile delinquency. We must redouble our efforts in that regard. The influences against the family in our society are many: television advertising, corporate policy, spiritual and physical poverty are but a few. Let us make government an ally rather than an adversary for families.

Senator CULVER. Our next witnesses are two young people, Cheryl N. and Janet R.

We are really happy to welcome you both here this morning. Cheryl and Janet were runaways and have had considerable experience with the juvenile justice system and how it operates. They both have been good enough to agree to testify here this morning because of their interest, their concern, and their involvement in some of the problems that we are going to be discussing today. I have assured them that if there are any representatives of the media here, they will not write stories or take pictures which would reveal their identities. Photographs and film shots could be taken from the back of the room. I hope that everyone will respect that request.

Cheryl, it is nice of you to come today. I appreciate it. I understand you ran away from home several times. How old were you when you started to run away?

STATEMENT OF CHERYL N.

CHERYL. I was 14 years old.

Senator CULVER. Why did you run away?

CHERYL. My parents were very restrictive. They were religious and they laid down such rules as no swimming or bowling or skating, or just any activities. I couldn't go anywhere with friends. I could just go out on dates with males. That was the only way I could get out of the house, and I just got sick of it, not being able to do anything.

Senator CULVER. What happened then? I understand that because you ran away eventually you were institutionalized, is that——

CHERYL. Yes; a number of times. I was first placed in Lutheran psychiatric ward, then Methodist psychiatric ward, the Clarinda Mental Health Institute twice, and eventually Iowa Training School for Girls at Mitchellville.

Senator CULVER. What event led to your placement in Mitchellville?

CHERYL. Well, I had just gotten off probation, and since that was my goal—I only had one goal at that time to make probation; and when I got off probation, it was just sort of a shock. I had no goals or anything and just sort of upset me and I ran away to talk to some people at Clarinda, social workers and friends and things; and I came back and was picked up by the police and sent to Mitchellville.

Senator CULVER. How long were you in Mitchellville?

CHERYL. I was there from November 1973 to May 1974.

Senator CULVER. Can you describe the physical facilities at Mitchellville as they were at the time you were there?

CHERYL. OK. There were four cottages in which the girls lived. They were locked at all times, and the staff let you out if they knew where you were going and when you would be back. The girls had rooms upstairs. They opened from the outside; but once you got in and shut the door, they were locked.

Senator CULVER. What method of discipline and punishment were utilized at Mitchellville at the time you were there?

CHERYL. They used a form of behavior modification. What it was was a level system, and as you improved as seen by the staff there, you moved up the level system eventually graduating from there. Also they used solitary confinement if you acted up or ran away or anything like that.

Senator CULVER. Were the girls at Mitchellville at any time you were there given drugs?

CHERYL. Yes; they were.

Senator CULVER. For what purpose?

CHERYL. Well, they were given Elavil. I was given Elavil to level out my moods; and then other girls were given anticonvulsive medicine because there were some epileptics, and I think they did use tranquilizers a little bit, but they didn't use a lot of drugs.

Senator CULVER. What kind of education did you receive while you were there?

CHERYL. When I first came there they gave me a series of tests, reading, writing, math, and they decided I would start there at the school on campus and go there for awhile and eventually I went to area 11 to get my high school diploma, and I took two college courses there.

Senator CULVER. How widely did the girls participate in these educational programs?

CHERYL. Well, out of about—I think there were 60 girls, somewhere around there. There were only about six that participated at area 11.

Senator CULVER. What were your feelings about being at Mitchellville?

CHERYL. When I first got there I—I wasn't upset because I was locked up because I had been locked up for 2 years and had adjusted to that by now, so that was not upsetting. I was just used to it. I was institutionalized by then and I was very dependent on institutions,

and I almost enjoyed it because I had more freedom than at home. I could talk to people, I could act how I wanted pretty much, you know, think how I wanted to so I liked that; and so I don't really have a negative picture of Mitchellville because of that because I was institutionalized; but I think that was bad that I was dependent on that place; and I liked the girls there, so that also contributed to my positive feeling. I became very close to people.

Senator CULVER. What are you doing now?

CHERYL. I am a senior at the University of Iowa majoring in social work and sociology. This summer I'm doing my practicum at the girls' group home in Iowa City and I'll graduate in December.

Senator CULVER. That is a remarkable success story. How do you account for that fact?

CHERYL. Well, it certainly wasn't because of the institutions. I believe it was because of a few people that worked in those places. There was one counselor specifically at Mitchellville who constantly pushed me on and told me that I could do it, made me feel very good about myself; and she pushed me on to college and said you can do it, you can graduate; and so that—that helped a lot. It really increased my self-esteem; and then I had a field worker who also patted me on the back, and if I messed up, he would make me start all over and wouldn't criticize. He would say, you know, we all make mistakes and let me go from there.

Senator CULVER. You mentioned that you developed close friendships with some of the other girls at Mitchellville. Do you know what has happened to some of them?

CHERYL. The ones that I do know about, most of them all have babies. A few are married. Some have gone into prostitution or other illegal activities.

Senator CULVER. What suggestions do you have, Cheryl, for us regarding what we should be doing to insure more effective and proper treatment of young people such as yourself?

CHERYL. I think when kids first come into the system, if they're going to be brought in, they should be listened to; because when kids first come in, I think that's what they need and what they want; and too often they come into the court, the court listens to the parents, to probation officers, and everybody else but the kid, he or she is left out of the decisionmaking completely; and too often they're put at fault for everything when sometimes it's the parents who are at fault; and second, I think if people are going to be put in institutions, when they come out they should have vocational training because like in Mitchellville, the girls who come out of there, they would have no vocational training. They have to be on their own because, you know they're 18. They have to have a job or some sort of economic support so they're forced into marriage and prostitution just because of economic reasons; so I think they should have vocational training to insure them jobs when they get out.

Senator CULVER. This has been very helpful, Cheryl. I appreciate it. Professor Gittler would like to ask a few questions of Janet.

STATEMENT OF JANET R.

Professor GITTLER [Subcommittee chief counsel]. Janet, how old are you now?

JANET. Seventeen.

Professor GITTLER. I understand when you were about 13 years old, you were removed from your home of your natural parents and placed in a foster home. Why was this done?

JANET. I was removed because my home was unstable at the time. My parents were alcoholics.

Professor GITTLER. I understand that you ran away from the foster home that you were eventually put in. Why did you run away?

JANET. I didn't feel comfortable with other people.

Professor GITTLER. Were you ever arrested and placed in jail as a result of running away?

JANET. Yes; at the time I ran away from the foster home I was picked up and I was put in jail.

Professor GITTLER. Can you describe it for us, what it was like, jail? Was it an adult jail?

JANET. Yes; it was. It had bugs in it and it had a bed and bars and a toilet and a sink; and it was, sort of scary.

Professor GITTLER. How long were you in there?

JANET. Twenty hours.

Professor GITTLER. How did you get put there, I mean, was there any hearing beforehand?

JANET. No; the officer that picked me up—he just took me to the Johnson County Sheriffs Department.

Professor GITTLER. The jail there?

JANET. Yes; I don't think there is even a record showing I was there.

Professor GITTLER. What effect did being in jail have on you? What were your feelings there? Do you remember them?

JANET. It was difficult to understand why they put me in jail without giving—contacting my social worker, and I was just feeling like my rights as a person was discarded, like—like they didn't care.

Professor GITTLER. Eventually after running away seven times you were sent to Toledo; is that right?

JANET. Yes.

Professor GITTLER. How old were you when you were sent there?

JANET. I was 13.

Professor GITTLER. Why did you go there, why were you told it was necessary to send you there?

JANET. They said that I needed a stable place of residence to live; and institutions aren't stable, I mean, because they're, you know, every day they change.

Professor GITTLER. What do you mean? Can you explain that for us a little bit more about "every day they change?"

JANET. Well, people would come and go and just, the house people would come up and junk. It just wasn't a stable place for me to be. They wanted me to live in a situation that would be stable because I wasn't living in a stable place, you know, for a few years in my home.

Professor GITTLER. Were there other girls your age there?

JANET. Most of them were 16 years old, and I was like the second to the youngest there.

Professor GITTLER. How long did you stay there?

JANET. Eleven months.

Professor GITTLER. What were your feelings about being there, looking back on them, whether you think it was a good experience, bad experience, how——

JANET. It was sort of like a learning experience because I was never around a lot of people before; but it was negative because they—I needed a stable place to live and it wasn't stable.

Professor GITTLER. After you were released from Toledo, where did you go to live?

JANET. The Youth Emergency Shelter in Iowa City.

Professor GITTLER. How long were you there?

JANET. About 2 months.

Professor GITTLER. Then where did you go to live?

JANET. I went to a foster home. I lived in two foster homes before I was placed in Toledo the second time.

Professor GITTLER. How old were you when you went back to Toledo for the second time?

JANET. Fifteen.

Professor GITTLER. Why were you sent back to Toledo?

JANET. I didn't have any place to go and my social worker told me I was just going to go and stay for 3 weeks, and he didn't tell me I was going to get evaluated; and they had an eval center and so I went and stayed there, and they didn't really evaluate me because they were just more or less trying to find me a place to live.

Professor GITTLER. How long did you stay in Toledo that second time?

JANET. Nine months.

Professor GITTLER. Were you given any drugs by the people there while you were there?

JANET. Yes; the first time I was there I was on dexedrine and most of the time that is used for hyperactive children, and I wasn't hyperactive. It was used so I could concentrate, and I told them I didn't want to be put on any drugs, and I was forced to or I would have been locked up in security.

Professor GITTLER. You were told if you didn't take them you would be put in detention?

JANET. Yes.

Professor GITTLER. What kind of schooling did you receive while you were at Toledo?

JANET. The first time I was there was different from the second time, because I needed to catch up in some schooling the first time I was there, and that helped. That was good for kids that needed to catch up and for kids that were at their own level. They—the education wasn't very good at all.

Professor GITTLER. What kind of discipline and punishment were used while you were there?

JANET. Security lockup and restrictions if you just misbehaved, if you had an argument with a girl, they could put you on restriction—scrubbing floors and doing tasks like that.

Professor GITTLER. Was it fair, I mean the way it was administered?

JANET. No.

Professor GITTLER. In what way did you feel it was unfair?

JANET. They just decided they'd give you restriction if you even tried to—if you talked about it, they just say, just do your restrictions. That's it, you didn't have any say-so over it.

Professor GITTLER. What effect did your stay in Toledo have upon you?

JANET. I don't know. It was a very scary experience for me. It made me think about how they could put so many girls in a cottage because there was—there was over 20 girls in each cottage; and it was difficult to live with that many people all the time and to deal with them.

Professor GITTLER. Did you ever engage in any criminal conduct?

JANET. No.

Professor GITTLER. Where are you now, what are you doing?

JANET. I live in Iowa City with a foster mother, and I work at a school. I'm a tutor in the morning and in the afternoon I work at a park, recreation.

Professor GITTLER. What suggestions do you have about what we should do to insure more effective treatment for juveniles such as yourself?

JANET. I think if they're going to put people away, they shouldn't have such large groups of people living together.

Professor GITTLER. Is there anything else that you feel strongly about that you would like to see changed on the basis of your experience?

JANET. The staff at the institutions, I think they should be evaluated when they go to get their jobs because some of them—they're just out for a job and, they like the work of just having to, you know, tell people what to do; and it's very difficult to deal with someone like that because you tell them how you feel, like I remember talking to this one cottage parent and she just locked me up because she said that I—I had to come down to earth, because she wasn't like I thought she was, and I was locked up until I would say yeah, you're right and I was wrong, or I would have been locked up until the day I left.

Professor GITTLER. Is there anything else, Jan, that you would like to suggest?

JANET. I don't think so. I'm sort of nervous now.

Senator CULVER. I want to thank you very much Jan and Cheryl. You have been extremely helpful to us. I appreciate it, and I also want to tell you how very proud everyone must be for what you are doing with your lives now in spite of your experiences; and I certainly want to wish you success. I want to thank you very much for helping to contribute at this morning's hearing, and I hope this experience that you shared with us can be put to good use in terms of what we do in the future in this area and perhaps afford opportunity for other young people to have a better experience.

Professor GITTLER. Thank you Senator for the opportunity to speak.

Senator CULVER. The next witness is Hon. Forrest Eastman, who is an associate district court judge and is chairman of the Juvenile Court Judges Association. I am pleased to welcome you here this morning, Judge, and afford your testimony.

STATEMENT OF HON. FORREST EASTMAN, ASSOCIATE DISTRICT COURT JUDGE, CHAIRMAN, JUVENILE LAWS COMMITTEE, IOWA JUDGES ASSOCIATION, CEDAR FALLS, IOWA

Judge EASTMAN. Senator Culver, ladies and gentlemen: First I should clear up the fact that there is no Iowa Juvenile Court Judges Association. There is only one judges association that is the Iowa Judges Association.

Senator CULVER. Are you chairman of something?

Judge EASTMAN. I am chairman of the Juvenile Laws Committee of the Iowa Judges Association. That is the only official group of juvenile court judges in the State of Iowa.

Senator CULVER. We will have that accurately reflected, and I apologize.

Judge EASTMAN. I should also make it clear that I am speaking today for myself and for the individual members of that committee. I am not authorized to speak for the Iowa Judges Association.

Senator CULVER. That qualification will also be noted.

Judge EASTMAN. First, I think it is necessary to define the term "status offender." It is thrown around rather freely, but it has differing connotations in people's minds. The usual definition is "a child who commits an offense that would not be classified as a crime if it was committed by an adult." For my purposes, I think that definition is too broad.

The legislative representatives of the people sitting in duly constituted assemblies have the power to enact criminal laws. It is a legislature's perogative to determine the propriety of such laws, if they enact any law as a criminal law, and they act within constitutional limitations, then it is a criminal offense, and I don't think it is proper to say that it is a status offense. A better definition of "status offender" is "children who commit noncriminal acts" that are statutorily defined as "delinquent acts" or fall within the "in need of supervision" category used in some States. These are typically the "uncontrolled or incorrigible" or the "injurious to himself or others" sections that are found within a State's definition of delinquency.

I would also like to limit the expression of my opinions to three specific areas concerning status offenders. The first is: Should status offenses fall within delinquency or the neglected and dependent categories, or should they comprise a third category? Second, should status offenders be detained or treated in secure facilities? And third, should status offenders be included within the jurisdictional limit of the juvenile court?

Before addressing the specific matters, I think you should have some concept of my overall personal philosophy so you will know exactly where I am coming from. I believe no society can continue to exist without viable methods for the indoctrination of its young into the mores and norms of that society. All government sanctions should be the last resort of the society, the last method used. When all else fails and governmental intervention becomes necessary, the immediate and primary goal should be to alter the situation as quickly as possible to make continued intervention unnecessary. On the basis of this philosophy, my opinions on the previously stated issues are as follows:

First, only criminal acts should fall within the delinquency category. Status offenses should come within the dependency or child-in-need-of-assistance categories. There should be no separate chins or pins categories for status offenders. The change of names is too often cosmetic, with no material difference in the dispositional alternatives available. Iowa has moved its status offense sections out of the delinquency section and joined them with the former neglect and dependency section to create one all-encompassing category entitled "child in need of assistance." This has been a progressive step and

has found almost universal acceptance by the judges; however, it has resulted in limitations on preadjudication detention that are difficult to comply with, and this brings us to the second issue.

Second, status offenders as a general rule should not be held in secure settings prior to adjudication, nor should the training school be a dispositional alternative. One exception should be made. Status offenders who habitually absent themselves from parental authority or court jurisdiction should be subject to short-term detention in a secure facility. Iowa allows 12 hours of "protective supervision" in such cases. The courts finds 12 hours in some cases to be inadequate. This can lead, unfortunately, to the use of psychiatric hospitals for such detention after all else has failed. I feel that such a use of the hospitals is inappropriate.

On the day I prepared this statement, I heard a number of cases involving juveniles—a number of them involved runaway juveniles. I would like to just run the case history of one of these juveniles and give you an example of the type of children and the type of problems that come before the court.

This was a young lady that by the early part of her 15th year had run away from home on six occasions. In April 1976, at the end of her sixth runaway, she came to the police department on her own and asked for help. From that point on the history was as follows: On April 8 she was placed in a foster home on a temporary basis. On April 19 she ran away. On April 21 she was placed in the youth shelter upon being picked up. On April 25 returned to the foster home. On April 27 she ran away. On April 28 she turned herself in to the youth shelter. On May 2 she ran away. On May 22 she was picked up and was placed at the Mental Health Institute. On May 27 she ran away. She was picked up on the same day. One June 3 she ran away again from the Mental Health Institute and was picked up on the same day. On December 20 she ran away again. On December 22 she was returned and was placed in a residential treatment center. On January 21, 1977, she ran away. On January 31, 1977, she was picked up and was placed back in her own home. On February 13 she ran away. On February 17 she was returned and placed in a group home. On April 18 she ran away. On April 26 she was picked up and returned to the group home. On April 30 she ran away.

On May 12 she was picked up and placed at the youth shelter. Twenty minutes later she ran away. On May 17 she was returned to the shelter. She ran away on the same date. On May 18 she was returned to the Mental Health Institute. On June 23 we held a hearing. She asked for a placement at the children's home in Toledo. She said she talked to a number of girls and heard good things about the Toledo home and that she just wanted to get on with it, so I ordered a preplacement evaluation at Toledo. She ran away from the hallway in front of the courtroom while waiting for transportation.

The obvious question to ask is why not let her go, at least if you were not her parent. If you were her parent, you might have some other idea. On one of the occasions of her runaway, she was found living with one or two young men. She reported that she believed she was pregnant and had venereal disease. Both tests were negative. On the next runaway she was found living with a different young man. Again reported that she was pregnant and was trying to get pregnant.

Again the tests were negative. I think society must decide if we want our 13-, 14-, 15-, 16-year-old boys or girls completely free to choose their life pattern.

On the third point, I think it is imperative that the status offender be retained within the jurisdiction of the juvenile court. To do otherwise is to abandon some of our most needy children to the streets. The theoreticians say a status offender should be treated in the community on a voluntary basis without court intervention. Whenever this is possible, I am in complete agreement. Court action should be reserved only for those cases where there is no voluntary cooperation by the juvenile or the family, or where the community fails to supply the necessary services. However, court sanctions must be available when all other alternatives have failed.

In summary, I believe the status offender should be placed in the dependency or child in need of assistance category. The status offender should not be housed in secure facilities unless they repeatedly show by their action they cannot be held in anything less, and then the placement should be of short duration. The status offender should be retained within the jurisdiction of the juvenile court.

I would like to make one further comment that is slightly off the subject. Today we are discussing the current juvenile justice fad, status offenders. Yesterday it was diversion. Before that it was community services. Before that it was confidentiality of record. Earlier still it was due-process protections. All of these matters come forth and our literature is filled with the current fad at any given time, they are all important and proper subjects of legislative action.

However, we can legislate on all these matters to meet the popular demands of the day and we can play games with semantics by redefining "delinquency" as "in need of supervision" or change the names of reform schools to training schools to industrial schools without making any basic change in the treatment of the children involved.

There is only one way to upgrade the system on a permanent basis, and that is to improve the quantity and quality of the personnel within the system. We must develop techniques for recruiting and training the best possible judges and child workers. Only people have any meaningful effect on children's lives, not printed words, procedures or systems.

Senator CULVER. Thank you, Judge. What percentage of the juveniles that are referred to your court are alleged to be status offenders as opposed to criminal offenders?

Judge EASTMAN. I have no idea. The status offenders are grouped in the child in need of assistance category, and they are not pulled out statistically. I would have to go over all cases and count them individually to have that information.

Senator CULVER. You don't have any sense of that, I mean, whether they come before you as runaways and truants as opposed to formal criminals?

Judge EASTMAN. Everybody loves to put these children into nice neat categories, but they just don't live that way. Practically every delinquent is a status offender. Many so-called status offenders have delinquent backgrounds. Almost all of the delinquents and status offenders are children in need of assistance at some point in their career. They flow together. Any one petition may involve a delinquent

with some allegations of what would be called status offense, or it may involve a child in need of assistance with some allegations that may be called status offense. They are just children.

Senator CULVER. What kind of conduct is generally treated as status offense conduct?

Judge EASTMAN. Well, as I say, we don't separate status offenses categorically. We don't have in need of supervision categories. They are all children in need of assistance. Using the two definitions formerly used for status offenses, within the delinquency definition, they are the children that may be in complete conflict with their parental environment and completely out of control, either runaway or simply refuse to have anything to do with any authority. They are on the street whenever they feel like it. They go to places that they feel like against any authority that may be exercised at 12, 13, 14 years of age, recognizing no restrictions.

Senator CULVER. Would you tell me something about their backgrounds, characteristics of those juveniles that fall in that category?

Judge EASTMAN. Their basic background is that they have some parental conflict that makes them act extremely distrustful and antagonistic toward authority. It may be because the parental authority has been too strict. It may be because there hasn't been any at all so they are not used to it. But there is some conflict.

Senator CULVER. What kind of practices and policies does your court have with respect to the interim detention of these juveniles before or during court process?

Judge EASTMAN. I want to make it clear, these are my policies and not the law of Iowa. My policies are that any juvenile taken into immediate custody, say in the middle of the night; if they are held in a nonsecure facility, I must be notified first thing in the morning. No child is to be held in a jail setting without the intake officer from the probation office being contacted and if the intake officer determines that a jail setting is proper, then I must be contacted, regardless of night or day. No child stays there without my having heard the reasons and authorizing it. Then in either case I have set up a system where at 1 o'clock the next afternoon there is a hearing held to determine if continued custody should be ordered.

Senator CULVER. What kind of policies and practices does your court have with respect to the institutionalization of juveniles who would be adjudicated to be status offenders who fall in that category?

Judge EASTMAN. Legally, of course, there now can be no placement at the training schools. As a practical matter, I never used the training schools anyway for these offenses. Although, if you went back in history, you can find some that were committed who were called status offenders. Every child I placed in a training school, had a criminal record. For their benefit, the criminal acts were not placed on the record at the hearing. As far as institutional placement or treatment is concerned, the first section in our chapter 232 requires that we use the home first if at all possible, and moving away from that home we are required to stay as close to a home setting as possible; so we move from home to foster home to group home to residential treatment center, trying to find the least restrictive placement that would still fulfill the needs of the situation.

Senator CULVER. How about the practical availability of foster homes?

Judge EASTMAN. Very, very poor for children that are in their teens and are acting out. It takes a very special type of person to provide a foster home successfully for this type of child.

Senator CULVER. Other than the obvious fact of personal disinclination, are there any other factors that discourage people from coming forward to participate in foster home programs or roles?

Judge EASTMAN. People enjoy providing foster care for young children. They enjoy a baby and they get a good feeling from caring for it; but a teenager that doesn't want to be there is not very enjoyable. He is moody and is anti everything you are trying to do for him. It takes a lot of patience and a long time to break through that, and foster parents may find part of their home destroyed by a temper tantrum or acting out by the juvenile.

Senator CULVER. How about redtape bureaucracy involving foster home parents, is that excessive?

Judge EASTMAN. I wouldn't think so. Some of the foster parents I have seen, I wouldn't have licensed myself. The court can without licensing place them in a suitable home.

Senator CULVER. Are there any types of services which status offenders need which are not readily available in Iowa?

Judge EASTMAN. Just like all other children, there are a lot of services needed that aren't available. I would like to see greater development of shelter care so that we could by staffing, with good people, and the proper number of those people meet the needs of these children without locked doors or without jails. Such needs could be met by staff being there and available for whatever crisis occurs.

Such structured shelter homes are extremely expensive because the type of staff that you should have and the amount that you should have require adequate salaries in large numbers. I would like to see the State pick up some responsibility for regional treatment centers. We have been talking about it for about 17 years, since I have been in juvenile court, and it hasn't happened yet.

[The prepared statement of Hon. Forrest Eastman follows:]

PREPARED STATEMENT OF HON. FORREST EASTMAN, ASSOCIATE DISTRICT COURT JUDGE, CHAIRMAN OF THE JUVENILE LAWS COMMITTEE OF THE IOWA JUDGES ASSOCIATION, DES MOINES, IOWA

Gentlemen: I speak today for myself and for individual members of the Iowa Juvenile Laws Committee of the Iowa Judges Association. I have not been authorized to speak for the Iowa Judges Association.

First, it is necessary to define the term "status offender." The usual definition is "a child who commits an offense that would not be classified as a crime if it was committed by an adult." This definition is too broad.

The legislative representatives of the people sitting in duly constituted assemblies have the power to enact criminal laws. If a properly enacted law meets constitutional requirements, anyone who violates that law is an "offender", period, not a "status offender." It is the legislature's prerogative to determine the propriety of such laws. A better definition of "status offender" is "children who commit noncriminal acts" that are statutorily defined as "delinquent acts" or fall within the "in need of supervision" category. These are typically "uncontrolled or incorrigible" or the "injurious to himself or others" sections found within a state's definition of delinquency.

I shall limit the expression of my opinions to three specific areas concerning status offenders; 1.) Should status offenses fall within delinquency or neglected and dependent categories, or should they comprise a third category? 2.) Should status offenders be detained or treated in secure facilities? And 3.) Should status offenders be included within the jurisdictional limit of the Juvenile Court?

Before addressing these specific matters, I will give you a brief overview of my personal philosophy so you will know where I am coming from. I believe no society can continue to exist without viable methods for the indoctrination of its young into the mores and norms of that society. All government sanctions should be the last resort of the society. When all else fails and governmental intervention becomes necessary, the immediate and primary goal should be to alter the situation as quickly as possible to make continued intervention unnecessary. On the basis of this philosophy, my opinions on the previously stated issues are as follows:

1. Only criminal acts should fall within the delinquency category. Status offenses should come within the dependent or child in need of assistance categories. There should be no separate chins or pins categories for status offenders. The change of names is too often cosmetic, with no material difference in the dispositional alternatives available. Iowa has moved its status offense sections out of the delinquency section and joined them with the former neglect and dependency section to create one all-encompassing category entitled "child in need of assistance." This has been a progressive step and has found universal acceptance by the judges. However, it has resulted in limitations on pre-adjudication detention that are difficult to comply with. This brings us to the second issue.

2. Status offenders, as a general rule, should not be held in secure settings prior to adjudication. Nor should the training school be a dispositional alternative. One exception should be made. Status offenders who habitually absent themselves from parental authority or Court jurisdiction should be subject to short-term detention in a secure facility. Iowa allows only 12 hours of "protective supervision" in such cases. The courts have found this inadequate. This can lead to the use of psychiatric hospitals for such detention after all else has failed. Such a use of the hospitals is inappropriate.

On the day I prepared this statement, I heard several cases involving such children. I will briefly cite the history of one of these children to illustrate the point:

By the early part of her 15th year, this girl had run away from home on six occasions. In April of 1976, at the end of her 6th runaway, she turned herself in to the police and asked for help. A history from that date is as follows:

4-8-76—Placed in foster home.
4-19-76—Ran away.
4-21-76—Placed in Youth Shelter.
4-25-76—Returned to foster home.
4-27-76—Ran away.
4-28-76—Turned herself in at Youth Shelter.
5-2-76—Ran away.
5-22-76—Picked up and taken to Mental Health Institute.
5-27-76—Ran away; picked up on same day.
6-3-76—Ran away; picked up on same day; placed at residential treatment center.
12-20-76—Ran away.
12-22-76—Returned to treatment center.
1-21-77—Ran away.
1-31-77—Picked up and returned to her home.
2-13-77—Ran away.
2-17-77—Retruned and placed in a group home.
4-18-77—Ran away.
4-26-77—Picked up and returned.
4-30-77—Ran away.
5-12-77—Picked up and placed at Youth Shelter; ran 20 minutes later.
5-17-77—Returned to Shelter; ran on same date.
5-18-77—Returned to Mental Health Institute.
6-23-77—Hearing held on change of disposition; requested the Court to place her at the Children's Home at Toledo; the Court ordered a preplacement evaluation at Toledo; the juvenile ran from the hallway in front of the courtroom while waiting for transportation.

You might ask—at least, if you were not the parent of the juvenile, you might ask—why not let her go? On one occasion of her runaways, she was found living with one or two young men. She reported she thought she was pregnant and had venereal disease. Both tests were negative. On another occasion, she was picked up and thought she was pregnant; tests negative. Do we, as a society, want our children at 15 or 16 to have the full freedom to choose this pattern of life? Which brings us to the third point.

3. It is imperative that the status offender be retained within the jurisdiction of the Juvenile Court. To do otherwise is to abandon some of our most needy children to the streets.

The theoreticians say a status offender should be treated in the community on a voluntary basis without court intervention. Whenever this is possible, I am in complete agreement. Court action should be reserved only for those cases where there is no voluntary cooperation by the juvenile or the family, or where the community fails to supply the necessary services. However, Court sanctions must be available when all other alternatives fail.

In summary, I believe: 1.) That status offenders should be placed in the dependency or child in need of assistance categories; 2.) That status offenders should not be housed in secure facilities unless they repeatedly show by their actions they cannot be held in anything less, and any placement in a secure facility should be of short duration; 3.) Status offenders should be retained within the jurisdiction of the Juvenile Court.

I would like to make one further comment in closing. Today we are discussing the current Juvenile Justice fad, "status offenders." Yesterday it was "diversion"; before that it was "community services"; before that, "confidentiality of record"; and earlier still, "due process protections." All of these matters are important and all are properly subject to legislative action.

However, we can legislate on all these matters to meet the popular demands of the day, and we can play games with semantics by redefining "delinquency" as "in need of supervision" or change the names of reform schools to training schools to industrial schools without making any basic change in the treatment of the children involved.

There is only one way to upgrade the system on a permanent basis, and that is to improve the quantity and quality of the personnel within the system. We must develop techniques for recruiting and training the best possible judges and child workers. Only people have any meaningful effect on children's lives, not printed words, procedures or systems.

Senator CULVER. Thank you very much. We appreciate your coming here today. Our next witness is William Pearce.

Mr. Pearce is a juvenile probation officer in Polk County, and is president of the Iowa Juvenile Probation Officers Association. It is a pleasure to welcome you here, Mr. Pearce.

STATEMENT OF WILLIAM PEARCE, POLK COUNTY PROBATION OFFICER, PRESIDENT, JUVENILE PROBATION OFFICERS ASSOCIATION, DES MOINES, IOWA

Mr. PEARCE. Thank you, Senator. In behalf of the probation officers of the State, I appreciate being invited. My views will generally reflect the views held by the members of my association, insofar as I am aware of significant differences of opinion from those that I might express, I will try to make them known.

I would like to second Judge Eastman's observations pertaining to the changes in the laws, the coming and going of interest in various aspects of our work, when the principal thing that we look forward to would be improved resources, and I think that those improvements in resources and funding will have far greater impact on the children, in their benefit, than some of the changes in definitions that may have been made and may presently be anticipated.

I would like to say first of all that my opinion and the opinion of, approximately 9 out of 10 probation officers in the State is that status offenders should remain subject to the jurisdiction of the juvenile court, and should remain in some fashion defined by law. Some of the reasons for that are that if there are legal sanctions and legal definitions connected with status offenders, that helps to define the limitations that parents may place upon the behavior of their children, and provide some formula within which that limitation may be tested. Also it provides some understanding of the limitations on the freedom children may demand from their parents, and provide a means to

intervene with some reasonable degree of coercion when that child will not voluntarily cease to engage in behavior that is harmful to himself?

I used the word coercion and I recognize that many people feel that that is not a word that ought to be used or applied with children; however, I think that is unfortunate that we should consider coercion to be a bad word with respect to children in some circumstances; because if it becomes quite plain that something needs to be done, that they will not voluntarily do what is in their best interest, then we should without feeling guilty use the reasonable degree of coercion while protecting their rights that is necessary to see that they get the help they need.

With respect to the issues of status offenders, one of the problems that seems to cloud the issue is that the failures stand out far more clearly than the successes. Unfortunately—and I think I am guilty of this as well—many of our opinions, one side or the other, are formed by our remembrances of illustrative cases, horror stories of either kind or either dimensions that may tend to cloud a really accurate view of the issue. The cases that are cited, either for or against the issue of having status offenders remaining subject to the juvenile court, remaining subject to the law at all, are outstanding cases for the most part. Our unusual cases do not reflect the vast majority of the cases that appear.

I would like to speak briefly to the method in which status offenders are handled in Iowa, and I would like to have it understood that this is not a statistical report, that more accurate statistics might be obtained from the Iowa Crime Commission. One of the problems with statistics will be reflected in the first observation that I will make about 5,000 referrals that were identified as status offenders in the year 1974. It would be possible to quote an exact figure but the problem with that is that some of the numbers that go into that are poorly defined; for example, curfew violations would be considered statistically for part of the status offenders; and when those are reported, they might reflect referrals for curfew violations in parks, not the curfew violations of parents. This is an inaccuracy because if you were in violation of a park curfew, that is not a status offense. Nevertheless, it sometimes shows up in the statistics.

Also there are a large number of alcohol violations which are defined as status offenses, but in many people's minds are left out of that category; and when we consider the numbers, we often think only of children who are in violation of parental rules and the like. Approximately 350 children, as near as I can discover, were detained in any given year, recent year, as status offenders. Most of these were detained for 2 days or less. This is very similar as a point of interest to the number of children—the percentage of children that were detained in the Sacramento 601 project which was hailed as an extremely well financed and well planned method of handling children.

The detention rate was reduced to 1 in 7, and this is approximately what we were in Iowa already. It is our experience that short-term detention would have some value in changing the attitudes and behaviors of some status offenders. Long-term detention seems less likely to do so. One of the problems, of course, with detention is the detention of children in jails, whether they are a status offender or

not. I disagree with that. There are very few children of any kind for whatever crime there might be, very few, but some who should be detained in jails. Certainly no status offenders should be.

Our association is working together with some legislatures to provide throughout the State detention and shelter care facilities that would be available to every court so that we could ameliorate that problem to some extent. Another problem with detention of status offenders, or any children, is the protection of their rights through due process, a hearing to determine whether they should be in there or not. This is becoming an increasing practice in Iowa. It is not yet a universal process.

The passage of House file 248, if it becomes law, will require that all children detained or placed in shelter care have a hearing within 48 hours. Our association supports that. I expect there would be no opposition to that.

Status offenders are referred primarily by their parents. Sometimes the referral card might reflect that they were referred by schools or police. Generally those are intervening agencies that have simply helped the parents make the referral. For the most part, the referrals are voluntary referrals by parents.

In our county, and in most counties that I am able to find out about, if the parents decide at any point along the line that they do not want the court to be involved in straightening out their child who has been referred for incorrigibility, runaway, or any other kind of misbehavior that pertains to the family, at any point that parent decides they don't want that, the case will be removed from the court and the problem remains theirs.

The intake officer would informally handle about 75 to 80 percent of all of the referrals that are made for status offenses and also reflects the proportions of cases that are referred for delinquency. In those cases that are handled unofficially, the intake officer would supervise the case or perhaps would admonish the child and the parents maybe make a referral to another agency and the matter would not continue through the courts. In those cases in which the child does appear before the judge, there would be an adjudication in approximately half of the cases. Many of the times the cases would be dismissed or terminated in court, or the case would be held open under advisement pending some kind of adjustment referral to another agency or some change in the situation.

About 10 percent of the official cases, which would be the same thing as to say about 2½ percent of all status offenders referred, by my best estimate, and I think that the crime commission statistics could reflect this very closely, are placed in some kind of group facilities.

Senator CULVER. What percent?

Mr. PEARCE. Two and a half percent of all status offenders, 10 percent of those who appear before the judge, would be placed in some kind of group facility, a group home or an institution.

It would be our hope that as a result of these inquiries and action on our own part that improved resources would be made available for use for status offenders. We feel that the needs are in the areas of family assistance, resources, and training for juvenile court officers; and I would be glad to direct more specific remarks to these areas in which you have particular interest.

27-721—78——4

Senator CULVER. What improvements specifically do you think need to be made in the way the juvenile status offenders are handled?

Mr. PEARCE. Well, I think that the House file 248 will go some distance toward improving that. There needs to be a way in which the parents can be helped.

Senator CULVER. Did your association support that House file 248?

Mr. PEARCE. Not at the beginning.

Senator CULVER. Did you at the end?

Mr. PEARCE. We changed our opposition. We modified our opposition to a considerable degree. It is difficult for me to speak to that because it is a very large bill and we are in the process of examining it as passed by the House to determine exactly what our position would be as it comes up to the Senate.

Personally, with respect to status offenders, I find the family in need of assistance provision of that bill to be very interesting, and I am eager to see how it is applied. I think that it will be possible for juvenile courts to handle status offenders in a suprisingly similar way to that that we do now if they wish to. However, they will have options that they do not now have. They will be able to order the parents to take part in some of these plans and to hold them perhaps more directly responsible for the results.

Senator CULVER. Any other improvements other than those that are embodied in that bill, based on your own experience?

Mr. PEARCE. We would like to see several things. One of those would be some attention to the child labor laws. The child labor laws, of course, are well motivated in intending to protect children from harm and exploitation; however, children of age 15 or 16 are, for all practical purposes, through with their education and are needing to have some kind of protective employment. They are looking for a job. Many times they are held back by either the Federal or State child labor laws. The State child labor laws generally reflect the Federal labor laws, and I think that it would be very valuable if some kind of waiver procedure could be arranged whereby a child could, without a great complication, arrange to have a waiver of the limitations placed upon him specifically—or her with regard to certain of those laws to enable that child to find a job more easily. That, I think, would help not only with status offenders but delinquents as well.

The danger in that is that some children, if that were done, would end up being injured as the child labor laws attempt to prevent. I don't think there is any doubt some may be injured, some may be killed, and that is a price; and I don't know exactly whether I should say that that is a price that is worth it or not. All I can say is that particular limitations cause problems with respect to delinquent and status offenses and need to be given some attention.

Senator CULVER. How about coordination of services?

Mr. PEARCE. Before the services could be coordinated, they need to exist. I know many areas of Iowa, particularly the rural areas, there are no services outside of those that the juvenile court has. In some areas there are so many services that it is difficult to keep track of them. In Des Moines, after having been in the juvenile court for almost 14 years, I don't think I could name all of the child serving agencies and programs that there are.

Senator CULVER. There might be a problem in coordination there?

Mr. PEARCE. There might be a problem in coordination there.

Senator CULVER. That is what I wondered about. What do you suggest?

Mr. PEARCE: I suggest that wherever, there needs to be a place where the problem can begin, where the referral can be made, and that those people can stick with that problem regardless of what other agencies become involved.

Senator CULVER. Who should that be? Who should be that person? I agree with you. It seems to me that, as I mentioned earlier; we need to have someone with a sense of responsibility, concern, sustained interest and involvement in that particular situation over an extended period of time, if necessary. The way it is now, it is like a baton. Every time you pass a baton, it aggravates the situation.

Mr. PEARCE. I agree with that. I think that——

Senator CULVER. How can we get at that problem?

Mr. PEARCE. I think that there would need to be at least two choices with respect to that. The situation with regard to children's problems, which would include, of course, status offenders, would involve some problems that can be handled entirely voluntarily on the part of the parents and the child. In those instances, an agency that could handle those situations could establish a case, a counselor, and could work with that child and that parent through all of the other agencies contacts that they might have and remain the consistent factor in planning that case.

In those kinds of cases, such a thing would be useful. In the cases in which there is a considerable resistance on the part of the child to obtain the kinds of services that he needs or in the case of a child whose situation is one of neglect or abuse in which it is the parents who are resisting what needs to be done, then the juvenile court has the option of a coercive element, which should be the consistent factor throughout the case.

Senator CULVER. What do you do in the case where you have a runaway situation? You are familiar with the individual running away four or five times from home. Have you been involved in that situation? At what point do you feel compelled, or do you in the ordinary course of things talk to these parents?

Mr. PEARCE. As soon as we can get to them. The child as a runaway comes to the attention of the juvenile court. The child could be a runaway several times without coming to the attention of the juvenile court, but as soon as they come to the attention of the juvenile court, if it is a case that we are accepting at least to the point of intake, the first act will be to see the parents and the child.

If the child is detained, the child will be seen and the parents will be seen as soon after that as can be, sometimes they will be seen together.

Senator CULVER. What do you do? It seems to me that the child gets penalized. There may be cases where somebody else ought to be institutionalized.

Mr. PEARCE. Yes.

Senator CULVER. What do you feel about that? You will have an alcoholic father that beats them all.

Mr. PEARCE. In that case——

Senator CULVER. I mean, you are running the kid down to Eldora or someplace because his dad is beating him. What do we do?

Mr. PEARCE. Sir, we don't run children to Eldora because their dads are beating them.

Senator CULVER. No; but I mean adults, their conduct probably stems from that experience.

Mr. PEARCE. Sometimes a child might commit acts that would have been sufficient to get them to the training school.

Senator CULVER. What kind of flexibility do you have to really put any pressure on parents to accept the responsibility of the parent?

Mr. PEARCE. The only actions under the existing law that the juvenile court can take with respect to parents are two: One is in the case of a child abuse situation. The court can require the parents to make certain changes or to undergo certain kinds of psychiatric or other treatment as a condition for having a child returned to their custody. The only other condition that can be applied upon parents is financial in a delinquency case or another kind of case.

Senator CULVER. This family services provision of this House bill is a significantly important step in that direction?

Mr. PEARCE. It remains to be seen how it applies and whether it holds up in court. It certainly would be tested. If it is—and appears to me to be—we will be able to hold parents responsible in some kinds of instances to make changes and to force them to make those changes. There are practical limitations on that. It might conceivably be legally possible to force the parents to do a wide range of things that it would not make sense to force them to do; because if you cannot get voluntary compliance with some things, it is useless to try to get compliance at all.

Senator CULVER. What kind of assistance to States such as Iowa could and should the Federal Government provide so as to improve the handling of status offenders? You are familiar with the 1974 act?

Mr. PEARCE. Yes.

Senator CULVER. Do you have any other thoughts?

Mr. PEARCE. I would like to see some imaginative programs, not only in the area of the juvenile court, but in the schools. The schools are a place within which the problem early appears. Sometimes teachers and counselors and other school officials are aware of a serious nature of a problem before anyone else knows about it, and at an early point sometimes where a little action could bring about a great deal of change. I would like to see it possible for schools to have professional persons who have no educative responsibilities at all, but whose main business is to become involved with children and their parents who are in need of their assistance at that time.

Senator CULVER. Also perhaps specialized curriculum, is that right?

Mr. PEARCE. I don't think those counselors should have to do that. I think that there are presently counselors available who can do that. There are probably limitations in funding about the curriculum design, the curriculum choices available, but the counselor I have in mind would not be primarily responsible for curriculum change at all.

Senator CULVER. More an exclusive counseling role?

Mr. PEARCE. There are needs, of course, with curriculum that do pertain to this and this disability, learning disability problems that do contribute to delinquency, but those are other things than what I had in mind. I would like to see some mandatory training encouraged in all the States for probation officers. Iowa has, as far as I know, now

the only mandatory training for juvenile probation officers, which is a 5-week course that they must undergo during the first year of their employment. I would like to see that extended to judges. I think it would be very well if judges were required to undergo mandatory training in order to be juvenile court judges.

One of the advantages to that would be that as a result of having undergone some king of rigorous training, there would be some increased pressure to upgrade the level of junveile court judges. Judges now are magistrates and we feel—my association feels, and I feel, that those things should be—that that level should be raised. We would like to see some programs to aid children in the process of emancipation. We are really working with these children toward adulthood. Much of our effort seems to be directed toward rebuilding families. Sometimes it is too late to do that. All society is really trying to do is prepare children for adulthood, and we need some improved programs that help children to get ready for that.

Children become 18 and know nothing about budgeting, laundering, basic skills, maintaining independent living, making decisions, paying the rent. They know nothing about maintaining themselves as an adult, and many of them have the wrong attitudes toward it. I think that some effort could be made toward that.

Senator CULVER. I want to thank you very much, Mr. Pearce. We may have some additional questions of you.

Mr. PEARCE. Be glad to do that.

Senator CULVER. Our next witness is Lawrence Scales. Mr. Scales, it is a pleasure to welcome you here today. Mr. Scales is executive director of Iowa Children's and Family Services, a private agency which provides a wide variety of services to juveniles and their families. We would afford you your testimony.

STATEMENT OF LAWRENCE SCALES, EXECUTIVE DIRECTOR, IOWA CHILDREN'S AND FAMILY SERVICES, DES MOINES, IOWA

Mr. SCALES. Thank you, Senator. I appreciate the opportunity to be here. These remarks do not reflect any kind of a policy statement from the organization. These are my own observations, opinions over a considerable period of time.

The status offender is a name used for children and teenagers displaying problem behavior of a broad range. One of the most difficult, puzzling, and frustrating responsibilities of the court and social service staff involved with them, the status offenders are often not what they seem to be, nor what they claim to be. Suggested remedies to the apparent problems are often inappropriate and ineffective, and involve only a holding action that merely postpones some later more effective resolution of the real problem.

To deal with not merely the behavior of the status offender, but the family situation, which is almost always a part of the problem, requires the expansion of temporary shelter facilities for runaway children, drug treatment facilities, group homes and conventional uses of authority and social services; however, attempts at solving the problem of the status offenders that are based on separation of child and family are not reliably effective.

Included with this statement is a copy of a "Statement on Status Offenders," and I supplied the copies. I will not read those statements at this time. This was adopted by the Child Welfare League of American Board of Directors, December 1, 1976. It names as first priority the provision of service to children and families in their own homes, calls for a much more specific and narrow definition of the role of the court in addressing the issue of status offenders.

A proposal for one alternative to these more usual methods employed, a description of one such program, in-home support services, which is provided by our agency here in Des Moines follows:

In-Home Family Support Services is a coordinated family intervention service designed to allow youth to remain in their own homes through the application of a range of family strengthening efforts. In-home services can provide an alternative to institutional, residential, and group foster care, thus reducing the number of placements outside the home; and also be used as a preventive service for families that may be otherwise potentially abusive, neglectful, or headed toward family breakdown.

Service delivery centers around the use of in-home family support workers, each with a case load of four to six families. The involvement of these in-home family support workers is intensive and ongoing. The worker is responsible not only for the diagnosis of the family, but also the execution of the plan developed for the family.

Executing the plan may involve a wide variety of supportive counseling, teaching, role modeling, family management, and advocacy functions of the worker. The key ingredient is a consistent support and ready access of the in-home support worker. I can't emphasize that enough. What makes this different is the amount of time that is required on the part of the worker in really taking up part-time residence in the family rather than traditional counseling. The counseling hour or psychotherapeutic counseling as provided ordinarily doesn't do it. Family experiences, methods of coping, relationships, behaviors, and what may be done to alter these and other family and individual patterns become a daily focus.

Two important ingredients of in-home support, in addition to the in-home worker, are the availability of homemaker services and of professional in-home therapy. The key to success for both of these services is the preparation role of the in-home worker. Since most of the families served will be the ones that have a history of not relating to or being resistant to normal channels of help available in the community, the supportive, nonthreatening groundwork must first be laid.

As part of the coordinating services, the program also utilizes other community resources in families. Examples of this may include special educational services for children and adults and health services, county home extension services, financial aid services, and legal services, to mention a few.

The service is time limited, depending on the goals established for the family and the time set to accomplish the goals. Goals are reviewed systematically, probably monthly, to assess progress within the family toward meeting goals. Termination comes when goals are reached or when services no longer are deemed appropriate.

The experience with such in-home services is recent. The research on successful models, client family success potential, and evaluation and monitoring techniques require both widespread experimentation and

sound funding, specifically Federal funding and State funding. These will not be inexpensive. The committee will respectfully urge these suggestions.

Senator CULVER. How large an operation do you have?

Mr. SCALES. In this program we have about five workers involved. A few more will be coming. Funding has been available in the last 3 or 4 months.

Senator CULVER. Are those workers of a professional background?

Mr. SCALES. The first employees would fit in that category. It is anticipated that not all in-home workers need to have professional training. They will need to have training and education sufficient to allow them to deal with things, but primarily they would be experienced.

Senator CULVER. How are you notified as to a possible family such as this?

Mr. SCALES. Referrals are on a voluntary basis.

Senator CULVER. By the court? Would the court suggest——

Mr. SCALES. We are hopeful that the court will. The court has, I believe, hardly become aware of this service, it is so new to us.

Senator CULVER. How long have you been operating?

Mr. SCALES. About 2 months.

Senator CULVER. You envision that each of these workers would have four to five families?

Mr. SCALES. Yes.

Senator CULVER. Almost part-time residence, that means like what, 3 or 4 hours of counseling a day, perhaps, living in the home, or taking meals there or——

Mr. SCALES. In the experiences that preceded our setting up this project, the hours involved were more apt to be 8 hours of 10 hours a day, maybe 3 days a week.

Senator CULVER. To what extent are such in-home supportive activities available now?

Mr. SCALES. To my knowledge, there are three such programs, each on a slightly different model. There is one in West Branch, Iowa, called Families, which is the oldest one. There is another presently under development in Des Moines in conjunction with the Child Guidance Center of Des Moines, and that program has been operating, I think, something in the nature of 6 months.

Senator CULVER. Why do you suppose such services are not more available? Is it funding?

Mr. SCALES. That is one of the problems, Senator. Another one is that it is very difficult to knock people off the notion that outsiders will not be accepted by the family in trouble. Coming into the home is a concept that violates the privacy of the individual and family in our society; but families that hurt enough, we have found, will welcome us.

Senator CULVER. Based upon your experience, is the judicial processing of status offenders which may result in their being put on probabation, in a foster care, or group homes or institution, desirable or necessary?

Mr. SCALES. Where the child is in conflict with his family and he has not begun to lash out destructively, in other words, doing criminal acts or hurting anybody else; I believe the role of the courts

Any time a child is on his own so to speak, where there has been some constraint of parental involvement, that has to be the result of an adjudication. I don't think kids can walk off from their parents. On the other hand, where the conflict is essentially between family members and, regardless of the system—directed at each other, either family or parent toward the child, or the child toward the parents, that need not be a matter of court concern. The court is absolutely mandatory in the need for backup efforts when these voluntary things don't work. We have to have the court available.

Senator CULVER. In these situations where the nature of the conduct is not criminal and so forth, why do you think the judicial process would be——

Mr. SCALES. In all children of the age common in the status offender which would be adolescents, involved in the struggle against the authority of the parents, the adolescent emancipation struggle, authority is the thing that rubs the kids the wrong way. External authority exaggerates the anger children are feeling already. It also frightens parents around the loss of their authority. External authority in most instances where the status offender is involved in a parental emancipation process, is not helpful. It is the wrong prescription. That opinion has nothing to do with the efficacy of the court services.

Senator CULVER. We appreciate very much your coming here today.

[The prepared statement of Mr. Lawrence Scales follows:]

PREPARED STATEMENT OF LAWRENCE H. SCALES, JR., EXECUTIVE DIRECTOR, IOWA CHILDREN'S AND FAMILY SERVICES, DES MOINES, IOWA

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To deal with not merely the behavior of the status offender, but the family situation (almost always a part of the problem) requires the expansion of temporary shelter facilities for runaway children, drug treatment facilities, group homes, and conventional uses of authority and social services.

However, attempts at solving the problem of the status offender that are based on separation of child and family are not reliably effective.

Included with this statement is a copy of a Statement On Status Offenders, adopted by the Child Welfare League of America Board of Directors, December 1, 1976, with which members of this committee may be familiar. It names as first priority the provision of service to children and families in their own homes, and calls for a much more specific and narrow definition of the role of the court in addressing the issue of status offenders.

A proposal for one alternative to the more usual methods employed, a description of one such program, In-Home Support Services, as provided by Iowa Children's and Family Services, a voluntary agency, follows:

In-Home Family Support Services is a coordinated family intervention service designed to allow youth to remain in their own home through the application of a range of family-strengthening efforts. In-home services can provide an alternative to institutional, residential and/or foster care, thus reducing the number of costly placements outside the home. It can also be used as a preventive service for families that may be otherwise potentially abusive, neglectful, or headed toward family breakdown. Service delivery centers around the use of in-home family support workers, each with a caseload of 4 to 6 families. The involvement of the in-home family support worker is intensive and ongoing. The worker is responsible for not only the assessment and diagnosis of the family but also for the execution of the plan developed for the family. Executing the plan may involve a wide variety of supportive counseling, teaching, role-modeling, family management,

and advocacy functions of the worker. The key ingredient is the consistent support and ready access of the in-home support worker to the family. Family experiences, methods of coping, relationships, behaviors, and what may be done to alter these and other family and individual patterns become a daily focus.

Two important ingredients of in-home support, in addition to the in-home worker, are the availability of homemaker services and of professional in-home therapy. The key to success for both of these services is the preparation role of the in-home worker. Since most of the families served will be ones that have a history of not relating to, or being resistant to normal channels of help available in the community, the supportive, non-threatening groundwork must first be laid.

As a part of the coordinating services, the program also utilizes other community resources as needed by families. Examples of this may include special educational services for children and adults, health services, mental health service, county home-extension services, financial-aid services and legal services, to mention a few.

The service is time-limited depending on the goals established for the family and the time set to accomplish the goals. Goals are reviewed systematically (monthly) to assess progress within the family toward meeting goals. Termination comes when goals are reached or when service is no longer deemed appropriate.

The experience with such in-home services is recent. The research on successful models, client family success potential, and evaluation and monitoring techniques will require both wide-spread experimentation and sound funding, specifically Federal funding. The Committee is respectfully urged to include these suggestions in its exploration.

The next witness we will hear from is James Swaim, director of United Action for Youth. He is also vice chairperson of the Governor's Juvenile Justice Advisory Council.

STATEMENT OF JAMES SWAIM, DIRECTOR, UNITED ACTION FOR YOUTH AND VICE CHAIRPERSON, IOWA JUVENILE JUSTICE ADVISORY COUNCIL, IOWA CITY, IOWA

Mr. SWAIM. Thank you very much, Senator. I would like to clarify that I am not speaking for the Juvenile Justice Council; and I would also like to add for the record that I am a foster parent, which I think has done as much to educate me about the effect of institutions and its system on status offenses as 4 years at the United Action for Youth.

I will limit myself to just describing United Action for Youth. United Action for Youth is an agency in Iowa City that is basically a delinquency prevention program. We are on contract with the city of Iowa City currently to provide what is called youth outreach services to young people in Iowa City. We do that with a staff of myself and a full-time outreach worker and several counselors, aides, young people themselves who are employed by our agency—and trained—to help other young people.

In our work we deal with a lot of status offenders, mostly runaways, approximately two to five a week, I would say, this year is how many we have been dealing with. We do deal with some young people who have come to the attention of the juvenile justice system either through the court or through the Department of Social Services. Basically, what we try to provide to them is a chance for a positive relationship with someone so that we can effectively counsel with them, provide crisis intervention, do youth advocacy on an individual basis, and provide information and referral; and about 40 percent of U.A.Y's work is doing followup on the young people that we work with.

We worked this year with approximately 200 young people, which is a large number for the size staff that we have. The majority of those are young people who came to us that were referred by other young people. Again, we do accept referrals from the court. We get referrals from the Department of Social Services and other agencies, but the majority of kids that we work with are turned on to us by other kids. A couple of the young people you have heard today—are in the room today—are people that we have worked with in Iowa City.

Our agency is noncoercive. No young person is forced to work with us; even those court referrals that we accept are done so based on our knowledge that the young person genuinely wants to be involved with our program.

I heard the statements earlier about the word "coercion"; and the word itself doesn't bother me, it is the application of coercion. It is not the word that, I think, upsets us. Anyway, our agency, it is noncoercive.

Next year we will be funded through an LEAA grant, money made available as a result of the Juvenile Justice and Delinquency Prevention Act of 1974.

That is basically our agency. I will be pleased to answer any questions you may have.

Senator CULVER. Mr. Swaim, based upon your experience as director of the United Action for Youth and also your work with the Governor's Juvenile Justice Advisory Council, can you tell me whether substantial numbers of juvenile status offenders are being detained in jails or other secure facilities here in Iowa?

Mr. SWAIM. I think it depends on your definition of "substantial." There are a large number of status offenders still held. I would qualify that by saying we have made a tremendous improvement. I have seen a tremendous improvement in the last 3 years. I think there has been a real effort to reduce the number of status offenders; but as recently as yesterday, I checked with the detention center in Linn County and they do hold status offenders.

Senator CULVER. How about the availability of runaway houses and shelter care facilities in Iowa today?

Mr. SWAIM. Today we are in a lot better shape than when we started. When I first started working at United Action for Youth, there was one shelter house in Ames and that year we started one in Iowa City; and since——

Senator CULVER. What year was that?

Mr. SWAIM. That would have been 1973 and 1974, but since then—and again especially in the last 2 years—there has been a great emphasis, mostly as a result of the act to fund shelter cares across the State.

I would say I have seen a tremendous improvement. We still have a long way to go. There are several areas in the State that are still way below what they need.

Senator CULVER. Where are those areas?

Mr. SWAIM. Relative to other parts of the State, eastern Iowa—especially Johnson, Linn, and Scott Counties—has a capacity to provide emergency shelter care to young people in need of such service. At the same time, however, the existing shelter facilities are unable to meet the entire need. In Johnson County this year we were unable to to make the necessary referral to shelter care for several clients simply because the facility was full. I am aware also of several referrals

that were made to Johnson County's shelter from Linn and Scott Counties because their shelter facilities were full. While we are better prepared than most of the State in making shelter available in this area, it is still not adequate to meet the current need.

Senator CULVER. It has sometimes been asserted that it is necessary to put runaways in a secure detention environment or they would otherwise run away. Based upon your experience, do runaways remain in runaway houses and shelter care facilities?

Mr. SWAIM. I think it depends on the structure of the runaway house. I am aware of a runaway house that is funded through HEW in Cedar Rapids, and in their operation they only had one person run away. There is also another facility in Linn County called the Linn County Shelter Home, which is under different requirements and licensed by the Department of Social Services. They have a larger number of runaways; but I think if you set it up correctly, and structure the shelter house properly, you don't really need to worry about it. The main thing that will keep a young person at a place is if he or she feels that they have a vested interest in the place; and the one in Cedar Rapids really involves young people in decisionmaking, policies, not just in terms of individuals, but in how the place is actually run.

When young people feel they have an investment in the place, they are not likely to run from it. If they feel there is no investment, it is just a place that somebody else has put them; no matter where it is, whether it is a detention facility or a shelter facility, they are going to run from it.

Senator CULVER. The Governor's Juvenile Justice Advisory Council, as you know, was established in compliance with the requirement of the 1974 Federal Act, to advise the Crime Commission with respect to grants. Based upon your experience in this role, is this council performing its function adequately?

Mr. SWAIM. I think so, and I don't think it is because of just the structure of the council. I think we are fortunate in Iowa that the people who have been put on the council, including people like Professor Gittler and several other people in the room here, have a genuine commitment to changing the system and improving it. I have been very impressed. I came onto the thing very skeptical of citizen committees and how much responsibilities they are actually given, but I would say our experience on the Juvenile Justice Council has been very good.

Senator CULVER. What problems have you experienced in that capacity? What can you, perhaps, suggest that we might consider by way of eliminating these problems?

Mr. SWAIM. One of the problems is just accurate data. One of the things we are faced with is to review problems in the State and to have input on what things we should and should not fund. I think to adequately address that, we need accurate data; for instance, you asked about status offenders being held in jail. We don't really know how many; and when we ask, there is no way to get the information. Right now the Department of Social Services, as funded by the Crime Commission, is supposed to be setting up a program to monitor jails across the State.

At our last Juvenile Justice Council meeting, we found out that that person will not actually even be able to find out whether a young person held in jail or secure detention is a status offender or a delinquent offender.

Senator CULVER. Why not?

Mr. SWAIM. I don't know. You would have to ask the Department of Social Services, I guess. Part of the problem is that jails don't keep track of that information; so even if you write it into somebody's job description, they are going to go out; and in order to get that information, are going to have to sort through reams of paperwork the probation officers, the jailers, keep.

Part of the problem, too, is that the data we do have is based on 1973 and 1974 and things like that, for instance; in just reviewing the needs for shelter care. There has been a great deal done this year and last year, but we are a little bit slow at gathering data on what the impact of those things are.

Senator CULVER. What are you doing about the problems of coordination?

Mr. SWAIM. The coordination part of it has to—you would have to recognize that we are dealing with human beings, that we as professionals, we can do a lot; for instance, on the Juvenile Justice Council, we coordinate our efforts because we work cooperatively with each other. There was a time in Iowa City in my work and at United Action for Youth that we received very little cooperation, mostly because we were a new agency, considered an alternative; and there were times where we were actually fighting with other professionals over what should happen. Again, Jan is a perfect example of a person that we worked with, where we were in constant conflict with what should and should not happen with the young people we were involved with. For the most part, we have resolved that in Iowa City, that we all are concerned with the young people in our community.

Again, it wasn't anything about the system that made that happen. It was we as individuals getting together and saying, you know, we all have concerns. We all have different ideas, and we need to get together and be able to share those ideas and come to a consensus without fighting and without having negative impact on young people.

Senator CULVER. How about education on being a parent?

Mr. SWAIM. I have learned a lot this year. I am considered, I guess, a successful foster parent, but it isn't—the foster care system is not designed to be successful, I don't think. The reason I am successful—I learned a lot as director of United Action for Youth and was prepared. There is not much done in the way of training foster parents or actually even preparing them for what they are going to get into. Like Judge Eastman said, you really run the risk that some kid may come in and tear your house apart. You don't hear that from the person who is trying to recruit you as a foster parent, so I think there is a need for support groups for foster parents, education, training grants for foster parents.

Last year we sponsored taking one of our parents who is on our board to one of the national conferences, which she found very interesting and learned a lot from it. It just put her in touch with other parents and foster parents who made her feel like she wasn't alone out there.

Senator CULVER. How about normal parental training in schools?

Mr. SWAIM. I think they can train kids in schools about being parents. Again, though, you are limited, and it gets kind of scary because you are talking—we all have different values about what effective parents should be and whether or not the State should be responsible for doing that or whether just the community in general.

If you have a good parent—if I have a young person that I am working with and he or she has good parents, trying to use them as a resource for other parents is quite effective. You don't necessarily need a huge program to deal with.

Senator CULVER. I want to thank you very much for your appearance here today, Mr. Swaim. I appreciate it very much.

Mr. SWAIM. Thank you.

Senator CULVER. Our next witness is Prof. Janet Johnson. Professor Johnson is on the faculty of Drake University Law School where she teaches a course in juvenile law. Professor Johnson is also a member of the Iowa Parole Board and a member of the Advisory Commission on Corrections of LEAA. We want to welcome you this morning.

STATEMENT OF PROF. JANET JOHNSON, DRAKE UNIVERSITY LAW SCHOOL, DES MOINES, IOWA

Professor JOHNSON. Thank you. I would like to say if it would be another qualification, that I have two teenage children, 14 and 17, neither of whom have been before the juvenile court, both of whom have demonstrated behavior on occasion that might suggest they are status offenders.

I would like to say that although status offenders have been removed from the authority of the training schools as a result of the 1975 revision in the code, the purpose of my testimony is to advocate the removal of status jurisdiction from the juvenile court for reasons that have not been addressed; primarily, that goes to the nature of the way statutes are drafted. I believe they work a discriminatory effect on young women.

From its inception, the juvenile court has had broad jurisdiction to live up to its charge that children who are involved in wayward-type behavior and incorrigible-type behavior are in need of some kind of assistance. The understandable broadness of these statutes can be identified; however, the result causes problems in two areas. First, the statutes are vague. There have been courts in several jurisdictions that have found them to be so vague that they are constitutionally impermissible. They are written so that the court has sweeping power under which juveniles can be brought before the court. Second, in addition to the vagueness, they are often overbroad in their statement allowing sweeping kinds of jurisdictional assertion over behaviors that in other circumstances would be constitutionally protected, such as freedom of association, freedom of expression, freedom of choice to walk around the street freely—if one takes the U.S. Supreme Court discussion in the vagraney statute case as a basis.

The particular problem with regard to the overbreadth, the wide sweep these statutes can have, is in the area of discriminatory application, which I have alluded to. The basic background of this society is patriarchal. Young women are viewed in the traditional role despite the feminist movement. Women are traditionally seen as fit for marriage and family, a career that is basically afforded less status. As a result it has been the official judgment, as well as the moral judgment, that women are basically lacking in the kind of judgments men can make and are, therefore, in need of supervision and protection.

This "man-made" female—when I say "man made," I do not mean the generic as Representative Higgins was describing; the code was not meant to be sexist—this "man-made" definition is, in fact, male made. It justifies a differential, moral, and legal standard for women under the guise of protection.

From this tradition the differential application of juvenile status offense statutes has developed. The judge is given wide discretion in juvenile matters. The police are given wide discretion in terms of who may be brought in and who will be subjected to juvenile court jurisdiction as has been indicated in the testimony this morning. Apparently parents who also adhere to this differential standard of treatment utilize the juvenile court for their own purposes.

Statistics from Iowa—these are before the 1975 revision of the code—show that while juveniles, girls, comprise only 23 percent of cases referred to the juvenile court, they make up 46 percent of all cases involving status offenses. Also, again prior to the 1975 change, discussions, and these were personal discussions between members of my seminar class and people on the staff of the respective training schools, estimated that with regard to girls in Mitchellville all the way from 40 percent by one staff member to 96 percent by another, were really status offenders and were there primarily because of waywardness and incorrigibility equaling sexual promiscuity in these cases. On the other hand, it was estimated by the Eldora staff for boys that only approximately 15 to 20 percent, 25 percent was one staff member's estimate, were actually there for status offenses. Of course, the law has been changed to dictate that children can no longer be detained in those kinds of settings.

We have heard testimony this morning, however, that mental health institutes are being utilized. I am personally acquainted with a case that falls into that very category; it involves a 14-year-old girl who had been adjudicated a CINA because her mother was a prostitute. This was in southwest Iowa. As a result she was placed in a foster home. Her behavior was monitored. She was seeing a young man who came from a responsible family in the community. She ultimately became pregnant, was placed in the Clarinda Mental Health Institute, and upon her being released after a short period, one of the conditions of her release was that she would have no association with this young man. She ultimately did within a few days establish this association and as of 2 weeks ago, the court was again being asked to send her to another foster home out of her own community or back to Clarinda because of her particular association. It was shown that the boy's parents would have taken her in. Obviously, she is not competent to get married under the laws of Iowa until, October 1977 because of the invalidity of marriages below the age of 16. However, the parents of the boy are respectable citizens and able to care for her; but because the court intervened, she was no longer even considered as being suitable in this placement.

Likewise, another thing has come to my attention. We say that juveniles cannot be placed in the training schools. I do not have the availability of the jurisdiction, namely the county in which this occurred. It only came to the attention of someone else in an official capacity and that is a confidential communication; but particular judge or judges have utilized CINA adjudication thereby setting up conditions of that adjudication where the girl remained with the parents subject to

the conditions that she obey curfew regulations, that she go to school and obey her parents' commands. Upon failure to do that, found her in contempt, used that as a basis for a delinquency proceeding and thereby used it as the opportunity for a training school commitment.

If this is, in fact, the case, it raises some serious questions about the efficacy of retaining status jurisdiction. I would suggest that it in no way suggests that we are condoning the behavior by asking for the removal of status offense jurisdiction—or suggesting that kids ought to be running around without supervision or that this is in their best interest. I think it is merely a way of looking at the balancing process and saying that the kind of labels that are attached, the stigmas that are attached, the inappropriate kinds of exposures that kids are likely to get in these sorts of conditions, raises serious questions as to whether or not society can really afford it.

The juvenile court has limited resources and we have heard testimony to that effect. Allowing the court to act on kids who are behavioral problems and not a threat to the community in any real sense is a waste of those resources.

I would therefore suggest, for the reasons I have enumerated, primarily focusing on the discriminatory aspects of these statutes that the juvenile status offenses be removed from the jurisdiction of the court. I would suggest that as a result, the court be given the authority to coercively compel community service agencies to deliver services, rather than operating under the juvenile court directly.

I also suggest there be some consideration given to mandatory training for parenthood. We have mandatory commitments, but we do not have mandatory training for parenthood; and I finally suggest that the court exercise jurisdiction over parents rather than focusing directly on the children. I think it could be summarized in terms of saying we have believed as a society that this is behavior that should not go unnoticed, and granting that it should not, proceeded by saying that we cannot do "nothing"; doing anything has to be better. There has been no demonstrated evidence that doing the anything that we have done is productive.

Senator CULVER. Professor Johnson, if I understand you correctly, you are saying that you are in favor of elimination of the juvenile court status offense jurisdiction on the grounds that in addition to some of these other arguments that have advanced it has given rise to the discriminatory treatment, female juvenile treatment, is that right?

Professor JOHNSON. Definitely.

Senator CULVER. Hasn't the American Bar Association just issued a report recently which states that female juveniles, particularly status offenders, are discriminatorily treated in the juvenile justice system?

Professor JOHNSON. I am aware of that report. I have not read it.

Senator CULVER. Your cause, your explanation, briefly, for the cause of this discriminatory treatment is what?

Professor JOHNSON. Societal expectations that women have certain kinds of behaviors that are appropriate; sexual promiscuity is not one of those behaviors. A boy by our standards is jokingly referred to as "sowing his wild oats." A girl who behaves in the same manner is viewed to be a potential whore, if she is not already. A parent, judges,

and law enforcement officials cannot see the identity of that kind of adolescent behavior. Consequently, women are believed to be headed down a much worse path and need more protection.

[The prepared statement of Professor Johnson follows:]

PREPARED STATEMENT OF PROF. JANET JOHNSON, DRAKE UNIVERSITY LAW SCHOOL, DES MOINES, IOWA

Generally speaking, children coming under the jurisdiction of the juvenile court for conduct alleged to be delinquent are classified into two categories: (1) those who have committed acts which would be crimes if committed by adults; and (2) those who have not committed such offenses, but because of other undesirable behavior are deemed to be in need of official attention (status offenders).

Until July 1, 1975, Chapter 232, Iowa's Juvenile Code, like many other states' juvenile codes, provided:

"Delinquent child" means a child:

a. Who has violated any state law or local laws or ordinances except any offense which is exempted from this chapter by law.

b. Who has violated a federal law or a law of another state and whose case has been referred to the juvenile court.

c. Who is uncontrolled by his parents, guardian, or legal custodian by reason of being wayward or habitually disobedient.

d. Who habitually deports himself in a manner that is injurious to himself or others. The Code § 232.2 (13) (1975).

Section 232.34 provided that upon a finding of delinquency by the court, the court could dispose of the case by entering an order making any one or more of the following dispositions:

1. Continue the proceeding from time to time under such supervision as the court may direct.

2. Place the child under the supervision of a probation officer or other suitable person in the home of the child.

3. Subject to the continued jurisdiction of the court, transfer legal custody of the child to one of the following:

a. A child placing agency.

b. A probation department.

c. A reputable individual of good moral character.

4. Commit the child to the commissioner of social services or his designee for placement.

Subsection 232.34(4) allowed ultimate placement of the juvenile in one of the state's training schools.

During the 1975 session, the 66th G.A. enacted chapter 142 which amended § 232.2(13). The ultimate result among other things is that status offenders are no longer subject to delinquency proceedings, but are now classified under the label of "child in need of assistance" (CINA). Iowa Code, § 232.13(i) and (j) (1977). Juveniles coming before the juvenile court as CINA's are still subject to all provisions of Chapter 232 except that portion of section 232.33 which states that ". . . a minor adjudicated as a child in need of assistance shall not be placed in the Iowa training school for boys or the Iowa training school for girls."

Although status offenders, in Iowa, can no longer be placed in one of the States' training schools, the purpose of this report is to advocate the removal of status offenses from the jurisdiction of the juvenile court.

HISTORICAL BACKGROUND

From its inception, the juvenile court has been granted broad jurisdiction over young persons engaged in behavior that would be criminal on the part of an adult as well as behavior illegal only for a child. (E.g. truancy, incorrigibility, waywardness, curfew violation.) The intent and philosophy was, and remains, admirable. The juvenile court, acting as a protective and rehabilitative force, needed the state-granted authority to lawfully intervene to protect many children from themselves and from their environments. One would not argue that "[a] firm, objective way is needed to apply the truancy laws, fortify flagging parents, and encourage substitution of healthful for self-destructive pursuits before it is too late." Task Force on Juvenile Delinquency: The President's Commission on Law Enforcement and Administration of Justice at 26 (1967). However, that "objective way" must be carefully scrutinized in view of the real potential for harm to the child that can accompany an adjudication of delinquency or CINA and the questionable ability of the juvenile court to deliver rehabilitative results.

THE CONSTITUTIONAL PROBLEMS RAISED BY JUVENILE STATUS OFFENSES STATUTES

The United States Supreme Court has not held that all constitutional guarantees afforded adults in criminal proceedings must be extended to juveniles in proceedings before the juvenile court. Rather, the landmark case of *In re Gault*, 387 U.S. 1 (1967), held that the adjudicatory process whereby a young person can be declared a "delinquent [and subjected to loss of liberty by confinement] must measure up to the essentials of due process and fair treatment." 387 U.S. at 30–31. However, there has been no pronouncement from the high court relative to the standards required of statutes granting jurisdiction to the juvenile court.

VAGUENESS

The reasoning long applied to deny procedural protections to juveniles in juvenile court proceedings has been that such proceedings are civil, not criminal, in nature. However, as Justice Fortas pointed out in *Gault* "it is of no constitutional consequence—and of limited practical meaning—that the institution to which [Gerald Gault] is committed is called in Industrial School." 387 U.S. at 27. Whether or not the procedure was designated as criminal, the child, because of minor misconduct, as subject to incarceration and deprived of his liberty for a greater or lesser time.

The same reasoning should be used in testing the appropriate standards to be applied to the juvenile status offense statutes because of the ultimate possibility of restraint of liberty whether in a state training school, group home, juvenile detention facility or through conditions of probation.

Constitutional standards require criminal statutes to be drafted with sufficient specificity as to the conduct prohibited or condemned that a person of common intelligence is not required to guess at what conduct is proscribed. *Giaccio* v. *Pennsylvania*, 382 U.S. 399 (1966). Such statutes must afford some comprehensible guide, rule or information concerning what is required so that the ordinary member of society will understand what is expected of him or her.

Therefore, because so many aspects of criminal law permeate the juvenile court system, the child should be informed in specific terms just what conduct will bring him or her within the purview of the statute.

Further, the United States Supreme Court declared the statute unconstitutionally vague in *Giaccio* v. *Pennsylvania* because it allowed the jury to impose the costs of prosecution on a criminal defendant even if he or she was found innocent! The Court noted that the procedure must satisfy the due process requirements of the fourteenth amendment regardless of whether the act is "penal" or "civil" in nature.

A three judge district court in the unreported opinion of *Gonzalez* v. *Mailliard*, Civil No. 50424 (N.D. Cal., filed Feb. 9, 1971) found the language of California's Welfare and Institutions Code § 601 to be unconstitutionally vague. That code section used language of "in danger of leading an idle, dissolute, lewd or immoral life." The court stated that it is next to impossible for a juvenile to defend against such a charge.

[O]f what possible utility is notice of charges when the charge is merely that one is dissolute? What use is counsel when it is impossible to know what type of evidence is relevant to rebut the case?

The court declared the charge to be so abstract that *any* behavior could be molded to fit within the purview of the statute.

Similarly, the court in *Gesicki* v. *Oswald*, 336 F. Supp. 365 (S.D.N.Y. 1971), found the phrases "morally depraved" or "in danger of becoming morally depraved" to be unusable as a standard of conduct. The court said "where loss of personal liberty may be imposed, a citizen is entitled to know before he comes to court—not after—what is the standard of accepted behavior." 336 F. Supp. at 369. In summary, the New York statute in question provided "wholly inadequate safeguards against arbitrary application." 336 F. Supp. at 377.

Juvenile statues such as Section 232.2(13) (i) and (j), which define behavior in terms of "being wayward" or habitually deport[ing oneself] in a manner injurious to [self] or others" likewise are so subjective as to provide no ascertainable standards of behavior and should, if challenged, be declared void for vagueness.

OVERBREADTH

A statute is overbroad where it is without standards and therefore susceptible to sweeping and improper application which permits punishment of innocent or constitutionally protected behavior. *Keyishian* v. *Board of Regents*, 385 U.S. 589

(1967) cited in 19 U.C.L.A. L. Rev. at 324. See also *Alsager* v. *District Court*, 406 F. Supp. 10 (S.D. Iowa 1975).

Juvenile status offense statutes cover such a broad range of behavior that the court (as well as police officers and prosecutors) can impose its own standards of morality upon young people by defining delinquency or CINA so broadly any youth could be subjected to the court's jurisdiction.

Such constitutionally protected activities as freedom of expression and association and the right to wander freely are also discouraged. See *Papachristou* v. *City of Jacksonville*, 405 U.S. 156 (1972).

DISCRIMINATORY APPLICATION

The problems of statutory vagueness and overbreadth are further compounded by the more narrow problem of unequal treatment of male and female juveniles. See e.g., Davis & Chaires, "Equal Protection for Juveniles: The Present Status of Sex-based Discrimination in Juvenile Court Laws," 7 Geo. L.R. 494 (1973); Comment,

"Juvenile Delinquency Laws: Juvenile Women and the Double Standard of Morality," 19 U.S.C.A.L. Rev. 313 (1973); 24 Stanford L. Rev. 568 (1972).

Nationally more than one-half of girls appearing before juvenile courts are referred for non-criminal conduct whereas only one-fifth of the boys are referred for such conduct, U.S. Dept. Health, Education & Welfare. Pub. No. 72-03452 Juvenile Court Statistics, 1970, (Jan. 7, 1972); Morris, "Attitudes Towards Delinquency by Delinquents, Nondelinquents and Their Friends," 5 Brit. J. Crim. 249 (1965).

Statistics gathered and compiled from several counties in central Iowa show that while girls represent a mere 23 percent of total juvenile cases, females comprise 46 percent of all cases involving juvenile status offenses (mainly ungovernable behavior and runways).

These pre-adjudication percentages coordinate well with figures obtained from the Iowa Girls Training School at Mitchellville and the Iowa Boys Training School at Eldora prior to the 1975 statutory revision. While no official statistics were available from either school, officials, in personal interviews, estimated that the population at Mitchellville in Spring, 1975 was comprised of conservatively 40 percent status offenders. One staff member's estimate was 96 percent! Officials at Eldora estimated the percentage of status offenders to be between 15 and 25 percent.

The more serious problem inherent in the above statistical summary, therefore, seems to be that of selective enforcement. American social structure is basically patriarchal and male dominated despite recent attitudinal and legal changes attributed to the new feminist movement. Women traditionally are trained to be subservient with the career goals of marriage and a family, a career afforded less status than a typical male career. As a result, women are held to be lacking in judgment and in need of supervidion and protection. 19 U.C.L.A.L. Rev. at 331. This man-made female inferiority then has justified a different moral and legal standard for women under the guise of protection.

From this tradition the differential application of juvenile status offense statutes has developed. Therefore, the judge who is given wide discretion in juvenile matters and the police force, made up largely of men who have had much the same role expectations of juvenile (especially female) behavior as traditional society, can consider it delinquent for a young girl to stay out late but not for a boy.

It should be noted, however, that many female juveniles who come into contact with the juvenile court are turned in by parents or relatives rather than through referrals by law enforcement officials. Judge Leo Oxberger, Iowa Court of Appeals; 19 U.C.L.A.L. Rev. at 335.

Statistics also show that nearly all offenders who are adjudicated under juvenile status offense statutes are "guilty" of some kind of sexual misbehavior. C. Vedeer & D. Sommerville, *The Delinquent Girl* (1970); D. Gibbons, *Delinquent Behavior* (1970). Behavior which is merely a failure to conform to a limiting sex role should not be legally proscribed. Further, to the extent that male juveniles go unpunished for similar behavior, vague and overbroad language in juvenile status offense statutes permit discriminatory enforcement of different sexual standards for males and females.

One might well ask whether the threat of sexual promiscuity among female juveniles is sufficient to warrant extended juvenile court jurisdiction over them. Is such official action really anything more than the enforcement of a double standard of morality? Do juvenile court adjudications of young females based on such

s really decrease promiscuity sufficiently to counter-balance the effects of ıration (or other juvenile court placement) and the added burden placed on renile justice system? Present evidence is not available to support continua- the present pattern of enforcement.

ALTERNATIVES

ıy authorities suggest that it is not justifiable to coercively handle children yward or other types of behavior commonly contained in juvenile status s statutes. These problems should perhaps be handled without steering such n to the juvenile court even if society must overlook some running away corrigibility. This criticism is especially well-founded when the handling of ehavior defined as "wayward" works an uneven and unjustifiable hardship g. Reckless & Kay, The Female Offender (paper presented to the Presi- Commission on Law Enforcement and Administration of Justice 1967).
ny event, while children who are behavior problems no doubt need help, ul examination must be made of any attempt to *institutionalize* them or them to accept help "for their own benefit" where their acts do not amount erious threat to the social order. Glen, Developments in Juvenile and Courts, 15 Crime & Delinq. 295, at 296 (1965).
reasons for such a position are obvious. The label of "delinquent" or CINA s a stigma to the child not unlike that of "criminal" even though part of ionale behind adjudicating juvenile criminal-law offenders as delinquents is d stigmatizing youth who are merely in need of rehabilitation.
tionally, placing children who have merely demonstrated behavioral prob- correctional facilities (e.g. training schools or juvenile homes) exposes o more sophisticated crime-prone delinquents. (Despite the 1975 Code , the reader's attention is directed to the alleged practice of ordering a adjudicated female to obey her parents and attend school and upon her to do so, to find her in contempt, thereby subjecting her to a delinquency ation and a training school disposition). Further juvenile correctional s are plagued by inadequate staff to deliver full rehabilitative services.
ss it can be proven that present day sanctions for mere juvenile misbehavior *tially* reduce the probability that juvenile offenders will commit future the legislature should reexamine its efforts at attempting to enforce stand- juvenile morality through status offense statutes.
nts and children who are in conflict with each other, or children who are lict with society during adolescence, should have community resources le for their voluntary use to help them through this difficult adjustment 21 Crime and Delinquency 97, 98 (April 1975).
ough alternative solutions to adolescent misbehavior such as family coun- and youth service bureaus are difficult to develop, the juvenile court is not d, equipped or capable of handling these problems. Continued jurisdiction atus offenses results in a disproportionate share of already inadequate es being applied to youth who pose no demonstrated threat to community The coercive power of the juvenile court should be utilized only in dealing iminal behavior which threatens community safety. As Judge David has said:
situation is truly ironic. The argument for retaining beyond control and jurisdiction is that juvenile courts have to act in such cases because "if 't act, no one else will." I submit that precisely the opposite is the case: you act, no one else does. Schools and public agencies refer their problem you because you have jurisdiction, because you exercise it, and because d out promises that you can provide solutions.
d L. Bazelon, "Beyond Control of the Juvenile Court," Juvenile Court , Summer 1970, p. 44.
oercive community services should bear the responsibility for socially table adolescent behavior.

CONCLUSION

ile status offense statutes like §232.2(13) (i) and (j) fail to give adequate of the behavior prohibited to give youth notice of the proscribed conduct hey are initiated into the juvenile justice system.
er, these statutes allow for a double standard of enforcement whereby nal attitudes regarding appropriate behavior (especially female sexual r) can be used by juvenile court judges and law enforcement officials to nate against female juveniles.

The legislatures are urged to:
(1) Remove juvenile status offenses from the jurisdiction of the juvenile court;
(2) Provide for court authority only to order treatment through community-based services.

Senator CULVER. I want to thank you very much for your statement. Our next witness is Mr. Gordon Allen.

Mr. Allen is legal director of the Iowa Civil Liberties Union. It is a pleasure to welcome you, Mr. Allen.

STATEMENT OF GORDON ALLEN, LEGAL DIRECTOR, IOWA CIVIL LIBERTIES UNION, DES MOINES, IOWA

Mr. ALLEN. I was invited to speak this morning as a representative of the Iowa Civil Liberties Union, which is an affiliate of the American Civil Liberties Union, and as such the focus of my comments must find its genesis in constitutional law. The concerns of civil libertarians with the continued jurisdiction over status offenses by juvenile courts is multifold. Primarily among those concerns previously addressed by Ms. Johnson, that is: the vague and open-ended statutory language typically used in most jurisdictions for juvenile court jurisdiction.

Terms such as "wayward," "habitually disobedient" and "incorrigible" allow the imposition of idiosyncratic and personally perceived norms of behavior on others by probation officers, social workers, judges, and lawyers connected with the juvenile system. The allowance of this wholly subjective and disparate imposition of child caring standards, depending upon the individual charged with the enforcement, regularly causes the poor and uneducated to be the victims of such judicial interpretation.

Second, dependent upon individual persuasion, activities normally considered constitutionally protected may become the focus of judicial and court intervention.

Of further concern, civil libertarians are concerned with the reflexive removal of children from their parents subsequent to a finding of delinquency based upon status offenses. Constitutionally, we submit that the State has an obligation to provide the least drastic alternative disposition to the particular child, if one assumes that the original constitutional defects in the jurisdiction can be overcome.

Once in contact with the juvenile court as a status offender, the child is unfortunately labeled as a bad kid. This labeling process starts the self-fulfilling prophesy and contributes to the recidivism rate of juveniles which is estimated to be between 50 and 80 percent.

Iowa has addressed these problems by amending their juvenile code to prohibit juvenile courts from institutionalizing individuals found guilty of status offenses only. That solution to the problem is really no solution at all, for it does not address our basic objections.

In our view the response of the juvenile courts in Iowa, subsequent to this amendment, has not been to increase their attention and responsibility in the areas of serious delinquency, but rather to continue their focus on status offenders under different names, different institutions, and different facilities. Status offenders are still subject to interim detention prior to adjudication or diversion. Status offenders are still subject to institutionalization in the Juvenile Home in Toledo and perhaps on guest status at Mitchellville Training School for a period of up to 30 days.

It is suggested that court diversion programs only increase the impact and control of the juvenile court over the child. It is our philosophy and position that as long as the juvenile court is there, it will continue to be used. The real issue is in the definition of juvenile courts and its historic blend of social work and law. Juvenile courts have been increasingly accommodating to schools, child welfare agencies, and parents by accepting their nonconformists. Limited resources available to the juvenile court therefore demand that less time and energy be spent with serious delinquency about which the public is rightfully concerned.

In the absence of proof that the system achieves its goals, which the recidivism rate alone belies, increasing emphasis must be placed on other systems and other programs and the provision of voluntary services to a particular child with a problem.

The prime argument, which we have heard repeatedly this morning, to justify delay in limiting the jurisdiction of the juvenile court seems to be that no other alternatives for the provision of such services exist. It is feared that an overload on family and child care agencies, or the lack of such programs entirely, will be resultant and the child will be abandoned. It is respectfully suggested that this is where the overload belongs. It is truly unfortunate, but I submit typical of responsive philosophy rather than preventive philosophy that an overload must precede a reallocation of public funds.

This responsive philosophy is nowhere more clearly indicated than in the latest figures regarding the provision of homemaker services. Seventy-five percent of the inhome supportive services funded through the Department of Social Services for the State of Iowa goes to services for adults and the elderly, and only 25 percent in support of children.

It is respectfully suggested that only closing the door of the juvenile court to behaviors previously labeled as status offenders is appropriate. As long as the court is there, it will be used, and the labeling process will be the result. Diversion programs, child in need of assistance categories, family in need of assistance categories, all result in juvenile court coercion of individually perceived norms of appropriate behavior. It must be recognized that juvenile court has not, and it is asserted cannot fulfill the desired objectives and dreams of its creators. The entire service delivery system must be modified and constructed in such a way that services are deliverable without coercion, available to all, and in that sense, readily available.

It must be emphasized that while these kinds of services are costly, they are far less expensive even at their most sophisticated level than the cost of prolonged care and juvenile court intervention.

It is time that the juvenile courts were returned to their rightful area of expertise to enable satisfactory response to serious delinquent acts, which have increased. It is time that social service agencies and schools and all other service delivery modes recognize and resume their responsibilities in the provision of services. Dumping their problems on the door of the juvenile court will no longer suffice. Such a system, no matter how well funded, will never be a panacea for society's problem of juvenile children, but the burden should not be borne by the juvenile justice system alone.

All the testimony this morning, I believe, is agreed on the need for improved resources. It is now time to close the courthouse doors to status offenders. Thank you, sir.

Senator CULVER. Thank you, Mr. Allen. You have pointed out that the Iowa Code defines status offense very vaguely and broadly. Is such a statutory definition susceptible to constitutional attack on the ground that it is void for vagueness?

Mr. ALLEN. If you would have asked me that question 3 or 4 years ago, I could have given you an unequivocal yes, based upon lower Federal court decisions in both the juvenile area and in higher court decisions in the adult area dealing with criminal statutes and how they must be drafted and the precise nature of notice that you must give to both the law enforcers and the individuals. I would have said yes in terms of wayward and habitually disobedient, incorrigible, all vaguely and sufficiently undefined that they could be subject to constitutional challenge.

Given some of the recent decisions of the U.S. Supreme Court and necessary interpretation of those decisions by lower courts, I can't give you the same kind of answer now that I could have given you then.

It is often said that children are in a different category and that the same constitutional law that applies to adults does not apply to children; and it has repeatedly been handled that you can make different rules for children than you can make for adults, and that goes for constitutional laws as well as statutory law. In my opinion I think they are subject to challenge. Whether that challenge would be fruitful, I can't predict that.

Senator CULVER. Recently the ICLU has been involved in representing the plaintiff in the case which challenged the removal of the children from the parents by the court.

What is the status of that case? Does it have any real bearing on our discussion this morning?

Mr. ALLEN. It has bearing in relation to the question you previously asked me, and that is can you challenge statutory actions in court. That particular case answered in the affirmative both at the district court level and at the eighth circuit court level. The statutory language used for the process of termination of parental rights was found to be vague and open-ended, and our challenge was found to be legitimate.

Subject to that decision, the juvenile court has again moved against this family, only this time gave them sufficient notice, gave them an opportunity to defend; and based upon that sufficient notice, and I think complied with procedural process.

If I might address one particular point in relation to that case, there has been anywhere from conservative estimates of $600,000 to $700,000 all the way up to a $1.5 to $2 million which has been expended on this family over the course of the last 9 to 10 years since 1968. It, I assume, would be the same analogy to the Vietnam war. We could probably give that family the million and a half dollars and let them support their children by sending them away to boarding schools, the same way that many of the rich in our country do, and the problem would have been relieved; but instead we went through the juvenile court process and addressed the problem by trying to pour funding through the juvenile court process into this family and it has not worked; and I don't think it will ever work.

Senator CULVER. I want to thank you very much, Mr. Allen, for your appearance here today. We appreciate it. Our final witness today is Mr. Allen Way.

Mr. Way is executive director of the Iowa Crime Commission, and we are very interested in hearing from you, Mr. Way, in regard to the Crime Commission implementation of the 1974 act.

STATEMENT OF ALLEN WAY, EXECUTIVE DIRECTOR, IOWA CRIME COMMISSION, DES MOINES, IOWA

Mr. WAY. Thank you, Mr. Chairman. On behalf of the Iowa Crime Commission and the Juvenile Justice Advisory Council, I appreciate your invitation to provide you with testimony concerning our State's implementation of the provisions contained in the Juvenile Justice and Delinquency Prevention Act of 1974.

Since the passage of the Crime Control Act in 1968, the commission has always directed substantial effort toward the juvenile justice component of the criminal justice system. With the passage of the Juvenile Justice and Delinquency Prevention Act of 1974, added emphasis was provided to the commission in moving from a primarily criminal justice oriented organization to one which encompasses a delivery of services to the much broader spectrum constituting the juvenile justice system. The system is finely balanced interaction between a local police-court-probation system, a State-operated correctional and protective services organization, and a privately operated correctional, rehabilitative, and shelter service system. The Juvenile Justice Act in Iowa has had a constant and growing impact on all these areas. Even before Federal leadership role was initiated, Iowa placed an emphasis on the deinstitutionalization of status offenders and separation of juvenile and adult offenders in detention centers.

The Juvenile Justice Advisory Council, which is appointed by Governor Ray, consists of 24 knowledgeable and experienced individuals in the juvenile justice system throughout Iowa. Its purpose is to provide advice, consultation and technical assistance to the Iowa Crime Commission and applicants for the implementation of the Juvenile Justice and Delinquency Prevention Act in Iowa, built on the premise that the State does not maintain the total responsibility for all services throughout the criminal justice system, but many of the services rest in line with local, city and county government agencies.

The Juvenile Justice Act is administered at the local level through seven regional planning units working in concert with and under the employment of local, city, and county governments. With the forming of the State advisory council, similar advisory committees were also formed at the seven RPU regions. They also comprise numerous local officials and functionaries and provide advice to the area crime commissions with respect to planning and programing in the juvenile justice areas.

So as not to form advisory committees at the State and local government levels just to be forming committees, a comprehensive planning process was also developed and implemented so as to work from the grass roots level and involves the identification of problems and needs, prioritization of those problems and needs, developing standards and goals and addressing the prioritized problems and the development of the means to address the goals and objectives.

Three means can be identified in Iowa. One is funding both through the Safe Streets Act and the Juvenile Justice Act. Legislation may be identified in certain areas necessary for implementing various standards and goals. Technical assistance is a very important role both by State agencies and officials. It may also be appropriate in implementing solutions to those problems.

Technical assistance plays a tremendous role in developing programs. It also is utilized in putting together programs, consolidation and coordination of other programs which no additional funding is required. The improvements achieved in Iowa have been in direct result of this fine interagency cooperation of the State level as well as the local level. In 1975 the legislature provided the Office for Planning and Programing and the Office of Youth Development, State appropriations for juvenile community-based correctional programs. The Iowa Crime Commission and the OPP jointly planned and programed the use of those State appropriations in concert with and in an effort to complement Federal funding sources available between both agencies.

Senator CULVER. How much money?

Mr. WAY. I believe it was in the neighborhood of a couple hundred thousand dollars—$160,000. The initial appropriation of $165,000 appears to be rather meager in the total expenditure of Federal——

Senator CULVER. Excuse me. Is it $165,000 or $160,000?

Mr. WAY. $160,000.

Senator CULVER. $160,000?

Mr. WAY. Right. But as that may appear meager, what it has provided is that the interagency involvement and planning for the fund utilized both the State appropriations and Federal funds out of the Juvenile Justice Act together to complement each other.

Senator CULVER. You first qualified for those funds in August 1975?

Mr. WAY. Correct.

Senator CULVER. How much money have you received on that program in the last 2 years?

Mr. WAY. One million, two hundred and twenty-eight thousand dollars.

Senator CULVER. That is in 2 years, a 2 year period?

Mr. WAY. That is since the State of Iowa initiated participation.

Senator CULVER. That includes this fiscal year?

Mr. WAY. Right, including the last Federal fiscal year appropriated, fiscal year 1977. With respect to implementation of the provisions, the primary focus of funding has been on the establishment of alternatives to detention. Shelter care programs have been established in Dubuque, Sioux City, and the rural six county area surrounding Indianola. In addition, existing shelter care programing has been augmented in Linn, Johnson, and Story Counties. Alternatives to detention programs are pending in Waterloo, Decorah, Fort Dodge, Newton, Burlington, and Ottumwa.

Senator CULVER. What about the southwest?

Mr. WAY. I would like to introduce Dave White, juvenile justice specialist at the Iowa Crime Commission, who will answer that.

STATEMENT OF DAVID WHITE, JUVENILE PROGRAM SPECIALIST, IOWA CRIME COMMISSION, DES MOINES, IOWA

Mr. WHITE. Senator, the southwest portion of the State is served primarily by an organization known as the Christian Home Association. It is a private agency which deals in broad spectrum of youth services both residential and nonresidential clientele. Included in the program is both shelter care and, believe it or not, a private detention program as well, which is used by Pottawattamie County in the southwest corner of the State.

Senator CULVER. I note that the shelter care program in six counties have received grants under the Juvenile Justice Act. Why have not more shelter care programs been funded?

Mr. WAY. When the Juvenile Justice Act started, one of the foremost problems then was the instability of funding. The requirements of the act were very stringent, and in some States necessitated their noninvolvement in the program.

Senator CULVER. That and other reasons?

Mr. WAY. That and several others, but that was also one of the front runners. In dealing with the Juvenile Justice fund and their limited appropriations, thus far, since the act, it was with consultation and the State advisory council that the emphasis of the Safe Streets Act should take on the same type of emphasis the Juvenile Justice funds did; and therefore, both sets of moneys are pretty much handled together. One plan, in essence, is now prepared dealing with the distribution of both sets of moneys for both acts.

Through the Safe Streets Act, much more funds were made available than are funds available under the Juvenile Justice Act. To me it is irregardless of what sets of moneys are available as long as the emphasis carries forth with resources to implement. Instability in the Juvenile Justice funds are currently being worked out at the Federal level. Primary emphasis was with crime control funds.

Senator CULVER. Taking a grid map of Iowa, I see some real holes in shelter care and other type facilities. Are you receiving grant applications from areas of the State which now lack programs, and if not, why not?

Mr. WHITE. Senator, I don't believe that we are receiving the number of grant applications which are commensurate to the needs of the State. The main reason is basically the Federal requirements. We can discuss OMB contracting procurement requirements, which actually hinder the involvement of private nonprofit organizations.

Senator CULVER. Would you spell that out, Dave?

Mr. WHITE. Yes, sir. Prior to now, the Juvenile Justice Act and the Crime Control Act required that funds be allocated to units of general local government for innovative programing. Let's say, for example, a private organization wants to institute a shelter care program. A private organization cannot apply for a direct subgrant from funds earmarked as local or pass-through—funds to the Iowa Crime Commission. This necessitates finding a unit of government eligible and willing to apply for those funds. And establishes a contractual relationship.

If the unit of government does agree and does apply for the funds, then we are forced by OMB requirements to turn around and ask that unit of government to obtain the services competitively or else justify a single source of procurement. The process is paradoxical. The private organization that wants to provide the services doesn't want to compete with every other organization on a program that was their idea in the first place. Now, the solution to that would be either a mitigation of the granting or of the contracting procedures so that, say, the State Planning Agency has set requirements such as determining corporate capabilities for the purpose of audit exception, possible exceptions to the rules of OMB or else speed up the process at the Federal level where single source procurement decisions are made. The other alternative is to make the act much more specific as to direct subgranting to private nonprofit organizations. That is basically the problem we have had. A shelter care program is not as salable as say a group home in terms of what people think they need. It is not as salable to people who make decisions in communities as say detention or increased probation services, or even police officers.

It is going to take awhile for them to come around. I feel that the revised State code will have a significant impact in that area.

Senator CULVER. Are there any other difficulties in implementation other than major ones you cited?

Mr. WAY. As far as some of the problems, one of the foremost was the instability of funding previously mentioned. Any time a new Federal program is created, there is apparently Federal attitude with many State and local governmental officials. They are very pleased to accept the fund but there are restrictions attached there too we have difficulty in dealing with, that anti-Federal attitude and the instability of funding.

Senator CULVER. What restrictions do you think are unreasonable.

Mr. WAY. I am not saying that they are unreasonable restrictions. It is the attitude and perception of that by local people at the grass roots level where specifically, in the juvenile justice area where services are most appropriately provided. It has taken us until about this time or up until the last year—about the first year of the program has dealt in informing everybody.

Senator CULVER. I can't legislate in changing anti-Federal attitudes. That has been with us for awhile, probably predated the revolution; but the point is, what can I do other than——

Mr. WAY. The point is, it has taken about a year to acquaint and familiarize everybody with the intent in the act, and that has since been achieved, and it wouldn't be one of those problems.

Senator CULVER. What percentage of the Juvenile Justice and Delinquency Prevention Act grants have been awarded to private agencies as opposed to public agencies, how does that break up?

Mr. WAY. As Dave explained, the awards are made to units of the Government and through them enter into contracts with service delivery. Approximately $3 to $4 out of every $5 of the Juvenile Justice Act is provided to private nonprofit organizations for delivery of services to units of the Government. With respect to the crime control funding in the juvenile justice area, 40 to 50 percent of those funds and up are purchasing the services from private nonprofit agencies.

Senator CULVER. Why is it more? Why is more money used by way of grants to private agencies?

Mr. WAY. Why is it not?

Senator CULVER. Yes; higher.

Mr. WAY. When you are talking 60 to 80 percent of the juvenile justice funds awarded going to or purchasing delivery of services of private nonprofit, I don't know if that figure can go that much more.

Senator CULVER. I understood you to say 40 percent.

Mr. WAY. Well, with respect to the crime control funds themselves.

Senator CULVER. Congress wanted an emphasis placed on and a stimulus provided on private agency sponsorship of imaginative and innovative alternatives to institutionalization; and I just want to know what——

Mr. WHITE. Senator, when the act was first passed our decision was to make the two plans, a crime control plan and the Juvenile Justice Act plan complementary to one another. We chose to emphasize almost to the exclusion of any other programs, the shelter care program and alternative to detention type programing in Juvenile Justice Act funding. We chose to gradually shift the emphasis within the Crime Control Act funding away from primarily system oriented, police court correction programing to one which included both emphasis at the prevention and also at the community based correctional end. That shift has resulted in an increased involvement in the private sector for the law enforcement assistance funding, to almost 40 to 50 percent, which I think is remarkable considering we were dealing in maybe 5 percent before that time. I don't see how we can go any higher than 75 to 80 percent private participation in the Juvenile Justice Act because of significant overhead, the funds have to go to the area of State and local planning efforts, and this means not the staff but the subsidy of area advisory councils and the State Juvenile Justice Advisory Council.

At this time we only have one subgrant in Juvenile Justice Act funding, which is to a unit of government for a unit of government operated program.

Senator CULVER. Which one is that?

Mr. WHITE. It is the six county shelter care porgram, which is operated in Warren County.

Senator CULVER. What kind of monitoring and evaluation after you awarded one of these grants?

Mr. WHITE. Monitoring of the program takes place from the programs division. We usually contract a program through our area office and our State office on the average of once every 3 months. We are paying special attention to the Juvenile Justice Act funded programs in terms of evaluation. We are in the process right now of letting subcontracts for an evaluation of three major shelter programs that we do have funded right now. We expect those contracts to be let sometime around the first of August.

Senator CULVER. As you know, under the act there is a time table for the complete transfer from institutions of status offenders. What progress have you made here in Iowa now for the achieving of that goal. How are you moving?

Mr. WHITE. At this time the State law has done a lot to deinstitutionalize status offenders; in fact we feel the major problem area of the State is not the institutionalization of status offenders but in the detention of status offenders in local and county jails.

At this time chapter 356 of the code mandates that all sheriffs report on the types of clientele, the time in and time out.

Senator CULVER. Do you have any reliable statistics on that?

Mr. WHITE. No, sir. That is what I was going to say. The problem is the sheriffs aren't doing this even though the code provides a penalty of up to $100 for not recording this information.

Senator CULVER. It is under the Iowa Code?

Mr. WHITE. Yes, sir, chapter 356.

Mr. WAY. With respect to data needs in the State, the juvenile justice area probably lags much further behind than in the normal criminal justice area, with respect to data needs. One of the major problems there in the juvenile justice area is because delivery of services is very widespread and intermixed between private and governmental agencies. Attempts to achieve data are most readily available and provided by the State institutions. Below that level we come into the problems of what types of data are maintained and standardization forms, which is nonexistent, and also the intermixing between governmental and nonprofit agencies, the provision of services. Any attempts to develop a system to provide readily available, timely and accurate data, not only for the criminal justice system in its entirely, but also through the juvenile system is a long drawn route, exhaustive and financially heavy involvement. With respect to that, one of the greatest needs, one of the biggest places the Federal Government provides assistance, is in the leadership role in systems development within these areas. LEAA, with respect to crime controls, has provided substantial effort not only in financial aid to the State, but also developmental designs and system designed computer, what have you, for data systems. That same emphasis must be in leadership roles must be acceptable also by the juvenile justice agency.

[Prepared statement of Allen R. Way follows:]

PREPARED STATEMENT OF ALLEN R. WAY, EXECUTIVE DIRECTOR, IOWA CRIME COMMISSION

Mr. Chairman and distinguished members of the Committee: On behalf of the Iowa Crime Commission and the Juvenile Justice Advisory Council, I appreciate your invitation to provide you with verbal and written testimony concerning our State's implementation of the provisions contained in the Juvenile Justice and Delinquency Prevention Act of 1974.

Juvenile delinquency in Iowa may not have reached the grave proportions that many other states in the country are experiencing. However, Iowa is no less concerned than those states experiencing the worst juvenile delinquency problems and has the advantage of addressing those problems before they can become unmanageable. Nationally, Iowa ranks 38th in the rate of Part I offenses per 100,000 population, with only 12 other states having a lower per capita crime rate in 1975. Iowa also ranked 47th from the top in the rate of violent crimes per 100,000 population and 36th from the top in the rate per 100,000 population for property crimes. Therefore, while Iowa ranks 25th in population, we are substantially lower in crime rates per population in comparison to many other states in the country. Juvenile arrests for the more violent personal crimes in Iowa in 1975 amounted to slightly less than one-fifth of the total arrests for those violent crimes, whereas, juvenile arrests for the property crimes amounted to approximately 56 percent of the total arrests. With respect to the property crimes, juvenile arrests accounted for 72 percent of the arrests for motor vehicle thefts, 58.9 percent of the arrests for burglary offenses, and 53.5 percent of those arrests for larceny and theft offenses.

Since the passage of the Crime Control Act of 1968, the Iowa Crime Commission has always directed substantial effort towards the juvenile justice component of the criminal justice system. With the passage of the Juvenile Justice and Delinquency Prevention Act of 1974, added emphasis was provided to the Commission in moving from a primarily criminal justice-oriented organization to one which encompasses a delivery of services to the much broader spectrum constituting the

juvenile justice system. In Iowa, this system is a finely balanced interaction between a local police-court-probation system, a state-operated correctional and protective services organization, and a privately-operated correctional, rehabilitative, and shelter services system. The Juvenile Justice Act has had a constant and growing impact on all these areas. However, even before the federal leadership role was initiated, Iowa had already placed an emphasis on the deinstitutionalization of status offenders and the separation of juvenile and adult offenders in detention centers.

A brief overview of the history of the Iowa Crime Commission may be appropriate as I review with you Iowa's implementation of the Juvenile Justice Act and what impact has resulted in our state.

The Iowa Crime Commission was formed by State statute in 1969, is the state criminal justice planning agency for the state and is also responsible for administering federal funds received from the Law Enforcement Assistance Administration. Pursuant to the passage of the JJ and DP Act in 1974, Governor Robert D. Ray elected to participate in the program and designated the Iowa Crime Commission as the responsible agency for the planning and administering of the provisions of the new federal act. To provide assistance for this endeavor, Governor Ray appointed 24 knowledgeable and experienced individuals to the Juvenile Justice Advisory Council, which is to provide advice, consultation, and technical assistance to the Iowa Crime Commission and applicants for the implementation of the JJ and DP Act in Iowa.

Since 1973, seven regional planning commissions were formed which are the facilitators and providers of criminal justice planning capabilities for city and county governments in Iowa. Subsequent to the establishment of the state Advisory Council, each of the seven RPU's also formed juvenile advisory councils comprised of numerous local officials and functionaries to provide advice to their area crime commissions with respect to planning and programming in the juvenile justice areas.

So as not to form advisory committees at the state and local government levels just to be forming committees, a comprehensive planning process was developed for which these as well as other planning committees became the focal point for the grass roots input to the state level decision-making processes. In brief, the planning process involves a problem and needs assessment, prioritization of the problems and needs, the standards and goals addressing the cited prioritized problems, and the development of the means to address the goals and objectives. The means for which the standards and goals get addressed take three forms or a combination thereof. Funding may be one of those tools by which the standards and goals may become implemented. Legislation may be identified as being necessary for implementing various standards and goals. Technical assistance may also be appropriate in implementing solutions to those problems which had been identified. With this increased input and participation at the local government level through the planning process, statewide strategies, both long- and short-range, can be developed leading to the implementation of specific projects and programs in concert with the other means, all of which are designed to improve the functioning and services of Iowa's criminal justice system, including the juvenile justice component.

The Iowa Crime Commission has always strived for the fostering of daily working relationships with other state agencies within and outside the criminal justice system. Improvements achieved in Iowa have been a direct result of this fine interagency cooperation at the state level, as well as the local government level. The Juvenile Justice and Delinquency Prevention Act has other areas in which this type of cooperation has grown. For an example, in 1975 the State Legislature provided the Office for Planning and Programming, Office of Youth Development, state appropriations for juvenile community-based correctional programs. The Iowa Crime Commission and OPP jointly planned and programmed the use of those state appropriations in concert with and in an effort to complement federal funding sources available between both agencies.

With respect to implementation of the provisions of the JJ and DP Act, the primary focus of funding has been on the establishment of alternatives to detention. Shelter care programs have been established in Dubuque, Sioux City, and the rural six county area surrounding Indianola. In addition, existing shelter programming has been augmented in Linn, Johnson and Story Counties. Alternatives to detention programs are pending in Waterloo, Decorah, Fort Dodge, Newton, Burlington, and Ottumwa.

As Iowa law prohibits the placement of status offenders in institutions, new or additional programming there has been limited. The focus here has been to avert institutionalization of delinquents where possible through community-based

family therapy programs and to establish a broader variety of educational and work experience programs on an off-campus basis. Family therapy programs are operational in Des Moines, Sioux City, Ottumwa, Cedar Rapids, Davenport, and Waterloo, some of which have been funded by state appropriations and some of which have been funded by federal resources. Family therapy programs are pending for Burlington, Fort Dodge, Council Bluffs, and an expansion by one new unit in Waterloo.

As a major requirement of the Act is to monitor places of detention to insure that delinquents are being held in accordance with separation mandates and to assure that no status offenders are held in secure facilities, the Iowa Crime Commission has supported expansion of the Jail Inspection Unit of the Department of Social Services, which has been designed for this specific purpose. Future expansion is also expected.

A research study concerning Youth Needs Assessment/Capacity Building has also been financed by the Iowa Crime Commission. This is a study being conducted by a Doctor Martin Miller of Iowa State University and involves a computer-selected random sample of rural and urban school districts throughout Iowa. This study is the actual surveying of the young men and women in Iowa's schools as to what their specifically perceived problems and needs are so as to develop better programming in the planning processes.

While the emphases of the JJ and DP Act are different than the emphases of the Crime Control Act, the Iowa Crime Commission has carried over to the Crime Control funding the spirit of the JJ and DP Act. Therefore, programming and planning under both Acts are inter-related so as to obtain the full benefits of improved juvenile justice programming. Therefore, I will share with you other areas of programming which may not be specifically related to the compliance of the JJ Act but complement the spirit and intent of that Act. Substantial efforts in the last nine years of crime control history in Iowa has led to the establishment of many community-based group homes. Some of the more recent ones established by the Commission have been in Creston, Ames, Washington County, and Decorah. The cities of Davenport, and Fort Dodge are currently working with SPA staff and local officials in the establishment of programs there and are therefore considered pending.

The Iowa Crime Commission has lent substantial support in developing and improving police and juvenile relations. Because of our financial support, youth bureaus and police/school liaison programs have been developed in approximately 28 communities in Iowa. These programs have been designed to bring the police function closer to and better understood by the juveniles in their respective communities. They have also fostered a better understanding by the police of the problems and situations faced by the juveniles in their communities.

Continued and constant efforts in providing training for both private and public functionaries has always been a high priority for the Commission.

Substantial support has always been provided to increasing the capabilities of probation and court services personnel in efforts to reduce case backlogs and provide more intensive counseling services. To complement these efforts, support is given to volunteer counseling programs and specialized intake programs and efforts to improve the functioning of the probation offices.

One area in which we have had limited involvement in the past but is an area of increasing importance is the specialized programming in prevention and diversion projects. Past examples of our involvement in prevention/diversion can be demonstrated by the Davenport Commission on Youth, the Youth Guidance Program in Polk County, and the Ottumwa Youth Services Bureau. Increased involvement can be demonstrated by the pending programs such as the Young Women's Resources Bureau, the County Outreach Program in Johnson County, and the Linn County Crisis Intervention Center.

As I have previously noted, Iowa law parallels that of the Juvenile Justice and Delinquency Prevention Act with respect to deinstitutionalization and detention of status offenders as well as requiring a separation of juvenile offenders from the adult offenders in the secure facilities. With respect to the State's compliance under the federal act, Iowa can report at this date that deinstitutionalization within the state juvenile institutions has been completed. It can be further stated that detention has been reduced in the urban areas. Data pertaining to the rural areas is somewhat difficult to obtain at this point in time. However, as also previously mentioned, increased emphasis has been placed on the monitoring of the status of deinstitutionalization and detention with respect to the increased capabilities of the Jail Inspection Unit within the Department of Social Services. With this increased emphasis and monitoring, the Iowa Crime Commission and the Department of Social Services are working closely together so as accurate

data can be compiled in the future and a more accurate assessment can be made with respect to this compliancy provision.

I would now like to discuss with you to what degree the JJ and DP Act has had an impact in Iowa. In addition to the impact of any federal funding from either the JJ and DP Act or the Crime Control Act, changes have been apparent in state laws. For an example, deinstitutionalization of status offenders was provided for in 1975 legislation and the federal act played a substantial role in that state law provision. Additionally, the federal act has also had a beneficial impact with respect to a proposed juvenile code revision which was passed by the State House of Representatives this past legislative session and is expected to be addressed in the Senate next year. The federal act has also had an indirect impact with respect to the perceived changes and practice by county probation and district court judges in the state. These changes in practice can be somewhat attributed to the emphasis of the Iowa Crime Commission and the Juvenile Justice Advisory Council in programming of financial assistance, as well as the increased attention given to problems in the juvenile justice area by functionaries arising out of their growing familiarity with the federal act and the new planning processes utilized by the State Commission and the Regional Planning Units.

While I have shared with you those areas in which we have been successful in implementing provisions of the federal and state laws and have demonstrated to some degree what the impact has been in Iowa as a result of the federal act, implementation has not been without problems. Generally, one of the first problems which in the past couple years has been somewhat overcome is the anti-federal reaction expressed by some local and state officials. Paramount in this problem is that while we at the state and local government levels welcome outside financial assistance by the federal government, we are somewhat concerned about the multitude of strings which are typically attached to federal financial aid programs.

More specifically related to the JJ and DP Act has been the insecure funding nature of the program which in turn creates a conservative attitude or willingness to accept or initiate programs receiving such support. While the past instability of funding seems to be currently rectified at the federal level, as demonstrated in increased appropriations authorization of the JJ and DP Act, any increases in authorization are coming at the expense of the Crime Control program and are, therefore, creating new problems with respect to the stability of the older program. In addition, instability of funding is not corrected under provisions of S. 1021 or H.R. 6111, both which remove the need for matching funds or impose a continued ceiling of 90 percent federal support. Any financial commitment by a unit of government especially when a graduil cost assumption is programmed into a project brings with it a continued involvement and interest from the sponsoring unit. It helps avoid costly duplication of services arising out of an interest of coordination and integration. It also improves continued operation of needed programs once federal support is withdrawn. A no-match provision along with direct granting to private not-for-profit agencies authority brings into the delivery of service mechanism a highly political decision-making process. It also places a burden on the SPA and advisory group as being a procurer of services most appropriately played by a line or functioning agency directly involved with the receiving persons within the community. A modification of such provision would be warranted such as 10 percent match for a couple years with subsequent phased cost assumption.

Other problems with respect to procedural limitations are growing more important today. Such problems are evident in the procedures pertaining to the procurement of services through the grant program. Both the Crime Control and JJ and DP Acts contain provisions which appear to limit applicants for financial assistance to units of government. While it can be stated that units of government provide the burden of expenditures for the criminal justice system in total, non-governmental agencies are heavily involved and integrated into the provision of services in the juvenile justice area. The new and innovative ideas and programs in the juvenile justice area appear to be coming from the private, not-for-profit organizations, which then must find a unit of government to support the project and apply for the federal assistance. This creates a paradox in that the sponsoring unit of government must submit to competitive bid the procurement of services. What, therefore, results is the precedural requirements of sole source contracting between governmental and private, not-for-profit organizations for services which must subsequently be approved by the federal government, or in this case, LEAA. Any suggestion I may have to offer with respect to this problem would be to clarify both Acts with respect to provisions pertaining to direct granting to the non-profit service providers. The State Planning Agencies could then be provided the oppor-

tunity to write reasonable guidelines dealing with the corporate capabilities in service provision and cost assumption so as to alleviate some of our concerns in this area. These procedural requirements are an impediment in the relationships between the private, non-profit organizations and the grant application process, as well as in the provision of services.

One area or problem which I am becoming more concerned with is the apparent assumption being assumed by federal officials in their attitude that state law or laws which are compatible with federal law are no longer being satisfactory as determining the compliancy of a state with respect to federal mandates. Increasingly, more and more time is being devoted and will be devoted in the future to make the bureaucratic accounting for, reporting of and monitoring of compliancy with various items of the federal law. Therefore, to be continually considered eligible to receive federal funding in both the Crime Control and JJ and DP Act, staff time, expertise, and capabilities are having to be diverted from planning and programming aspects to that of auditing and monitoring to determine compliancy requirements. At such time as more resources are devoted to the auditing and monitoring functions rather than the programming and providing of services, one must consider the wisdom of continued involvement in a federal program. I have witnessed this happen with the Crime Control program over a period of 8½ years and feel that it may become a crucial element of the juvenile justice program.

Related to this difficulty, is an H.R. 6111 amendment to Section 222(c) deleting planning funds as an eligible expense of the JJ and DP Act. This provision makes planning and administration a state responsibility while the Act also mandates the very specifically detailed planning and admininstrative requirements. This impacts on not only the Iowa Crime Commission and the SPA, but also on the Juvenile Justice Advisory Council as well as on local governments through the regional planning units and their respective advisory councils in juvenile justice.

Further compounding this problem is a provision in S. 1021 which adds a new paragraph (E) to Section 222 requiring not less than 5 percent nor more than 10 percent of the minimum annual allotment to any State being made available to the advisory group to carry out its mandated and assigned function. Is this in in addition to the 15 percent already provided in Section 222(c) or does it replace that 15 percent? Furthermore, does it necessitate two components of staffing, one for the SPA, and one for the advisory group? A clarification is not found in the committee report and should be made before final passage of the bill.

In conclusion, the State of Iowa has always considered itself a leader and innovator in the juvenile justice area. In no way whatsoever does the State of Iowa intend to bask in its past accomplishments, but rather use our accomplishments and errors in the continued improvement in planning and programming for increased services in the juvenile justice area and to maintain our leadership role in this area. We are committed to continually strive for improved services in the juvenile justice area.

We welcome the leadership and financial assistance in which the Federal Government can be viewed as an asset to State and local governments.

Senator CULVER. I want to thank you both very much for your appearance here today and the testimony you have given. I think we might want to get back in touch with you more specifically with regard to some of the recommendations and applications in funding procedures. Thank you very much.

This completes the testimony for today, and I want to thank all the witnesses for their extremely interesting and informative testimony. I especially want to thank Cheryl and Janet for their testimony which provided us with some real insight into the status offender problems.

I want to also thank those people who helped make the hearing possible, the Board of Supervisors for Polk County who provided the room for our meeting; and finally, I wanted to say that all the testimony today will certainly reinforce my own personal conviction that the Federal Government, together with State and local governments, both public and private agencies, must strive to develop alternatives that are more effective and successful in handling the problem of status offenders. I want to thank everyone again for their participation.

The hearing is adjourned.)

[Whereupon, at 12:30 p.m. the hearing was adjourned, subject to call of the Chair.]

APPENDIX

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

JUVENILE JUSTICE UPDATE—A SECOND LOOK AT THE JUVENILE JUSTICE SYSTEM OF POLK COUNTY, IOWA

(By Paul Stageberg)

DES MOINES/POLK COUNTY METROPOLITAN CRIMINAL JUSTICE CENTER, DRAKE UNIVERSITY, DES MOINES, IOWA

(The fact that the National Institute of Law Enforcement and Criminal Justice furnished financial support to the activity described in this publication does not necessarily indicate the concurrence of the Institute in the statements or conclusions contained therein; the contents are solely the responsibility of the members of the Des Moines/Polk County Metropolitan Criminal Justice Center.)

I. A SECOND LOOK AT IOWA'S JUVENILE JUSTICE SYSTEM

Operation of the juvenile justice system in Polk County is largely a function provided by Municipal and County Government, with local law enforcement agencies, some of which posses juvenile bureaus, normally providing initial intake into the system, and the Polk County Juvenile Court, which posseses the legal authority to work with juvenile offenders, at the hub. Providing support services to these agencies, are a variety of public and private agencies, most frequently based in the Des Moines area, and the probation department of the Juvenile Court. Finally, when the gamut of locally-controlled treatment options for juvenile offenders is exhausted, the State provides institutional placement opportunities, sometimes at mental health institutions but more frequently at the two state training schools at Eldora and Mitchellville.

The juvenile justice system does not necessarily exhibit the symptoms of a system operated under what might be termed "systems concepts". This agency, officials working in the juvenile justice system, and others have frequently been critical of the lack of coordination which typifies the system. Although the Committee for Juvenile Justice has shown promise in instigating communication among juvenile justice practitioners, no systematic effort has been undertaken to foster communication, coordination, or to appraise individual agencies of the resources and functions provided by other agencies. Similarly, the division between locally-controlled juvenile courts and the State-controlled rural institutions is significant. Increasingly, there is dissatisfaction with State-run institutions in Iowa (as elsewhere), not only because of the negative effects of institutionalization *per se* but because the local agencies utilizing the training schools are able to provide little input regarding the policies and operations in the latter.

This dissatisfaction has resulted in discussion of alternatives to the current dual system, but questionable concrete progress. Although the State has sometimes supported deinstitutionalization and the strengthening of locally-controlled alternatives to the State-run system, such support has been, at best, intermittent and sporadic. For example, although the State Legislature in 1973 allocated $850,000 toward the development of adult community-based corrections for the biennium, such monies have not been made available for the development of similar juvenile community-based corrections efforts (apparently to the chagrin of some legislators). Further, although in 1972 there was substantial interest exhibited by a legislative subcommittee in the practices and policies of the State Training School for Girls at Mitchellville—which ultimately resulted in a substantial change in personnel accompanied by a radical departure from the policies

of the past—any organized continued interest if probably questionable. While the State Department of Social Services subsequently opted to "coeducationalize" the two training schools, directing the superintendents of the schools to prepare for such an eventuality, the legislative action necessary to sanction such a move has not occurred.

Rather than developing alternative systems, then, the State appears entrenched in its system of institutions, in the Polk County area has not replaced departed staff in its field services office, and is not providing incentive to local juvenile courts to develop alternatives to institutionalization, as is the case within adult corrections. The Iowa Crime Commission, in addition to the Legislature and the State Department of Social Services, has shown a notable lack of leadership in Juvenile Justice programming. Although the Cime Commission has made some monies available to juvenile justice agencies (see table) very little funds have gone into any programs which might be classified as innovative or experimental alternatives. The Simpson Bridge project (operated by Simpson College and the Girls' Training School), Shelter House (in Ames), and the Family Therapy Team (operated by the State Department of Social Services), are notable exceptions to this rule.[1] Further, even though Crime Commission funds for juvenile justice projects might be available, practitioners—at least those in the Polk County area—generally apply for those funds only as a last resort because of the numerous roadblocks erected by the State Planning Agency when funds have been sought in the past.

JUVENILE JUSTICE PROJECTS FUNDED IN POLK COUNTY BY THE IOWA CRIME COMMISSION, 1970–73

	1970	1971	1972	1973
Police school liaison officers, Des Moines and Urbandale	$102,260	$116,598	$97,454	
Midac	2,700	[1] 150,000	150,000	
Juvenile home classroom		15,000		
Youth Bureau, West Des Moines Police Department				$17,780.45
Police school liaison program, Ankeny				14,844.75
Total	105,060	281,598	247,454	32,624.20

[1] Discretionary

Carle F. O'Neil, a former superintendent of the Boy's Training School at Eldora, indicated at a conference in Des Moines in 1973 his belief that perhaps the greatest need in the Iowa juvenile justice system today is for leadership. We tend to agree with his assessment, particularly as it applies to the lack of leadership—or organization—among those desiring alternatives to Iowa's present juvenile justice system. Those supporting the structure of the current system, on the other hand, appear more well-organized than their foes. Carl Parks, Director of Court Services for the Polk County Juvenile Court, has served as a spokesman for the Iowa Juvenile Probation Officers Association which is, by all accounts, organized and potentially influential. Similarly, the Judge of the Polk County Juvenile Court, the Honorable Don L. Tidrick, has been seen as a spokesman for the State Juvenile Court Judges Association, a subcommittee of the Iowa District Court Judges Association. It would probably be fair to say that both these groups have historically supported the status quo in the juvenile justice system, and evolutionary rather than revolutionary change.

Groups supporting more radical change—and by radical we mean change which may range from simplybeing more rapid to more fundamental—are numerous but apparently not very well organized, with some organizations interested only in certain types of youths or programs. The National Organization for Women, for example, has indicated concern for juvenile justice system programming for female delinquents. The American Friends Service Committee has shown interest in the past in juvenile justice system reform. The League of Women Voters has been active, as has the Junior League, which spearheaded the development of the VIP Program in Polk County. Segments of the State Legislature have also shown interest, and a Model Juvenile Code is currently being circulated after develop-

[1] The Iowa Runaway Service, initially funded through MCJC, is currently funded with Crime Commission monies, although this funding is temporary due to new LEAA guidelines. The State Planning Agency originally was less then encouraging when approached for funds, and proved more cooperative only when urged to be so through political channels.

ment by the State Youth Coordinator's Office. The Children's Coalition (also known as the Child Care Coalition or Children's Lobby) has recently formed to press for legislative changes in the child care area and, potentially, the juvenile justice system. The Iowa Civil Liberties Union has also shown continuing interest in legislative changes relating to juvenile justice. In addition to this list there are undoubtedly others, both large and small, maintaining interest in alternatives to current juvenile justice programming.

The simple abundance of these groups, combined with the lack of any forum in which these groups communicate and coordinate their activities (save perhaps the Committee for Juvenile Justice, which includes representatives of some of the groups noted above, but has effected little concrete change), suggests to us that a lack of organization may be impeding the efforts of these groups to alter the juvenile justice system. While we are largely unfamiliar with the inner workings and structures of these groups which might hinder the development of a coalition among them, such a coalition should be possible because the groups' goals, in the abstract, appear similar. Although certain desires of each of the groups would undoubtedly not be ascribed to unanimously, we suspect that accord could be reached on some basic issues.

It appears to us that these groups are faced with two choices. First, they can go on as they have been, singly, in a piecemeal approach to system reform. Such an approach, in our opinion, is not likely to result in substantial changes in the near future, as it has not in the immediate past.

As an alternative, the groups could seek points of agreement in the development of a coalition—perhaps temporarily setting aside "pet" projects and stances to which the other groups cannot agree—to effect more rapid change within the system. They could thus seek consensus in pushing for change within the juvenile justice system, each of the groups mobilizing its resources in bringing pressure to bear on those in a position to effect change.

The development of such a coalition would probably not occur without difficulties. It may, in fact, not be possible. However, to this time no group or individual has exhibited leadership in attempting such an effort. While we have heard enough disenchantment voiced since our inception to believe that perhaps some individuals or groups are upset enough about the juvenile justice system's workings to temporarily put aside their differences in making an organized and concerted effort at changing the system, no group has attempted such an approach.

It appears to us that consensus might be possible in some of the following areas:

Decriminalization of status offenses.

Increased use of non-secure alternatives to detention.

The development of community-based alternatives to the State Training Schools.

Separation of the judicial and probation functions.

The development of youth service bureaus.

The development of group homes and temporary foster-care homes.

Without passing judgment here on the legitimacy of these goals—sufficient data really don't exist pertaining to most of them to support our taking a position one way or the other, and we'd prefer not to take a philosophical (as opposed to empirical) stance—we doubt if any of them will come to fruition in the Des Moines area soon without coalition among groups favoring such changes. Again, we believe that sufficient numbers probably exist. What is lacking is leadership and resulting organization. At this point it appears that those favoring changes are butting their heads against the proverbial stone wall erected by those satisfied with the system's current structure. Only through organized attack will the wall be weakened.

II. Changes in Juvenile Court Programming Since 1973

Since the publication of Volume IV of our interim report, which dealt with the Juvenile Justice System, there have been several changes in Polk County Juvenile Court programming which appear worthy of mention here. The most identifiable of these changes are the following:

1. In the summer of 1973, interested citizens and employees of the Juvenile Court started development of Volunteers In Probation in order to develop stronger citizen involvement in Juvenile Court activities. Juvenile Court personnel have, almost unanimously, embraced the new Volunteers In Probation program, looking at it as a noteworthy addition to available resources. To assist in a development of Volunteers In Probation, the Polk County Board of Supervisors hired a half-time volunteer coordinator for the Juvenile Court, who began employment in October of 1973. Volunteer utilization subsequently started the following January,

and currently the program maintains approximately 75 volunteers. Although the program possesses what may be an over-abundance of volunteers from the subur- ban areas of Polk County, the volunteer coordinator reports that program efforts are made to establish greater ties within the center city of Des Moines.

2. After a lag of approximately 18 months, the Juvenile Court in July of 1974 reinstated a program it had maintained on an experimental basis in 1972. This program, the Youth Guidance Project, is used as a diversionary program by the Juvenile Court, and is serving as an alternative for youths upon whom formal delinquency petitions would previously have been filed. This program which operates on a 4-week cycle, serving 20 youths per cycle, operates at Moulton School 5 evenings per week from 5 to 9 o'clock. The youths and probation officers, all of whom have "volunteered" for the program, may engage in a variety of activities during evening sessions, ranging from tutorials to recreation to panel discussions to films to family counselling. Parents of the youths assigned to the program also participate 2 nights per week. Using this program, the Juvenile Court has reduced the percentage of youths upon whom it files delinquency petitions, and hopes to fill a service void for other youths who previously did not receive any Juvenile Court intervention. The Youth Guidance Program also marks the first existence of a full-time evaluator for a Juvenile Court program in Polk County.

3. The Juvenile Court has recently procured contractural services from ADAPT, Inc., to deal with the ever-increasing number of youths referred to the Court for drug-related activities. Under this arrangement, the Juvenile Court may refer its drug-related referrals to ADAPT for urinalysis, out-patient small group counselling, and evaluation. A residential program for youths is also being planned, according to officials from ADAPT.

4. Personnel from the Juvenile Court and the Fifth Judicial District Department of Court Services have discussed the development of a community-based residential treatment facility similar to the Fort Des Moines facility operated by the Department of Court Services. Impetus for this facility came originally from the Department of Court Services, whose evaluations indicated a need for a residential-type facility for young males in need of occupational upgrading and who had been referred to the Juvenile Court for so-called "index" offenses. Work on the planned program has been delayed due to funding difficulties.

III. Analysis of Juvenile Court Data

A. Summary of Findings

An analysis of data provided by the Polk County Juvenile Court and the Juvenile Bureau of the Des Moines Police Department was conducted, with primary attention paid to data released since the publication of the Metropolitan Criminal Justice Center's previous publication on the juvenile justice system. It was discovered that several trends noted earlier have abated or undergone reversals, and that some new apparent trends have appeared:

1. After 2 years of declining referrals, there was a substantial increase in referrals to the Juvenile Court in 1973;

2. Almost all of the increase in referrals to the Juvenile Court in 1973 was accounted for by referrals from law enforcement agencies;

3. An increasing percentage of those referrals coming from law enforcement agencies came from suburban police departments, i.e., departments other than the Des Moines Police Department;

4. For the first time since 1969, there was a decrease in the percentage of referrals from families and relatives to the Polk County Juvenile Court;

5. The Polk County Juvenile Court appears more determined than in the past to handle youths without the filing of an official delinquency petition, particularly in the cases of females referred to the Juvenile Court in recent years, in 1973 the Court filed petitions on fewer females than it had in any year since 1969. This has resulted in a corresponding decrease in the number of females committed by the Polk County Juvenile Court to the State Training School for Girls at Mitchellville;

6. It appears that either there has been a policy change at the Juvenile Court regarding the types of youths on whom delinquency petitions are filed, or there has been a change in the types of youths referred to the Juvenile Court, particularly from law enforcement referrals may be due to two phenomena:

(a) The implementation of the Court Reform Act in July of 1973 may have had an effect on the types of youths referred from suburban districts to the Juvenile Court; law enforcement agencies in these areas may now be re-

ferring some juvenile cases to the Juvenile Court which would previously have been referred to the now-defunct Mayors' Courts or Justices of the Peace;

(b) The establishment of youth bureaus or juvenile officers in some of the suburban departments may have resulted in increased referrals to the Juvenile Court from those areas.

Each of these will be discussed in more detail below.

B. INTRODUCTION

In this section will be found an update of juvenile justice system data presented in one of this agency's previous publications, "The Criminal Justice System in Polk County, Iowa", Volume IV, Juvenile Justice: Description and Analysis. The time elapsing since publication of that Volume has permitted analysis of 2 year's additional data, and has allowed the development of new statistics heretofore not developed in Polk County. Specifically, analyses relating to the reasons for the increase in Juvenile Court referrals during 1973, and delinquency rates per 1,000 youths in the delinquency-prone years, are presented here. It is hoped that this information will assist agency personnel and local decision-makers in planning and developing new programs and policies addressing the problem of delinquency in Polk County.

There are two general trends identified in that previous Volume which are addressed to some degree here:

1. The steady increase in the number of females referred to the Polk County Juvenile Court;

2. The increase in the number of referrals from families to the Juvenile Court.

During the past 2 years there has been an apparent reversal of these trends, with one more trend becoming evident: An increase in law enforcement referrals from police agencies other than the Des Moines Police Department.

Each of these will be discussed in more detail below.

C. TOTAL REFERRALS

Table I, below, contains the number of total referrals received by the Polk County Juvenile Court during the years 1971–1973. The Table identifies official referrals (in which an official petition of delinquency is filed), unofficial referrals (in which no petition is filed and a youth is handled informally), and total referrals. Reading from the bottom of the Table, it will be noted that in 1971 and 1972, there occurred a decrease in referrals to the Juvenile Court, but that in 1973 an unprecedented 46.9 percent increase in referrals was recieved.

TABLE I

Polk County Juvenile Court
Total Referrals, 1971-1973

	1971		1972		1973	
	Boys	Girls	Boys	Girls	Boys	Girls
Offical	389	190	364	131	457	102
% Change	-6.5%	41.8%	-6.4%	-31.1%	25.5%	-22.1%
Total	579		495		559	
% Change	5.3%		-14.5%		12.9%	
Unofficial	964	271	932	337	1503	529
% Change	-6.2%	-0.4%	-3.3%	24.4%	61.3%	57.0%
Total	1235		1269		2032	
% Change	-5.0%		2.8%		60.1%	
Grand Total	1353	461	1296	468	1960	631
% Change	-6.3%	13.5%	-4.2%	1.5%	51.2%	34.8%
Grand Total	1814		1764		2591	
% Change	-1.9%		-2.8%		46.9%	

This increase in 1973 was alarming for several reasons:

1. It was the largest percentage increase in a 12-year period in which increases in Juvenile Court referrals were the rule rather than the exception;

2. It occurred after 2 years in which the number of total referrals to the Juvenile Court had decreased, and it appeared that the "juvenile crime wave" in the county was possibly abating;

3. It constituted an unanticipated drain on a juvenile justice system which was already probably overtaxed.

However, looking at the top two columns, it is evident that the Polk County Juvenile Court has increased its effort to handle referred youths without an official petition of delinquency. Whereas there was a 60.1 percent increase in the number of cases handled unofficially in 1973, there was only a 12.9 percent increase in official cases. Put another way, although in 1973 there were almost 800 more youths referred to the Juvenile Court than in 1971, fewer petitions of delinquency were filed in 1973 (N=559) than was the case in 1971 (N=579).

It appears that at least a portion of this change is clearly due to a change in practice in handling female referrals. According to Juvenile Court sources, a change in the personnel responsible for intake of alleged female delinquents has resulted in a more concentrated effort to use dispositions other than formal handling. This is evident by examining the difference between 1973 and 1971: although in 1973 there were 170 more female referrals to the Juvenile Court than in 1971, there were 88 fewer delinquency petitions filed on females. As will be noted later, this has also substantially affected the numbers of female delinquents committed by Polk County to the Training School for Girls.

There is one other possible explanation, however, relating to increased use of informal handling: that the juvenile court staff, which has not increased appreciably in size since at least 1969, has become overburdened to the extent that it is physically unable to handle additional cases officially. This possibility can be viewed as being either beneficial or detrimental. Critics of the juvenile justice system would claim that this reduces the state's involvement in the lives of youths, prevents youths from being labelled as delinquent, and minimizes the scars resulting from a youth's contact with the juvenile justice system. Advocates of the juvenile court system (as well as advocates of the "treatment philosophy" generally), on the other hand, would maintain that the inability to meet increases in delinquency referrals with corresponding increases in staff results in a Juvenile Court response which, although it is still beneficial, could be improved upon with more sufficient staff resources.

SEX OF REFERRALS

Table II was prepared to permit further analysis of a trend identified in previous years: the increasing percentage of female referrals to the Polk County Juvenile Court. The Table indicates that, if nothing else, there has been an apparent abatement in the increasing percentage of female referrals to the Court. Coming after a 5-year period in which there was an average 2.6 percent increase in female referrals each year, 1973 contained a 2.1 percent decrease in the percentage of females referred to the Court. This decrease, to be sure, is not of such a magnitude as to indicate any startling changes in the referrals coming to the Court's attention; however, it might indicate either that the percentage of females referred to the Court is "leveling off", or that increases in the future will be of a smaller magnitude than those of the past. The latter is most likely the case. Although there are not sufficient data on which to assess a third possibility, it is conceivable that the drop in the percentage of females referred to the Court could be somewhat attributable to the Court's increasing concentration on youth conduct which could be criminal were they adults—behavior which, according to past analysis, is far more likely to be performed by males than females.

TABLE II.—POLK COUNTY JUVENILE COURT REFERRALS BY SEX, 1967–73

	1967		1968		1969		1970		1971		1972		1973	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Male referrals	1,239	86.5	1,241	84.1	1,300	82.6	1,444	78	1,353	74.6	1,296	73.5	1,960	75.6
Female referrals	194	13.5	235	15.9	274	17.4	406	22	461	25.4	468	26.5	631	24.4
Total	1,433		1,476		1,574		1,850		1,814		1,764		2,591	

One final note is appropriate regarding the sex of referrals. According to statistics published by the Federal Government, the national percentage of females referred has historically been higher than the Polk County percentage, with the difference usually being at least 5 percent. Although the national percentage of females referred has risen while the Polk County rate has increased, we would not be surprised if the discrepancy between the two will become less distinct in the future. This prediction is more speculative than scientific, however. See "Juvenile Court Statistics", published by the U.S. Department of Health, Education, and Welfare, National Center for Social Statistics.

E. SOURCE OF REFERRALS

In order to permit further examination of Juvenile Court referrals in 1971-1973, Table III was constructed, indicating the source of referrals of youths referred to the Polk County Juvenile Court. This Table indicates, generally, that although the raw numbers of referrals from sources other than police agencies may have gone up in 1973, the percentage of referrals received from every source but law enforcement declined in 1973. Put in other words, whereas there were 20 more youths referred to the Juvenile Court by parents and families in 1973, the percentage of total Juvenile Court referrals coming from this source decreased from 10.0 percent in 1972 to 7.6 percent in 1973. The Table indicates further that fully 87.9 percent of all referrals to the Polk County Juvenile Court in 1973 came from law enforcement agencies (up from 83.5 percent in 1972). This 87.9 percent

TABLE III

Source of Referral
Polk County Juvenile Court

		1971			1972			1973		
		Boys	Girls		Boys	Girls		Boys	Girls	
Parents	Official	36	59		37	49		40	26	
	Unofficial	38	41		49	41		57	73	
	Total	74	100		86	90		97	99	
		174		9.6%	176		10.0%	196		7.6%
Probation Officer	Official	5	0		6	4		7	2	
	Unofficial	1	2		1	1		1	0	
	Total	6	2		7	5		8	2	
		8		0.4%	12		0.7%	10		0.4%
Police	Official	321	121		301	66		399	67	
	Unofficial	889	212		931	275		1385	426	
	Total	1210	333		1132	341		1784	493	
		1543		85.1%	1473		83.5%	2277		87.9%
Other Court	Official	17	1		7	0		3	2	
	Unofficial	12	4		29	5		30	5	
	Total	29	5		36	5		33	7	
		34		1.9%	41		2.3%	40		1.5%
School	Official	4	4		6	1		4	0	
	Unofficial	10	4		9	7		15	11	
	Total	14	8		15	8		19	11	
		22		1.2%	23		1.3%	30		1.2%
Social Agency	Official	3	1		1	3		0	2	
	Unofficial	2	2		1	3		5	4	
	Total	5	3		1	6		5	6	
		8		0.4%	8		0.5%	11		0.4%
Other	Official	3	4		6	8		4	3	
	Unofficial	11	6		12	5		10	10	
	Total	14	10		18	13		14	13	
		24		1.3%	31		1.8%	27		1.0%

figure is the highest noted since at least 1962, and suggests that Juvenile Court referrals are more frequently being referred for conduct which would bring them to the attention of law enforcement agencies.

To permit further analysis of this increase in Juvenile Court referrals and the apparent responsibility of law enforcement referrals for this increase, Table IV was constructed. Table IV illustrates the numerical and percentage change of referrals from each source of referral from 1972 to 1973. It illustrates, for example, that there were 804 more law enforcement referrals in 1973 than in 1972, but only 99 of those 804 referrals were handled officially. It also indicates, relating to official deliquency, that fewer youths referred from every source but law enforcement were handled officially in 1973 than in 1972. Unofficial deliquency, on the other hand, increased from every source, save probation officers (where the total referrals were so few as to prevent the development of any statistically valid conclusions). Table V draws from some of the previous tables, and indicates a trend already noted: that the percentage of youths referred from law enforcement agencies increased in 1973 over 1972, and that all other sources accounted for decreases. Most of these changes are not significant, simply because of the small number of referrals emanating from those sources. In the case of parental referrals, however, such may not be true, both because parents and families are the second most frequent source of referrals to the Court and because the percentage of these referrals had increased steadily since 1969 (with the raw number of referrals increasing since 1966).

TABLE IV.—POLK COUNTY JUVENILE COURT 1972-73 REFERRALS, BY SOURCE

	Total				Official				Unofficial			
	1972	1973	Actual change	Percent change	1972	1973	Actual change	Percent change	1972	1973	Actual change	Percent change
Law enforcement	1,473	2,277	804	54.5	367	466	99	27.0	1,106	1,811	705	63.7
Schools	23	30	7	30.4	7	4	−3	−42.9	16	26	10	62.5
Social agency	8	11	3	37.5	4	2	−2	−50.0	4	9	5	125.0
Probation officer	12	10	−2	−16.7	10	9	−1	−10.0	2	1	−1	−50.0
Parents	176	196	20	11.4	86	66	−20	−23.3	90	130	40	44.4
Other court	41	40	−1	−2.4	7	5	−2	−28.6	34	35	1	2.9
Other	31	27	−4	−12.9	14	7	−7	−50.0	17	20	3	17.6
Total	1,764	2,591	827	46.9	495	559	64	12.9	1,269	2,032	763	60.1

TABLE V.—POLK COUNTY JUVENILE COURT PERCENT OF 1972-73 REFERRALS REFERRED, BY SOURCE

	Total		Official		Unofficial	
	1972	1973	1972	1973	1972	1973
Law enforcement	83.5	87.9	74.1	83.4	87.2	89.1
Schools	1.3	1.2	1.4	.7	1.3	1.3
Social agency	.5	.5	.8	.4	.3	.4
Probation officer	.7	.4	2.0	1.6	.2	.0
Parents	10.0	7.6	17.4	11.8	7.1	6.4
Court	2.3	1.5	1.4	.9	2.7	1.7
Other	1.6	1.0	2.8	1.3	1.3	1.0
Total	99.9	100.1	99.9	100.1	100.1	99.9

In that it is evident that the substantial increase in Juvenile Court referrals in 1973 is almost entirely attributable to law enforcement referrals, Table VI was constructed, presenting the percent of 1973 increase in Juvenile Court referrals attributable to specific sources of referral. The Table indicates that, of 827 additional referrals in 1973, 804 of those referrals came from a law enforcement source (or 97.2 percent). It also indicates that law enforcement referrals accounted for over 150 percent of the increase in the official cases in 1973. Put another way, had law enforcement referrals stayed the same in 1973 as they had been in 1972, there would have been a reduction in official delinquency in 1973 (assuming that the type of handling given other referrals was not affected by the increase in law enforcement referrals). Law enforcement referrals also accounted for almost all of the increase in unofficial deliquency; 705 of the 763 additional referrals in 1972 emanated from law enforcement sources.

TABLE VI.—PERCENT OF 1973 INCREASE IN JUVENILE COURT REFERRALS ATTRIBUTABLE TO SPECIFIC SOURCES OF REFERRAL

	Total		Official		Unofficial	
	Number	Percent of total	Number	Percent of total	Number	Percent of total
Total change, 1972-73	827	100.0	64	100.0	763	100.0
Law enforcement	804	97.2	99	157.7	705	92.4
Schools	7	.8	−3	−4.7	10	1.3
Social agencies	3	.4	−2	−3.1	5	.7
Probation officers	−2	−.2	−1	−1.6	−1	−.1
Parents	20	2.4	−20	−31.3	40	5.2
Other Courts	−1	−.1	−2	−3.1	1	.1
Other	−4	−.5	−7	−10.9	3	.4

Table VII was constructed to permit a longitudinal view of law enforcement referrals to the Juvenile Court. It illustrates, for example, that 32 percent of all law enforcement referrals in 1968 were handled officially by the Court. It also indicates, that by 1973, this percentage had dropped to 20.5 percent. Further, it is evident that females are accounting for a higher percentage of law enforcement referrals to the Court: in 1968, 13.7 percent of all law enforcement referrals were female, where as in 1972 the figure was 23.2 percent, and in 1973, 21.7 percent. The Table also reinforces the previously-noted increasing Juvenile Court interest in utilizing dispositions other than official handling for referred youths. This is again particularly true for females, as in 1973 only 13.6 percent of females referred by police agencies were handled officially.

TABLE VII.--POLK COUNTY JUVENILE COURT, TYPE OF HANDLING OF POLICE REFERRALS, 1968-73

	1968			1969			1970			1971			1972			1973		
	Boy	Girl	Total	Boy	Girl	Total	Boy	Girl	Total	Boy	Girl	Total	Boy	Girl	Total	Boy	Girl	Total
Official:																		
Number	311	62	373	357	42	399	347	90	437	321	121	442	301	66	367	399	67	466
Percent	30.9	38.8	32.0	32.5	22.6	31.1	28.3	29.9	28.6	26.5	36.3	28.6	26.6	19.4	24.9	22.4	13.6	20.5
Unofficial:																		
Number	695	98	793	742	144	886	881	211	1,092	889	212	1,101	831	275	1,106	1,385	426	1,811
Percent	69.1	61.3	68.0	67.5	77.4	68.9	71.7	70.1	71.4	73.5	63.7	71.4	73.4	80.6	75.1	77.6	86.4	79.5
Total number	1,006	160	1,166	1,099	186	1,285	1,228	301	1,529	1,210	333	1,543	1,132	341	1,473	1,784	493	2,277
Horizontal percent	86.3	13.7	.....	85.5	14.5	.....	80.3	19.7	.....	78.4	21.6	.....	78.6	23.2	.....	78.3	21.7	.....

Table VIII presents these data in another way, presenting all sources of referrals. This Table, more than any other, illustrates increased willingness on the part of the Juvenile Court to seek dispositional alternatives without the filing of an official delinquency petition. The only source of referrals for which there was an increase in the percentage of youths handled officially in 1973 was referrals from probation officers. But, as has already been noted, the number of youths referred by probation officers was so small as to prevent any meaningful statistics on these referrals.

Table VIII also notes the continuation of a pattern described in this agency's earlier publication on juvenile justice: the Court's official handling of a higher percentage of referrals from parents and families than from law enforcement. Thus, if a child is referred by his family (or, in 1973, by a probation officer or "other" source), he is more likely to be handled officially than if he were referred by a law enforcement agency.

TABLE VIII.—POLK COUNTY JUVENILE COURT, PERCENT OF REFERRALS HANDLED OFFICIALLY, BY SOURCE OF REFERRAL, 1972–73

	Total referrals		Percent official		
	1972	1973	1972	1973	Percent change
Law enforcement	1,473	2,277	24.9	20.5	−4.4
Schools	23	30	30.4	13.3	−17.1
Social agency	8	11	50.0	18.2	−31.8
Probation officer	12	10	83.3	90.0	6.7
Parents	176	196	48.9	33.7	−15.2
Court	41	40	17.1	12.5	−4.6
Other	31	27	45.2	25.9	−19.3
Total	1,764	2,591	28.1	21.6	−6.5

F. REFERRALS FROM SUBURBAN AREAS

Table IX is presented here to analyze more thoroughly the nature of law enforcement referrals to the Juvenile Court in the past 5 years. Upon superficial analysis, it appeared to us that more law enforcement referrals to the Court were being referred by suburban law enforcement agencies, as opposed to the Des Moines Police Department. Typically, no data precisely addressing this issue have been available in the County, and the results presented here have to be prefaced by the disclaimer that the figures presented here may not be completely accurate. However, a trend can be identified even using the rough figures presented here, and a plea can be made to the local law enforcement agencies and to the Juvenile Court to permit more accurate appraisal of this phenomenon in the future.

Table IX presents a breakdown of the law enforcement referrals to the Juvenile Court during the years 1969–1973. Using these data from the Polk County Juvenile Court and from the Des Moines Police Department Juvenile Bureau, it is possible to approximate the percentage of law enforcement referrals to the Juvenile Court which are coming from law enforcement agencies other than the Des Moines Police Department. Although there are some inconsistencies in the data, they probably possess enough accuracy to identify the type of general change examined here.

Inconsistencies in the data are noted here simply because they are very evident. For example, one undeniable disparity occurred in 1969 when, according to Des Moines Police Department Juvenile records, 202 females were referred to the Juvenile Court and, according to the Juvenile Court, only 186 law enforcement referrals of juvenile females were received.[1] In 1970, a similar discrepancy is noted, with the Des Moines Police Department Juvenile Bureau claiming to have referred 307 females to the Juvenile Court, and the Juvenile Court claiming to have received 301, or six fewer.

[1] One legitimate reason for this error may be that the Des Moines Police Department Juvenile Bureau referred some females who were eventually handled as dependency and neglect cases, rather than delinquency cases, with which we are dealing here. However, there is no way to determine whether this is the case. Another is that the police may count two separate referrals of one youth as two referrals, with the Juvenile Court counting it as one.

The trend readily apparent in Table IX is contained in the column noting the percent of law enforcement referrals attributable to suburban police agencies. In 1969, only 4.5 percent of all law enforcement referrals came from suburban areas, whereas in 1973, this percentage had increased to 32.8 percent. The two bottom columns further identify this trend, and indicate that in every year since 1969, the rate of change in referrals from suburban areas has been greater than the rate of change in the Des Moines Police Department Juvenile Bureau referrals.

This pattern suggests several things. First, it is apparent that there has been a rapid increase in the number of youths referred to the Court from suburban areas, which may mean that there has been a rapid rise in delinquency in those areas. However, it may also be the case that with the establishment of youth bureaus within the police departments of some suburban districts (West Des Moines, Urbandale, and the Polk County Sheriff's Office) has come an increasing number of referrals from those departments. It may be, in fact, that delinquent activity in the suburban areas has not increased at all; rather, it may be the case that significant delinquent activity has been present all along, but that until recently such activity went undiscovered by law enforcement agencies.

Put another way, it may be that youth bureaus within law enforcement agencies are self-perpetuating. If a juvenile bureau is established, juvenile referrals to the Juvenile Court will be an immediate result, simply because the objective of the youth bureau is to look into youth crimes. The fact that there has been an increase in referrals from the suburban areas, then, may not necessarily mean that there has actually been an increase in delinquency.

TABLE IX.—LAW ENFORCEMENT REFERRALS TO POLK COUNTY JUVENILE COURT, 1969-73

	1969			1970			1971			1972			1973		
	Boy	Girl	Total	Boy	Girl	Total	Boy	Girl	Total	Boy	Girl	Total	Boy	Girl	Total
Referrals to juvenile court by DMPD Juvenile Bureau	1,025	202	1,227	1,050	307	1,357	1,045	278	1,323	834	296	1,130	1,209	321	1,530
Total law enforcement referrals to juvenile court	1,099	186	1,285	1,228	301	1,529	1,210	333	1,543	1,132	341	1,473	1,784	493	2,277
Referrals attributable to other law enforcement agencies	74	−16	58	178	−6	172	165	55	220	298	45	343	575	172	747
Percent attributable to other agencies			4.5			11.2			14.3			23.3			32.8
Percent change in DMPD referrals						10.6			−2.5			−14.6			38.4
Percent change in other agencies referrals						196.6			27.9			55.9			117.8

Finally, it may also be possible that some of the surburban police departments have changed the criteria for referring youths to the Juvenile Court. It is well-established that police agencies rarely refer a youth to the Juvenile Court upon first contact with that youth. Because this is so, most juveniles coming into contact with the police are ultimately not referred to any other agency. However, any change in the criteria used by police agencies for referral to a court will logically result in either a higher or lower percentage of the youths contacted being referred to a court. Using some of the previously-analyzed data as an example, it will be noted that in 1972 the Juvenile Bureau of the Des Moines Police Department contacted 3,160 youths, but only referred 1,130 youths (or 35.8 percent) to the Juvenile Court. In 1973, however, the Des Moines Police Department referred a total of 1,530 youths to the Court, an increase due both to a larger number of total cases (3,491) and a higher percentage of cases referred (44.3 percent). Table X examines this for Des Moines Police Department referrals during the past 5 years.

Thus, although no further explanatory data are available, a change in criteria may have resulted in a portion of the increase in youths referred by the Juvenile Bureau of the Des Moines Police Department to the Court. A similar change may also have been occuring in suburban areas. Contributing to this possibility is the Court Reform Act implemented in July of 1973. Again, there are no data supporting this theory. However, it is possible that certain juvenile cases which previously would have been referred by law enforcement agencies to local suburban court (Mayors' Courts and Justices of the Peace) are now no longer being handled within the suburbs, and are being referred to the Polk County Juvenile Court.

TABLE X.—DES MOINES POLICE DEPARTMENT REFERRALS TO POLK COUNTY JUVENILE COURT, 1969–73[1]

	1969		1970		1971		1972		1973	
	Boy	Girl	Boy	Girl	Boy	Girl	Boy	Girl	Boy	Girl
Total cases DMPD Juvenile Bureau	2,150	718	2,439	926	2,398	834	2,146	1,014	2,516	975
Percent by sex	75.0	25.0	72.5	27.5	74.2	25.9	67.9	32.1	72.1	27.9
Percent change	−3.3	27.5	13.4	29.0	−1.7	−9.9	−10.5	21.6	17.2	−3.8
Total cases	2,868		3,365		3,232		3,160		3,491	
Percent change	2.9		17.3		−4.0		−2.2		10.5	
Referred to juvenile court	1,025	202	1,050	307	1,045	278	834	296	1,209	321
Percent referred by sex	47.7	28.1	43.1	33.2	43.6	33.3	38.9	29.2	48.1	34.4
Percent change	−2.8	35.6	2.4	52.0	−0.5	−9.4	−20.2	6.5	45.0	8.4
Percent of total juvenile court referrals	78.0		73.9		72.9		64.1		59.1	
Total percent referred	42.8		40.3		40.9		35.8		44.3	

[1] Data for years 1962–68 (although in a different format) are found on p. 188 of a previous MCJC publication, "The Criminal Justice System in Polk County, Iowa," vol. IV, Juvenile Justice.

G. ON RECORDS—KEEPING AND EVALUATION

What this points up again is that data relating to the functions and operations of the juvenile justice system are inadequate for any conclusive analysis. In 1973, this agency recommended improved records-keeping within the juvenile justice system to permit more comprehensive analysis. However, such improvement has not occurred, and we must reiterate our plea for improved records keeping if for no other reason than to assist local agencies in more accurately identifying the scope of the problems with which they deal.

Part of the difficulty in this particular area is that the local juvenile justice agencies simply do not have the manpower or resources to analyze their problems and to determine methodologies to alleviate them. The agencies are so caught up in day-to-day operation that they are unable to look into the reasons for their quandary.

For example, this report identifies certain data and trends which have not previously received specific attention within the Polk County juvenile justice system. These are the sorts of data that the agencies should routinely have at their disposal. However, in all fairness to the agencies, they simply do not have time to perform these sorts of analyses. Without the existence of research and planning divisions, there are no personnel having the expertise or responsibility to do same.

Thus, one recommendation resulting from this study is that juvenile justice agencies be given the manpower to operationalize planning and/or research units to perform analyses relating both to day-to-day operation and to analysis of the problems with which they deal.

Some uninformed critics, of course, will maintain that the sorts of analyses presented here do no more than point out things that people already know. Such is hardly the case. Although we here may quantify some information or trends previously suspected within agencies, there is a substantial difference between knowing and suspecting, particularly as they relate to planning and program development. Suspicions don't result in concrete proposals; hard data do.

The agencies, however, must accept at least some blame for the inconsistency of data and evaluation. Accountability and empirical evaluation in the criminal justice system are just now gaining a foothold, and neither is necessarily popular with most criminal justice administrators or practitioners. Further, even when administrators are amenable to research, records-keeping systems may not lend themselves to evaluation or research. The Juvenile Court of Polk County may be used as an example here, for even though its officials are very co-operative with researchers (those of this agency in particular), its records are not especially amenable to research. The Court took a positive step to alleviate this situation in early 1973 when it requested our assistance in developing a more "researchable" face sheet, which was developed (with the Court's assistance) within a short period. However, even though this new face-sheet was deemed to be much more systematic and complete than the old sheet, lending itself to more cogent evaluation and leading easily to the development of a manual or computer-based records-keeping system, it has yet to be implemented by the Court. It is, then, in situations such as this that one must question the real desire of agencies for rigorous evaluation and assessment of accountability.

H. AGE OF REFERRALS

Table XI, referring to the ages of referrals to the Polk County Juvenile Court, presents the number and percent of youths referred to the Court who fall into specific age groupings. In that previous analyses (see volume on Juvenile Justice) have indicated that girls referred to the Court have been generally somewhat younger than their male counterparts, the Table was prepared to permit further analysis.

It is apparent from the Table that the average age of males referred to the Court has not changed considerably in the past three years, while the average age of females has increased slightly, to the point that there is no significant difference in the average ages of boys and girls referred to the Court. It is still apparent, however, that the majority of boys referred to the Court fall into the 16- and 17-year age brackets, while the majority of girls occupy the 15- and 16-year categories.

The median age of boys and girls referred to the Court was computed also, to determine whether or not the average age was being skewed to some degree by the larger percentage of boys falling into the 12-and-under categories. It was found that this, in fact, was true, not only in the cases of boys, but for girls as well. The median age, in this case, is more accurate than the average in identifying the age of the "typical" Juvenile Court referral, and for each sex is more proximate to the age group in which most youths fall.

TABLE XI.—POLK COUNTY JUVENILE COURT AGES OF REFERRALS 1971–73

	1971				1972				1973			
	B		G		B		G		B		G	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Less than 10	18	1.3	7	1.7	21	1.6	2	0.4	31	1.6	4	0.6
10 to 12	108	8.0	26	5.6	113	8.7	24	5.1	171	8.7	46	7.3
13	120	8.9	55	11.9	116	9.0	63	13.5	177	9.0	61	9.7
14	187	13.8	112	24.3	184	14.2	89	19.0	273	13.9	122	19.3
15	262	19.4	100	21.7	255	19.7	125	26.7	359	18.3	153	24.2
16	315	23.3	97	21.0	326	25.2	100	21.4	465	23.7	136	21.6
17 to 18	342	25.3	64	13.9	281	21.7	65	13.9	484	24.7	109	17.3
Average	15.04		14.70		14.95		14.84		15.00		14.91	
Median	15.93		15.30		15.84		15.45		15.91		15.60	

Use of the median also proved to be a better indicator in assessing age differences between male and female referrals to the Court, and the recent decrease in the difference between the two. In 1971, although there was a .63 year difference in the median age of boys and girls referred to the Court (or about 7.6 months), in 1973 this difference had halved to .31 years (or about 3.7 months). Thus there is very little difference in the ages of males and females referred to the Court.

I. RACE OF REFERRALS

Data relating to the race of referrals to the Court are found in Table XII. The information found there indicates very little change from what was found relating to race in previous years: that the overwhelming majority of youths referred to the Court are white, although black youths are over-represented according to their percentage in the general youth population. As has been the case in recent years, a higher percentage of male referrals are black than female referrals. Further, the percentage of black referrals to the Court has decreased steadily during the last three years, to the point that in 1973 the Court received a smaller percentage of black referrals than it had during at least the last 12 years.

TABLE XII.—POLK COUNTY JUVENILE COURT, RACE OF REFERRALS, 1971–73

	1971		1972		1973	
	Boy	Girl	Boy	Girl	Boy	Girl
White:						
Number	1,140	400	1,100	408	1,698	562
Percent	84.3	86.8	84.9	87.2	86.6	89.1
Black:						
Number	208	61	192	57	251	68
Percent	15.4	13.2	14.8	12.2	12.8	10.8
Indian:						
Number			2	2		
Percent			0.2	0.4		
Other:						
Number	3	2	2	1	10	
Percent	0.2	0.4	0.2	0.2	0.5	
Unknown:						
Number					1	1
Percent					0.1	0.2
Total	[1] 1,351	[1] 463	1,296	468	1,960	631

[1] Total is incorrect due to errors in juvenile court data.

J. TYPE OF CARE

Table XIII, detailing the type of care received by youths immediately following the referral to the Court, indicates the continuation of a practice noted previously: the release of most juveniles to their parents pending other action by the Court. This is the case particularly for boys, in that approximately four out of five boys referred are released without having received any physical restraint from the juvenile justice system. What this amounts to usually is simple release to parents or guardian. In the case of juvenile girls, however, a much smaller percentage is released in this manner. In all three years noted in the Table, the percentage of girls admitted to secure detention was more than double that of boys. Conversely, boys were more frequently incarcerated in the county jail or police stations following referral to the Court.

An exception to this is noted in 1973 when, according to Juvenile Court figures, 6.3 percent of all girls received by the Court were incarcerated in jails or police stations. Although this seems to indicate a rapid rise in the number of girls incarcerated—which would seem unusual in a year in which detention of juveniles in jails in Iowa came under such heated attack—according to verbal reports from officers of the Court, these figures may not be accurate. Discussion with the chief probation officer indicated his belief that no such increase in females held in jails and police stations occurred. This casts additional doubt on the general accuracy of Juvenile Court records.

TABLE XIII.—POLK COUNTY JUVENILE COURT PLACE OF CARE, 1971–73

	1971		1972		1973	
	Boy	Girl	Boy	Girl	Boy	Girl
No care:						
Number	1,071	305	1,033	302	1,622	428
Percent	79.3	65.9	79.7	64.5	82.7	67.8
Jail or police station:						
Number	79	10	77	6	124	40
Percent	5.9	2.2	5.9	1.3	6.3	6.3
Detention:						
Number	179	138	173	153	191	144
Percent	13.3	29.8	13.3	32.7	9.7	22.8
Foster family:						
Number	0	1	0	0	2	0
Percent		0.2			0.1	
Other:						
Number	21	9	13	7	23	19
Percent	1.6	1.9	1.0	1.5	1.2	3.0
Total	[1] 1,350	[1] 463	1,296	468	[1] 1,962	631

[1] Total is incorrect due to errors in juvenile court data.

It is clear from the Table that alternatives other than those already mentioned are hardly ever used in Polk County. Temporary foster placements, especially, are infrequent, a fact which attests to the absence of any organized foster family network for delinquents in Polk County. In that such short term foster care is utilized to a greater degree in other parts of the State (notably Blackhawk County), it does not seem unreasonable to hope for more extensive development of this phenomenon in Polk County in the future. On the basis of other information collected on detention in Polk County (not included in this report), it appears that some of the youths currently held in secure detention do not require the security found in that setting. The development of a network of foster care homes and/or group homes would be one means of alleviating (this situation and permitting less extensive use of secure detention).

In order to prevent a more long-term analysis of the use of secure sites for the care of youths after referral to the Court, Table XIV was constructed. This Table indicates that, although there was a decrease in the utilization of detention (particularly for girls) in 1973, the total percentage of youths being handled in a secure manner has dropped only slightly in recent years. This minimal drop in the percentage of youths being locked up after referral raises some perplexing questions, particularly given the previously-noted drop in the percentage of youths handled formally by the Court. It appears that, in practice, the Court is saying that although more and more youths do not require formal action on its part, many of these youths do require secure detention. This particular practice seems quite inconsistent. It would appear, at least on face, that most youths not requiring the filing of a formal delinquency petition would similarly not require secure detention.

TABLE XIV.—POLK COUNTY JUVENILE COURT USE OF SECURE PLACES OF CARE, 1967-78

Place of care	1967		1968		1969		1970		1971		1972		1973	
	Boy	Girl	Boy	Girl	Boy	Girl	Boy	Girl	Boy	Girl	Boy	Girl	Boy	Girl
Jail or police department:														
Number	49	1	56	2	89	1	76	6	79	10	77	6	124	40
Percent	4.0	0.5	4.5	0.9	6.8	0.4	5.3	1.5	5.9	7.2	5.9	1.3	6.3	6.3
Detention:														
Number	95	71	124	71	99	87	137	108	179	138	173	153	191	144
Percent	7.7	36.6	10.0	30.2	7.6	31.8	9.5	26.6	13.3	29.8	13.3	32.7	9.7	22.8
Total secured:														
Number	144	72	180	73	188	88	213	114	258	148	250	159	315	184
Percent	11.6	37.1	14.5	31.1	14.5	32.1	14.8	28.1	19.1	32.0	19.3	34.0	16.1	29.2
Total	1,239	194	1,241	235	1,30[illegible]	274	1,444	406	[1]1,350	[1]463	1,296	468	[1]1,962	631

[1] Total is incorrect due to errors in juvenile court data.

There are, however, arguments supporting the Court's practice, in that it could be maintained that placing a child for a short period of time in secure detention permits a probation officer to develop alternatives permitting action other than the filing of a deliquency petition. However, even accepting this position, the question must be raised as to why the child's place of care situations such as this must be secure. One can accept the need for a stable environment for a youth; however, "stable" need not be equated with "secure".

This leads again to the conclusion that alternatives to secure detention have not been adequately developed in Polk County. Given that most criminal justice authorities accept the existence of detrimental side-effects on youths from secure institutionalization, and given the recent national emphasis on deinstitutionalization and the utilization of secure alternatives only when such security is clearly necessary, there is no rational argument supporting such continued use of secure detention in a high percentage of cases, particularly for girls. Although girls referred to the Court, because of the nature of their problems, are unable to be referred back to their parents more frequently than males, alternatives other than secure detention could be used more consistently than is now the case, given the development of appropriate alternatives. The National Advisory Commission on Criminal Justice Standards and Goals has recommended a complete prohibition against the detention of juveniles in jails, lockups, or other facilities used for housing adults accused or convicted of crimes, and that secure detention be used only for juveniles who have committed acts that would be criminal if committed by adults.[2] These recommendations are clearly not followed in Polk County, but they are goals capable of accomplishment should less severe alternatives be developed. Although there is clearly no wholesale abuse of secure detention in Polk County—the Court probably detains fewer youths than most juvenile courts—the development of additional alternatives can mean less frequent use of secure detention.

K. REASONS FOR REFERRAL

Table XV lists the most frequent reasons for referral of youths to the Polk County Court during the period from 1971 to 1973. Several patterns are evident on the table, some of which have been previously identified:

1. Boy's referrals span the whole spectrum of offenses, while girls' referrals are concentrated in five or fewer categories. In 1972, for example, there were 11 different reasons for referral which accounted for 5% or more of all male referrals, while there where only 4 similar categories for girls (two of which accounted for more than half of all girls' referrals in that year);

2. Girls' offenses are concentrated in the "status offense" category, i.e., running away and ungovernable behavior. In each year, these two offenses were counted for more than half of all girls' referrals to the court, while the maximum percentage of boys referred for these offenses in any year was 16.5 percent;

3. There has been a substantial increase in the percentage of boys referred for use and/or possession of narcotics;

4. There has been a drop in female referrals for narcotics involvement, but an increase in alcohol-related female referrals;

5. In 1973 there was a notable drop in the percentage of girls referred for ungovernable behavior. This drop may be significant due to the past consistency in the percentage of females referred for this behavior (the 20.4 percent figure noted for 1973 is the lowest in at least 12 years).

Results pertaining to referrals for narcotics must be tempered by information received from the Juvenile Court indicating that most of these "narcotics" referrals were, in fact, for possession of marijuana. In that the category "narcotic" drugs should include only those drugs which are addicting—with marijuana, according to most experts, hardly falling into that category—the data suggest an additional change in Juvenile Court records, a change which would specifically itemize opium derivative narcotics, barbiturates, amphetamines, hallucinogens, and marijuana. Such a change would more specifically identify the nature of the drug problem with which the Juvenile Court is attempting to cope.

For additional information pertaining to reasons for referral, see Section M., Delinquency Rates.

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[2] National Advisory Commission, *Corrections*, p. 573.

TABLE XV.—POLK COUNTY JUVENILE COURT, MOST FREQUENT REASONS FOR REFERRAL, 1971–73

Offense	1971		1972		1973	
	Boy	Girl	Boy	Girl	Boy	Girl
Person assault:						
Percent	6.8	3.8	5.0	3.0	4.3	2.1
Rank[1]	7		11			
Property offenses:						
Auto theft and unauthorized use:						
Percent	7.8	1.0	6.1	0.4	7.5	1.1
Rank	5		9		5	
B. & E.:						
Percent	12.3	2.4	8.6	0.2	9.9	1.1
Rank	2		3		3	
Shoplifting:						
Percent	4.2	11.6	6.0	16.9	6.3	15.5
Rank		3	10	3	7	3
Larceny:						
Percent	14.2	7.2	15.6	24	10.4	1.7
Rank	1	4	1		2	
Liquor and drugs:						
Liquor:						
Percent	6.9	2.4	6.8	4.5	5.2	5.7
Rank	6		8		10	5
Drunkenness:						
Percent	2.9	0.2	2.2	0.6	4.6	2.1
Rank						
Narcotics:						
Percent	4.1	6.6	7.2	3.4	12.6	4.3
Rank		5	6		1	
Other drugs:						
Percent	3.0	0.8	1.2	0	0.7	1.7
Rank						
Status offenses:						
Runaway:						
Percent	6.0	27.5	7.2	27.8	5.7	30.9
Rank	8	1	6	2	9	1
Ungovernable:						
Percent	8.0	25.1	9.3	29.9	8.4	20.4
Rank	4	2	2	1	4	2
Mischief:						
Disorderly conduct:						
Percent	5.5	2.8	3.5	1.1	2.4	1.3
Rank	9					
Vandalism:						
Percent	3.8	1.2	7.5	0.6	5.8	1.9
Rank			5		8	
Other mischief:						
Percent	8.3	3.0	7.9	5.8	6.5	6.2
Rank	3		4	4	6	4

[1] Rank is noted only when the category amounts to 5 percent or more of the total.

E. DISPOSITIONS

Dispositions of the cases of youths referred to the Polk County Juvenile Court in the years 1971–1973 are found in Table XVI. As will be noted upon inspection of the Table, there have been a number of changes in the types of dispositions handed down by the Court since 1971:

1. There has been no substantial change in the percentage of youths regarding whom the Court finds it has no jurisdiction due either to dismissal or to waiver to adult court. The raw numbers of youths falling into these categories, however, has risen along with the general rise in Juvenile Court referrals;

2. There has been a substantial rise in the number and percentage of females whose cases are disposed of with mere warning or adjustment. Correspondingly, there has been a notable drop in the percentage of girls whose cases ultimately involved probation supervision. Whereas in 1971 supervision was the most frequent disposition of girls' cases, by 1973 warning and adjustment proved to be the most frequently-used disposition for girls;

3. Probation supervision for boys has risen slightly since 1971. This rise in the percentage of boys receiving probations supervision has resulted in a substantial rise in the actual number of boys receiving supervision (223 more in 1973 than in 1971);

4. Although there has been no substantial change in the numbers of runaway youths referred to the Court (see Table XV), there has been an increase in the numbers of youths ultimately returned home, particularly girls;

5. The Table indicates generally a greater willingness on the part of the Court to handle youths without any formal transfer of custody. This is true both for girls and for boys, in that for boys over the three-year-period there was a 3 percent increase in the percentage of cases in which custody was not transferred, and for girls, there was a 7.4 percent increase.

6. There has been a drop in the percentage of youths committed to public institutions for delinquents, i.e., the two state training schools. For boys there has been an increase in the raw number of youths committed, but a drop in the percentage of the youths so handled. For girls, there has been a substantial reduction both in the number of youths committed to the training schools and the percentage of girls so handled.

7. There has been a general drop in the percentage of cases in which a transfer of legal custody is involved. This, combined with the increase in the percentage of cases in which no transfer of custody occurs, tends to indicate that the Juvenile Court is much more willing then in the past to handle the problems of its referrals while maintaining jurisdiction, the result being that more options are left open for future action with the child than was the case in the past.

TABLE XVI.—POLK COUNTY JUVENILE COURT DISPOSITIONS, 1971-73

	1971		1972		1973	
	Boy	Girl	Boy	Girl	Boy	Girl
No juvenile court jurisdiction:						
Waived to adult court:						
Number	32	6	26	4	30	2
Percent	2.4	1.3	2.0	0.9	1.5	0.3
Dismissed:						
Number	39	22	41	20	58	28
Percent	2.9	4.6	3.2	4.3	3.0	4.4
Total percent without jurisdiction	5.3	5.9	5.2	5.1	4.5	4.8
No transfer of custody:						
Warned, adjusted:						
Number	427	150	361	208	603	302
Percent	31.6	31.6	27.9	44.3	30.8	47.9
Held open:						
Number	336	53	388	75	503	75
Percent	24.9	11.2	29.9	16.0	25.7	11.9
Probation supervision:						
Number	356	177	360	101	589	138
Percent	26.3	37.3	27.8	21.5	30.1	21.9
Referred to other agency:						
Number	57	11	53	16	49	37
Percent	4.2	2.3	4.1	3.4	2.5	5.9
Runaway returned:						
Number	12	8	11	14	29	27
Percent	0.9	1.7	0.8	3.0	1.5	4.3
Other:						
Number	2	3	2	0	10	3
Percent	0.1	0.6	0.1		0.5	0.5
Total percent not transferred	88.0	84.8	90.7	88.3	91.0	92.2
Transfer of legal custody to:						
Public institution for delinquents:						
Number	50	29	44	23	58	11
Percent	3.7	6.1	3.4	4.9	3.0	1.7
Other institution:						
Number	7	6	5	3	13	2
Percent	0.5	1.3	0.4	0.6	0.7	0.3
Public agency:						
Number	5	1	1	3	8	4
Percent	0.4	0.2	0.1	0.6	0.4	0.6
Other court:						
Number	8	0	0	0	0	0
Percent	0.6					
Private agency:						
Number	15	4	1	1	8	1
Percent	1.1	0.8	0.1	0.2	0.4	0.2
Individual:						
Number	0	3	0	1	1	1
Percent		0.6		0.2	0.1	0.2
Other:						
Number	6	1	3	0	1	0
Percent	0.4	0.2	0.3		0.1	
Total percent transferred	6.7	9.3	4.2	6.6	4.5	3.0
Total number	1,352	474	1,296	469	1,960	631

[1] Total is incorrect due to errors in juvenile court data.

M. ON PRESS CRITICISM OF OUR EARLIER RECOMMENDATIONS

The above-mentioned drop in female commitments to the Training School for Girls is of particular note, as in 1973 this agency recommended increased use of community alternatives in preference to training schools, and a resulting drop in the relatively high percentage in female delinquents then committed to the Girls' Training School.[3] In response to this recommendation, officials of the Juvenile Court defended their actions as being entirely necessary, and were supported by the February 16, 1973 Des Moines Tribune, which contained an editorial entitled "Shallow Study of Juvenile Crime". The editorial, in effect, argued that because urban areas have always been "havens of anonimity to law-breakers" resulting in an overabundance of crime, that a high incidence of commitment to state institution must always result.[4]

In that "shallow" report on Juvenile Justice, this agency also recommended increased utilization of volunteers in the juvenile justice system, something the Juvenile Court at the time dismissed as being already quite adequate. The Tribune appeared to agree with the stance of the Juvenile Court, saying "more foster homes are available than needed and volunteer programs provide assistance to probation officers".

The period of time elapsing since publication of our report has clearly upheld the validity of our recommendations. For the record, it must be noted that since the condemnation of our "shallow study of juvenile crime", there have occurred both the reduction of commitments to the Girls' Training School and the development of a Volunteers in Probation program at the Juvenile Court level. And, as will be confirmed by representatives of the Juvenile Court, it appears that the former has occurred without any additional harm to female

[3] In brief, our 1973 recommendations were the following:
1. Increased identification of community-based resources for diversion treatment;
2. Increased utilization of these community resources;
3. Greater utilization of volunteers;
4. A "systems" approach to operation and planning;
5. Greater willingness to innovate an experiment:
6. Development of stronger ties with adult corrections agencies and personnel;
7. Examination of alternatives to two-headed juvenile justice system currently operating within Iowa;
8. Increased efforts to identify potential pre-delinquent youth;
9. Identification of further opportunities to assist youths already identified as delinquent;
10. The development of better records-keeping functions in juvenile justice agencies;
11. Reduction of commitments to the Iowa Training Schools, particularly Mitchellville;
12. Reduction of youths permitted to Training Schools for the commission of victimless crimes;
13. Increase in minority personnel within the Polk County Juvenile Court;
14. Improved communication within the staff of the Juvenile Court;
15. Reduction in the population of youths detained at Meyer Hall, particularly girls;
16. The development of a stronger relationship between the two Iowa Training Schools; and
17. Greater use of community resources by the State Training School for Girls.

[4] The Tribune editorial, in toto, reads as follows:
"Shallow Study of Juvenile Crime" The Polk County Juvenile Court is committing too many youths to the state training schools, according to the report of a study by the Metropolitan Criminal Justice Center at Drake University.

The report, one in a series on criminal justice in Polk County based on studies financed by a federal Law Enforcement Assistance Administration grant, points out that while Polk County has only 10 percent of the state's population, in 1971 it accounted for 19 percent of all commitments to the Eldora training school for boys, and 41 percent of commitments to the Mitchellville training school for girls. The court, the report's authors say, should make more use of local alternative to the training schools.

The statistics do not in themselves warrant the accusation. Delinquency, as well as adult crime, could be expected to be more prevalent in urban areas, which offer the haven of anonymity to lawbreakers.

Other urban Iowa counties also send disproportionately large number of delinquents to Eldora. The combined population of Linn, Scott, Woodbury and Black Haw counties is 19 percent of the state's total, they account for 26 percent of commitments. However, only 19 percent of commitments to Mitchellville come from these counties.

Carl Parks, director of court services for the Polk County Juvenile Court, said children are sent to the training schools as a last resort, "to protect the child from his own . . . conduct. Very seldom is a youth committed as a result of his first brush with the juvenile court system," he said: "We exhaust all our own and all local resources in almost every case before we send him to the training school." Parks and Gary Ventling, chief probation officer, said they think the two training schools do a good job.

The Justice Center report recommended that the juvenile court seek more local volunteers and develop more community-based programs for delinquents. Ventling argues that there is no shortage of alternatives to institutionalization. More foster homes are available than are needed, and volunteer programs provide assistance to probation officers.

According to the report, "it may be that the other counties have been more adept at locating and utilizing alternatives to the training school." On the other hand, it might be argued that the others are making too little use of the schools.

There is no infallible method of determining how to handle each youthful offender. Generally it is considered preferable to try to deal with him in his own environment, but for some, removal from that environment is important to rehabilitation. How frequently the court makes commitments to the training schools does not shed any light on the quality of the court's judgment.

delinquents (or to the community) and the latter has made the Juvenile Court program appreciably stronger than it once was. Finally, relating to the claimed abundance of foster homes, it should be clear from above analyses that such as the case due to the Court's simply not using foster homes for delinquents, rather than a numerical abundance of available foster homes.

That the Juvenile Court staff reconsidered their opinions of our recommendations, and subsequently acted on them, is to their credit. However, such affirmative action has not visibly taken place in the Tribune staff which, in taking its position and publicizing it to its readers, merely exhibited the degree to which its understanding of our report was, itself, shallow. Although this agency may be somewhat to blame by not supplying additional information to buttress our recommendations or by not spelling things our more clearly, subsequent reporting or our activities has so consistently paralleled the editorial stance that this agency must be absolved with at least some of the blame for our conflict.

The disagreement over commitments to the Girls' Training School is illustrative. We implied in our former Volume that institutionalization, due to its very nature, should be used only as a last resort for delinquents. We also implied—but did not explicitly state—that our recommendation relating to state training school commitments (as well as other recommendations) was based upon our two major recommendations, which related to the necessity to identify and utilize community resources in combatting juvenile delinquency. The Tribune's editorial writer apparently grasped neither of these implications.

The position we took at that time was consistent with that of the prestigious President's Commission on Law Enforcement and Administration of Criminal Justice, released in 1967, which provided the first national impetus toward the development of community-based corrections and away from state institutionalization. It is also consistent with the position of the 1973 National Advisory Commission on Criminal Justice Standards and Goals, which built upon the recommendations of the President's Commission, and ultimately state the following:

> The facts set forth earlier in this chapter lead logically to the conclusion that no new institutions for adults should be built and existing institutions for juveniles should be closed. The primary purpose to be served in dealing with juveniles is their rehabilitation and reintegration, a purpose which cannot be served satisfactorily by state institutions. In fact, commitment to a major institution is more likely to confirm juveniles in delinquent and criminal patterns of behavior.[5]

It will be noted, after reading this statement, that the position we took regarding training schools, rather than being particularly radical or irresponsible, was mild—albeit philosophically similar—in comparison with that of the National Advisory Commission. The reasoning for this is quite simple. In making recommendations or in establishing a position, in the maligned juvenile justice report or elsewhere, we have been particularly careful not to overstep the bounds established by limitations in the data with which we have worked. Although it might have been our philosophical inclination to recommend closing of the Girls' Training School, with total utilization of community-based alternatives in its stead, the data we have had at our disposal could not substantiate such a position. The data did, however, support a reduction in female commitments from Polk County to the Training School for Girls. The Polk County percentage of commitments to Mitchellville in 1971 (41 percent) was clearly out of line both with the Polk County percentage of state population (10 percent) and Polk County commitments to the Training School for Boys (19 percent).

Secure institutionalization of youths should be used only as a last resort and only when such confinement is clearly needed by the youth in question. If one can accept this position, it should not be especially difficult also to accept the conclusion that Polk County, with its 10 percent of state population, is unlikely in a given year to possess 41 percent of all delinquent juvenile females in the State of Iowa needing secure confinement. Although one might argue—as did the editorial writer—that some areas may indeed be under-committing females to the training school, such an argument is not persuasive . . .

In one other respect we did not take our position irresponsibly. One of the great debates today in the juvenile justice system regards the closing of training schools and the development of community-based alternatives in lieu thereof. An example of this debate took place in the 1973 Congress of Corrections of the American Correctional Association. The presence on the panel of community corrections

[5] P. 358.

personnel, institutional corrections personnel, and the [redacted]ocates, appeared to ensure the development of heated discussion regarding the closing of training schools.

However, the "debate" turned out to much less a debate regarding whether to close juvenile institutions than a colloquy on the whens and hows of closing training schools. There was near-unanimity regarding the eventual closing of training schools and the movement toward community-based alternatives. The issue, in fact, was whether training schools should be closed before or after the development of local alternatives. Those who came closest to supporting the existence of training schools maintained the local alternatives must be developed prior to deinstitutionalization. Opponents of this position, maintaining that communities have had ample opportunity to develop alternatives to training schools and have failed, maintained that communities must be forced to develop programs, and that training schools should be closed regardless of their existence. It should be remembered that these positions, rather than emanating from a group of wild-eyed radicals, came from representatives of this country's largest and most established correctional organization.[6]

The Tribune's editorial writer maintained, in attempting to discredit our analysis, that under-utilization of a training school in some areas is possible—the end result apparently being detrimental to a youth not commited to a training school who should have been so committed. In taking this position, that writer appeared to be agreeing with previous comment of the Juvenile Court's Director of Court Services: "The kids come out better than when they went in." (Des Moines Tribune, 2/12/73). As is typically the case in the juvenile justice system, there were absolutely no data to support or refute this claim. As a result, this agency designed and funded a grant application of the State Department of Social Services for a follow-up study of State Training School releases. That study, although not yet released, contains preliminary data which raise disturbing questions regarding the past effectiveness of the two Iowa State Training School.[7] Given the data in that study, as well as the results of other research assessing state institutionalization elsewhere, we doubt the likelihood that communitities frequently under-utilize state incarceration to the detriment of their delinquent youth. Overuse, rather than underuse, is the norm. Underuse assumes the existence of frequent beneficial effects on youth from institutionalization which are nearly impossible to substantiate.

Frankly, we were somewhat incredulous at the stance taken in the Tribune's editorial, in that the position taken there seems inconsistnt with other editorials strongly supporting the establishment of community-based alternatives for adult offenders in Polk County. Recently, an editorial in the Des Moines Register supported the Riverview Apartments, a half-way house of the State corrections system, in a time at which community programs for convicted adult offenders were receiving considerable criticism. Although the editorial which was critical of our previous work did state that it is generally considered preferable to work with a youth in his own environment, the paper failed to take a position on the development of community-alternatives for youths—the advocacy of which was meant to be the primary thrust of our report. Thus, the editorial does appear to be inconsistent with other editorial positions taken on adult community-based corrections programs. We fail to comprehend how one can support adult community programming and appear ambivalent about similar juvenile programs.

The editorial points out that the statistics on Juvenile Court commitments to the Training Schools do not, in themselves, warrant the accusation that the Polk County Juvenile Court is over-committing youths to the Training Schools. This is most certainly true. However, the statistics alone did not lead to our recommendations. Rather, the statistics, taken in conjunction with the lack of community-based programming for youths and the numerous assertions of practitioners regarding the need for increased community programming, led to our recommendation. Had the Juvenile Court developed community alternatives such as those already available to adult courts—intensive supervision in lieu of secure detention and non-secure residential facilities, for example—and still maintained a high percentage of commitments to the training school, in all likelihood we would not have taken the position we did. However, these alternatives have not been developed (although a residential facility for male delinquents is under consideration). We suspect that increased community programming can result in reduced training school commitments.

[6] Panel participants included William Madaus, Deputy Commissioner, Boston Youth Services Bureau; Oliver J. Keller, Jr., Director, Florida Division of Youth Services; Michael Dana, Director to Technical Assistance for Diversion and Presentation, YDDPA, HEW; Milton Luger, Director, New York Division for Youth; Edna Goodrich, Superintendent, Purdy (Wash.) Women's Treatment Center; and Abraham Novick, Executive Director, Berkshire Farm for Boys (New York).

[7] Data were collected on a sample of admissions from 1965, 1968, and 1971.

The Tribune editorial concluded with the following statement: "How frequently the Court makes commitments to the Training Schools does not shed any light on the quality of the Court's judgment". However, frequency of Training School commitments in fact does shed some light on the degree to which the Court is willing to exhaust community-based alternatives prior to institutionalization. It may also comment on the degree to which local alternatives are developed. In recommending greater utilization of community alternatives, we were echoing the statement of the many juvenile justice practitioners to whom we had talked: that the plethora of resources in Des Moines has to be much better coordinated than in the past, and that where resources do not exist they must be developed. As these occur, state institutionalization of youths can diminish. Massachusetts, for example—a much more urban environment than Iowa—has totally abandoned its Training Schools in favor of community-based alternatives. Thus far, according to an evaluation in progress performed by Dr. Lloyd Ohlin, Harvard Sociologist, this transition is reaping beneficial results. Although the Training Schools Massachusetts abandoned were certainly much more detrimental than either of the two Iowa Training Schools, the Massachusetts experience clearly indicates the absurdity of the claim that urban areas must always utilize state institutionalization more frequently than rural areas. Massachusetts, for the record, currently maintains fewer youths in secure institutionalization than does the State of Iowa, apparently without significant detrimental effects either to communities in the State or to delinquents who previously would have been incarcerated.

Although we might agree with the Tribune's allegation that commitments to Training Schools do not shed any light on the quality of a court's judgment, the extent of such commitments can also shed light on the degree to which a Court—as representative of a community—is willing to accept the responsibility of working with problems which are ultimately the community's own. The development of community-based programming is as much an indication of a community's accepting responsibility for "The Crime Problem" as it is an indication that past utilization of state institutionalization has been a tragic failure. The past record indicates that communities have all too often been willing to give up responsibility for a problem which is ultimately theirs. An analogy—albeit a simplistic one—can be drawn to parents bringing their child to a juvenile court and saying, "We can't do anything with him, you take him, it's your responsibility, not ours." Few would maintain this to be a beneficial stance, or a situation likely to conclude in resolution of the problem.

Finally, relating again to the "shallowness" of our previous report, trained staff members of this agency spent the greater portion of one year collecting data and interviewing juvenile justice personnel during its development. No other Polk County-based agency—including the Des Moines Register and Tribune—has conducted such a systematic and exhaustive investigation of juvenile justice practices in Des Moines and Polk County. Perhaps our writers did not clearly enough establish the links between the data and our recommendations. However, the validity of our recommendations has thus far been upheld, and we see absolutely no reason at this time to change our positions.

We claim no credit for any change in Juvenile Court practices. However, the existence of a "watchdog" to oversee the Court's activity is probably beneficial, and can potentially lead to greater experimentation and innovation in a Court which has been a state leader but not an innovator. The Court's reduction in female commitments to Mitchellville, more than anything else, is probably due to the arrival of a new administration at the Girls' Training School and the Court's lack of enchantment with some ensuing policy changes. However, the Court has acted positively in reducing commitments to Mitchellville, in the process attempting to use alternatives the Court perceived as less harmful to its clients.

Further use of community alternatives is possible, however, both for girls and boys. Court staff will indicate the need for more group homes in the Des Moines area and, although the currently-planned residential facility initially will be serving only boys, it is likely that a similar type of programming would be effective for females as well. The development of a co-educational program is not out of the question, given the success of a facility for males. Further use of temporary foster homes, through the assistance of the Volunteers in Probation, is also under consideration, and could result in population changes at Meyer Hall and perhaps the juvenile population detained in the County Jail. Editorial support for further changes of this sort would be consistent with editorial positions taken in support of adult community-based programming, is appropriate, and would be welcomed.

N. DELINQUENCY RATES

The next group of Tables presents official and unofficial delinquency rates, by type of crime, for the period of 1963 to 1973. The decision to collect data for this 11-year period was arbitrary. Ideally, data would have been analyzed back to 1962, because MCJC data relating to the Juvenile Court have been collected back to that year. However, it appeared that school enrollment figures could be obtained accurately only back to 1963. Because the delinquency rates are based upon school figures (as well as Juvenile Court data), then, figures covering the 11-year period have been presented.

The methodology in developing these figures, although somewhat time-consuming, is quite simple:

1. School enrollment figures from the eight school districts of Polk County were collected for grades 7–12.[1] Data collection was limited to these grades because youths in the age group attending these grades are those historically most prone to delinquent activity;

2. Census data from the 1970 United States Census were collected for youths aged 12–17. Again, this group of youths has historically been the group most likely to be referred to juvenile justice authorities;

3. Using the school enrollment figures, and the actual county population of youths aged 12–17, estimated population figures for 1963–1973 were developed. Although there is bound to be some inaccuracy in the estimated population figures—due to possible fluctuation in the percent of youths in school during a particular year and the presence of some youths in these grades who are not between the ages of 12 and 17—the degree of error should be quite small;

4. Annual reports of the Polk County Juvenile Court were collected, and offenses grouped into five categories; crimes against property, crimes against persons, public order crimes, juvenile status offenses, and traffic offense. Within these categories, official referrals were tabulated, as were unofficial referrals and total referrals.

5. Using the Juvenile Court data and the estimated population data, delinquency rates per 1,000 youths were computed.

Due to changes in records keeping at the Juvenile Court, data relating to specific reasons for referral are sometimes incomplete. For example, prior to 1971, purse snatching and other robbery were grouped together under a single heading of robbery. Similarly, aggravated assault and other assaults were not differentiated prior to 1971.

TABLE XVII.—POLK COUNTY SCHOOLS ENROLLMENT FIGURES, GRADES 7–12, 1963–73

	Ankeny	Des Moines	Johnston	Parochial (Catholic)	Saydel	Southeast Polk	Urbandale	West Des Moines	Total
1963–64	733	17,782	456	3,040	927	989	706	1,741	26,374
1964–65	800	18,242	466	3,072	982	1,049	747	1,854	27,212
Percent change	9.1	2.6	2.2	1.1	5.9	6.1	5.8	6.5	3.2
1965–66	881	18,305	466	3,078	1,029	1,121	836	1,951	27,667
Percent change	10.1	0.3	0.0	0.2	4.8	6.9	11.9	5.2	1.7
1966–67	914	18,591	454	3,044	1,071	1,186	958	2,088	28,306
Percent change	3.7	1.6	−2.6	−1.1	4.1	4.9	14.6	7.0	2.3
1967–68	1,040	19,105	458	2,502	1,070	1,212	1,084	2,270	28,741
Percent change	13.8	2.8	0.9	−17.8	−0.1	2.2	13.2	8.7	1.5
1968–69	1,122	19,181	467	2,687	1,070	1,291	1,230	2,476	29,474
Percent change	7.9	0.4	7.0	7.3	0.0	6.5	13.5	9.1	2.6
1969–70	1,237	18,938	493	2,896	1,115	1,368	1,368	2,583	29,998
Percent change	10.2	−1.3	5.6	9.8	4.2	6.0	11.2	4.3	1.8
1970–71	1,288	18,763	506	2,681	1,133	1,379	1,481	2,663	29,894
Percent change	4.1	−0.9	2.6	−7.4	1.5	0.8	8.3	3.1	−0.3
1971–72	1,434	18,784	547	2,564	1,127	1,495	1,574	2,863	30,388
Percent change	11.3	0.1	8.1	−4.4	0.4	8.4	6.3	7.5	1.7
1972–73	1,631	18,979	612	2,568	1,148	1,550	1,607	2,976	31,071
Percent change	13.7	1.0	11.9	0.2	1.9	3.7	2.1	3.9	2.2
1973–74	1,773	19,176	585	2,502	1,149	1,620	1,655	3,103	31,563
Percent change	8.7	1.0	−4.4	−2.6	0.1	4.5	3.0	4.3	1.6

[1] Estimated.

[1] Due to oversight the North Polk School District was not included in the tabulation. However, because that district includes a small number of students, some of whom do not reside in Polk County, the exclusion is not deemed significant.

TABLE XVIII.—ESTIMATED POPULATION YOUTHS 12 TO 17 YEARS OF AGE, POLK COUNTY

Year	School population, grades 7 to 12	Actual population	Estimated population
1963	26,374		28,862
1964	27,212		29,779
1965	27,667		30,277
1966	28,306		30,976
1967	28,741		31,452
1968	29,474		32,254
1969	29,998		32,828
1970	29,994	32,714	32,714
1971	30,388		33,255
1972	31,071		34,002
1973	31,563		34,540

[1] Estimated population based upon 1970 school figures, (grades 7 to 12) and 1970 census figures (ages 12 to 17). In that year the number of youths registered in grades 7 to 12 was 91.38 percent of the youths aged 12 to 17 who were residing in the county. Using this percentage, and the actual numbers of young people in school in a given year, the estimated population figure was computed.

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TABLE XXI.—CRIMES AGAINST PERSONS

	1963		1964		1965		1966		1967		1968		1969		1970		1971		1972		1973	
	Official	Unofficial	Official	Unofficial	Official	Unofficial	Official	Unofficial	Official	Unofficial	Official	Unofficial	Official	Unofficial	Official	Unofficial	Official	Unofficial	Official	Unofficial	Official	Unofficial
Murder, manslaughter																			0	0	0	0
Manslaughter by negligence																			1	0	0	0
Rape																			0	1	0	0
Robbery—purse	5	2	6	4	6	2	14	8	18	10	7	5	17	11	12	11	0	11	1	3	1	6
Robbery—other																	20	10	16	7	23	7
Assault—Aggravated	22	39	22	34	10	34	16	61	19	61	31	83	40	73	12	72	9	23	4	19	4	20
Assault—other																	21	59	12	44	27	45
Total	27	41	28	38	16	36	30	69	37	71	38	88	57	84	24	83	49	93	35	74	55	78
Percent change:																						
Official			3.7		−42.8		87.5		23.3		2.7		50.0		57.9		104.1		−28.5		52.8	
Unofficial			−7.3		−5.2		91.7		2.9		23.9		4.5		1.2		12.0		20.4		5.4	
Rate:																						
Official	.9		.9		.5		1.0		1.2		1.2		1.7		.7		1.5		1.1		1.6	
Unofficial	1.4		1.3		1.2		2.2		2.3		2.7		2.6		2.5		2.8		2.2		2.3	
Total	68		66		52		99		108		126		141		107		142		110		133	
Percent change			−2.9		−21.2		90.3		7.1		16.7		11.9		−24.1		32.7		−22.5		20.9	
Rate	2.4		2.2		1.7		3.2		3.4		3.9		4.3		3.3		4.3		3.2		3.9	

TABLE XXII.—PUBLIC ORDER CRIMES

	1963		1964		1965		1966		1967		1968		1969		1970		1971		1972		1973	
	Official	Unofficial	Official	Unofficial	Official	Unofficial	Official	Unofficial	Official	Unofficial	Official	Unofficial	Official	Unofficial	Official	Unofficial	Official	Unofficial	Official	Unofficial	Official	Unofficial
Vandalism	25	168	17	98	20	96	28	137	20	190	20	96	10	107	16	95	4	53	16	84	9	116
Weapons																	0	12	2	12	1	13
Sex offense	9	28	17	34	13	22	15	18	4	17	9	13	2	16	2	5	7	8	4	9	2	9
Drugs—narcotics	29	136	18	197	30	120	46	292	46	272	48	389	59	368	111	436	35	54	52	57	84	189
Drugs—not narcotics																	25	20	6	9	7	17
Drunk																	6	35	2	29	8	96
Disorderly conduct																	26	63	5	45	2	59
Other																	30	122	28	102	26	140
Total	63	332	52	330	63	238	89	447	70	479	77	498	71	491	129	536	133	367	115	347	139	633
Percent change:																						
Official			-17.5		21.6		41.3		-21.3		10.0		-7.8		81.7		3.1		-13.5		20.9	
Unofficial			-.6		-27.9		87.8		7.2		3.9		-1.4		4.2		-31.5		-5.4		82.4	
Rate:																						
Official	2.2		1.7		2.1		2.9		2.2		2.4		2.2		3.9		4.0		3.4		4.0	
Unofficial	11.5		11.1		7.9		14.4		15.2		15.4		15.0		16.4		11.0		10.2			
Total	395		382		301		536		549		575		562		665		500		462		772	
Percent change			-3.2		-21.2		78.1		2.4		4.7		-2.2		18.3		-24.8		-7.6			
Rate	13.7		12.8		9.9		17.3		17.5		17.8		17.1		20.3		15.0		13.6			

Note: Drunk, 1974—6 official, 119 unofficial; 1975—12 official, 63 unofficial; 1976—8 official, 104 unofficial. Total cases: 1974—695 official, 2,247 unofficial; 1975—876 official, 2,855 unofficial; 1976—[illegible] official, 3,329 unofficial.

TABLE XXIII.—JUVENILE STATUS OFFENSES

	1963		1964		1965		1966		1967		1968		1969		1970		1971		1972		1973	
	Official	Unofficial	Official	Unofficial	Official	Unofficial	Official	Unofficial	Official	Unofficial	Official	Unofficial	Official	Unofficial	Official	Unofficial	Official	Unofficial	Official	Unofficial	Official	Unofficial
Runaway	34	38	45	45	38	34	30	19	39	33	46	44	44	75	56	106	76	143	41	182	32	275
Truancy	25	21	24	15	28	18	20	20	22	23	12	12	5	15	10	29	6	14	3	21	5	34
Ungoverned	74	51	94	63	67	50	74	42	60	56	69	65	72	67	85	136	119	115	130	131	92	201
Possession of liquor																	5	101	3	106	4	133
Other																			3	7	0	9
Total	133	110	156	123	133	102	124	81	121	112	127	121	122	157	151	271	206	373	180	447	133	652
Percent change:																						
Official				17.3		-14.7		-6.7		-2.4		5.0		-3.9		23.7		36.4		-12.6		-26.1
Unofficial				11.8		-17.1		-20.6		38.2		8.0		29.8		72.		37.6		19.8		45.9
Rate:																						
Official		.6		5.2		4.4		4.0		3.8		3.9		3.7		4.6		6.2		5.3		3.9
Unofficial		.8		4.1		3.4		2.6		3.6		3.8		4.8		8.3		11.2		13.1		18.9
Total		243		279		235		205		233		248		279		422		579		627		785
Percent change				14.8		15.7		12.7		13.6		6.4		12.5		51.3		37.2		8.3		25.1
Rate		8.4		9.4		7.8		6.6		7.4		7.7		8.5		12.9		17.4		18.4		22.7

Note: Possession of liquor, 1974—2 official, 110 unofficial; 1975 (changed State law July 1, to allow 18-year-olds to drink)—4 official, 95 unofficial; 1976—4 official, 217 unofficial.

TABLE XXIV.—TRAFFIC OFFENSES

	1963		1964		1965		1966		1967		1968		1969		1970		1971		1972		1973	
	Official	Unofficial	Official	Unofficial	Official	Unofficial	Official	Unofficial	Official	Unofficial	Official	Unofficial	Official	Unofficial	Official	Unofficial	Official	Unofficial	Official	Unofficial	Official	Unofficial
Driving intoxicated	[Not specified, 1963–72]																				2	1
Hit and run																					1	2
Reckless driving																						
Driving without license																					1	2
Other																					0	1
Total	[Not specified, 1963–72]																				4	6
Rate, official	[Not specified, 1963–72]																				0.1	
Rate, unofficial																						0.2
Total	[Not specified, 1963–72]																				10	
Rate	[Not specified, 1963–72]																				0.3	

TABLE XXV.—TOTAL

	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973
Official total	379	432	399	427	451	484	506	550	579	495	559
Percent change	30.7	14.0	−7.6	7.0	5.6	7.3	4.5	8.7	5.3	−14.5	12.9
Rate per 1,000 youths	13.1	14.5	13.2	13.8	14.3	15.0	15.4	16.8	17.4	14.6	16.2
Unofficial total	952	930	802	894	982	992	1,068	1,300	1,235	1,269	2,032
Percent change	19.3	−2.3	−13.8	11.5	9.8	1.0	7.7	21.7	−5.0	2.8	60.1
Rate per 1,000 youths	33.0	31.2	26.5	28.9	31.2	30.8	32.5	39.7	37.1	37.3	58.8
Grand total	1,331	1,362	1,201	1,321	1,433	1,476	1,574	1,850	1,814	1,764	2,591
Percent change	22.3	2.3	−11.8	10.0	8.5	3.0	6.6	17.5	−1.9	−2.8	46.9
Rate per 1,000 youths	46.1	45.7	39.7	42.6	45.6	45.8	47.9	56.6	54.5	51.9	75.0

IV. An Update on Meyer Hall, the Juvenile Detention Facility of the Polk County Juvenile Home

Since we published our Volume on Juvenile Justice in 1973, several notable changes have occurred within the Polk County Juvenile Home. The most significant change, which has been the cause of most other changes, is a new director who appears to possess a different philosophy of operation of juvenile shelter care and detention facilities than his predecessor. Whereas the new Director's predecessor did not develop programming within Meyer Hall, rather tending to view the detention facility as a "neutral environment" permitting youths to think over their difficulties, the new Director is expanding diagnostic services and programming for youths.

To that end, Meyer Hall now possesses a full-time psychologist to administer diagnostic tests to almost all youths entering the detention facility and to youths entering Juvenile Hall for whom such diagnostic services are requested. Within Meyer Hall, the only youths not so tested are "courtesy holds" and those whom the psychologist has been specifically directed by the Juvenile Court not to test. The purpose of these diagnostic services is to expedite youths through Meyer Hall, thus shortening their length of stay. Although it could be claimed the existence of a psychologist at Meyer Hall duplicates services provided by other psychologists within local agencies, the Director of the Juvenile Home indicates that in the past some of these community-based services were not available for Meyer Hall youths without a lengthy waiting period. Thus, a youth in Meyer Hall today should not spend a lenghty time period waiting for diagnostic services to be completed prior to release. In other words, release of a youth to an appropriate alternative should not be delayed because of a delay in diagnosis.

In adddition to the psychologist, the Juvenile Home has retained an Assistant Director whose role involves administration and counselling, although more of the latter than the former. The individual occupying this position is a specialist in guidance and counselling, and conducts orientation interviews with each admission to Meyer Hall. In essence, the Assistant ensures that youths know "how things work" within Meyer Hall, are aware of rules and regulations, and the like. Within the facility, the Director reports that his Assistant acts as an advocate for detained youths, with youths requesting the Assistant's services.

The new Meyer Hall Director reports that he is trying to make the facility more than purely custodial, as it has alleged to have been in the past. In addition to the above-noted changes, the medical program has been expanded within the facility, with doctors providing diagnostic services more often than emergency services. The Director reports that the doctors are trying to look at future medical needs of youths in the Juvenile Home giving the Juvenile Court a report on the medical services youths should need within the foreseeable future.

In the past, primary criterion dictating whether a youth was detained in Meyer Hall or received shelter care in Juvenile Hall was a youth's age: those youths 12 and under generally went to Juvenile Hall, where as those older went to Meyer Hall, regardless of whether they had been referred to the Court (and thus to the Juvenile Home) for delinquency, dependency, or neglect. This criterion is apparently changing. The new Director reports that the decision regarding place of care now rests mainly on whether a youth is in need of custody and security. Those having such need are referred to Meyer Hall, regardless of the reason for referral. Those not needing such custody are, at present, said to be referred to Juvenile Hall, which does not maintain the security possessed within Meyer Hall. This office supports that change.

Also within the past two years, the Juvenile Hall has begun more intensive use of community services providing assistance to youth. Two organizations of note which are providing such services are ADAPT (Alternatives in Drug Abuse Prevention and Treatment) and Planned Parenthood. These two organizations conduct "educational group rap sessions" on drugs, sexual problems, etc., for volunteer participants within Meyer Hall. Generally, each organization presents one session weekly.

One final change which is strongly supported by this office is a move toward a more comprehensive records-keeping system within the Juvenile Home. In the past, Juvenile Home annual reports were respectible, but did not answer many questions regarding Juvenile Home activity which this office and others have asked. The new Director of the Juvenile Home reports movement toward a records-keeping system which is more adequate in answering questions regarding the day-to-day operation of Meyer Hall and Juvenile Hall. For example, it will be possible in the future to determine why a youth is detained in Meyer Hall or Juvenile Hall. It will also be possible to determine where youths go upon release from the Juvenile Home, and how often they are visited by probation officers. We support this upgrading in records-keeping, and urge other juvenile justice agencies to adopt similar systems permitting assessment of accountability.

More basic than the above changes is another change which is difficult to quantify or pinpoint with the precision we prefer to maintain. This relates to what appears to be a changed relationship between the Juvenile Home and the Juvenile Court. In the past it appeared to us that the Juvenile Home was operated to a large degree simply as an arm of the Juvenile Court, with the Juvenile Home staff accepting the Juvenile Court's decisions regarding what youths were maintained in which Juvenile Home facility and for what period of time. Organizationally, of course, the Juvenile Home is under the administration of the Polk County Board of Supervisors, while the Juvenile Court Judge maintains responsibility for the Juvenile Court probation staff. Although a court order is necessary for admission to the Juvenile Home, the Court theoretically has no power in the operation of that facility.

It is our belief, verified by the opinions of Juvenile Home and Juvenile Court staff, that the current operation of the Juvenile Home is considerably more independent of Juvenile Court direction than was the case in the past. The Director of the Juvenile Home, for one, appears determined to reduce lengthy detention within Meyer Hall by urging the Juvenile Court to actively solicit alternatives to detention for a detained youth, and to ensure that detention is not abused. We support such efforts, and commend the Director of the Juvenile Home for his actions.

TABLE XXVI.—MEYER HALL AVERAGE DAILY ATTENDANCE

	1971			1972			1973		
	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls	Total
January	12.3	9.0	21.4	10.7	13.1	23.7	11.9	4.9	16.8
February	12.4	7.0	19.4	14.0	12.6	26.6	13.8	6.9	20.8
March	11.8	10.8	22.7	12.7	13.0	25.7	11.6	9.1	20.6
April	12.4	10.7	23.1	12.1	10.1	22.2	12.3	11.0	23.3
May	13.4	10.8	24.2	12.5	12.4	24.9	13.6	10.5	24.0
June	7.8	11.5	19.3	11.6	8.3	19.9	9.0	6.2	15.2
July	6.4	11.3	17.7	12.4	9.6	22.0	9.9	7.7	17.6
August	11.7	10.5	22.2	10.8	8.2	19.1	12.6	8.1	20.7
September	13.2	12.0	25.1	12.1	10.1	22.2	13.1	10.6	23.7
October	11.0	10.7	21.7	14.6	9.8	24.5	11.9	12.7	24.6
November	11.0	12.5	23.5	11.7	5.1	16.8	13.3	10.2	23.4
December	5.7	11.7	17.4	8.5	6.8	15.3	9.7	7.8	17.5
Yearly	10.8	10.7	21.5	12.0	10.0	22.0	11.9	8.8	20.7