

83574

Institute of Judicial Administration

American Bar Association

Juvenile Justice Standards

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*STANDARDS RELATING TO*

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*Youth Service  
Agencies*

83574

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## *Youth Service Agencies*

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Institute of Judicial Administration

American Bar Association

**Juvenile Justice Standards**



*STANDARDS RELATING TO*

*Youth Service Agencies*

Recommended by the  
IJA-ABA JOINT COMMISSION ON JUVENILE JUSTICE STANDARDS

Hon. Irving R. Kaufman, *Chairman*

Approved by the  
HOUSE OF DELEGATES, AMERICAN BAR ASSOCIATION, 1979

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This book is printed on recycled paper.

## *Preface*

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The standards and commentary in this volume are part of a series designed to cover the spectrum of problems pertaining to the laws affecting children. They examine the juvenile justice system and its relationship to the rights and responsibilities of juveniles. The series was prepared under the supervision of a Joint Commission on Juvenile Justice Standards appointed by the Institute of Judicial Administration and the American Bar Association. Seventeen volumes in the series were approved by the House of Delegates of the American Bar Association on February 12, 1979.

The standards are intended to serve as guidelines for action by legislators, judges, administrators, public and private agencies, local civic groups, and others responsible for or concerned with the treatment of youths at local, state, and federal levels. The twenty-three volumes issued by the joint commission cover the entire field of juvenile justice administration, including the jurisdiction and organization of trial and appellate courts hearing matters concerning juveniles; the transfer of jurisdiction to adult criminal courts; and the functions performed by law enforcement officers and court intake, probation, and corrections personnel. Standards for attorneys representing the state, for juveniles and their families, and for the procedures to be followed at the preadjudication, adjudication, disposition, and postdisposition stages are included. One volume in this series sets forth standards for the statutory classification of delinquent acts and the rules governing the sanctions to be imposed. Other volumes deal with problems affecting nondelinquent youth, including recommendations concerning the permissible range of intervention by the state in cases of abuse or neglect, status offenses (such as truancy and running away), and contractual, medical, educational, and employment rights of minors.

The history of the Juvenile Justice Standards Project illustrates the breadth and scope of its task. In 1971, the Institute of Judicial Administration, a private, nonprofit research and educational organi-

zation located at New York University School of Law, began planning the Juvenile Justice Standards Project. At that time, the Project on Standards for Criminal Justice of the ABA, initiated by IJA seven years earlier, was completing the last of twelve volumes of recommendations for the adult criminal justice system. However, those standards were not designed to address the issues confronted by the separate courts handling juvenile matters. The Juvenile Justice Standards Project was created to consider those issues.

A planning committee chaired by then Judge and now Chief Judge Irving R. Kaufman of the United States Court of Appeals for the Second Circuit met in October 1971. That winter, reporters who would be responsible for drafting the volumes met with six planning subcommittees to identify and analyze the important issues in the juvenile justice field. Based on material developed by them, the planning committee charted the areas to be covered.

In February 1973, the ABA became a co-sponsor of the project. IJA continued to serve as the secretariat of the project. The IJA-ABA Joint Commission on Juvenile Justice Standards was then created to serve as the project's governing body. The joint commission, chaired by Chief Judge Kaufman, consists of twenty-nine members, approximately half of whom are lawyers and judges, the balance representing nonlegal disciplines such as psychology and sociology. The chairpersons of the four drafting committees also serve on the joint commission. The perspective of minority groups was introduced by a Minority Group Advisory Committee established in 1973, members of which subsequently joined the commission and the drafting committees. David Gilman has been the director of the project since July 1976.

The task of writing standards and accompanying commentary was undertaken by more than thirty scholars, each of whom was assigned a topic within the jurisdiction of one of the four advisory drafting committees: Committee I, Intervention in the Lives of Children; Committee II, Court Roles and Procedures; Committee III, Treatment and Correction; and Committee IV, Administration. The committees were composed of more than 100 members chosen for their background and experience not only in legal issues affecting youth, but also in related fields such as psychiatry, psychology, sociology, social work, education, corrections, and police work. The standards and commentary produced by the reporters and drafting committees were presented to the IJA-ABA Joint Commission on Juvenile Justice Standards for consideration. The deliberations of the joint commission led to revisions in the standards and commentary presented to them, culminating in the published tentative drafts.

The published tentative drafts were distributed widely to members of the legal community, juvenile justice specialists, and organizations directly concerned with the juvenile justice system for study and comment. The ABA assigned the task of reviewing individual volumes to ABA sections whose members are expert in the specific areas covered by those volumes. Especially helpful during this review period were the comments, observations, and guidance provided by Professor Livingston Hall, Chairperson, Committee on Juvenile Justice of the Section of Criminal Justice, and Marjorie M. Childs, Chairperson of the Juvenile Justice Standards Review Committee of the Section of Family Law of the ABA. The recommendations submitted to the project by the professional groups, attorneys, judges, and ABA sections were presented to an executive committee of the joint commission, to whom the responsibility of responding had been delegated by the full commission. The executive committee consisted of the following members of the joint commission:

Chief Judge Irving R. Kaufman, *Chairman*  
 Hon. William S. Fort, *Vice Chairman*  
 Prof. Charles Z. Smith, *Vice Chairman*  
 Dr. Eli Bower  
 Allen Breed  
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 Robert W. Meserve, Esq.  
 Milton G. Rector  
 Daniel L. Skoler, Esq.  
 Hon. William S. White  
 Hon. Patricia M. Wald, *Special Consultant*

The executive committee met in 1977 and 1978 to discuss the proposed changes in the published standards and commentary. Minutes issued after the meetings reflecting the decisions by the executive committee were circulated to the members of the joint commission and the ABA House of Delegates, as well as to those who had transmitted comments to the project.

On February 12, 1979, the ABA House of Delegates approved seventeen of the twenty-three published volumes. It was understood that the approved volumes would be revised to conform to the changes described in the minutes of the 1977 and 1978 executive committee meetings. The *Schools and Education* volume was not presented to the House and the five remaining volumes—*Abuse and Neglect*, *Court Organization and Administration*, *Juvenile Delinquency and Sanctions*, *Juvenile Probation Function*, and *Noncriminal*

*Misbehavior*—were held over for final consideration at the 1980 mid-winter meeting of the House.

Among the agreed-upon changes in the standards was the decision to bracket all numbers limiting time periods and sizes of facilities in order to distinguish precatory from mandatory standards and thereby allow for variations imposed by differences among jurisdictions. In some cases, numerical limitations concerning a juvenile's age also are bracketed.

The tentative drafts of the seventeen volumes approved by the ABA House of Delegates in February 1979, revised as agreed, are now ready for consideration and implementation by the components of the juvenile justice system in the various states and localities.

Much time has elapsed from the start of the project to the present date and significant changes have taken place both in the law and the social climate affecting juvenile justice in this country. Some of the changes are directly traceable to these standards and the intense national interest surrounding their promulgation. Other major changes are the indirect result of the standards; still others derive from independent local influences, such as increases in reported crime rates.

The volumes could not be revised to reflect legal and social developments subsequent to the drafting and release of the tentative drafts in 1975 and 1976 without distorting the context in which they were written and adopted. Therefore, changes in the standards or commentary dictated by the decisions of the executive committee subsequent to the publication of the tentative drafts are indicated in a special notation at the front of each volume.

In addition, the series will be brought up to date in the revised version of the summary volume, *Standards for Juvenile Justice: A Summary and Analysis*, which will describe current history, major trends, and the observable impact of the proposed standards on the juvenile justice system from their earliest dissemination. Far from being outdated, the published standards have become guideposts to the future of juvenile law.

The planning phase of the project was supported by a grant from the National Institute of Law Enforcement and Criminal Justice of the Law Enforcement Assistance Administration. The National Institute also supported the drafting phase of the project, with additional support from grants from the American Bar Endowment, and the Andrew Mellon, Vincent Astor, and Herman Goldman foundations. Both the National Institute and the American Bar Endowment funded the final revision phase of the project.

An account of the history and accomplishments of the project

would not be complete without acknowledging the work of some of the people who, although no longer with the project, contributed immeasurably to its achievements. Orison Marden, a former president of the ABA, was co-chairman of the commission from 1974 until his death in August 1975. Paul Nejelski was director of the project during its planning phase from 1971 to 1973. Lawrence Schultz, who was research director from the inception of the project, was director from 1973 until 1974. From 1974 to 1975, Delmar Karlen served as vice-chairman of the commission and as chairman of its executive committee, and Wayne Mucci was director of the project. Barbara Flicker was director of the project from 1975 to 1976. Justice Tom C. Clark was chairman for ABA liaison from 1975 to 1977.

Legal editors included Jo Rena Adams, Paula Ryan, and Ken Taymor. Other valued staff members were Fred Cohen, Pat Pickrell, Peter Garlock, and Oscar Garcia-Rivera. Mary Anne O'Dea and Susan J. Sandler also served as editors. Amy Berlin and Kathy Kolar were research associates. Jennifer K. Schweickart and Ramelle Cochrane Pulitzer were editorial assistants.

It should be noted that the positions adopted by the joint commission and stated in these volumes do not represent the official policies or views of the organizations with which the members of the joint commission and the drafting committees are associated.

This volume is part of a series of standards and commentary prepared under the supervision of Drafting Committee I, which also includes the following volumes:

**ABUSE AND NEGLECT**  
**NONCRIMINAL MISBEHAVIOR**  
**JUVENILE DELINQUENCY AND SANCTIONS**  
**RIGHTS OF MINORS**  
**SCHOOLS AND EDUCATION**  
**POLICE HANDLING OF JUVENILE PROBLEMS**





*Addendum  
of  
Revisions in the 1977 Tentative Draft*

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As discussed in the Preface, the published tentative drafts were distributed to the appropriate ABA sections and other interested individuals and organizations. Comments and suggestions concerning the volumes were solicited by the executive committee of the IJA-ABA Joint Commission. The executive committee then reviewed the standards and commentary within the context of the recommendations received and adopted certain modifications. The specific changes affecting this volume are set forth below. Corrections in form, spelling, or punctuation are not included in this enumeration.

1. Standard 4.11 was amended to include a cross-reference to Standard 5.1.
2. Standard 4.12 was amended to restrict privileged communications during participation in youth service agency programs to confidential disclosures made to intake, counseling, and supervisory personnel.
3. Standard 6.2 was amended to add specific cross-references to *Juvenile Records and Information Systems* Standards 5.1 to 5.8.
4. Commentary to Standard 6.2 was added to stress the fact that this standard applies only to access to case files by designated agency staff and the client. Further dissemination of information in the files is governed by *Juvenile Records and Information Systems* Standards 5.1 to 5.8.



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## *Youth Service Agencies*



## Introduction

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Of all the recommendations made by the President's Crime Commission in 1967, perhaps none generated more hope or received more widespread theoretical support than the concept of diverting large numbers of youthful offenders from the formal juvenile justice system to community-based, youth-serving agencies designed to deliver delinquency prevention and rehabilitation resources more effectively than the juvenile court had ever been able to do.<sup>1</sup> Yet, in 1972, a national study was able to identify fewer than 170 programs that appeared to be "significantly related" to the Commission's concept.<sup>2</sup> Our own survey suggests that even that number is overly optimistic. One can only conclude that what was heralded as one of the most innovative recommendations of the President's Commission has not, as yet, become a genuine alternative to the established juvenile justice process.

This volume therefore concerns an aspect of the juvenile justice system that does not exist in most parts of the United States. Those communities that claim to have a youth service bureau or a youth service system in operation, moreover, have not sufficient experience with them (or funds), for the most part, to evaluate adequately their strengths and weaknesses. Standards for this area, consequently, must be even more tentative in nature than those of other project volumes. This fact, coupled with the dearth of sound analyses or even comprehensive descriptive material on youth and family service agencies, has convinced us that the format of this volume should also reflect the special nature of its subject. We have chosen, therefore, to begin with a detailed review of the youth and family service agency concept, and to include an analysis of specific programs in this country and abroad. We believe this approach will prove more

<sup>1</sup> President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society* 80 (1967) (hereinafter cited as *Crime Commission Report*).

<sup>2</sup> Department of California Youth Authority, "National Study of Youth Service Bureaus" 34 (1972) (hereinafter cited as "National Study").

helpful to a community or state facing the issue of whether or how to design a youth service agency than would a bare list of standards.

Many persons have contributed to this volume. We are grateful for their helpful assistance. We are particularly indebted to Kenneth Geiser, Jr., who did most of the field studies of youth service agencies in the United States. John Schultz was the chief architect of the material on Israel. Judith Larsen organized the material on Scandinavia, and together with Carl Northrop, researched much of the material used in the introduction as well as the standards.

## DEVELOPMENT OF THE YOUTH SERVICE AGENCY CONCEPT

### I. The Definitional Confusion.

The language of juvenile justice reform has suffered no shortage of "vocabulary pioneers." A good illustration is the lengthy list of formal titles that have been attached to the concept of providing community-based services to youthful law violators. In 1967, the President's Commission on Law Enforcement and Administration of Justice recommended the establishment of "Youth Service Bureaus";<sup>3</sup> in 1969, the Joint Commission on Mental Health of Children proposed "Neighborhood Child Development Systems";<sup>4</sup> in 1971, the White House Conference on Youth endorsed "Child Advocacy Councils";<sup>5</sup> in 1973, the International Association of Chiefs of Police called for "Multi-Service Centers for Youth";<sup>6</sup> and the recent Youth Development and Delinquency Prevention Administration of the U.S. Department of Health, Education and Welfare has funded pilot projects termed "Comprehensive Youth Service Delivery Systems."<sup>7</sup> Not surprisingly, the existence of such a wealth of titles has resulted in considerable definitional confusion because agencies generally adopt the label that is endorsed by the potential source of their funds,

<sup>3</sup> *Crime Commission Report* at 83.

<sup>4</sup> Joint Commission on Mental Health of Children, "Crisis in Child Mental Health: Challenge for the 1970's" 11 (1969).

<sup>5</sup> White House Conference on Children, "Report to the President" 391 (1971).

<sup>6</sup> R. W. Kobetz and B. B. Bosarge, *Juvenile Justice Administration* 487 (1973).

<sup>7</sup> See ABA Commission on Correctional Facilities and Services, "Source Book in Pretrial Criminal Justice Intervention Techniques and Action Programs," 124 (1974).



often without regard to their own conception of the proper function of the agency in the community.

The definitional confusion is further confirmed by the National Study of Youth Service Bureaus,<sup>8</sup> perhaps the most sophisticated evaluation of youth-serving agencies completed to date, which was forced to adopt what the authors called a "butterfly hunter's approach" in studying youth service bureaus; if someone called a particular program a youth service bureau, then it was investigated. In this volume we will not adopt any of the formal labels that have been previously proposed, for such a choice would tend to suggest that the scope of our inquiry was narrower than is in fact the case, or worse, that we were taking sides in a struggle among federal bureaucracies. Instead, we will throughout use the neutral term "youth service agency," or "YSA," a term that is intended to be broad enough to encompass not only the proposed organizations listed above, but also any independently established programs that demonstrate a similarity of character and purpose.

But what then are the "character and purpose" that signal a "youth service agency?" Several fundamental elements can be identified, although they in turn raise new definitional questions. For example, as to character, most theorists agree that a youth service agency should be community-based and outside of the formal juvenile justice system. But the term "community" has been used to describe everything from a large urban area to a small neighborhood. Moreover, determining whether a program is "inside" or "outside" the formal system can be very difficult, particularly if, as is true in many jurisdictions, the program is staffed by a coalition of personnel loaned by the formal institutions.<sup>9</sup> Still, the identification of these two essential characteristics does serve to create some meaningful parameters. A program in which intake workers refer juveniles directly to a probation department is clearly "within" the existing system and not community-based. As such, these informal pre-adjudicatory probation programs are not the subject of our inquiry, but rather are discussed in volumes dealing with the court system. See *The Juvenile Probation Function: Intake and Pre-Disposition Investigative Services* volume.

Similar definitional problems arise with respect to purpose. The youth service agencies discussed in this volume are designed to provide delinquency prevention services. The goal of delinquency pre-

<sup>8</sup>"National Study" at 32.

<sup>9</sup>See D. Cressey and R. McDermott, *Diversion from the Juvenile Justice System* 5-8 (National Assessment of Juvenile Corrections 1973).

vention is, of course, shared by a broad spectrum of youth-oriented programs. But these programs have in the past generally provided only piecemeal aid. Youth service agencies, by contrast, as outlined in the President's Commission Report, would "act as central coordinators of all community services for young people and would also provide services lacking in the community or neighborhood. . . ." <sup>10</sup>

It is, then, the combination of the provision of direct services *and* the coordination of existing services that identifies a youth service agency. This dual approach excludes a great number of youth-oriented programs (YMCA, Boy Scouts, teen centers) that are not youth service agencies as that term will be used here. Such local programs, on the other hand, might by contract provide services to individual clients of a youth service agency, if the programs met all other relevant requirements imposed by the standards contained in this volume.

The youth service agencies outlined in this volume can also be distinguished from other youth programs by the fact that they are to be entrusted with the obligation of delivering services to all juveniles who previously would have been referred to the courts for noncriminal acts of misbehavior. See the *Noncriminal Misbehavior* volume.

Finally, youth service agencies are expected to provide diversion services. Diversion is itself a rather ambiguous term that has been used to describe a range of practices. Sometimes the term is used in reference to procedures that avoid contact with the criminal process altogether. In this context, attempts to decriminalize certain activities and thereby narrow the jurisdiction of the juvenile court may properly be termed diversion, as may the decisions of officers not to formally arrest a juvenile suspected of an offense. The juvenile court system is itself one manifestation of yet another concept of diversion in that it was established to divert juvenile offenders from the adult criminal justice system. In this context, diversion entails not a bypassing of the formal criminal process altogether, but rather a re-routing from one formal system to another. Finally, the term diversion is sometimes used in reference to *any* disposition of a juvenile offender that avoids confinement in a formal correctional institution. In this context, diversion represents an early exit from the existing system by either formal or informal procedures. It may be accomplished by the police through release or station adjustment; by the prosecutor, through a refusal to press charges; or through a juve-

<sup>10</sup> *Crime Commission Report* at 83.

nile court's decision to dismiss the case, acquit the juvenile, find an alternative to institutionalization, or suspend the sentence.

With such a wide range of practices under the rubric of diversion, it is apparent that we must carefully define our understanding of the term if the conception of the youth service agency as a diversion mechanism is to have any meaning. Our operational definition will be that found in the Report of the Corrections Task Force of the National Commission on Criminal Justice Standards and Goals:

[D]iversion refers to formally acknowledged . . . efforts to utilize alternatives to . . . the justice system. To qualify as diversion, such efforts must be undertaken prior to adjudication and after a legally proscribed action has occurred. . . . Diversion implies halting or suspending formal criminal or juvenile justice proceedings against a person who has violated a statute in favor of processing through a non-criminal disposition.<sup>11</sup>

It follows that for a youth service agency to fall within the scope of our volume, it must receive direct and formally acknowledged referrals from the police and from the juvenile courts as well as self-referrals, or referrals of juveniles not subject to juvenile court jurisdiction.

In summary, a youth service agency, as the term is used in this volume, is a community-based agency that exists independently of the formal juvenile justice system or the traditional child welfare system and that is designed to deliver appropriate beneficial services to diverted and non-diverted youths and their families by the direct provision of services and by coordinating existing resources and developing resources that are lacking. While this formulation explains the focus of our research, it is important to note that it does not dispel all the definitional confusion. For one thing, the fundamental elements that we have identified may themselves conflict. Prevention and diversion may clash, for instance, when acquiring the confidence of local youth may damage credibility with the police and vice versa. Further conflict may arise between the goals of coordination and direct service provision. There is the very real danger that without a focus on coordination, the youth service movement will result merely in the creation of "just one more community agency following popular or fashionable trends in youth work, muddying the waters a little more and falling into obscurity."<sup>12</sup> Yet, designing youth ser-

<sup>11</sup> National Commission on Criminal Justice Standards and Goals, "Corrections Task Force Report" 50 (1973).

<sup>12</sup> E. Lemert, "Instead of Court" 93 (NIMH Center for Studies of Crime and Delinquency 1971).

vice agencies primarily to coordinate services will similarly achieve little when, as is so often the case, existing services for youth are inadequate. These conflicts, which are merely hinted at in the definitional confusion, emerge full blown when one attempts to establish a youth service agency. They create such tensions within the programs that it seems appropriate at this point to take a closer look at how they have come to be structured into the YSA concept.

## II. Origins of the Youth Service Agency Concept.

### A. The 1967 Report of the President's Commission.

The recent widespread interest in YSA's can be traced primarily to the report of the President's Commission on Law Enforcement and Administration of Justice. Established in 1965 by President Johnson, the Commission reported its major findings in *The Challenge of Crime in a Free Society*.<sup>13</sup> Pointing to the sharply increasing numbers of arrests and high recidivism rates of juveniles,<sup>14</sup> the Commission voiced strong criticism of the formal juvenile justice system, concluding that:

[t]he formal sanctioning system and pronouncement of delinquency should be used only as a last resort. In place of the formal system, disposition alternatives to adjudication must be developed for dealing with juveniles, including agencies to provide and coordinate services and procedures to achieve necessary control without unnecessary stigma.<sup>15</sup>

The key to this new approach, according to the Commission, would be the establishment of neighborhood youth-serving agencies—termed Youth Services Bureaus (or YSB's)—to work with delinquents outside the established judicial system. The agencies would both coordinate existing community services for youth and provide resources lacking in the community. The programs available would include “group and individual counseling, placement in foster homes, work and recreational programs, employment counseling, and special education (remedial, vocational).”<sup>16</sup> While the agencies would serve some juveniles referred by parents, schools, or other nonauthoritative sources, the Commission envisioned the “bulk” of refer-

<sup>13</sup>President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society* (1967) (hereinafter cited as *Crime Commission Report*).

<sup>14</sup>*Id.* at 55-56.

<sup>15</sup>*Id.* at 81.

<sup>16</sup>*Id.* at 83.

als as coming from the police and the juvenile court intake staff—i.e., via diversion.

The Commission also set forth specific limits on the powers of the community agencies to which juveniles were to be referred, concluding that “it is inappropriate to confer on them a power to order treatment or alter custody or impose sanctions for deviation from helping programs.”<sup>17</sup> How this limit was to be reconciled with the recommendation that YSB’s work might include, among other things, placement in foster homes without parental approval was unfortunately not explained.

The Commission made several apparently contradictory statements concerning the procedural protections that Youth Services Bureaus should provide to the juveniles they handled. On one hand it was stated that all referrals to the community agencies would be on a voluntary basis, but on the other that the agency should refer back to court—albeit within not more than sixty days and preferably not more than thirty days—those with whom it could not deal effectively. Furthermore, the Commission concluded that Youth Services Bureaus should be required to comply with a parent’s request for referral back to court, apparently without regard to the desires of the juvenile.<sup>18</sup>

## B. Precursors to the President’s Commission.

Although the concept of a youth service agency was brought into national prominence for the first time in 1968, its underlying philosophies are much older—as old, it seems, as the notions of diversion or prevention. More specifically, there are five distinct historical traditions that appear to have played influential roles in structuring the proposal of the President’s Commission.

1. *Progressive reform.* First, we can identify traces of the early progressive reform tradition that dates back to the time of Bryan, La Follette, and Wilson, who were, in the words of Richard Hofstadter, “trying to undo the mischief of the past forty years and recreate the old notion of limited and decentralized power, genuine competition, democratic opportunity and enterprise.”<sup>19</sup>

Many early social welfare efforts first reached national maturity during this progressive era. These movements were greatly influenced by the ideology of that period. In youth services this tradition can be

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> R. Hofstadter, *The American Political Tradition* VI (1948).

seen in three important tendencies: the drive for cost efficiency; the concern for individual human dignity; and a distrust of established formal institutions.

Paramount among these tendencies has been the concern for cost efficiency, or rather the efficient use of public resources. The recommendation of the President's Commission that YSB's serve to coordinate and reduce overlap in existing services to juveniles clearly flows from this tradition—as does the argument for avoiding institutionalization on the grounds that it is more expensive than community-based treatment. The progressive reform tradition has also always had a strong humanitarian component, hence the recommendation that we should divert juveniles to YSB's because the formal system stigmatizes or brutalizes them in some fashion.

It is interesting to speculate whether or not the cost concern and the humanitarian concern have played equal roles in the development of the YSA concept. Perhaps it has primarily been the former simply masked as the latter, as recent studies have suggested of that first great diversion movement—the establishment of the juvenile court.<sup>20</sup>

A third characteristic of the progressive tradition has been its distrust of certain institutions or at least of the people who staff them. Thus, just as an earlier era took on Tammany Hall, the late sixties focused on police misconduct. One possible solution to such abuses of power is to further professionalize staff, by raising standards for employment, for example, in order to avoid abuses of discretion. Another is to *limit* staff discretion by imposing procedural safeguards. *Gault*<sup>21</sup> is a good example of the latter strategy, as is *Wade*.<sup>22</sup> The extreme is to favor avoiding the institution altogether, a key premise of much diversion literature.

2. *Academic theory.* A second force that has played a major role in shaping the YSA concept has been developments in academic theory and research devoted to explaining the causes of crime and delinquency. The YSB concept of the late 1960s adopted the then current mix of accepted theory from at least three complementary traditions. The first, a theory of social disorganization in the community, dates back to the 1930s Chicago Area Project studies of Clifford Shaw and Henry McKay.<sup>23</sup> Shaw and McKay argued that most crime

<sup>20</sup> See, e.g., A. Platt, *The Child Savers* (1969); Fox, "Juvenile Justice Reform: An Historical Perspective," 22 *Stan. L. Rev.* 1187 (1970).

<sup>21</sup> *In re Gault*, 387 U.S. 1 (1967).

<sup>22</sup> *United States v. Wade*, 388 U.S. 218 (1967).

<sup>23</sup> See generally C. Shaw and H. McKay, *Juvenile Delinquency in Urban Areas* (1972 ed.).

had its roots in community breakdown rather than in personal deviance. Particularly in areas with a high incidence of low socioeconomic status families, young people appeared to view a career in crime as a real alternative to the evidently ineffective choices of their law-abiding parents. To such young people crime "offers the promise of economic gain, prestige, and companionship."<sup>24</sup>

Early in the 1950s this linkage between delinquency and the disorganized community was further refined by Edward Sutherland's "differential association" theory of the transmission of delinquency behavior.<sup>25</sup> Sutherland focused on the peer group relations as the mechanism by which a youth learns delinquent behavior, with the peer group providing an excess of associations with law-violating persons.

A second theoretical tradition stems from Robert Merton's work. This analysis saw frustration and alienation among low income persons as deriving from the lack of legitimate institutional means for achieving culturally valued goals, particularly wealth.<sup>26</sup> In the hands of such theorists as Albert Cohen, Richard Cloward, and Lloyd Ohlin, this analysis was shaped into a delinquency theory. Cohen saw frustration among working class boys as leading to "delinquent subcultures" in which law violating was sanctioned as a legitimate channel of tension expression.<sup>27</sup> Cloward and Ohlin attempted to merge the subculture concept with Sutherland's "differential association" and developed a very influential approach to delinquency termed "opportunity theory," which held that potential delinquent careers could be channeled normally through opening up institutional opportunities to lower class youth.<sup>28</sup>

The third, and most recent, theoretical orientation has been termed labeling theory. Howard Becker and Edwin Lemert have been particularly influential in advancing this theory, which holds that while deviant behavior is a normal occurrence in adolescent development, over-zealous institutional reactions to such behavior (particularly by the police and courts) can stigmatize a youth as "a delinquent." Further, such a label can produce a secondary effect whereby the youth comes to see himself or herself as "a delinquent" and thereafter acts in a deviant manner in order to reinforce that internal image.<sup>29</sup>

<sup>24</sup> *Id.* at 316.

<sup>25</sup> A. Cohen, A. Lindesmith, and K. Schuesski, *The Sutherland Papers* (1956).

<sup>26</sup> See, e.g., R. Merton, *Social Theory and Social Structure* (1957).

<sup>27</sup> A. Cohen, *Delinquent Boys* (1955).

<sup>28</sup> R. Cloward and L. Ohlin, *Delinquency and Opportunity: A Theory of Delinquent Gangs* (1960).

<sup>29</sup> See, e.g., H. Becker, *Outsiders* (1963); E. Lemert, *Social Pathology* (1951).

While there are contradictions among these three theoretical traditions, all influenced the early formation of the YSA concept. Specifically, these theories helped to focus attention on the community, the peer group, the social and economic "opportunity structure," and the formal reactions of the juvenile justice system to an apprehended youth. The following passage from the President's Commission Report clearly demonstrates the influence of these theories:

The Commission doubts that even a vastly improved criminal justice system can substantially reduce crime if society fails to make it possible for each of its citizens to feel a personal stake in it—in the good life that it can provide and in the law and order that are prerequisite to such a life. That sense of stake, of something that can be gained or lost, can come only through real opportunity for full participation in society's life and growth.<sup>30</sup>

Significantly, footnotes in the Report explicitly acknowledge the work of Cohen, Cloward, and Ohlin. The Task Force Report appendix includes a paper by Lemert and a report from extensions of the early Chicago studies.

3. *Social service orientation.* A third tradition that shaped the development of the YSA concept stems from the early period of social work and the founding of the settlement houses. From the nineteenth-century secularization of the charity function emerged a profession of trained social workers and a series of child welfare programs. These culminated in a social service system for children that is largely a fragmented amalgamation of public and private programs that provide residential homes and nonresidential casework. In recent years, this "non-system" has been undergoing a major transformation due to several trends in the larger society. First, because of changes in the labor force, there is an increasing supply of inexpensive, young, well-educated social service workers, many of whom are looking for means of fulfilling their desire to counsel and work with youth in nonauthoritarian, nonbureaucratic settings.<sup>31</sup> Second, an increasing number of juveniles are recognized as being in need of service due to the continued deterioration of the family, ethnic group organization and church as service delivery units, and the continued restriction of the labor market against

<sup>30</sup> *Crime Commission Report* at 58.

<sup>31</sup> See, e.g., B. Berger, "Peoplework," *The Youth Culture and the Labor Market*, 35 *The Public Interest* 55 (1974); A. Gartner and F. Reisman, *The Service Society and the Consumer Vanguard* (1974).



unskilled youth.<sup>32</sup> Third, there have recently been explosive developments in social service technology (psychotherapy, group dynamics, family therapy, behavior modification, peer counseling, hot lines, etc.) and a congruent rise in popular expectations of how successfully behavior can be altered through service intervention.<sup>33</sup> This ongoing transformation has resulted in a social service orientation that is much stronger and more effective in pressing the case for community-based service intervention as a serious alternative to traditional modes of coping with delinquent and troubled youth.

4. *Legal-judicial orientation.* As noted above, the very establishment of the juvenile court and the development of a separate juvenile justice system was an early diversion effort aimed at providing legal protection to minors by diverting them from adult proceedings and adult sanctions. The early juvenile court, particularly in such pioneering jurisdictions as Chicago and Denver, took on a major coordinating role in integrating the judicial mandate with the developing practice of social work. Yet from the beginning the court was caught in a conflict of purpose. It was to be both an agency of social control and an agency of child protection. Hearings frequently pitted the welfare of the community against the welfare of the child. Often the house of refuge or the reform school became the recipient of this displaced tension. Over the years this trend was exaggerated as the juvenile court fell victim to fiscal strain. Like most public youth-serving agencies, the juvenile court seldom was seen as a high priority budget item. Dissatisfaction with the court began to mount within the judicial system. The juvenile court, charged with serving the best interests of the child, increasingly was seen as failing to provide the care and treatment envisioned while depriving the child of due process protections in its procedures as well.

Finally, in 1966, the United States Supreme Court was willing to accept a due process challenge to a juvenile court ruling.<sup>34</sup> Then in 1967 and again in 1970, the Supreme Court introduced due process safeguards into the judicial procedures for juveniles.<sup>35</sup> While most observers do not see a trend back toward full adult standards in juvenile court proceedings,<sup>36</sup> it is clear that the juvenile court has

<sup>32</sup> J. Coleman et al., *Youth: Transition to Adulthood* (1974); J. G. Backman, S. Green and I. D. Wirtman, *Youth in Transition, Vol. 3: Dropping Out—Problem or Symptom?* (1971).

<sup>33</sup> See, e.g., H. Otto and J. Marin eds., *Ways of Growth: Approaches to Expanding Awareness* (1968).

<sup>34</sup> *Kent v. United States*, 383 U.S. 541 (1966).

<sup>35</sup> *In re Gault*, 387 U.S. 1 (1967); *In re Winship*, 397 U.S. 358 (1970).

<sup>36</sup> See, e.g., *McKeiver v. Pennsylvania*, 403 U.S. 532 (1971).

become a more formal, less discretionary institution. As reformers succeeded in formalizing court procedures, they began to look elsewhere for the informal, nonauthoritarian service needed for younger or less serious offenders. The informal and voluntary aspects of the YSA concept are one response to this search.

5. *Federal involvement.* The work of several federal agencies has also played a major role in formulating the YSA concept. The Children's Bureau, the oldest such federal agency, was established by Congress in 1912 and charged to report "upon all matters pertaining to the welfare of children and child life among all classes of our people."<sup>37</sup> As early as 1914 the Bureau was looking into the juvenile courts. In 1926, the agency began to report annually on the statistics of delinquency, dependency, and neglect. In the late 1930s, the Department of Justice began to focus on delinquency. Several reports were issued, but apparently were ignored.<sup>38</sup> In 1948, the National Institutes of Mental Health (NIMH) became involved in delinquency with the amendment of the Public Health Service Act to authorize grants to the states for extending and improving community mental health services.<sup>39</sup> In 1951, NIMH established the Center for the Study of Crime and Delinquency and began to support research into the causes of antisocial behavior, training of personnel, innovations in practice, and assessment of intervention strategies.<sup>40</sup>

Generally, however, little formal concern for delinquency was shown on the federal level until the late 1950s.<sup>41</sup> During the early Eisenhower years, it had been assumed that the expanding economy would take care of most social ills.<sup>42</sup> November 8, 1960, however, brought the vision of a new administration. President Kennedy established the President's Committee on Juvenile Delinquency and Youth Crime, composed of the Secretaries of HEW and Labor and chaired by the Attorney General. Later, a Citizens Advisory Council to the President's Commission was established.

<sup>37</sup> D. Bradbury, "The Children's Bureau and Juvenile Delinquency," (U.S. Department of Health, Education and Welfare 1960).

<sup>38</sup> Children's Bureau and the National Institute of Mental Health, "Report to the Congress on Juvenile Delinquency" 8 (1960).

<sup>39</sup> *Id.*

<sup>40</sup> R. White and B. Radin, "Youth and Opportunity" 11 (report performed under contract JD-68-05 with OJDYD, HEW 1969) (hereinafter cited as White and Radin).

<sup>41</sup> There was some concern expressed earlier, but for the most part it was limited to juveniles who violated federal laws. See R. H. Bremner, *Children and Youth in America: A Documentary History* III, 118-122 (1974).

<sup>42</sup> P. Marris and M. Rein, *Dilemmas of Social Reform* 10 (1967).

President Kennedy also sent a message to Congress requesting legislation to provide grants for demonstration and evaluation projects in the delinquency field, and for the training of personnel to work with youth.<sup>43</sup>

In 1961, President Kennedy signed into Law P.L. 87-274, the first federal delinquency legislation. The sponsors had made clear in their testimony that this was not to be a federal takeover. Thus, Secretary Goldberg told the Senate subcommittee: "This is not a bill intended to make the federal government responsible for juvenile delinquency, [rather] it will provide the seed money to get operations underway. . . . Most particularly, it is the approach which emphasizes the development, testing, dissemination of new ideas and methods."<sup>44</sup>

But no sooner was the first federal delinquency program underway than severe implementation problems appeared. The watershed for the delinquency program came in the funding request of \$10 million for fiscal 1966. The Bureau of the Budget rejected the request citing overlap with the recently funded OEO. HEW, therefore, soon took over de facto control of all federal delinquency work.

Efforts at HEW were concentrated in the Office of Juvenile Delinquency and Youth Development, which was placed under the control of the newly organized welfare administration. But soon even the HEW work was being closed down. Interestingly, one of the final activities undertaken by the Office of Juvenile Delinquency was the preparation of papers for the President's Crime Commission.<sup>45</sup>

These early federal efforts resulted in an uneasy sense of failure. What had started as an idealistic desire to root out delinquency at its core through the saturation of communities with compensatory services soon was broadened to a comprehensive movement to eradicate from the community all of the consequences of poverty. The attack on delinquency became subsumed within the war on poverty and suffered from that movement's ultimate demise. What remained at the federal level was a fragmented, half-hearted, and skeptical orientation toward any future delinquency programs.

### C. The Youth Service Agency Concept.

When the President's Commission met in 1967 to prepare recommendations for a second major federal response to delinquency, the Commission members met in an environment full of varied and con-

<sup>43</sup> White and Radin at 51.

<sup>44</sup> *Id.* at 59-60.

<sup>45</sup> White and Radin at 268-70, 276, 283.

flicting traditions. "Rehabilitation" in secure settings was increasingly seen as an obsolete approach for most juveniles entering the juvenile justice system. Not only was there evidence that such an approach was usually unsuccessful, but, as a policy, it was highly vulnerable to the progressive critique of being excessively expensive, of lacking human dignity, and of requiring the kind of public institutions in which corruption, brutality, and mismanagement could flourish. Further, there was a growing coalescence of theory focusing attention away from the misbehaving juvenile and toward family and community problems, the deviant peer group, and the detrimental effects of institutional reactions. There was also the long history of child-saving movements focused on providing specialized, individualized services to community youth in community-based treatment settings. Finally, there was the effort in the judicial system to move the informal, paternal guidance function away from the juvenile court.

But on the other hand there remained a sour skepticism at the federal level over the community prevention approach tried in the early 1960s. While it seemed clear that something had to be done about juvenile delinquency, the Commission members could find little firm guidance in the conflicting traditions of the past. Coping with the rising rates of juvenile delinquency and youth crime seemed even more problematic in 1967 than it did in 1960. Not surprisingly, the Commission in the end opted for a community-based service unit that ideally would be flexible enough to be molded to whatever solution local communities thought relevant. But while a vision was stated, no true strategy was developed. Rather, in an attempt to be anything and everything as the conflicting traditions dictated, the YSA concept that emerged became itself an object of ambiguity, confusion, and contradiction. Despite the fact that the Youth Service Bureau as proposed was widely hailed as a new conceptual development and soon became a fashionable label for many social service proposals, the initiating statement offered little guidance for the actual design or implementation of such projects.

#### D. Federal Implementation.

Shortly after publication of the President's Commission Report, Congress passed two major pieces of legislation that were largely based upon the Commission's findings—the Omnibus Crime Control and Safe Streets Act of 1968<sup>46</sup> (hereinafter referred to as the Safe

<sup>46</sup> 82 Stat. 197 (1968).

Streets Act), and the Juvenile Delinquency Prevention and Control Act of 1968<sup>47</sup> (hereinafter the JDPC Act).

The emphasis of the Safe Streets Act under its original mandate was upon law enforcement. The program was to be administered by the newly created Department of Justice Law Enforcement Assistance Administration (LEAA).<sup>48</sup>

The JDPC Act, by contrast, was designed to help states and local communities strengthen those agencies and systems that dealt with youth. Congress specifically intended to mobilize community resources and to encourage the development of community-based youth programs so as to provide necessary diagnostic, treatment, rehabilitation, and prevention services to delinquent and "pre-delinquent" youth. Thus, the JDPC Act was intended to provide assistance for courts, correctional facilities, law enforcement agencies, and general welfare agencies as well as for community-based youth service programs. The Department of Health, Education and Welfare (HEW) was to administer this program.<sup>49</sup>

Within six months of the passage of these two pieces of legislation, the Nixon administration came into power. The new president strongly supported the crime control program established by the Safe Streets Act, but gave little support to the juvenile delinquency effort embodied in the JDPC Act. The chart of appropriations for this period reveals that the requests by the administrators of the JDPC Act to HEW were significantly higher than the amount of appropriation finally requested from Congress,<sup>50</sup> a telling indication of the low priority the JDPC Act was given during this period.

In the first year of the JDPC Act's existence, although Congress authorized \$25 million, only \$5 million was appropriated.<sup>51</sup> This marked discrepancy between authorization and appropriation continued throughout the following years.<sup>52</sup>

In 1970, partly in response to growing criticism of the excessive emphasis upon law enforcement hardware and prosecution in the administration of the Safe Streets Act, and partly in response to a congressional realization that the JDPC Act was languishing in HEW, Congress amended the Safe Streets Act. The 1970 amendments

<sup>47</sup> 82 Stat. 462 (1968).

<sup>48</sup> See 42 U.S.C. §§ 3711-2 (1973).

<sup>49</sup> See 42 U.S.C. §§ 3801, 3882 (1973).

<sup>50</sup> Interview with Mathea Falco, former staff director and chief counsel to the Senate Judiciary Subcommittee to Investigate Juvenile Delinquency in the U.S., July 21, 1974.

<sup>51</sup> Youth Development and Delinquency Prevention Administration, "Report for Fiscal Year 1969," at 9.

<sup>52</sup> S. Rep. No. 93-1011, 93d Cong. 1st Sess. at 11 (1974).

required that a portion of the funds received by a state under the LEAA block grant program be allocated to community-based correctional facilities and programs specifically related to the prevention, control, or reduction of juvenile delinquency.<sup>53</sup> Thus, after 1970, LEAA was specifically charged by Congress to direct at least some of its attention and resources to the problems of juvenile delinquency. This mandate did not result in a substantial redirection of LEAA's efforts. In fiscal year 1970, before the adoption of the amendment, LEAA allocated 12 percent of its total appropriation to juvenile delinquency.<sup>54</sup> In 1971, following the amendment, the allocation had risen only to 14 percent.<sup>55</sup>

This indicated quite clearly that the amendment of the Safe Streets Act in no way cured, and perhaps even aggravated, another deficiency that plagued the federal juvenile delinquency effort—the lack of coordination. The Great Society programs developed during the late 1960s had diffused federal juvenile delinquency funds throughout various government agencies. The Department of Labor, through the Manpower Administration, was authorized to provide grants to juvenile correctional institutions as well as to community organizations that provided job training to noninstitutionalized delinquents.<sup>56</sup> The Model Cities component of the Department of Housing and Urban Development required that grantees demonstrate an emphasis on comprehensive programs for reducing crime and delinquency.<sup>57</sup> Within HEW alone, responsibility for delinquency problems was shared by the Office of Education, the National Institute of Mental Health, and the Rehabilitation Services Administration, as well as by the Youth Development and Delinquency Prevention Administration (YDDPA), the agency within HEW formally responsible for the administration of the JDPC Act.<sup>58</sup> Numerous other offices had research and statistical functions relating to juvenile delinquency. By 1971, the YDDPA reported that more than forty federal agencies were involved in the juvenile effort.<sup>59</sup>

Congress, recognizing the critical need for coordination, established an Interdepartmental Council by amending the JDPC Act

<sup>53</sup> Omnibus Crime Control Act of 1970, Jan. 2, 1971, 84 Stat. 1880.

<sup>54</sup> *Hearings on S. 3148 and S. 821 before Senate Judiciary Subcommittee to Investigate Juvenile Delinquency* 92nd Cong. 2nd Sess. and 93d Cong. 1st Sess. at 636, 663 (1973).

<sup>55</sup> *Id.*

<sup>56</sup> Interview with Mathea Falco, note 50 *supra*.

<sup>57</sup> See 80 Stat. 1255 (1966).

<sup>58</sup> *Hearings*, note 54 *supra* at 196.

<sup>59</sup> The Report of the Interdepartmental Council to Coordinate All Federal Juvenile Delinquency Programs, Fiscal Year 1973, at A-2.

in 1971.<sup>60</sup> The Council, which consisted of representatives from the governmental agencies involved in the juvenile effort, was in theory to monitor and integrate the various programs. The Council, however, was given neither independent staff nor sufficient funding to carry out its function. Finally, in April 1971, the immediate threat of a congressional hearing generated an interagency "agreement" that HEW would concentrate its effort on prevention and rehabilitation programs administered *outside* the traditional juvenile correctional system, while LEAA was to focus on programs within the juvenile correctional system. The spirit of this agreement was embodied in the Juvenile Delinquency Prevention Act, as it was renamed in 1972, which extended the JDPC Act for two additional years and attempted to increase its effectiveness by sharply limiting the focus of its juvenile delinquency activities to the creation of coordinated youth services systems in sharp contrast to the broad range of objectives embodied in the 1968 Act.<sup>61</sup>

The 1972 amendment and extension of the 1968 Act were not primarily intended to provide a solution to the lack of commitment and lack of coordination that had plagued federal activities. Rather, the Act was extended to buy time for the development and enactment of a comprehensive measure that would restructure the entire juvenile delinquency effort. After a three year bipartisan effort, the Juvenile Justice and Delinquency Prevention Act of 1974<sup>62</sup> passed both the Senate and the House of Representatives. The new Act provides for a one year phase out of the Juvenile Delinquency Prevention Act administered by HEW<sup>63</sup> and creates a new Office of Juvenile Justice and Delinquency Prevention in LEAA.<sup>64</sup> It requires that LEAA sustain its present commitment to juvenile programs and in addition authorizes a new set of programs of delinquency prevention, diversion from the juvenile justice system, and community-based alternatives to traditional dispositions.<sup>65</sup> It is apparent from these provisions that Congress has not abandoned the juvenile delinquency prevention recommendations contained in the 1968 report of the President's Commission. Rather, it has abandoned the method of implementation that was embodied in the JDPC Act of 1968. As such, the recent passage of the 1974 Act

<sup>60</sup> Juvenile Delinquency Prevention and Control Act Amendments of 1971, June 30, 1971, 85 Stat. 84.

<sup>61</sup> See Juvenile Delinquency Prevention Act, 86 Stat. 532 (1972).

<sup>62</sup> 88 Stat. 1109 (1974).

<sup>63</sup> *Id.* § 401.

<sup>64</sup> *Id.* § 201.

<sup>65</sup> *Id.*

suggests that the failure of the youth service agency concept to become a national alternative to the traditional system is in part a result of inadequacies in the earlier federal effort. For this reason, the passage of time since the Commission's recommendations cannot be taken as proof of any inherent flaw in the youth service agency concept. If such flaws exist they remain to be demonstrated by an in-depth trial of the concept.

### III. Assessment of Existing Youth Service Agencies.

While a number of youth service agencies were established in the wake of the President's Crime Commission Report, there is a paucity of useful evaluations of these programs. There are a few interesting studies of individual agencies,<sup>66</sup> but in a field with such a wide variety of agency goals and structures, no individual example can present an adequate view of the current youth service agency movement. There are also a few analyses available that have studied more than one agency. Sherwood Norman studied five agencies for the National Council on Crime and Delinquency.<sup>67</sup> The National Evaluation of Youth Service Systems studied five.<sup>68</sup> Cressey and McDermott studied three.<sup>69</sup> Several LEAA state planning agencies have funded comparative evaluations of agencies. Illinois and Massachusetts have each funded similar studies.<sup>70</sup> The California Youth Authority has funded such a study, which had the additional advantage of a three-year follow up survey.<sup>71</sup> Undoubtedly, other states have carried out similar efforts. While such studies are more informative in some respects than studies of single agencies, their analyses unfortunately have generally been piecemeal and impressionistic. The only broad national survey currently available was carried out by the California

<sup>66</sup> See, e.g., G. Croan, "The Youth Service Strategy: Community-Based Diversion and Delinquency Prevention Reconsidered" (unpublished Masters thesis, Massachusetts Institute of Technology, May 1, 1973).

<sup>67</sup> S. Norman, "The Youth Service Bureau: A Brief Description of Five Current Programs" (1970).

<sup>68</sup> Behavioral Research and Evaluation Corporation, "National Evaluation of Youth Service Systems: Final Report" (1973) (hereinafter cited as the "B.R.E.C. Report").

<sup>69</sup> Cressey and McDermott, *Diversion from the Juvenile Justice System*, (1973) (hereinafter cited as Cressey and McDermott).

<sup>70</sup> See American Technical Assistance Corporation, "Report on Evaluation of Youth Service Bureaus," (prepared for Illinois Law Enforcement Commission, April 1973); Social Systems Analysts, "Evaluation of Delinquency Programs" (prepared for Massachusetts Governor's Public Safety Committee, 1973).

<sup>71</sup> E. Duxbury, "Evaluation of Youth Service Bureaus" (California Youth Authority, November 1973) (hereinafter cited as Duxbury).



Youth Authority.<sup>72</sup> YDDPA has contracted one national evaluation of its Youth Service Systems.<sup>73</sup> Currently, this study contains the greatest depth of data, but unfortunately the analysis is questionable.<sup>74</sup> LEAA has never run a full national evaluation of its youth service agencies. In sum, there is little evaluative data on youth ser-

<sup>72</sup> California Youth Authority, "The National Study of Youth Services Bureaus" (Department of Health, Education and Welfare, Youth Development and Delinquency Prevention Administration, October 1972) (hereinafter cited as "YDDPA Report").

<sup>73</sup> "B.R.E.C. Report."

<sup>74</sup> The report seems to have two objectives. The bulk of the report analyzes, evaluates, and makes recommendations concerning the five projects. A concluding chapter seeks to use these findings to test and assess the premises of the YDDPA national strategy. In the first part, each project's structure, procedures, and external relationships are meticulously described. Each project is then evaluated and recommendations are offered. The evaluation criteria are well thought out. But while the evaluation technique and data manipulation of this report are quite sophisticated and exciting in a field so devoid of evaluations, the organization of the report and writing style are often confusing. Further, the general overview is brief and not particularly insightful.

There are nonetheless some interesting findings in the last part of the report, dealing with the national strategy. The report notes that: "[t]he YSS (Youth Services System) does appear to constitute a less negative and more positive experience for youth than the more traditional processing in the Juvenile Justice System, although some specific conditions and limitations were noted." "B.R.E.C. Report" at 363.

This is a fairly ambiguous conclusion, but it appears to represent a guarded positive finding. Yet the data and analysis of the Youth Services System when taken alone is fairly depressing. (This last is difficult to assess because there is no "untreated" control group and the data given is standardized to the mean score of only the population "in treatment.")

First—a caution. While the evaluators made a fair attempt at matching the sample in the two groups, there is a relatively high percentage of males in the felon class and the YSS sample includes very few court-referred youth. In fact, the skew suggests an expected disproportion. The YSS population is weighted relatively toward less severe youth cases (those who are self-referred, younger, female, and whose offenses are less severe) than the probation population.

To begin with, neither the Youth Services Systems nor the probation services seems to have had much success in reducing self-reported delinquency. Findings suggest that while the probation program was almost completely ineffective in reducing the self-reported delinquency in all offense categories, the Youth Services Systems seemed effective only in reducing the self-reported felony delinquency of felons. This was offset by significant rises in the self-reported misdemeanor and status delinquency of these felons. In fact, the YSS population self-reports of misdemeanor delinquency by misdemeanants remains unchanged over time (which is in accordance with the non-YSS population), while the self-reported status delinquency of YSS status offenders actually rose over time. Self-reported delinquency for youth referred by police to Youth Services Systems does fall over time, but as the evaluation notes, these youth reported a low level of self-reported delinquency to begin with.

vice agency practice. The little that is available is for the most part too limited in scope or too superficial to be significant.

The standards in this volume, therefore, were based in large part on information collected during a field exploration of youth service agencies carried out for the Juvenile Justice Standards Project during the spring and summer of 1974. In all, eighteen agencies (or, more accurately, "programs," as there was often little coordination with other youth programs) were visited and observed in California, Arizona, Texas, Illinois, Michigan, and Massachusetts. The agencies were selected from a list compiled from recommendations offered by nine persons chosen because of their comprehensive knowledge of the field. The selection criterion was simply "a youth service agency (or program)," except that each one selected had to provide at least some services to youth receiving preadjudication diversion from

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In terms of perceived "access" to "roles" (friends, teachers, educational opportunities, occupational appointments, and community organizations), it appears that being associated with either probation services or the Youth Services Systems does not generally correlate with an increase in perceptions of access and, in both cases, does seem to have some correlations with a *decrease* in perceptions of such access. Reports on access to roles for both felony and misdemeanor classes fell over time, with the notable exception of reports on access to community organizations. The decrease in access to roles was reported more heavily among the youth on probation than among youth in the Youth Services Systems. One could hypothesize from such data that if a youth must receive some service, the Youth Services Systems may not limit his or her sense of access to opportunities as much as being on probation, but that receiving no service at all may be even less limiting.

Three variables are offered that are designed to test feelings of alienation. Initially, the Youth Services Systems population reports fewer feelings of alienation than the probation population and that these feelings undergo little change over time. The population on probation is less consistent, but, surprisingly, those in the misdemeanor class and those referred by police show a marked reduction in feelings of alienation over time.

This suggests that Youth Services Systems may do little to reduce feelings of alienation, while probation, working with the more severely alienated youth, may have some significant impact.

Six questionnaire items were addressed to feelings of self-worth or so-called self-concept. Generally, duration in either the Youth Services Systems or probation correlates with a rise in self-concept. The one exception is not significant, but surprisingly it is the youth referred by police to the Youth Services Systems who report a slight decline in self-concept over time, while youth referred by police to probation report a significant increase in self-concept over time.

Thus, some of the data suggest that Youth Services Systems are not beneficial to the improvement of the perceptions and feelings of the youth they serve and a few indicators even suggest that the Youth Services Systems are worse than traditional probation programs. Therefore, they do not consistently support the guardedly positive conclusion that the "B.R.E.C. Report" forms concerning the value of the Youth Services Systems.

juvenile court. With so broad a definition, the agencies selected varied widely in structure, function, and situation.

The agencies visited ranged in size from established city-wide efforts as in San Antonio, where there were six neighborhood offices, to tenuous one-office, neighborhood-based storefronts such as the San Francisco RAP project run solely by neighborhood youth. The agencies ranged in location from highly urban adjuncts of juvenile courts such as the Santa Clara County 601 Diversion Project to small-town programs isolated in rural hills such as Project Intercept in Bellevedere, Illinois. The agencies also ranged in auspices from the Boston Juvenile Court's Court Liaison Project to the Phoenix Police Department's PAYS project to the Washtenaw County (Michigan) Intermediate School System's Youth Service Bureau.

Five of these case studies are presented in detail in Appendix A of this volume. They can be briefly summarized as follows:

1. Cambridge (Massachusetts) Juvenile Intake Program. This program is a special diversion program set within the court and administered by the probation department. (As such, it does not meet our definition of a YSA.) The program is a relatively formal one in which first-time offenders diverted at court intake are tested, diagnosed, and assigned to a case worker for counseling and referral services. The relationship continues for sixty to ninety days, at the close of which the court orders an erasure of the complaint and a destruction of court records.

2. Cambridge (Massachusetts) Youth Resources Bureau. The YRB, which received approval in 1969, was one of the earliest youth service bureaus. It was set up as a city agency under the control of the city government and was aimed primarily at diversion, street work, and service system change. The program eventually came into sharp conflict with the local law enforcement agency and for a time failed to receive any formally diverted youth. The street work orientation kept the project close to Cambridge youth and has recently spun off successful recreation and employment counseling programs.

3. Pacifica (California) Youth Service Bureau. The Pacifica YSB has been tremendously successful in reducing juvenile arrests. Originally set up by the county probation department with California state funding, the program is now run as an autonomous counseling, referral, and service coordinating agency. Although financial cutbacks have required the discontinuance of a recreation program and a drop-in center, the YSB has become an integrated community institution with very successful agency and law enforcement relations.

4. East Palo Alto (California) Community Youth Responsibility Program. The CYRP is one of the most innovative YSA's in the country. It is an independent community organization working in close conjunction with the county probation department. The program includes a panel made up of local youth and adults, which sits and hears cases of youth misconduct referred from the juvenile court, renders decisions, and makes recommendations as to dispositions. The dispositions may involve counseling, agency referral, or community service "work tasks."

5. San Antonio (Texas) Youth Service Project. The San Antonio YSP is a city-wide program consisting of six service centers all coordinated out of a central human services department. The YSP focuses on diversion, counseling, referral, and recreation programs as well as service coordination. Each center is staffed by trained indigenous youth workers. Relations with the police and probation departments are successfully maintained by program staff on night duty at the law enforcement Juvenile Aid Bureau. This program runs on a sizable budget made up of state, local, HEW, and LEAA funds.

#### IV. The Case for Youth Service Agencies.

The preceding sections have demonstrated that the youth service agencies proposed in this volume are not a new concept, but one having roots that date back almost as far as the juvenile court itself. What is new is the decision to end formal court jurisdiction over juveniles for acts of noncriminal misbehavior. This decision means that services that are currently provided through the court system to such juveniles must now be provided instead by some new mechanism. The success of the *Noncriminal Misbehavior* volume is thus tied to implementation of the youth service agencies outlined in this volume.

But is it realistic to expect that YSA's will be able to do a better job of delinquency prevention and treatment than the juvenile courts have in the past? Certainly the record of informal youth-serving agencies to date is not encouraging. It has been marked both by a shortage of resources and a lack of support by the formal juvenile justice system. When such support has been forthcoming, our survey of past programs indicates that too often it has been at the expense of innovative approaches. Local programs that are fully supported by police and court officials thus are often hard to distinguish from the court program they are ostensibly replacing.

The standards that follow are therefore designed to allow for

new programs and innovative approaches centered in the juvenile's community. At the same time, the standards provide formal diversion guidelines, thereby ensuring that police and court officials will direct some juveniles to the YSA. This arrangement should prove to be more effective than the old juvenile court approach in several respects.

First, as many self-report studies have concluded, much juvenile misconduct is best understood as an endemic and transient phenomenon of youth.<sup>75</sup> Unfortunately, as Professor Margaret Rosenheim has observed, few courts or helping services act as if low level deviancy among children is normal.<sup>76</sup> The YSA's proposed in this volume have at least the potential for changing this pattern because they will be offering services on a truly voluntary basis, i.e., without the threat of incarceration if a juvenile doesn't respond to "treatment." Moreover, they can serve as advocates for such youth and their families with other institutions in the community.

When a juvenile's act reflects more serious individual pathology rather than temporary rebellion or a youthful search for identity, it means other traditional institutions ranging from the family to church to school already have failed. We therefore cannot expect too much from YSA's in working with such juveniles. But again, they should be able to achieve more than the juvenile courts have to date. For one thing, the YSA, unlike the courts, will be able to focus exclusively on treatment, unhampered by the need to punish or isolate the juvenile from the community. The fact that the YSA program includes services to juveniles who are not in trouble with the law should mean, moreover, that there is less stigma attached to participation in a YSA program. The community location should enable the YSA to work more effectively with the families of juveniles and other local institutions in the course of treatment. Finally, the YSA, through youth advocacy, should be able to create more meaningful opportunities in the society at large for juveniles traditionally excluded from real participation.

<sup>75</sup> M. Rosenheim, "Notes on Helping Juvenile Nuisances" 14-20 (to be published in *Justice for the Child*).

<sup>76</sup> *Id.* at 14.



# *Standards*

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## **PART I: ESTABLISHMENT OF YOUTH SERVICE AGENCIES**

### **1.1 Enabling legislation.**

Jurisdictions should by statute require the development of community-based youth service agencies that would focus on the special problems of juveniles in the community. The statutes should permit each local agency to be structured in accordance with the character and needs of the community, both initially and over time as experience is gained from working with juveniles and families in the community, provided that each such agency functions in a manner consistent with the following standards, which are designed to protect the rights of participants and to ensure that services are provided to juveniles diverted from the formal court system, as well as to improve the delivery of needed services for all juveniles and their families.

## **PART II: OBJECTIVES**

### **2.1 Service provision.**

The primary objective of a youth service agency should be to ensure the delivery of needed services to juveniles in the community and their families, including juveniles diverted to the agency from the formal court system. Several approaches may be pursued to accomplish this objective. At a minimum, the agency should be responsible for developing and administering needed resources to provide effective services to juveniles. Once such services exist, the agency should develop:

- A. an up-to-date listing of available community services for juveniles and their families;**
- B. a community-wide self-referral system for juveniles and families in need of services;**
- C. a comprehensive service system oriented to diagnose participant**

needs and to ensure the delivery of services to juveniles and families through existing resources by such means as coordination, advocacy, or purchase of services; and

D. an effective monitoring system.

### PART III: DECISION STRUCTURE

#### 3.1 Control.

The managing board of the youth service agency should contain juveniles, parents, concerned community residents, and representatives of schools, agencies, and service organizations operating in the community. The most appropriate mix of decision makers should depend on the character and needs of the local community, but in no case should the youth service agency be under the control of any component of the formal juvenile justice system.

### PART IV: ACCESS TO THE YOUTH SERVICE AGENCY

#### Informal Referrals

##### 4.1 Self-referrals and outreach.

The youth service agency should develop outreach programs designed to contact juveniles and families in the community who are in need of their services. The aim of such programs should be to encourage self-referrals to the youth service agency before court intervention is necessary.

##### 4.2 Parental referrals for noncriminal misbehavior.

Parents who previously would have reported their children to the juvenile court for noncriminal misbehavior should be encouraged to utilize the resources of the youth service agency. Such referrals should never be used as an excuse for abdication of parental responsibility, however, so parents who make referrals should be prepared to become active participants in the juvenile's program.

##### 4.3 Citizen, agency, and school referrals.

All community residents, agencies, and schools should be encouraged to refer juveniles and their families who are in need of services to the youth service agency in lieu of the court. Every citizen, agency, or school that refers a juvenile or family for conduct



that could be referred to the juvenile court should be encouraged to sign a waiver of complaint so as to ensure that participation by the juvenile in the agency program is voluntary.

### Formal Referrals of Juveniles by Police and Courts

#### 4.4 Police referrals.

The police should become a prime source of formal referrals to the youth service agency in order to ensure early diversion. To encourage such referrals:

A. police should be included in the planning and administration of the youth service agency;

B. diversion to the youth service agency should be made an official policy of the department;

C. written guidelines should be promulgated to ensure that diversion occurs in appropriate cases (see Standard 4.5);

D. every referral to the juvenile court should be accompanied by a written statement of the referring officer explaining why the juvenile was not diverted to the youth service agency.

#### 4.5 Police diversion standards.

Police diversion should be made pursuant to guidelines in order to avoid discrimination based on race, color, religion, national origin, sex, or income. At a minimum, the following standards should be observed:

A. No juvenile who comes to the attention of the police [or court] should be formally referred to the youth service agency if, prior to the existence of the diversionary alternative, that juvenile would have been released with a warning. Such juveniles should, however, be informed of the existence of the program, the services available, and their eligibility for such services through a voluntary self-referral.

B. In keeping with Standard 1.1 of the *Noncriminal Misbehavior* volume eliminating the jurisdiction of the juvenile court over juveniles for acts of misbehavior, ungovernability, or unruliness that do not violate the criminal law, such juveniles should not be formally referred to the youth service agency.

C. All juveniles accused of class four or five offenses (as defined in Standard 5.2 of the *Juvenile Delinquency and Sanctions* volume) who have no prior convictions or formal referrals should be formally referred to the youth service agency rather than to the juvenile court.

D. All other juveniles accused of class four or five offenses who have been free of involvement with the juvenile court for the pre-

ceding twelve months should be formally referred to the youth service agency rather than to the juvenile court.

E. Serious consideration should be given to the formal diversion of all other apprehended juveniles, taking into account the following factors:

1. prosecution toward conviction might cause serious harm to the juvenile or exacerbate the social problems that led to his or her criminal acts;

2. services to meet the juvenile's needs and problems may be unavailable within the court system or may be provided more effectively by the youth service agency;

3. the nature of the alleged offense;

4. the age and circumstances of the alleged offender;

5. the alleged offender's record, if any;

6. recommendations for diversion made by the complainant or victim.

#### 4.6 Police liaison.

If representatives of the police are not on the managing board of the youth service agency, and no police staff are active in the agency itself, the police should assign a staff person to oversee productive relations with the agency and to encourage diversion.

#### 4.7 Court referrals.

No juvenile should be petitioned to the court without an independent determination by the court intake official that diversion is not appropriate, pursuant to the guidelines of Standard 4.8. Every decision to petition should be accompanied by a written statement of the intake official as to why the juvenile is not diverted.

#### 4.8 Court diversion guidelines.

Court intake guidelines, at a minimum, should contain the same diversion standards set forth in Standard 4.5 above. If it is determined that the apprehended juvenile is an active participant in a youth service agency program, the decision on whether to petition may be deferred up to twenty-four hours beyond the normal time limit in order to obtain a report from the youth service agency on the juvenile's progress in the program.

#### 4.9 Minority review.

Each court intake staff should include a minority rights advocate who keeps records on which juveniles are diverted in order to ensure that the referral guidelines are being applied without regard to race, color, religion, national origin, sex, or income.

#### 4.10 Court review.

Decisions by the court intake official 1. not to divert a juvenile, or 2. in the case of a previously diverted juvenile, to require the signing of a participation agreement (see Standards 5.3 and 5.4) as a condition of diversion, or 3. to resume proceedings against a juvenile who has allegedly violated the terms of a participation agreement, may be appealed by motion of the juvenile by his or her attorney to the juvenile court at any time prior to the fact-finding hearing. A judge who hears such a motion should not also preside at the fact-finding hearing(s) for that juvenile.

#### 4.11 Legal consequences of diversion to YSA.

Formal referral to a youth service agency should represent an alternative to prosecution; such referral therefore should be accompanied by a formal termination of all legal proceedings against the juvenile which were the subject of the referral, except as provided in Standard 5.1. Mere suspension or deferral of prosecution pending participation in a youth service program is inconsistent with the concept of a youth service agency as a voluntary option. Referral in exchange for a guilty plea is inconsistent with the goal of stigma avoidance.

#### 4.12 Confidentiality.

To encourage full participation by juveniles and their families in youth service agency programs, any statements made during participation in a youth service agency program to intake, counseling, and supervisory personnel in the agency should be confidential and privileged. Appropriate legislation should prohibit their use in subsequent civil or criminal proceedings involving the juvenile or family or their divulgence to anyone without the written permission of the juvenile.

#### 4.13 Right to refuse diversion.

Any juvenile should have the right at any time to request processing by the juvenile court in lieu of formal diversion to a youth service agency. Before a juvenile can be required to elect diversion to a YSA or to sign a participation agreement as a condition of diversion (see Standards 5.3 and 5.4), the juvenile and his or her parents or guardian should be advised that the juvenile has a right to first consult with an attorney, who, among other things, may appeal the requirement of a participation agreement to the court (see Standard 4.10).

## PART V: THE SERVICE SYSTEM

### 5.1 Voluntarism.

A fundamental premise in the administration of a youth service agency program should be that participation by the juveniles should be voluntary. In the case of formal referrals, therefore, juveniles should only be required to attend two program planning sessions. Such attendance should be ensured by allowing further juvenile court proceedings in the event of nonattendance. Except as provided in Standard 5.3, the youth service agency should not have the authority to refer juveniles back to the court on the ground of nonparticipation after the initial planning sessions. Juveniles and families who are informally referred to the youth service agency should be free to drop out of the program without penalty at any time.

### 5.2 Initial planning sessions.

A key purpose of the initial planning sessions should be to inform the juvenile and his or her family of the voluntary nature of continued participation in the program. If the juvenile has been formally referred, such assurance may properly be coupled with a realistic appraisal of the effect nonparticipation could have in the event of subsequent apprehension.

### 5.3 Refusal by the juvenile to participate.

If a formally referred juvenile refuses to participate in a service program after the initial planning sessions, the youth service agency should have the authority to file a recommendation with the police and the court that the juvenile not be diverted if apprehended subsequently unless the juvenile enters into a written agreement for services of a specified duration (termed a participation agreement), which should also specify that failure to abide by the agreement will allow referral back to the court. The youth service agency should make use of the nondiversion recommendation only in exceptional circumstances. The juvenile should be informed of the existence and meaning of the agency action.

### 5.4 Limits on formal participation.

No formally referred juvenile who has attended an agency program for one year should be penalized by the filing of a recommendation

against future diversion pursuant to Standard 5.3. Similarly, no participation agreement should require a juvenile to agree to participate in a youth service agency program for more than one year.

#### **5.5 Resource evaluation.**

The development of service priorities should be preceded in the planning stage by a complete and realistic evaluation of existing community resources and of the availability of such services to juveniles and families.

#### **5.6 Service development.**

When the resource evaluation indicates the absence of a needed service, such as a drug rehabilitation program, the youth service agency should establish and administer or provide support for the establishment of the service in the community.

#### **5.7 Service provision.**

The youth service agency should ensure the receipt of a mix of services rather than specializing in only one. The priorities will vary in each community; however, at a minimum the following should probably be available:

- A. individual and marital counseling;
- B. individual and family therapy;
- C. residential facilities;
- D. job training and placement;
- E. medical services;
- F. psychiatric services;
- G. educational programs;
- H. legal services;
- I. recreational and athletic programs;
- J. day care;
- K. crisis intervention services that are available twenty-four hours a day;
- L. bilingual services in communities with non-English-speaking residents.

The agency should, as an objective, honor personal preferences in selecting the services to be received by a particular individual or in developing new ones. Services should always be distributed in a manner that evidences respect for the participants and enhances the ability of participants to direct their own lives.

## PART VI: MONITORING AND ASSESSMENT SYSTEM

### 6.1 Management accountability.

Each youth service agency should keep accurate case records designed to monitor agency input, process, and output. Specifically, each agency should establish a case filing system that includes intake records, records of contact with each client, and termination records. From this data each agency should periodically profile the volume and character of clients at intake, sources of referral, length of service provided, character of termination, and degree of defined success or failure. While such profiles should generally conform to national standards (see Standard 6.4), each agency should seek technical assistance in developing the profile design and maintenance system that best meets the needs of that agency and the community.

### 6.2 Client safeguards.

Every case file should be confidential. Access to files should be limited to the project director and a few designated agency staff. Under no circumstances should any information be released from the file to other than authorized agency staff members or the participant's lawyer without the express written consent of the program participant. At no time should program participants be denied access to their own personal case files. Upon termination of a client's participation, the relevant data necessary for monitoring should be recorded and the case file sealed permanently unless the individual is referred again to the youth service agency. (Standards on confidentiality and access to records are set forth in the *Juvenile Records and Information Systems* volume, Standards 5.1 to 5.8.)

### 6.3 Agency review.

Each youth service agency should be examined by outside persons or agencies. This assessment process should provide funding agencies with periodic statements that include supporting data as well as a complete annual report. The continued funding of a youth service agency should be contingent upon following this accountability procedure. While conforming generally with national standards (see Standard 6.4), each assessment system should be designed to adequately meet the needs of the youth service agency and its funding agencies. The persons or agencies who carry out the assessment should work closely with both the youth service agency and the primary funding agency in developing a research design that includes, at a minimum, input from the youth service agency, the clients and

their families, local law enforcement and court agencies, related social service agencies, and local government officials.

#### 6.4 Central clearinghouse.

A central clearinghouse should be established at the national level to collect and analyze data from youth service agencies, to disseminate descriptions of exemplary programs, and to establish suggested guidelines for standardizing categories of evaluation data and methods of collection.

### PART VII: ORGANIZATION AND ADMINISTRATION

#### 7.1 Planning.

Planning is a continuing process. No agency should begin operations without at least three months of preliminary planning. During this preliminary planning period, the organizational structure should be developed and attention given to:

- A. service priorities;
- B. service mix;
- C. community resources.

Thereafter the process of assessment described in Standard 6.3 should be used to guide planning.

#### 7.2 Location.

The youth service agency should be in a location or locations sufficiently close to the major sources of informal and formal referrals to ensure easy access, but in no event should the agency be housed in the court or police buildings.

#### 7.3 Access.

The youth service agency should be available to receive formal referrals on a twenty-four-hour, seven-day-a-week basis so that no juvenile will be detained or have diversion deferred simply because of the time of apprehension.

#### 7.4 Staff.

The staff of the youth service agency should represent a broad range of background and experience, but every effort should be made to include, to as great an extent as possible, both community residents and former agency participants. Staff should be responsible for each of the following:

- A. community-agency relations;
- B. service brokerage;
- C. resource development and coordination;
- D. volunteer services;
- E. professional services;
- F. police, court, and school liaison;
- G. self-referrals and outreach;
- H. staff selection and training;
- I. program evaluation.

#### 7.5 Volunteers.

Community volunteers should be used whenever appropriate either as part-time staff or as supplemental staff for special projects. In addition, community residents should be actively encouraged to "sponsor" agency participants by volunteering to provide jobs, counseling, or companionship.



# *Standards with Commentary*

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## **PART I: ESTABLISHMENT OF YOUTH SERVICE AGENCIES**

### **1.1 Enabling legislation.**

Jurisdictions should by statute require the development of community-based youth service agencies that would focus on the special problems of juveniles in the community. The statutes should permit each local agency to be structured in accordance with the character and needs of the community, both initially and over time as experience is gained from working with juveniles and families in the community, provided that each such agency functions in a manner consistent with the following standards, which are designed to protect the rights of participants and to ensure that services are provided to juveniles diverted from the formal court system, as well as to improve the delivery of needed services for all juveniles and their families.

### *Commentary*

The Youth Service Agencies (YSA's) proposed by this standard are designed to deliver needed services to juveniles who are no longer to be referred to juvenile court for their acts of noncriminal misbehavior (see the *Noncriminal Misbehavior* volume) as well as to carry out the other duties of the Youth Service Bureaus endorsed in 1967 by the President's Commission on Law Enforcement and Administration of Justice. Specifically, the YSA's should provide easily accessible information, guidance, and services for youth. They should be able to refer young people to remedial education or job training or recreation or other needed services that are appropriate in a given case. When such programs or services are not already available in the community, they should be provided by the YSA. Group

and individual counseling and foster home placements should also be made available. Both delinquent and nondelinquent youth should be served by the YSA's. See *The Challenge of Crime in a Free Society* 69-83 (1967).

One of the traditional arguments for YSA's is that they, unlike the courts, will be able to deliver services to juveniles without at the same time stigmatizing those juveniles as deviant. Yet at least one study has found that association with either probation or youth service agencies over time created an increase in feelings of negative labeling and that this increase was greatest for juveniles in youth service agencies. Behavioral Research and Evaluation Corporation, "National Evaluation of Youth Service Systems: Final Report" 363 (1973). Our own study (see Appendix A) suggested that there are limits to this process. As more community youth receive services from YSA, the stigma decreases. A mixed clientele is therefore an important component of the effective delivery of services.

Family attitudes also appear to play a role in the willingness of a youth to see himself or herself as deviant. See A.R. Mahoney, "Youth in the Juvenile Justice System: Some Questions About the Empirical Support for Labeling" (1973). Links between family and delinquent behavior have also been noted. See, e.g., I.F. Nye, *Family Relationships and Delinquent Behavior* (1958); E. and S. Glueck, *Family Environment and Delinquency* (1960); J. and W. McCord, "The Effects of Parental Role Model on Criminality" in *Readings in Juvenile Delinquency* (R. Caven ed. 1964). Indeed, in many cases of alleged noncriminal juvenile misbehavior, family discord is the real problem. See, e.g., D. Sidman, "The Massachusetts Stubborn Child Law: Law and Order in the Home," 6 *Fam. L.Q.* 3 (1972); Note, "Ungovernability: The Unjustifiable Jurisdiction," 83 *Yale L.J.* 1383, 1391 (1974). The proposed agencies, therefore, should always endeavor to work with families in serving youth, both to uncover the real source of some misbehavior, and to enlist the aid of the family in overcoming juvenile deviance. This approach was most recently endorsed by the court in *Morales v. Turman*, 383 F. Supp. 53, 115-116 (1974):

Expert witnesses were in entire agreement as to the vital importance of involving [a] juvenile's family in his treatment. . . . Very often the alleged apathy of a family toward a child in trouble is furthered by the state's policy of ignoring the family throughout the treatment process and breaking up the family, so that the members reach their adjustments separately, and reintegration becomes difficult. [As one expert witness explained] in order to provide a truly rehabilitative program there would need to be real therapy and real counseling . . . not only for the boy, but for his family. . . .

Of course there are cases in which it is impossible to work with a juvenile's family, when one parent has moved away, for example, or is incarcerated. The endorsement of the family approach should not, therefore, be followed blindly. But generally it is likely to produce the most lasting results.

Enabling legislation is recommended in this standard in order to ensure that appropriate safeguards for the participating juveniles and their families are built into these new agencies, which will prevent them from becoming merely poor imitations of the present juvenile justice system that lack even the procedural safeguards that have only recently been won for juveniles in court proceedings.

Because approaches to treatment are in flux and because a wide variety of communities may establish Youth Service Agencies, no standardized agency model is here proposed, nor should it be. Rather, each community should be encouraged to develop the agency model best suited to its needs, which is also consistent with the basic principles contained in these standards. Good evaluation, moreover, if properly used, should prove a very effective guide for improving a community's initial YSA design. The gathering of data should never, however, be used to provide a pipeline to law enforcement on drug users or other offenders. See National Advisory Commission on Criminal Justice Standards and Goals, "Community Crime Prevention," Standard 3.3 (1973).

It should be noted that the proposed YSA's would no doubt also be effective vehicles for the delivery of services to families with child abuse or neglect problems. While specific coverage of this topic is beyond the range of this volume, as such programs are developed the YSA's could easily be expanded into Youth and Family Service Agencies that provide such services.

## PART II: OBJECTIVES

### 2.1 Service provision.

The primary objective of a youth service agency should be to ensure the delivery of needed services to juveniles in the community and their families, including juveniles diverted to the agency from the formal court system. Several approaches may be pursued to accomplish this objective. At a minimum, the agency should be responsible for developing and administering needed resources to provide effective services to juveniles. Once such services exist, the agency should develop:

A. an up-to-date listing of available community services for juveniles and their families;

- B. a community-wide self-referral system for juveniles and families in need of services;**
- C. a comprehensive service system oriented to diagnose participant needs and to ensure the delivery of services to juveniles and families through existing resources by such means as coordination, advocacy, or purchase of services; and**
- D. an effective monitoring system.**

### *Commentary*

The primary goal of each youth service agency is to ensure that needed services are delivered to juveniles in the community before any court contact occurs. A subsidiary goal is to ensure that suitable programs are also available for all juveniles and their families formally referred by the police or courts, and not simply for those who are most easily rehabilitated.

Planning for a youth service agency should begin with a thorough assessment of local needs. In some communities a shelter for run-aways may be the pressing problem; in another a drug treatment program. During the assessment, it may become apparent that existing services are inadequate or duplicative. Coordination of existing services, therefore, should be one of the first steps taken. But mere coordination and referral is not enough to justify a YSA. The unique service it must offer before referral is analysis of the needs of each participant, so that any ultimate referral is meaningful, rather than an attempt to pass the problem down a conveyor belt of agencies. Moreover, referral is not an adequate response if needed services are not available. Whether the services that are ultimately provided are sponsored directly by the YSA or by other agencies or organizations should be determined locally. In general, existing community programs should be encouraged and supported through advocacy by the YSA for the needs of youth rather than supplanted by YSA actions. The child welfare boards of Denmark, with their history of coordinating lay directors with professional consultants and focusing on preventing rather than just treating deviant behavior, may provide a useful model for the YSA implementation. See Appendix B.

The monitoring system mentioned in this standard is more fully developed in Standards 6.1 to 6.4. It should be emphasized at this point, however, that monitoring should provide information to the YSA and others about how well the YSA is doing its job. Information on individual juveniles, by contrast, is privileged and therefore is not to be turned over to the formal juvenile justice system without permission of the juvenile. See Standards 4.12 and 6.2.

### PART III: DECISION STRUCTURE

#### 3.1 Control.

The managing board of the youth service agency should contain juveniles, parents, concerned community residents, and representatives of schools, agencies, and service organizations operating in the community. The most appropriate mix of decision makers should depend on the character and needs of the local community, but in no case should the youth service agency be under the control of any component of the formal juvenile justice system.

#### *Commentary*

The experience of many communities confirms that a vital component of a successful youth service agency is the inclusion of potential recipients of services as well as juvenile and adult community residents in the planning and control of the agency. Their presence will not only ensure legitimacy in the eyes of local youth and the community, but should prove an effective pipeline to information about community needs and access to existing community resources. Community agencies should also be represented, of course, in order to ensure cooperation and coordination with existing services and experience. But if part of the formal juvenile justice system controls the agency, our study indicates that the programs will not be voluntarily used by youth or the community, for the agency will be perceived as simply a part of the formal judicial machinery. See, *e.g.*, the description of the Cambridge Juvenile Intake Program in Appendix A; National Advisory Commission on Criminal Justice Standards and Goals, "Community Crime Prevention" 72, Standard 3.2 (1973).

### PART IV: ACCESS TO THE YOUTH SERVICE AGENCY

#### Informal Referrals

#### 4.1 Self-referrals and outreach.

The youth service agency should develop outreach programs designed to contact juveniles and families in the community who are in need of their services. The aim of such programs should be to encourage self-referrals to the youth service agency before court intervention is necessary.

### *Commentary*

These standards use the term informal referrals to describe both self-referrals and recommendations for referral made by parents, schools, citizens, or local agencies. Unlike formal referrals, there are no requirements of participation imposed on informally referred juveniles.

Studies confirm that services are most effective when a juvenile wants help, admits it, and seeks services. For this reason, self-referral is undoubtedly the most effective of all the ways to enter a YSA and should be encouraged. A second benefit of self-referral is that it decreases the likelihood that stigma will be attached to participation in YSA programs. Communities can facilitate self-referral by establishing store-front offices and neighborhood clinics that are open long hours to make services more easily accessible to juveniles.

#### **4.2 Parental referrals for noncriminal misbehavior.**

Parents who previously would have reported their children to the juvenile court for noncriminal misbehavior should be encouraged to utilize the resources of the youth service agency. Such referrals should never be used as an excuse for abdication of parental responsibility, however, so parents who make referrals should be prepared to become active participants in the juvenile's program.

### *Commentary*

In many jurisdictions, parents have used unruly child or person-in-need-of-supervision statutes to refer their children to court. YSA's should be prepared to step into the void that would otherwise occur with the termination of the court's jurisdiction over such noncriminal juvenile misbehavior.

One of the reasons for terminating court jurisdiction over such juveniles is the recognition that such behavior often reflects family problems as much as individual deviance. Courts, unfortunately, have generally ignored the role some families play in contributing to juvenile misbehavior, as well as the role they could play in ending the behavior. As Professor Jill McNulty has observed:

Great damage can be done to relationships in a troubled family when the court, intervening as *parens patriae*, totally usurps the parental function. In the process, parents are ignored, blamed and bypassed. Little is done to help parents assume responsibility for their children's behavior.

The child's perception of his parents' worth may be seriously under-

mined by court action which does not recognize and support the parents' continuing function. Parents are discouraged because they perceive the child and the court as a threatening combination or because the child manipulates one authority against another. Moreover, a family is unable to benefit from the assistance of a voluntary agency because the parents become dependent upon the support and guidance of the court as a 'powerful' parent. Thus unwarranted court intervention may not only be unhelpful but actually detrimental to the development of a troubled family's ability to cope with its problems. . . . "The Right to Be Left Alone," 11 *Am. Crim. L. Rev.* 141, 151-52 (1972).

YSA's should therefore make a real effort to work with the family as well as the juvenile in such cases. One such innovative, court-based effort that works with families as well as juveniles is described in detail in R. Baron and F. Feeny, "Preventing Delinquency Through Diversion: The Sacramento County Probation Department 601 Diversion Project, A Second Year Project" (1973). See generally N. Ackerman, *The Psychodynamics of Family Life* (1958); N. Ackerman ed., *Expanding Theory and Practice in Family Therapy* (1967); A. Ferber, M. Mendelsohn, and A. Napier, *The Book of Family Therapy* (1972); Bowen, "The Use of Family Theory in Clinical Practice," 7 *Comprehensive Psychiatry* 345, 364-73 (1966).

#### 4.3 Citizen, agency, and school referrals.

All community residents, agencies, and schools should be encouraged to refer juveniles and their families who are in need of services to the youth service agency in lieu of the court. Every citizen, agency, or school that refers a juvenile or family for conduct that could be referred to the juvenile court should be encouraged to sign a waiver of complaint so as to ensure that participation by the juvenile in the agency program is voluntary.

#### *Commentary*

When youth service agencies are truly community-based and become a visible part of neighborhoods, they should increasingly be perceived by citizens, schools, and other local agencies as an alternative to registering a formal court complaint. There is some danger, however, that schools may try to use the YSA as a threat to misbehaving youth or as a substitute caretaker for juveniles who disrupt existing school programs. To be effective in the long run, the YSA should avoid becoming a punishment for truant juveniles. For better approaches to the problem of truancy, see the *Schools and Educa-*

tion volume. Communities should probably include a school representative at the planning stage, or as part of the managing board, so that an appropriate relationship with the school system can be developed.

### Formal Referrals of Juveniles by Police and Courts

#### 4.4 Police referrals.

The police should become a prime source of formal referrals to the youth service agency in order to ensure early diversion. To encourage such referrals:

A. police should be included in the planning and administration of the youth service agency;

B. diversion to the youth service agency should be made an official policy of the department;

C. written guidelines should be promulgated to ensure that diversion occurs in appropriate cases (see Standard 4.5);

D. every referral to the juvenile court should be accompanied by a written statement of the referring officer explaining why the juvenile was not diverted to the youth service agency.

#### *Commentary*

These standards use the term formal referral to identify those juveniles referred by the police or court who would have been processed by the formal juvenile court system if there were no Youth Service Agency. It does not include, therefore, those juveniles who would have been released by the police with a mere verbal warning prior to the availability of the YSA. Similarly, in keeping with the *Noncriminal Misbehavior* volume, no juveniles who would previously have been processed as unruly or in need of supervision may be formally referred to the YSA. (Informal referral, however, is available for both of those categories.)

The success or failure of the YSA's diversion component may well depend on the extent of local police cooperation. If, for example, the police believe that the YSA is a shield for serious offenders, or an obstacle to the correct performance of their law enforcement duties, they will ignore it. See E. Lemert, "Instead of Court: Diversion in Juvenile Justice" 54 (1971). For this reason, it is recommended that the police be included in the planning process. Written police guidelines are mandated to ensure that police diversion does occur. Finally, a requirement is imposed that nondiversion be explained in writing to further encourage the police to utilize this new path out of the formal judicial system. Cf. National Advisory



Commission on Criminal Justice Standards and Goals, "Community Crime Prevention" Standard 3.3 (1), Target Group, at 74 (1973); NAC, "Correctional Standards and Implementation Priorities" Standard 3.1 (2) (c) (1974).

#### 4.5 Police diversion standards.

Police diversion should be made pursuant to guidelines in order to avoid discrimination based on race, color, religion, national origin, sex, or income. At a minimum, the following standards should be observed:

A. No juvenile who comes to the attention of the police [or court] should be formally referred to the youth service agency if, prior to the existence of the diversionary alternative, that juvenile would have been released with a warning. Such juveniles should, however, be informed of the existence of the program, the services available, and their eligibility for such services through a voluntary self-referral.

B. In keeping with Standard 1.1 of the *Noncriminal Misbehavior* volume eliminating the jurisdiction of the juvenile court over juveniles for acts of misbehavior, ungovernability, or unruliness that do not violate the criminal law, such juveniles should not be formally referred to the youth service agency.

C. All juveniles accused of class four or five offenses (as defined in Standard 5.2 of the *Juvenile Delinquency and Sanctions* volume) who have no prior convictions or formal referrals should be formally referred to the youth service agency rather than to the juvenile court.

D. All other juveniles accused of class four or five offenses who have been free of involvement with the juvenile court for the preceding twelve months should be formally referred to the youth service agency rather than to the juvenile court.

E. Serious consideration should be given to the formal diversion of all other apprehended juveniles, taking into account the following factors:

1. prosecution toward conviction might cause serious harm to the juvenile or exacerbate the social problems that led to his or her criminal acts;
2. services to meet the juvenile's needs and problems may be unavailable within the court system or may be provided more effectively by the youth service agency;
3. the nature of the alleged offense;
4. the age and circumstances of the alleged offender;
5. the alleged offender's record, if any;
6. recommendations for diversion made by the complainant or victim.

*Commentary*

Communities may have certain groups of youth who are less likely to be diverted from the juvenile justice system by police for reasons having nothing to do with their offenses. It has been suggested, for example, that poor black juveniles are more visible in the ghetto because their neighborhood may be heavily patrolled and they may be shabbily dressed; once apprehended, such youth may be detained because they do not have complete families to take them in or resources to use in their defense. See E. Lemert, "Instead of Court" 63-64 (1971). The value of written guidelines that eliminate such discriminating criteria from nondiversion is evident.

There may be some pressure felt by police, moreover, to formally refer large numbers of young persons to the YSA in order to show that statistically, at least, the diversion policy is being honored. The point of diversion, however, is to allow juveniles to avoid unnecessary contact with the court system. For this reason, it is important that police guidelines be established that prohibit detaining more youth than were previously detained, merely because YSA services are now available.

One study, for example, has concluded that for every 500 possible delinquency arrests, there are 200 police contacts, resulting in 100 arrests. Of these, only forty youths reach court intake, and twenty actually appear before a judge. Nejelski and LaPook "Monitoring the Juvenile Justice System: How Can You Tell Where You're Going, If You Don't Know Where You Are?" 12 *Am. Crim. L. Rev.* 9, 14 (1974). Standard 4.5 A. is therefore critical if the referral statistics are not to be bloated by hundreds or thousands of youth scooped up into the juvenile justice system who previously would have been released outright or with only a warning. Accurate record keeping before and after the creation of a YSA as a diversionary option should help in enforcing this standard.

Noncriminal misbehavior is no longer to be part of the jurisdiction of the juvenile court (see the *Noncriminal Misbehavior* volume), and therefore Standard 4.5 B. affirms that it should not be a part of the formal referral system to YSA services. When contacted by parents, school officials, or neighbors about such misbehaving youth, police can, of course, describe the YSA services available and counsel voluntary referrals.

Standard 4.5 C. and D. provide that all juveniles accused of class four and five offenses (as defined in the *Juvenile Delinquency and Sanctions* volume) who have had no previous convictions or formal referrals, or who have been free of involvement with the juvenile court for the preceding twelve months, should be offered the op-

tion of formal referral to a YSA in lieu of further processing in the juvenile court system. These are the juveniles most likely to benefit from the offer of a "second chance," in which needed services are provided without the stigma that would result from processing in the formal court system. But as Standard 4.5 E. indicates, diversion is also appropriate for any other juveniles who could be treated more effectively by a YSA. A similar diversion guideline has been approved by the National Advisory Commission on Criminal Justice Standards and Goals. See "Correctional Standards and Implementation Priorities" Standard 3.1 (1974).

#### **4.6 Police liaison.**

If representatives of the police are not on the managing board of the youth service agency, and no police staff are active in the agency itself, the police should assign a staff person to oversee productive relations with the agency and to encourage diversion.

##### *Commentary*

The relationship between the police and the YSA is a crucial one, for where law enforcement personnel have no confidence in the value of services for diverted youth, many eligible youth will not be diverted. Initial confidence can be created by including police in planning for the youth service agency. Greater cooperation might also be assured by having law enforcement representatives on the managing board or as off-duty volunteers in certain programs. When this is not possible or desirable, the police should at least assign one staff person to serve as liaison between the police and the agency.

#### **4.7 Court referrals.**

No juvenile should be petitioned to the court without an independent determination by the court intake official that diversion is not appropriate, pursuant to the guidelines of Standard 4.8. Every decision to petition should be accompanied by a written statement of the intake official as to why the juvenile is not diverted.

##### *Commentary*

The standard places on the court the responsibility of reviewing any police decision not to divert. In case of disagreement, the decision of the court intake officer to divert should prevail. Accord, NAC, "Correctional Standards and Implementation Priorities" Standard 8.1(2) (1974).

#### 4.8 Court diversion guidelines.

Court intake guidelines, at a minimum, should contain the same diversion standards set forth in Standard 4.5 above. If it is determined that the apprehended juvenile is an active participant in a youth service agency program, the decision on whether to petition may be deferred up to twenty-four hours beyond the normal time limit in order to obtain a report from the youth service agency on the juvenile's progress in the program.

#### *Commentary*

This standard mandates that court intake officials also follow the standards previously set forth to guide police diversion. The standards are designed first to screen out from formal referral those juveniles who would not have been processed by the formal system without the YSA. Informal referral, of course, remains an option for them. In addition, the standards require the diversion of juveniles charged with particular offenses, and recommend diversion of all other juveniles who could be treated more effectively in a YSA than by further court processing.

If the detained juvenile is already participating in a YSA program, the court intake official is given time to check on his or her progress. Information can be given to the intake official by the YSA only if the juvenile consents in writing. See Standard 6.2. When appropriate, his or her participation in the YSA should be continued rather than terminated in favor of formal processing.

The proposed diversion standards are intended to supplement, rather than supplant, the standards for intake. See the *Juvenile Probation Function: Intake and Predisposition Investigative Services* volume. In particular, no juvenile should be formally referred to a YSA who previously would have been screened out of further formal processing at intake. Such juveniles may, on the other hand, be told of the YSA and encouraged to participate in its programs on a voluntary basis. Accurate record keeping before and after the establishment of a YSA should aid in enforcing this standard.

This standard should be read in conjunction with Standard 4.13, which makes clear that a juvenile has a right to request further processing by the court system in lieu of diversion, and a right to assistance of counsel in deciding whether or not to accept a formal referral to a YSA.

#### 4.9 Minority review.

Each court intake staff should include a minority rights advocate who keeps records on which juveniles are diverted in order to ensure

that the referral guidelines are being applied without regard to race, color, religion, national origin, sex, or income.

### *Commentary*

The natural tendency of police or courts to divert only "good" juveniles, meaning those who come from economically stable, complete families who will aid in their rehabilitation, has to be checked if equal protection principles are to be honored. The proposed method of ensuring that poor or minority juveniles are also diverted, is to appoint one intake staff member to look after their interests. In urban communities this may be a full time job, requiring the careful monitoring of intake statistics, and active advocacy in case of dispute. In smaller communities this could probably best be handled as one of several tasks that one staff member undertakes.

#### 4.10 Court review.

Decisions by the court intake official 1. not to divert a juvenile, or 2. in the case of a previously diverted juvenile, to require the signing of a participation agreement (see Standards 5.3 and 5.4) as a condition of diversion, or 3. to resume proceedings against a juvenile who has allegedly violated the terms of a participation agreement, may be appealed by motion of the juvenile by his or her attorney to the juvenile court at any time prior to the fact-finding hearing. A judge who hears such a motion should not also preside at the fact-finding hearing(s) for that juvenile.

### *Commentary*

As a final check that diversion guidelines are being followed by police and court intake officials, juveniles are here empowered through their attorneys to appeal to the court all decisions not to divert or to place conditions on diversion.

Standard 5.3 provides that a YSA may require certain juveniles who previously failed to stay in the YSA program to sign a participation agreement as a condition of a second formal referral. This agreement allows the YSA to refer the juvenile back to court if he or she drops out of the program a second time. This standard provides that the decision to require the juvenile to sign such an agreement as a condition for a second diversion, or to resume proceedings against a juvenile who has allegedly violated the terms of a participation agreement may also be appealed by motion to the court.

All three motions should serve as a check on the abuse of discretion by police, intake officials, and YSA's and to ensure that a

decision not to divert or to condition diversion is based on appropriate facts, and not on such improper matters as the race, color, religion, national origin, sex, or income of the juvenile.

A judge who hears a motion pursuant to this standard is precluded from presiding at the fact-finding hearing (trial) for that juvenile because facts presented in the motion may be prejudicial to the juvenile's right to trial by an impartial fact finder. See *In re Gault*, 387 U.S. 1 (1967).

#### 4.11 Legal consequences of diversion to YSA.

Formal referral to a youth service agency should represent an alternative to prosecution; such referral therefore should be accompanied by a formal termination of all legal proceedings against the juvenile which were the subject of the referral, except as provided in Standard 5.1. Mere suspension or deferral of prosecution pending participation in a youth service program is inconsistent with the concept of a youth service agency as a voluntary option. Referral in exchange for a guilty plea is inconsistent with the goal of stigma avoidance.

#### *Commentary*

Experience demonstrates that voluntarism is a necessary ingredient of successful participation in most treatment programs. For this reason, referral to a YSA should result in the cessation of all formal legal proceedings, rather than their mere suspension pending successful participation in the YSA. This view was also adopted by the National Advisory Commission on Criminal Justice Standards and Goals in "Community Crime Prevention" Standard 3.3 (6) (1973).

There are constitutional problems with requiring a guilty plea as a condition of diversion. See generally National Pretrial Intervention Service Center, "Legal Issues and Characteristics of Pretrial Intervention Programs" (1974). Potential participants in projects requiring formal admission of guilt would have to waive their right to plead not guilty and their fifth amendment privilege of self-incrimination as well as their right to confrontation of witnesses before they would be allowed entrance into the program. See *In re Gault*, 387 U.S. 1 (1967). While a juvenile may waive these rights, the waiver must be intentional, voluntary, and intelligent, and not one induced by threat, coercion, improper inducement, or promise of immunity. *Boykin v. Alabama*, 395 U.S. 238 (1969); *In re Gault*, 387 U.S. 1 (1967); *Miranda v. Arizona*, 384 U.S. 436 (1966); *Jackson v. Denno*, 378 U.S. 368 (1974). Conditioning entrance to a YSA upon a plea of guilty thus could be the type of coercion or promise

of immunity that is constitutionally suspect. *Cf. North Carolina v. Alford*, 400 U.S. 26 (1970).

Furthermore, while a guilty plea might help to ensure that no innocent juveniles are formally diverted, its price is an increase in the stigma that would attach to all YSA participants. It is therefore the position of these standards that YSA participation not be based on a guilty plea.

#### 4.12 Confidentiality.

To encourage full participation by juveniles and their families in youth service agency programs, any statements made during participation in a youth service agency program to intake, counseling, and supervisory personnel in the agency should be confidential and privileged. Appropriate legislation should prohibit their use in subsequent civil or criminal proceedings involving the juvenile or family or their divulgence to anyone without the written permission of the juvenile.

#### *Commentary*

In some jurisdictions, no privilege is recognized between counselor and client if the client is not also a lawyer, physician, or clergyman. A YSA could not function successfully, however, if internal communications could later be used against participants. For this reason it is recommended that a new privilege be recognized covering YSA staff. Accord, M. Biel, "Legal Issues and Characteristics of Pretrial Intervention Programs" (1974).

Such a privilege will not provide protection for the juvenile in nonjudicial proceedings, however. For this reason, these standards also provide that statements made during participation in a YSA are not to be released to anyone without the permission of the juvenile. This principle is in accord with the standards developed more fully in the *Juvenile Records and Information* volume. For restrictions on the use of YSA records, see Standard 6.2 *infra*.

#### 4.13 Right to refuse diversion.

Any juvenile should have the right at any time to request processing by the juvenile court in lieu of formal diversion to a youth service agency. Before a juvenile can be required to elect diversion to a YSA or to sign a participation agreement as a condition of diversion (see Standards 5.3 and 5.4), the juvenile and his or her parents or guardian should be advised that the juvenile has a right to first consult with an attorney, who, among other things, may appeal the requirement of a participation agreement to the court (see Standard 4.10).

*Commentary*

The firmest protection of the principle of voluntary participation in the YSA is this requirement that the juvenile has an inalienable right to remain in the court system if he or she chooses. Because of the impact this decision may have on the future processing of the juvenile by the court, it is recommended that the juvenile be able to consult with counsel. Both the juvenile and his or her parents or guardian are to be advised of the right to consult, and to have counsel supplied without fee if they cannot afford to have private counsel, in order to ensure that the juvenile is not pressured into diversion without the assistance of impartial adult advice. The right to provision of counsel at this stage is in keeping with *The Juvenile Probation Function: Intake and Predisposition Investigative Services* volume.

**PART V: THE SERVICE SYSTEM****5.1 Voluntarism.**

A fundamental premise in the administration of a youth service agency program should be that participation by the juveniles should be voluntary. In the case of formal referrals, therefore, juveniles should only be required to attend two program planning sessions. Such attendance should be ensured by allowing further juvenile court proceedings in the event of nonattendance. Except as provided in Standard 5.3, the youth service agency should not have the authority to refer juveniles back to the court on the ground of non-participation after the initial planning sessions. Juveniles and families who are informally referred to the youth service agency should be free to drop out of the program without penalty at any time.

*Commentary*

Voluntarism rests on the principles of free will and freedom of choice and, implicitly, on the lack of coercion. Voluntarism is thus an ideal; what we really achieve are degrees of voluntariness in our decision making. The degree of voluntariness experienced by a juvenile who elects to accept formal diversion to a YSA when the only alternative is continued court processing is clearly not large. On the other hand, if diversion means the juvenile is free to simply leave the police or court system, it is indistinguishable from being screened out or having the case dropped for lack of evidence. It was felt that requiring the juvenile to attend two planning sessions was therefore a reasonable requirement that would ensure that the juvenile, and



preferably his or her family as well, was informed about the YSA's programs and services without undermining the voluntary nature of actual participation in a YSA program.

### 5.2 Initial planning sessions.

A key purpose of the initial planning sessions should be to inform the juvenile and his or her family of the voluntary nature of continued participation in the program. If the juvenile has been formally referred, such assurance may properly be coupled with a realistic appraisal of the effect nonparticipation could have in the event of subsequent apprehension.

#### *Commentary*

The introductory sessions are crucial if the juvenile and, in appropriate cases, his or her family are to elect YSA participation. Typically, staff members in these two meetings will introduce the juvenile to the variety of counseling and educational programs available and thoroughly diagnose any needs or problems the juvenile may have so that a mutually chosen program can be developed. In some cases the quality of the services will speak for themselves because juveniles who have participated in them will be known to the new diveree, or be members of the YSA staff. In other cases, much will depend on the ability of staff members to explain the program and encourage the juvenile and his or her family.

### 5.3 Refusal by the juvenile to participate.

If a formally referred juvenile refuses to participate in a service program after the initial planning sessions, the youth service agency should have the authority to file a recommendation with the police and the court that the juvenile not be diverted if apprehended subsequently unless the juvenile enters into a written agreement for services of a specified duration (termed a participation agreement), which should also specify that failure to abide by the agreement will allow referral back to the court. The youth service agency should make use of the nondiversion recommendation only in exceptional circumstances. The juvenile should be informed of the existence and meaning of the agency action.

#### *Commentary*

The participation agreement process should be invoked only rarely by a YSA. When a juvenile is bent upon serious criminality, requir-

ing him or her to participate in an appropriate YSA program may be the only way to prevent both immediate and future incarceration or violence. Moreover, his or her previous failure to take advantage of diversion may otherwise move the police or court system to deny the juvenile another opportunity for diversion. Large urban communities in which court and YSA staff handle a large number of participants may need this procedure more than small, rural communities where most neighborhood youth are known to the YSA and person-to-person relationships are easier to establish.

#### 5.4 Limits on formal participation.

No formally referred juvenile who has attended an agency program for one year should be penalized by the filing of a recommendation against future diversion pursuant to Standard 5.3. Similarly, no participation agreement should require a juvenile to agree to participate in a youth service agency program for more than one year.

##### *Commentary*

The one-year time limit is intended to serve only as a maximum; many successful programs can and should operate in an even shorter time.

The YSA may refer any juvenile who fails to comply with a participation agreement back to court for resumption of formal court action. But any juvenile who is so referred has a right to appeal to the court the determination by the YSA that the juvenile is in non-compliance with the participation agreement. See Standard 4.10. This process should serve to develop useful guidelines about the range of permissible YSA treatment programs. In addition to the one-year maximum, such programs should at a minimum comply with the treatment standards being developed for formal juvenile correctional programs. See, *e.g.*, *Morales v. Turman*, 383 F. Supp. 53 (1974). See also the *Corrections* volume.

#### 5.5 Resource evaluation.

The development of service priorities should be preceded in the planning stage by a complete and realistic evaluation of existing community resources and of the availability of such services to juveniles and families.

##### *Commentary*

This standard, which emphasizes the importance of planning, is designed to further the principle of complementing rather than

supplanting community programs for youth and families *where they already exist*.

#### 5.6 Service development.

When the resource evaluation indicates the absence of a needed service, such as a drug rehabilitation program, the youth service agency should establish and administer or provide support for the establishment of the service in the community.

#### *Commentary*

This standard, which is the natural sequel to Standard 5.5, does not specify that the YSA itself should operate all needed new programs. Rather, the YSA is directed to either establish and administer or to provide support for their establishment, thus enabling the YSA to encourage existing programs or agencies to offer needed services when this approach will save money or make use of the reputation and skill of established programs.

#### 5.7 Service provision.

The youth service agency should ensure the receipt of a mix of services rather than specializing in only one. The priorities will vary in each community; however, at a minimum the following should probably be available:

- A. individual and marital counseling;
- B. individual and family therapy;
- C. residential facilities;
- D. job training and placement;
- E. medical services;
- F. psychiatric services;
- G. educational programs;
- H. legal services;
- I. recreational and athletic programs;
- J. day care;
- K. crisis intervention services that are available twenty-four hours a day;
- L. bilingual services in communities with non-English-speaking residents.

The agency should, as an objective, honor personal preferences in selecting the services to be received by a particular individual or in developing new ones. Services should always be distributed in a manner that evidences respect for the participants and enhances the ability of participants to direct their own lives.

*Commentary*

To understand why a service mix is essential in the performance of a Youth Service Agency, it is important to have clearly in mind what social services are. The process of sorting out an individual's problems, securing the individual's voluntary cooperation, offering some counsel and advice, and referring to other community services when the counselor exhausts what he or she can reasonably do on behalf of a given individual, while maintaining continuing contact until the problem is assumed to have abated are the essence of what social services are all about. See M. Rein, *Social Policy* (1973). This definition, in fact, comports with the best of current practice. The commissioner of the Rehabilitation Service Administration, for example, explained the concept of social services to the House Appropriations Committee as follows:

The essence of the program is to marshal all resources in a coordinated way, to bring [the client] to his best functioning level. The . . . counselor is the key ingredient, making the determination as to whether the individual is eligible, developing with the individual a plan for his rehabilitation, managing the arrangements for the necessary services, counseling and guiding the individual, and staying with him through successful placement on the job. Services are obtained . . . from virtually the full span of community resources, depending on what the individual needs. *House Committee on Appropriations Hearings on the Departments of Labor and Health, Education and Welfare, 91st Cong. 2nd Sess. 270 (1970).*

From this understanding of social services, it follows that counseling plays a strategic role in a service delivery plan. The content of youth counseling, therefore, warrants special attention. Our review of YSA's revealed that the counseling provided ranged from rather well-defined and structured procedures to more informal "rap" sessions. In a time of many innovative and experimental approaches to counseling, the counseling in most YSA's surveyed was surprisingly traditional. While there was talk of group counseling, peer counseling, and re-evaluation co-counseling, little was evident. There was also no sensitivity, body-awareness, Gestalt, encounter, or nonverbal counseling. The only break from this pattern was a growing trend toward family counseling, particularly with middle-class clients. Some who worked in lower income areas, however, such as the RAP project in San Francisco, did not find family counseling very beneficial. In most cases, when asked, counselors were rather vague about what went on in these counseling sessions or what their objectives were. Several counselors drew a clear line between their work and in-

depth counseling such as psychotherapy. They tended to view the relationship as being as important as what was discussed. Typically, they saw themselves as role models and concerned "friends." Frequently they considered "doing things together" to be "counseling," whether it was going to sports events, going on outings, or just having a coke together.

From this review it would appear that the majority of the counseling to date has been uninspired and fairly disappointing; and yet for many youths, if they received anything at all from the YSA, it was a counseling relationship. Such relationships, moreover, as traditional as they appear to have been, sometimes were responsible for positive behavior changes. See Behavioral Research and Evaluation Corporation, "National Evaluation of Youth Service System: Final Report" (1973). Having a relationship with a respected adult in a youth service program thus seems to inhibit some offensive behavior. Perhaps it is little more than the reception of friendly advice or the apprehension of facing the counselor's judgment or a deferment until after the counseling experience, but something in this relationship must work. Such a relationship must be based on trust and trust can only be achieved when the counselor respects the dignity of those who participate in the program. We have therefore underscored in this standard the principles of respect and concern for self-direction. These principles are preconditions not only for effective counseling, of course, but for all effective treatment programs.

When services are provided to juveniles, special problems may also be created by the fact that the clients are not likely to complain about (or even to recognize) inadequate services. While adequate counseling is important, therefore, it may not sufficiently protect the rights of juvenile participants. For this reason it is important to emphasize the other elements a good program should have to properly serve juveniles. A good list of activities that youth need in the transition to adulthood was provided by Judge Justice in *Morales v. Turman*, 383 F. Supp. 53, 92-93 (1974):

These tasks include establishing sexual identity, developing intellectual and occupational skills, achieving independence from parental authority, developing a capacity for genuinely intimate relationships, and finally evolving a moral code to govern future actions. . . . Because of his often deprived background, the delinquent needs a more concentrated dose of [the] ingredients that a normal adolescent needs to grow and develop a healthy mind and body . . . together with such intensive or particularized help as special education, therapy, or physical rehabilitation that he may need. . . .

Having identified the characteristics of a good social service program, we now consider to whom services should be provided. The programs of a YSA should, of course, be available to all juveniles without regard to race, color, national origin, or income. They should also be provided whether or not a juvenile has already been charged with delinquent behavior, both to avoid stigmatizing all of the juvenile participants of the YSA as "bad kids," and to provide participating delinquents with continuing peer contact in a normal setting. Finally, programs should be available without regard to the sex of participants. There has been a tendency for traditional court programs, by contrast, to treat the sexes differently. Women, moreover, were often trained only for such domestic roles as seamstresses. See Comment, "Juvenile Delinquency Laws: Juvenile Women and the Double Standard of Morality," 19 *U.C.L.A.L. Rev.* 313, 342 (1971). Allowing both sexes into all programs, subject, of course, to the right of privacy in such matters as dressing rooms, should counteract this unfortunate pattern of discrimination. Cf. *Frontiero v. Richardson*, 411 U.S. 677 (1973); *Stanton v. Stanton*, 412 U.S. 7 (1975); *Craig v. Boren*, 429 U.S. 190 (1976).

Historically, there have been four principal strategies for acquiring or providing the services clients want (in keeping with the principle that client preferences should be honored) or the counselor and therapist believe their clients require. These principal strategies are integration, coordination, referral, and purchase of services. *Integration* means that the services are integrated within the YSA itself, thereby promoting ease of access. *Coordination* means encouraging the variety of community agencies that are simultaneously working with a juvenile or his or her family to coordinate their efforts in order to avoid unnecessary overlapping contact and conflicting advice. The case conference is perhaps the clearest illustration of a concerted effort concerning a single family. *Referral*, by contrast, proceeds on the assumption that the YSA lacks the specific resources that a family needs. In the case of referral, the YSA retains continuing responsibility for the case, but recognizes that the family needs an additional service that the agency does not provide. *Purchase of services* has been increasingly popular because experiences have shown that often agencies are reluctant to accept families who have been referred to them because the agencies lack the resources to serve the referrals. To ensure that referrals are accepted, the idea of purchasing services on behalf of a client has grown. The Vocational Rehabilitation Administration has developed this approach most consistently.

*Service coordination.* Early theorists of YSA's identified the failure of existing communities to meet the needs of their youth in the disarray of existing services. It was hoped that YSA's would function as a catalyst for community service system planning, helping other agencies to organize and coordinate their services, helping to identify neglected service areas, and offering aid in setting up new services. Indeed, one of the criteria used in an independent study to evaluate the performance of the California Youth Service Bureaus was the extent to which they effectively made use of existing community resources in a more coordinated manner. See E. Duxbury, "Evaluation of Youth Service Bureaus" (California Department of the Youth Authority 1973).

There seem to be two possible types of coordination mechanisms: interagency councils and interagency "linkages." Interagency councils serve as clearinghouses and function primarily for interagency communication. Interagency linkages include such programs as detaching staff from one agency to another, and funding or administering programs across agency lines. While there were several examples of coordination between agencies, there was no example in which an interagency linkage was even approximated.

The cases examined by the Behavioral Research and Evaluation Corporation varied in this respect. Some reported an impressive degree of coordination with many joint programs. Other YSA programs, particularly the ones assuming a confrontation approach in youth advocacy work, have had more difficulty in getting other agencies to cooperate with them. See generally Behavioral Research and Evaluation Corporation, "National Evaluation of Youth Service Systems: Final Report" (1973).

This assessment suggests that the critical stage in system coordination occurs during early planning. Yet even here, agency interest seemed primarily aimed at clarifying "turfs" and institutional responsibilities with the new agency and not at assessing the needs of community youth and banding together in order to change and grow to meet these needs. As time passes, youth service agencies tend to focus heavily on a few specific linkages where successful programs or a frequent referral pattern has been set up. The best coordination examples noted existed where the YSA had come to serve as an important service in an existing agency's mission. Thus, coordination was highly successful with police and probation departments when a YSA responded quickly and effectively in taking over responsibility for minor offenders referred by these departments.

Our study revealed no ongoing, effective interagency councils. Several YSA's had policy boards that included representatives from various agencies. Such boards were usually ineffective because either they did not include policy-making representatives from other agencies, in which case there was no authority to make coordination decisions, or they did include policy-making representatives, but the membership was symbolic. The board met infrequently and the meetings were primarily focused around approving staff decisions post facto. This pattern makes clear that great effort will be required if service coordination is to be achieved.

*Integration.* Our survey of youth service agencies revealed that to date most have relied on directly providing services (i.e., integration). The service most commonly provided was counseling, which has been discussed above.

*Referrals.* Counseling and referral were frequently identified as the two core services delivered by a youth worker or counselor. The statistics from the various programs, however, suggest that for most youth the services rendered ceased with counseling. In fact, the conclusions from the California evaluation note that the California Bureaus "have clearly concentrated on providing direct services to youth rather than systematically referring youth to other services and following up." Duxbury at 66.

This is an important finding when presented against the hope that the YSA's could act as a kind of brokerage, i.e., an intake office diagnosing the needs of each youth and matching him or her with an existing service. Gerald Croan analyzes this difficulty with great insight. See "The Youth Service Strategy: Community-Based Diversion and Delinquency Prevention Reconsidered" (unpub. Masters thesis, Massachusetts Institute of Technology 1973). He notes four reasons why such referrals are not more frequently made. First, many of the services diagnosed as needed simply are not available. Second, many of the existing services were inappropriate or inadequate. Third, some existing service agencies tend to reject or screen out just the youth whom the youth service agencies should be trying to place. Fourth, youth workers who have developed trusting relationships with youth are reluctant to sever these relationships.

Our field research found these same difficulties. Existing services are usually anything but adequate. Particularly in older, inner-city areas, the youth involved in YSA's frequently had previous unsuccessful experiences with the existing services. They themselves were reluctant to be referred. For such youth, referral is seen as one more example of being passed from agency to agency. Moreover, for many



staff members the counseling relationship is a reciprocal one in which the staff member receives valued emotional rewards: there is a natural reluctance to pass such clients along to other agency staff. In the situations noted where there has been little effort at administrative coordination, the burden of the referral process falls heavily onto the individual staff member. Here it is important to see that a referral of a youth is in fact a transaction made between adults in which the youth is seen as a commodity. To make matters worse, in entering such a transaction the youth worker negotiates from a lower status position and with few resources to offer. Especially when a service is dependent on paying clients and "non-troublesome" ones, the youth worker is little more than a beggar. Money might make a critical difference here. In those cases where the youth worker could offer funding with the client as in the Boston Court Referral program (see Appendix A), the results were more favorable.

When money is not available for the purchase of services, and referrals are made on an individual, ad hoc basis, usually only a few agencies will accept referrals. This pattern can lead to an unfortunate tendency for referrals to be made more on the basis of what is available than on the needs of the individual youth.

There has also been a tendency in such cities for recipient agencies to fail to deliver the promised services. Clearly, there is a need for some better way to ensure that referrals receive needed services. Communities might develop a formal letter of agreement signed by cooperating agencies that specifies the scope of their respective duties and obligations. Alternatively, a mechanism for appeal to a higher authority, such as the mayor's office, in the case of agency failure, might be established. Absent formal mechanisms to ensure service delivery, the YSA must resort to efforts to modify the attitudes and practices of other agencies on behalf of youth, a subject that is discussed in more detail after the section on purchase of services.

*Purchase of services.* Because our field research identified no YSA use of purchase of services, we will not discuss this delivery mechanism in detail except to caution that while the availability of such funds should encourage other agencies to accept refused clients, they will, of course, not ensure that quality services are delivered. Special arrangements should therefore be made by a YSA to guarantee access for quality control programs. See generally Ohlin, Coates, and Miller, "Radical Correctional Reform: A Case Study of the Massachusetts Youth Correctional System," 44 *Harv. Ed. Rev.* 74, 103-105 (1974) and Standards 6.1 to 6.4 *infra*.

*Youth advocacy.* Whatever strategy or combination of strategies is selected by a YSA for service delivery, it seems clear that some efforts should also be directed toward changing, in "established institutions, those attitudes and practices [that] discriminate against troublesome children and youth and thereby contribute directly or indirectly to their antisocial behavior." S. Norman, "The Youth Service Bureau: A Brief Description of Five Current Programs" (1970). When referral or coordination is the chosen strategy, the need for such effort is obvious. Even integration can benefit from such complementary work, moreover, for it is likely to be the only way to develop job openings for YSA clients.

While the terms youth advocacy or system modification, as this work is sometimes called, appeared frequently in the literature about YSA's, they were seldom defined.

Our survey revealed, moreover, that fewer than half of the programs believed that such institutional change should be a major objective. We therefore asked program administrators how their efforts had contributed to changes in the operations or responsiveness of other local service agencies. Some administrators noted that the very establishment of the YSA had caused changes in the functioning of the local juvenile justice system. In practice, then, systems modification was often ignored, or limited to indirectly changing the way other institutions operate.

Strategies for bringing about systems change were either of a cooperative, consensual form or of a confrontational, conflictual form. The form of strategy chosen was partially the result of the staff style, but also partially a response to the political ambience of the community. A highly competitive, conflictual community such as Cambridge bred a confrontational strategy. A highly consensual community like Pacifica bred a cooperative strategy. The lawyer staffing of the South Bend Youth Advocacy Project, reported in the Behavioral Research and Evaluation Corporation study, led easily to the program's adversary style.

Most programs visited favored the cooperative style or did not see systems modification as important. Those programs most heavily devoted to serving diverted youth and those most closely associated administratively with the juvenile justice system tended to stay away from systems change efforts or tended to be satisfied with rather minor efforts within the traditional services. It is clear that for them this was a rational response. Efforts at systems change, particularly conflict strategies, are bound to cause dissension and pit the YSA staff against traditional agency staff. Such conflicts could easily jeopardize continued diversion when the police and

courts are not required to divert some juveniles as proposed by these standards.

Further, as Norman notes, changes are often needed not only in practice but in attitudes as well. Yet YSA program directors we interviewed seldom spoke of systems change as if it included attitude change. When attitude was mentioned, it usually was a reference to a softening in the attitude of police toward youth. But this softening attitude may have been caused by factors other than the establishment of a YSA, such as a shift in administrative policy in response to community pressure, or new leadership in the police department.

*Summary.* Standard 5.7 affirms the principle that a youth service agency should ensure the provision of a mix of services to both delinquent and nondelinquent youth. Four different strategies for ensuring that a service mix is available have been reviewed. Our survey of past YSA's indicated that often counseling has been the only "service" available. This suggests that real effort will be needed if future YSA's are to provide the services actually needed by youth in a community as opposed to merely offering them whatever happens to be available. Adequate funding, staffing, and effective youth advocacy directed toward improving the quality of services provided to youth by other community agencies are all vital to provision of this necessary mix of services.

## PART VI: MONITORING AND ASSESSMENT SYSTEM

### 6.1 Management accountability.

Each youth service agency should keep accurate case records designed to monitor agency input, process, and output. Specifically, each agency should establish a case filing system that includes intake records, records of contact with each client, and termination records. From this data each agency should periodically profile the volume and character of clients at intake, sources of referral, length of service provided, character of termination, and degree of defined success or failure. While such profiles should generally conform to national standards (see Standard 6.4), each agency should seek technical assistance in developing the profile design and maintenance system that best meets the needs of that agency and the community.

### 6.2 Client safeguards.

Every case file should be confidential. Access to files should be limited to the project director and a few designated agency staff.

Under no circumstances should any information be released from the file to other than authorized agency staff members or the participant's lawyer without the express written consent of the program participant. At no time should program participants be denied access to their own personal case files. Upon termination of a client's participation, the relevant data necessary for monitoring should be recorded and the case file sealed permanently unless the individual is referred again to the youth service agency. (Standards on confidentiality and access to records are set forth in the *Juvenile Records and Information Systems* volume, Standards 5.1 to 5.8.)

### *Commentary*

Standard 6.2 deals only with access to agency records by the client and designated agency personnel. The standards governing dissemination of information generally are covered in Standards 5.1 to 5.8 of *Juvenile Records and Information Systems*. Those standards address in detail such issues as the prerequisites for juvenile or parental consent to access by third persons, special obligations where information may be harmful, and destruction of records. Provisions for access for research, evaluation, law enforcement, or judicial purposes also are specified.

### **6.3 Agency review.**

Each youth service agency should be examined by outside persons or agencies. This assessment process should provide funding agencies with periodic statements that include supporting data as well as a complete annual report. The continued funding of a youth service agency should be contingent upon following this accountability procedure. While conforming generally with national standards (see Standard 6.4), each assessment system should be designed to adequately meet the needs of the youth service agency and its funding agencies. The persons or agencies who carry out the assessment should work closely with both the youth service agency and the primary funding agency in developing a research design that includes, at a minimum, input from the youth service agency, the clients and their families, local law enforcement and court agencies, related social service agencies, and local government officials.

### **6.4 Central clearinghouse.**

A central clearinghouse should be established at the national level to collect and analyze data from youth service agencies, to disseminate descriptions of exemplary programs, and to establish

suggested guidelines for standardizing categories of evaluation data and methods of collection.

### *Commentary*

Standards 6.1 to 6.4 are designed to strike an acceptable balance between the need for external information about a YSA on the one hand, and the encouragement of new programs as well as the protection of client privacy on the other. Misplaced reliance on such traditional measures of performance as client recidivism rates, for example, has undoubtedly discouraged YSA's in the past from accepting any but the easiest to rehabilitate clients. But flexibility in assessment in the past has too often meant that no measures were made at all either internally or externally.

Three variables are generally in current use as indicators of success in evaluation. All three are fairly clumsy.

The *diversion rate* can be derived from the theoretical definition of diversion as the probability (a rate) that a youth entering the juvenile justice system will be discharged from the system prior to some particular event: most commonly, court adjudication. Given the high degree of informal discretion practiced in the juvenile justice system, it is not easy to control for a diversion probability rate. It would be a more workable concept if the supply of juveniles (number of juveniles entering the system) was not affected by the perceived existence of the diversion process and if the rates of informal adjudication by police and court intake officials could be held constant.

Instead, a diversion probability rate can be seriously inflated (or depressed) by officers eager to bring juveniles into the juvenile justice system in order to get them diverted to a YSA, or by law officers, court personnel, or judges referring to a YSA juveniles who otherwise would have been informally discharged (diverted) from the system. Thus, while an increase in diversion probability rate may be the result of an honest effort to provide traditionally adjudicated youth a "second chance" in a YSA, it may also result from an increase in the rate of police apprehensions, a decrease in the rate of "station adjustments," a decrease in probation officers' rate of referral to informal probation, or a decrease in a judge's rate of dismissals and continuances.

*Recidivism* rates are a second measure often employed by YSA's as a measure of success. Recidivism rates normally were computed as the number of youth apprehended by police who had previous YSA experience as a percentage of all youth having YSA contacts

during a given year. This is then compared with a standard from the traditional system, usually the recidivism rate for probation departments. In all the cases in which this figure was quoted in our survey, the recidivism rate was far lower for YSA's than for the standard court system.

But this figure can be truly computed only in the more formal programs. Usually these are the programs more closely associated with probation departments. To make the recidivism figure an accurate indicator, only those directly diverted from the juvenile justice system, i.e., those who would have an equal chance of being in the probation population, should be considered. This is seldom done. Thus, those who have sought YSA aid on their own or because of non-legal referrals and who have less probability of being apprehended by the police and thus appearing as recidivists would tend to inflate the youth service base population and produce a deceptively low recidivism rate. Even when this sampling factor is considered and only police and court-referred youth are considered in computing the recidivism rate, the comparative value of the measure is still deceptive. By the very selective qualities of diversion policies, youth do not enter the YSA and probation populations randomly. Those entering the YSA population are generally minor and first-time offenders—those who have less probability of becoming recidivists in the first place. For these reasons, such recidivism rates are not a valid measure for evaluating the performance of YSA's.

The third rate developed for monitoring purposes is the *delinquency reduction rate*. Several programs in our survey used the decline in local police arrest rates since the inception of the YSA as indicators of their success. But such figures fall prey to the same problems as the other rates—poor control and invalid comparisons. A decline in number of arrests may be the result of many factors unconnected with the YSA, such as changes in the total youth population or changes in the policy of the police. Further, such an indicator does not necessarily record changes in the pattern of youth behavior. It is quite possible for youth misbehavior to increase while police arrest rates decrease.

Special accountability problems may arise when the YSA purchases services from private programs in the community. Great care must be taken in purchasing the services, therefore, to guarantee access for quality control purposes. See generally Ohlin, Coates, and Miller, "Radical Correctional Reform: A Case Study of the Massachusetts Youth Correctional System," 44 *Harv. Ed. Rev.* 74, 103-105 (1974).

All data, of course, must be kept in a way that safeguards the

rights of juvenile participants. Many diversion programs studied, however, did not divert the formal files. Usually, police contact records are kept on youth referred to YSA's. If diversion occurs at court intake, records are normally made of the youth's involvement and referral. If the YSA keeps records, this means in a typical case there will be records at three different locations. Ironically, advocates of diversion hoping to avoid abuse of the confidentiality of court records may only have increased the problem.

Standard 6.2 is intended to be read in conjunction with the *Juvenile Records and Information Systems* volume, and to supplement rather than to supplant the protections there established.

Ideally, the assessment information collected should enable each YSA to learn from its own mistakes over time, helping staff to change approaches or programs when indicated. But independent assessments for external reviews are also called for (in Standard 6.3) to overcome the natural tendency of any agency to put its best face forward. While national data clearly might be useful, it should not be collected or used in a way that discourages either honest reporting or program innovation. The clearinghouse established by Standard 6.4 should help to steer a proper course between the need for standardized data on the one hand, and the need to encourage innovative programming on the other.

## PART VII: ORGANIZATION AND ADMINISTRATION

### 7.1 Planning.

Planning is a continuing process. No agency should begin operations without at least three months of preliminary planning. During this preliminary planning period, the organizational structure should be developed and attention given to:

- A. service priorities;
- B. service mix;
- C. community resources.

Thereafter the process of assessment described in Standard 6.3 should be used to guide planning.

### 7.2 Location.

The youth service agency should be in a location or locations sufficiently close to the major sources of informal and formal referrals to ensure easy access, but in no event should the agency be housed in the court or police buildings.

### 7.3 Access.

The youth service agency should be available to receive formal referrals on a twenty-four-hour, seven-day-a-week basis so that no juvenile will be detained or have diversion deferred simply because of the time of apprehension.

### 7.4 Staff.

The staff of the youth service agency should represent a broad range of background and experience, but every effort should be made to include, to as great an extent as possible, both community residents and former agency participants. Staff should be responsible for each of the following:

- A. community-agency relations;
- B. service brokerage;
- C. resource development and coordination;
- D. volunteer services;
- E. professional services;
- F. police, court, and school liaison;
- G. self-referrals and outreach;
- H. staff selection and training;
- I. program evaluation.

### 7.5 Volunteers.

Community volunteers should be used whenever appropriate either as part-time staff or as supplemental staff for special projects. In addition, community residents should be actively encouraged to "sponsor" agency participants by volunteering to provide jobs, counseling, or companionship.

#### *Commentary*

Standards 7.1 to 7.5 establish minimum benchmarks for the planning and administration of a successful YSA. They are culled from the experiences of existing programs. For more information, see generally Appendix A. Of course a primary goal of staffing must be competence, but to the extent that the staff can be drawn from people in the community, it should be. In some communities there will be enough talent, expertise, and enthusiasm among lay residents to make up most of the staff. More often the staff will consist of a core of trained counselors supplemented by juveniles who have already experienced the court system, and adult community residents, with a professional staff of psychiatrists, therapists, and lawyers on call for specific projects or crisis counseling.



A problem may arise when ex-offenders are part of the staff, and part of the clientele are on probation and forbidden to associate with persons known to have police records. Such probation conditions should of course be modified when appropriate and YSA staff should be alert to taking the necessary steps.

Juveniles should not be employed by the YSA simply because they are young but because they have skills required by the agency. In communities with a small staff, each member will be responsible for many of the tasks listed. For this reason, the job descriptions are meant to be flexible; where new areas of concern appear or other ways of dividing responsibility are developed, modifications should be made.

Using volunteers is recommended not simply because it can save money, but more importantly because it is an effective way to draw upon community talent and enthusiasm. There is probably a correlation between the identification a community or neighborhood feels with a program and its success. But the choice to draw upon volunteers should never be a substitute for hiring professional staff whose services would not otherwise be available.



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## Appendix A

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### 1974 ASSESSMENT OF FIVE YOUTH SERVICE PROGRAMS

#### I. Cambridge (Massachusetts) Juvenile Intake Program.

Note: This first program is not a true youth service agency as we have defined the term, but rather an informal probation program, for it is operated by the court probation department. It is included nonetheless to illustrate the strengths and weaknesses of such a parallel yet distinguishable approach.

#### History, Goals, and Orientation

*History.* In October of 1971, the Governor's Public Safety Committee approved a three-year LEAA grant to the probation department of the Middlesex Model Juvenile Probation Program (referred to locally as the Juvenile Intake Program). The program was developed through the joint efforts of the chief probation officer and the psychologist for the Middlesex Court Clinic as a response to a perceived court overload of family and school related juvenile cases. A mid-summer 1973 evaluation carried out by Social Systems Analysts<sup>1</sup> notes that the third district court and especially its probation department are highly regarded locally for innovative and liberal policies except by the Cambridge Police Department, which views these policies as too permissive. Further, the evaluation suggests that the Cambridge School Department has long been poorly regarded and that the attendance office frequently overuses the court. In establishing the program, the two initiators made major efforts to include representatives of these two critical agencies in the planning.

<sup>1</sup>Social Systems Analysts, "Evaluation of Delinquency Programs Report" (prepared for the Massachusetts Governor's Public Safety Committee 1973) (hereinafter cited as Social Systems Analysts). This study leans heavily on this excellent evaluation.

*Primary goals.* The original proposal for the Juvenile Intake Program articulated three goals:

- a) to divert from the stigmatizing criminal process the largest possible number of offenders with an emphasis on screening out those involved in relatively minor offenses or victimless crimes;
- b) to examine the feasibility of utilizing social learning as a short term treatment or rehabilitative model . . . ;
- c) to relate the subsequent social and criminal adjustment of the juvenile to psychological test data collected during the intake process.<sup>2</sup>

These goals reflect both the probation officer's interest in diversion and the psychologist's interest in research. It is interesting to note the differences in objectives noted two years later in an updated project description:

- 1) to divert from the stigmatizing criminal process the largest possible number of first offenders charged with a wide range of offenses;
- 2) to examine the feasibility of utilizing behavior modification techniques as a short term treatment or rehabilitative model;
- 3) to determine the effectiveness of probation officers utilizing these techniques in the supervision of juvenile offenders;
- 4) to evaluate the impact of this supervision process on the subsequent social and criminal adjustment of the offender . . . ;
- 5) to involve and make more efficient use of community resources and services in rehabilitating youth . . . ;
- 6) to examine and document the difficulties and advantages of training para-professional personnel to assist in probation work;
- 7) to screen out and divert to the Cambridge Court Clinic selected youth with marked psychological conflicts;
- 8) to screen and assess offenders who show clear signs of having a learning disability. Remediation or referral is made in all cases.<sup>3</sup>

Besides the expansion of the goals to include community involvement, referrals, use of paraprofessionals, and screening for psychological conflicts and learning disabilities, there is a replacement of "social learning" techniques with behavior modification and an expansion of offenses included. Further, the 1973 evaluation notes

<sup>2</sup> Action Grant Application on the Model Juvenile Probation Project of the Probation Department, Third District Court, Cambridge, Massachusetts, August 24, 1972 (hereinafter cited as Action Grant Application).

<sup>3</sup> Subgrantee's Progress Report Model Juvenile Probation, Probation Department, Third District Court, Cambridge, Massachusetts, July 17, 1973 (hereinafter cited as Subgrantee's Progress Report).

that there exists a goal difference within the staff. While the research personnel and administration hold to the total goal structure, the program staff tend more to focus on the non-research objectives of the prevention of recidivism through early intervention and diversion—"keeping kids out of court."<sup>4</sup> The diversion goal seems to be the primary and most consistently held objective.

*Orientation.* The original proposal notes the program's underpinnings in social learning theory. Avoiding the disease and medical treatment model, the program focuses on the learned behavior of the youth and hypothesizes that the verbal and nonverbal stimuli of the probation officer in relation to the client can lead to "the breaking of faulty habits and associations" by reinforcing or rewarding "each appropriate speech pattern, expressed attitude, or socially acceptable act."<sup>5</sup> The 1973 evaluation notes that the staff views clients as frequently unable to see a relationship between specific behavior and ensuing consequences and perceive themselves as offering the guidance in behavioral modification terms to learn such relationships.<sup>6</sup> The concepts of guidance, learning, behavior modification, and differential (individualized) treatment are central to the program.

The program staff see themselves as embedded in the probation department, but also view themselves as identified with the court clinic and quite distinct from probation officers, due to their informality, differential treatment capabilities, and "voluntary" relationships to clients.

### Context

*Facility.* The program is housed in the basement of the historic court building off to one side and behind the counter of the probation department. At first appearance, the program seems to be part of the large probation office clerical pool.

*Auspices.* The program is administered directly by the probation department within the court context.

*Funding.* Funding has continued since 1971 to be provided through an LEAA grant from the Governor's Committee of \$50,000 per year matched locally by \$27,000 per year from Middlesex County.

<sup>4</sup> Social Systems Analysts.

<sup>5</sup> Action Grant Application.

<sup>6</sup> Social Systems Analysts.

*Target area.* The third district court serves Cambridge, Somerville, parts of Arlington, and Belmont, and the Juvenile Intake Program is open to all residents or arrestees in these areas. This district is of mixed residential areas from upper income areas of Cambridge to middle and working income white areas to some lower income black and ethnically identified areas. The majority of the population appearing in the court are from the lower income areas.

*Accessibility.* The Juvenile Intake Program's location in the court house and intake scheduling mesh into the activities of the court smoothly. The program staff do much work outside of court hours, but process intake only during session work hours.

### Program Structure and Functions

*Administrative structure.* The program presently includes a project director (who is also the chief probation officer who helped initiate the program) responsible for administration, an intake supervisor responsible for program intake procedures, a research director (who is also the court clinic psychologist who helped initiate the program) responsible for evaluation research and psychological test analysis, a research assistant responsible for administering psychological tests, three probation aides responsible for supervision and guidance of all program clients, and a secretary responsible for clerical procedures. All of the staff are well educated and possess credentials in their respective fields. The staff responsibilities are clearly delineated and, while staff members fully participate in policy matters, authority clearly lies with the project director and research director. The probation aides appear to be a youthful, bright, and admirably integrated team. There are no volunteers and no policy or advisory board to consider.

*Functions.* The process functions consist of intake, suspension of complaint, testing, counseling, referral, completion of program, erasure of complaint, and follow-up.

When a youth is presented at *intake*, an application for complaint is filed with the clerk of courts. A check is made with the state probation board to determine whether the youth has had previous court experience. The intake supervisor then informs the youth, the parents, and the complainant about the Juvenile Intake Program, stating that the program is voluntary and that acceptance means the avoidance of court appearance and a court record, but requires:



A. the filling out of forms; and B. the weekly or more frequent meetings with probation aides for sixty to ninety days. If all agree, the parents sign a release form, the youth signs a contract, and the complainant signs an agreement to stay complaint. This is followed by a one-week delay.

During this week, the suspension of complaint occurs when the judge considers the case by reviewing the folder and, if in agreement, marks the case "proceedings stayed, referred to probation aides." The intake supervisor then sends notice to the youth and parents to appear.

Upon arrival of the youth and parents a case history is taken, the parents leave, and the youth spends the day "filling out forms," which is, in fact, *testing*. From the results of seven psychological tests clients are assigned to probation aides for counseling and, where necessary, referral is made.

*Counseling* normally involves a one-to-one meeting between probation aide and client at a frequency of once a week or more, initially in the court house and subsequently in the youth's neighborhood, home, or elsewhere, for sixty to ninety days or longer. Such meetings can be in groups or may include recreational activities and weekend expeditions. During this period contact is made with the school, family, and others relevant to the youth.

When a *referral* is made in conjunction with counseling, it can be to the court clinic or some twenty other local services. *Completion of program* is a joint agreement made between probation aide and client. The program notifies the youth, parent, and court. The court then causes the *erasure of complaint* and the destruction of the court record.

For three months after the completion of the program the probation aide performs a *follow-up* with the client, primarily by telephone.

In overview, these functions and their sequence appear well defined, clearly understood by staff, and rigorously followed with appropriate forms for specific transactions.

The administrative functions of budget maintenance, supervision, and accounting seem to be carried out solely by the project director, with accounting being directed only to the court and the Governor's Committee.

The research functions of analysis and interpretation again are carried out primarily by the research director and only with the data generated from the initial tests. (Initially there was post-testing, but it was abandoned because the short time interval produced insignificant results.)

*Policy requirements.* The intake policy is quite clear and stems directly from the initial goals. Only first offenders are accepted and then only those whose offenses appear on a specific "offense list." As the more recent goal statement suggests, satisfaction with the initial program brought about an expansion of this list during the second year. Also, while the initial program was limited to male offenders, during the second year this policy was changed to include females. The youth, the parent, the complainant, or the staff may refuse the agreement, but in such instances, the case then proceeds directly to court processing. The 1973 evaluation admits to having difficulty in seeing this as conducive to voluntariness.<sup>7</sup> In fact, almost all clients offered the Juvenile Intake Program have eagerly accepted it.

The counseling policy does permit a great deal of autonomy to the probation aide in determining the type, amount, timing, frequency, and duration of responses to offer individual clients. There seems to be a great deal of informal and supportive peer guidance among the probation aides and "supervision meetings" among the staff are held regularly. The general treatment policy seems to include providing a supportive, stable, and affectionate relationship for the client, offering direct information and guidance, rewarding acceptable behavior with immediate and appropriate gratification, and providing limits when behavior is unacceptable. A caseload of twenty clients per aide is seen as maximum. Referrals are contacted and transacted on a case basis by the probation aides and generally occur without program to program coordination. Completion of program policy is geared to needs of the client, but in the history of the program only four clients have been returned to court with a sense of inadequate completion.

### External Relations

*Referral sources* (Number of clients admitted for first six months of 1973: N=91).<sup>8</sup>

Family	7 (7%)
Schools	21 (21%)
Court (as condition of probation)	6 (6%)
Court (as pretrial diversion)	67 (66%)

<sup>7</sup> Social Systems Analysts.

<sup>8</sup> Subgrantee's Progress Report.

*Referral destination* (Number of referrals made during first six months of 1973: N=115)<sup>9</sup>

Private Education Programs	13
Cambridge School Department	28
Drug Counseling	4
Private Residential or Day Programs	8
Employment Programs or Placement	14
Financial Counseling	1
Family Counseling	4
Psychiatric Evaluation and Counseling	12
Cambridge Court Clinic	23
Mass. Division of Child Guardianship	2
Mass. Department of Youth Services	6

*Court and probation.* Obviously, the largest share of referrals to the program come from the court. This is in keeping with the diversion goal. The Juvenile Intake Program, from appearances, location, auspices, and attitude, seems to act as an integrated process within the court context—an intake specific partner to the probation department. The clearly defined client distribution between the program and the probation department and the common directorship of both programs reduces the probability of inter-program competition. Most of the referrals made by the Juvenile Intake Program are to the Cambridge Court Clinic, especially to the Court Clinic Learning Disabilities Program, a program the Juvenile Intake personnel were instrumental in establishing in the Court Clinic.<sup>10</sup> Further, the staff notes that their presence in the court has had positive impact on the court, including the requirement that all juveniles appearing in court now receive psychological testing.

*Law enforcement.* The 1973 evaluation notes that relations with the police vary with individual officers, but generally the attitude of the Cambridge Police Department is a skeptical adjunct of the department view of the third district court as “soft on kids.” Some officers, it is noted, avoid sending kids to court and prefer the authority of the department sanctions to maintain social control.<sup>11</sup> This view does not seem to be shared by the research director, who claimed that relations were “excellent” and that the readiness with which officers will encourage a juvenile to choose the program is evident.

<sup>9</sup> Subgrantee's Progress Report.

<sup>10</sup> Subgrantee's Progress Report.

<sup>11</sup> Social Systems Analysts.

*Schools.* The 1973 evaluation notes that while probation aides have established good working relations with some school guidance personnel and teachers, general relations between the Cambridge School Department and the program are undeveloped. The staff views the functioning of the school attendance officer as inadequate. Successful work with a truancy case has had the effect of encouraging the attendance officer to significantly increase referrals. The staff views the attendance office as having further responsibility than merely referring cases to court.<sup>12</sup> Again, this differed from the view of the research director, who claimed that the schools have responded to individual juveniles, permitting wide latitude in program changes.

*Other sources.* The program makes referrals to day or residential schools or treatment centers. These are typically made through the Massachusetts Department of Youth Services (D.Y.S.) in conjunction with the D.Y.S. Court Liaison Program. Referrals to such services are made primarily on a case basis and require little program coordination. Yet, when operating through the D.Y.S., the experience has not fully been satisfactory. D.Y.S. placements take long periods of time to complete and frequently the sixty to ninety days are all but over before the referral is completed. Further, the sporadic and limited funding policies of the D.Y.S. have meant many staff headaches and disappointed expectations. Private referrals are not always easy with program clients, because diversion or not, some agencies are leery of any "court-associated" youth.

Relations between the Juvenile Intake Program and the Cambridge Youth Resources Bureau (see following case study) are all but nonexistent. The research director was unclear on reasons, but listed an unpleasant incident over three Juvenile Intake Program referrals early in the program's development, the disturbing anti-police orientation perceived by the project director, and simply the "different political" orientation of the Cambridge Youth Resources Bureau.

*Community.* The 1973 evaluation found that random interviews with juveniles in local Cambridge neighborhoods revealed that they are unaware of the Juvenile Intake Program.<sup>13</sup> While there is an increase in the number of non-court parent referrals to the program, the general sense is that the community is unaware of the program's existence. As the program is so closely tied to the court, has no

<sup>12</sup> Social Systems Analysts.

<sup>13</sup> Social Systems Analysts.

community board or accountability mechanism, and receives none of its funding from community sources, relations with the community seem to be all but absent.

### Client Relations

#### *Population.*

Total Admitted (November 1, 1971 to September 15, 1973) <sup>14</sup>	204 clients
1973 Population (total admitted during 1973) <sup>15</sup>	126 clients
1973 Population by Sex	
Male	104 (83%)
Female	22 (17%)
1973 Population by Race	
Black	21 (17%)
Other	105 (83%)
Age Range of Population <sup>16</sup>	11-16 years
Average Age of Population	14.5
Family Background (percentage of population) (percentages overlap)	
Head of household is on welfare	33%
Head of household is unemployed	33%
Head of household is single parent	40%
Offense Category (percentage of population as of June 1973: N=190)	
Habitual truancy	19%
Drunkenness	14%
Larceny under \$100	13%
Idle and disorderly	12%
Use of automobile without authority	11%

*Services rendered.* The services rendered by the program consist always of individual counseling, often include additional referrals, but beyond that it is difficult to be specific. Differentiated treatment leaves a great deal of freedom in selecting services to provide.

### Internal Evaluation

*Self-evaluation.* The formal evaluation component falls directly under the research functions of the research director. Such evaluation is directly focused on the youth and the client service. Reports are presented quarterly to the Governor's Committee. These evaluations are directed toward comparative rates of recidivism and de-

<sup>14</sup> Letter to Ken Goodwin from David Lelos, Research Director, October 10, 1973.

<sup>15</sup> Interview with Cindy Rego, January 11, 1974.

<sup>16</sup> Social Systems Analysts.

veloping character typologies of both recidivists and nonrecidivists. In the final report for the first year, the research director noted that the Juvenile Intake Program had diverted 26 percent of the juveniles processed by the third district court.<sup>17</sup>

Review of the program's quarterly reports and conversation with the staff reveal that the rate of recidivism seems to be the primary criterion of success. The most recent figures suggest that the rate of recidivism is 17 percent.<sup>18</sup> At present there is no comparable rate of recidivism for the third district court, but the research director felt that his figure was significantly lower.

The highest recidivist rates were for clients admitted into the program as habitual truants on a stubborn child complaint.<sup>19</sup> The research director further noted his conclusions that these youths were more likely to be the most "troubled" and the most difficult to work with.

*Program evaluation.* The Social Systems Analysts evaluation for the Governor's Committee focused on the program. Generally, it found the program to be well-developed and well-run. It did suggest that more work should be done to improve relations with the Cambridge police and the Cambridge school system and that a community advisory board might provide a bridge to the community.<sup>20</sup>

### Analysis

*General.* This program is primarily a court diversion project. Although there have been efforts to expand the goals and functions, paramount among the goals is that of court diversion. Two criteria seem of high significance in evaluating the program: rate of diversion and rate of recidivism. Rate of recidivism is, in this perspective, a diversion objective, in that a client who recidivates in a first-offense-only program must go on to court and therefore cannot be said to have been diverted. While it is not the intention of this report to evaluate the success of each program considered, it can be noted that the Juvenile Intake Program as judged by rate of diversion and rate of recidivism is indeed a very successful program: it is also well-run, well-staffed, and is a compliment to those who planned it. The intention of this report is to evaluate the model of the program as a basis for future recommendations and standards.

<sup>17</sup> Subgrantee's Progress Report.

<sup>18</sup> Letter to Goodwin, October 10, 1973.

<sup>19</sup> Subgrantee's Progress Report.

<sup>20</sup> Social Systems Analysts.

Overall, this program has rather limited objectives. It is not a community-based program; it does not include youth participation; it is not involved in organizing better services or more opportunity for youth in the community; it does not carry on political advocacy for youth; it does not attempt to change the juvenile justice system; it does not offer advocate services for juveniles in court. Even as a court diversion program it is limited to working with only the least serious offenders who appear before the court. The program's virtue as a subject in youth services is that it is a clear type of model and it carries out a series of youth service functions clearly and effectively. Thus, the successes and problems inherent in this model and these few functions are distinctly revealed.

*Court auspices.* It is clear that a court diversion program can work effectively when it is tightly controlled and delimited by a sympathetic and unthreatened court. Diversion of particularly minor offenders and first time offenders—just those who might benefit most from diversion from a stigma-producing process—can be carried out effectively in this manner. Whatever costs the court does incur from supporting such a supplementary process as diversion is more than offset by the reduction in court overload without a reduction in court influence and authority within the community. Further, the authority and prestige of the court may be of significant advantage in gaining proper relationships with the agencies, clients, and parents.

*Court limitations.* For a diversion program to be so tightly tied into court processes hampers the program's ability outside the court. Because of the absence of program relations between the court and Cambridge police, the Juvenile Intake Program can do nothing to advance the other form of diversion—arrest diversion. Because no support for the diversion program is required outside of the court, the program has little incentive to arouse community interest or to intervene in political or institutional arrangements that may be unresponsive or repressive to the lives of the community youth. In fact, the conservative tradition of local court orientation may act to discourage a program's active political advocacy or social change orientation. Court sponsorship means that the court (and probation) will be highly sensitive and restrictive in the clients it permits a diversion program to divert. The court acting in juvenile matters is charged primarily with the function of social control. Consistent failure to dispose of offenders in such a manner as to render them incapable of further offenses may bring harsh public opinion against

the court. There is therefore no incentive for the court to permit a diversion of "real troublemakers" away from court responsibility over their behavior.

*Avoidance of stigma.* Labeling and avoidance of stigma underlie much of the justification of diversion. If diversion is an effort to distance the youth from the possibility that he or she will accept a deviant label from the juvenile justice system, the further away from court the youth is diverted the better. Youths required to meet probation aides in the probation department in the basement of the court house, in a program supervised by the court, may perceive themselves as having escaped the judge and a court record, but it is difficult to believe they do not feel processed by the court and singled out by the criminal justice system as being in need of special treatment because they are "bad."

*Voluntariness.* Voluntariness rests on the principles of free will and freedom of choice and, implicitly, the lack of coercion. Voluntariness is an ideal and what is really achieved is degrees of voluntariness in decision making. The degree of voluntariness represented by a youth choosing to enter the Juvenile Intake Program when the only alternative is continued court processing is difficult to call large. The court is an agent of authority. Particularly to a child, it is something to be feared, even more so for a first offender who has no true experience to rely on, but only the images older children have set forth to impress him or her. Only the unwavering conviction that the juvenile is a victim of injustice or false accusation could lead him or her to choose court processing and even that choice could not be attributed to a high degree of voluntariness. It is even difficult to be convinced that when the decision is taken over by the parents, who have less to lose and more efficacy, that many parents would feel a decision was made voluntarily and in such cases the youth could certainly not be said to have volunteered. It is very doubtful that any court diversion can be said to take place in an atmosphere of voluntariness.

## II. Cambridge Youth Resources Bureau.

### History, Goals, and Orientation

*History.* The Cambridge Youth Resources Bureau (YRB) concept sprang from the efforts of a Cambridge city administrator to weld together the interests of a local United Fund service agency, the interests of several Harvard Law School professors who had been



authors of the 1967 U.S. Crime Commission report on juvenile delinquency, and the funding requirements of the Massachusetts Governor's Committee.<sup>21</sup> The United Fund agency was interested in street work and "detached workers," the Law School interests focused around diversion, and the Governor's Committee at that time sought interesting experiments. The YRB was set up as a line city agency with the director immediately responsible to the city manager. The proposal was approved in the summer of 1969 and appropriations were approved in early 1971. The planners had been thorough in their planning, including the police, the courts, and the public and private service agencies in the effort. Gerald Croan suggests in his study that while many were involved in the planning, the images and expectations of the YRB from the very beginning were very diverse and the initial support was "in reality a rather fragile confederation of self interests."<sup>22</sup> The initial program set out to provide two functions with two separate staffs: long-range prevention relying on a detached worker staff and services for diversion relying on a more treatment-oriented staff. By the end of 1972, the director stated that "police and court referrals are no longer a significant part of our program plan."<sup>23</sup> This shift seems to have resulted from internal staff conflicts between the detached workers and professional treatment staff, the result of which was to expose the differences in orientation between the bureau and the police and court, and to so alienate those agencies as to virtually dry up referrals from them. At the time of these interviews the YRB staff had returned from a retreat workshop where they had worked together to develop a new commitment and administrative structure and there was a sense of rejuvenation in the YRB.

*Goals and orientation.* The initial goals of the YRB are reported to have been:

- 1) Offering alternatives to the juvenile justice system, 2) providing young people input into situations that have consequences for their own lives, and 3) developing neighborhood-based prevention programs by providing technical assistance and consultation to neighborhood groups and when feasible being a conduit of funds to these groups.<sup>24</sup>

<sup>21</sup> Much of this history and much of this report relies on the excellent work of Gerald Croan. See "The Youth Services Bureau Strategy: Community-Based Diversion and Delinquency Prevention Reconsidered" (unpub. Master's thesis, MIT, May 1973) (hereinafter cited as Croan).

<sup>22</sup> Croan at 37.

<sup>23</sup> Quoted in Croan at 46.

<sup>24</sup> California Youth Authority, "National Survey of Youth Services Bureau" (report prepared for Youth Development and Delinquency Prevention Administration, HEW 1972).

Croan notes that the goals were never so clearly accepted as this short statement suggests and in practice the informal objectives were much broader and more diffuse.

“Alternatives to juvenile justice” was the objective developed from the Harvard academic interest in diversion. The diversion envisioned by the academics was founded in the 1967 Task Force Report of the President’s Commission:

First, a great deal of juvenile misbehavior should be dealt with through alternatives to adjudication, in accordance with an explicit policy to divert juvenile offenders away from formal adjudication and authoritative disposition and to non-judicial institutions for guidance and other services. Employment agencies, schools, welfare agencies, and groups with programs for acting-out youth all are examples of the resources that should be used.<sup>25</sup>

Such diversion was directed to replacing the legal-authority approach with a social service-humanitarian approach. It did require good working relations with the court and police. But Croan found that the court expected the YRB to aid diversion only to the extent that it added more resources for court probation.<sup>26</sup> Police expectations were also distant from diversion. Croan notes that the police hoped the YRB would: 1. relieve them of minor cases then settled through station adjustment; 2. add services for repeaters who would also receive court treatment; and 3. help police in penetrating high crime areas.<sup>27</sup> Such wide differences in orientation led the YRB eventually to drop diversion as a goal.

“Providing young people with the means of self determination” was the primary goal of the street worker staff. It is frequently referred to as youth advocacy work. This orientation sees youth as powerless to acquire resources for their own needs and constrained in the manner in which they can defend their own rights. Thus, the alienation resulting from powerlessness and the resentment resulting from defenselessness lead to behavior directed against the norms, persons, and property making up the established community. When advocates can intervene on behalf of specific youth, helping them to acquire resources for their needs and defend their rights, the motiva-

<sup>25</sup> U.S. President’s Commission on Law Enforcement and Administration of Justice, *Task Force Report: Juvenile Delinquency and Youth Crime* 16 (1967).

<sup>26</sup> Croan at 40.

<sup>27</sup> Croan at 38, 39.

tion for antisocial behavior would be reduced. The street worker became the youth advocate: the trusted friend of the "kids on the street." This goal did not require the cooperation of other agencies as much as the gaining of street youths' trust, which required the street worker's independence from any suspicious ties with the "establishment."

"Developing neighborhood-based prevention programs" emphasized programs. While it was expected that these would develop from the efforts of "neighborhood groups," it is interesting to note the playing down of agencies as a vehicle for such programs. Placing the programs first meant that often the YRB might be quite alone in providing such programs as summer camp, job placement bureau, or teen center. This is not the goal of coordinating community agencies to provide services. In fact, there was an implicit mistrust of many of the traditional service agencies among the staff, and the staff worked better when avoiding those agencies and directly organizing the community (at least the youth) to provide such programs.

This brings up a fourth fairly latent but unusually important objective: that of changing the community structure so as to better serve its youth. This could be termed youth condition advocacy. It is a corollary of youth advocacy. Helping specific youths negotiate with a perceived "bad system" eventually leads to a desire to change the "bad system" for all youth. Such a goal set the YRB in a highly political posture. In Cambridge, the rhetoric of social change is common. This was particularly so in the early years of the YRB. All action was seen as political and the theme was that political action was morally justified when directed against "established" structures. This goal, which Croan calls "creating systems change," is viewed by him as the primary goal of the YRB during the past two years.<sup>28</sup>

### Context

*Facilities.* The main office of the YRB is a two-story office building in a central location in Cambridge. Carpets, secretaries, paneling on walls, and large picture windows provide a setting in which only a handful of youth are evident. In fact, to the YRB clients, this is not the facility. The street worker, the street corner, the street worker's apartment, the local teen centers, or the East Cambridge Job Bank Office are more recognized as the locus of YRB functioning.

*Auspices.* The YRB remains a city line agency.

<sup>28</sup> Croan at 100.

*Funding.* Primary support for the YRB comes from LEAA grants through the Governor's Committee. The East Cambridge Job Bank and the North Cambridge Pilot Delinquency Prevention Project (a recreation-based program), both developed within the YRB structure, are now separate programs with funding for the Job Bank now almost totally generated from the local Cambridge business community.

*Target area.* In general, all Cambridge youth are accepted by the YRB. In practice, though, the agency focuses on the children of the low income and working-class families of North Cambridge, East Cambridge, and Cambridgeport. This is a heterogeneously settled area of Italian, Spanish, and Portuguese origin mixed with a black population, a mix which is occasionally quite volatile across racial and cultural lines.

*Accessibility.* The main office is located centrally for access by foot or public transportation and is open 8:30 to 5:00. This may not be as important as the twenty-four-hour availability of the street workers and aides who live in the areas served.

### Program Structure and Functions

*Administrative structure.* Structure, of course, implies a static "frozen movement" picture. This is difficult with the YRB. The YRB is in a state of transition, moving from a structure and history of conflict, change, failure, and learning toward a hoped-for brighter future. The new structure displays a single director responsible directly to the city manager. There is one associate director. Under this directorship are two divisions. The five street workers are now placed under an outreach supervisor. The other division consists of backup resources and agency liaison positions. There is an education coordinator, a human services coordinator, a police-court liaison, a group-case worker, and a staff of six in a youth employment program. Generally, the resource and liaison personnel are professionally trained. Selection of street workers has given high priority to persons who have grown up in the Cambridge areas. They have received inservice training provided in workshops such as the National Center for Youth Outreach in Chicago. Additional monies are available for youth aides recruited from the community to assist street workers and to help run special projects such as summer camps and teen centers. The YRB is served by an advisory board of directors. This board consists of prominent Cambridge officials and representatives of the court, police, school department, and other relevant service

institutions. There are also several clerical and administrative aid persons.

*Functions.* Functions at the YRB are not rigorously delineated in practice, though the recent administrative reorganization has attempted to formalize them as a means of identifying staff tasks. The functions of the street worker are *identification* of population, needs, and resources, *direct service and crisis intervention*, *program development*, and *youth advocacy*. The street worker has until recently been fairly autonomous, and has remained the most powerful element in the YRB identity. Croan notes that the relinquishing of the diversion goal in 1972 was accompanied by a major focusing on the street worker as the prime distributor of service.<sup>29</sup> At this point the street worker came increasingly to perform the function of *referral* as well. The professional staff were thus deprived of one of their primary functions and increasingly came to operate as little more than aides to the autonomous street workers. The new reorganization attempts to remedy this disparity by making the street workers accountable to an outreach supervisor whose function is primarily *supervision* and channeling some of the referral function back to the coordinator and liaison staff.

The direct service and crisis intervention and youth advocacy functions of the street workers have placed them in close companionship with the youth they serve. The loyalty that such a companionship requires has meant a natural reluctance of the street workers to "give up their kids" to other personnel and a reluctance of the juveniles to terminate the occasionally dependent relationships with "their street workers." While this can lead to many problems, including the overloading and resultant "burn out" of street workers' energies, the increasing limitation of numbers of clients served and the maintenance of client dependency, such problems are not unique to the YRB, but are consequences of the detached worker model.

The functions of the coordinators and liaison staff include *youth condition advocacy*, *agency liaison*, *resource support for street-workers*, *program development*, *contact maintenance*, *data collection*, and *public relations*. The merging of youth condition advocacy, agency liaison, and program development in one staff member may lead to more of a consensual and less of a conflictual approach to advocacy, because it locates the resolution of an advocacy-cooperation tension in one person.

*Supervision, accounting, fund raising, and budget maintenance*

<sup>29</sup> Croan at 51.

fall primarily to the director and associate director and their staff. The advisory board seems somewhat symbolic and, until recently, perfunctory. Some positions have even gone vacant for several years. Policy matters seem to be raised and decided either by the director or in staff meetings.

#### External relations

*Referral sources* (Number of new clients during the year 1973: N=297).<sup>30</sup>

Outreach	141 (47%)
Friends	42 (14%)
Self	33 (11%)
Other Agencies	32 (11%)
Family	23 (8%)
Schools	10 (3%)
Police	8 (3%)
Other	8 (3%)

*The court and probation.* Currently there are no referrals from the court. The establishment of the Juvenile Intake Program in 1971 ended the few referrals that were made to the YRB. Relations with the court are still good. On a case basis, street workers often cooperate and work well with individual probation officers and one judge and one probation officer sit on the YRB board. Frequently, probation officers or the Juvenile Intake Program will refer clients to YRB-sponsored activities or programs, but responsibility for the youth is retained by the court. Probation officers have come to see the YRB as dealing primarily with predelinquent youth and prevention work and on that basis feel no threat or competition from YRB staff. As noted earlier, the Juvenile Intake Program has kept some distance from the YRB because of a perceived difference in orientation, particularly with regard to the police.

*Law enforcement.* Because of the initial orientation of the police department, it is not difficult to see why relations with the YRB are poor. The YRB administrators made prolonged initial efforts to set up an arrest diversion procedure, but the police steadfastly refused to circumvent the court. For a time the department agreed to refer all cases that would normally require station adjustment, but from the YRB perspective this was not diversion. Croan found in

<sup>30</sup> Quotations from the director reading the "Quarterly Report, January, 1974." February 1, 1974.

interviews with the police that they felt their guidelines were so constrained that they had no discretion and they were required to take an arrest case to court.<sup>31</sup> It is interesting to note that the Juvenile Intake Program, a *court* program, easily found a way around this with their suspension of complaint function. Further, Croan found that the police felt that the mere existence of the YRB was an indictment of their failure with youth problems, that the police felt that YRB was too "loose" a service to use for youth in need of "authority" and that the YRB was too close to and protective of the young "criminal" population they were charged with keeping under control.<sup>32</sup> The police came to view the YRB as failing to meet their initial expectations and, through their youth advocacy and street worker orientation, actually entering a "we-they" orientation that the police held toward the youth. Such a "we-they" orientation was more than easily acceptable to staff members, many of whom had grown up in Cambridge hostile to these very same police officers.

*Schools.* Referrals from the school department are also limited. Considering the success of the Juvenile Intake Program's relation with the school department, it might be that the program receives all those whom the school is willing to refer. The YRB's early efforts to set up relations with the school system were damaged by the controversy then surrounding the community-forced change in administration. Relations with the school have been more successful on a case basis among counselors, teachers, and YRB staff members. It is foreseen that the new administrative structure designating a person specifically as education coordinator and the inclusion of the school's director of counseling on the YRB Advisory Board will have a positive effect on school-YRB relations.

*Other services.* Croan notes four problems in the YRB's efforts to make referrals to other services:

- 1) many of the services that were diagnosed as needed simply were not available, 2) many of the services that did exist were inadequate or inappropriate for their youth, 3) some of the service agencies, particularly those with competing views of the service network tended to reject or somehow screen out the type of "troublemaking" youth the YRB was likely to refer, and 4) YRB workers usually found that it was impossible to sever relationships with youths after referrals were made.<sup>33</sup>

<sup>31</sup> Croan at 63.

<sup>32</sup> Croan at 65.

<sup>33</sup> Croan at 53.

Frequently, YRB efforts to refer youth to traditional agencies for psychiatric counseling, family counseling, or home placement proved to involve resistance, delay, and disappointed expectation. The staff noted that too often the failure of these very agencies had caused the need for the YRB in the first place. Increasingly the staff began to turn to alternative service agencies—poverty law offices, alternative “free schools,” community medical clinics—to seek referral. These alternative services are staffed by persons more like the YRB staff—younger people believing in fewer rules and more informality and sharing a skepticism for their traditional service counterparts. Successful referrals to these alternative services easily led to continued referrals rather than efforts to bridge the “we-they” perception the staff held toward traditional services. Traditional agencies could only become more alienated by such efforts of the YRB to align with this “shadow service system” confirming their own “we-they” orientation.

*Community.* Relations with the community have varied. Specific groups are supportive of the YRB because of close working relations with the street workers. During one major series of violent youth protests following the death of a police-apprehended youth, the YRB, like all other local agencies, was fairly ineffective. On the other hand, recent racial incidents at the high school and housing projects have successfully demonstrated the “cooling out” capabilities of YRB street workers.

### Client Relations

#### *Population.*<sup>34</sup>

1973 Total Population	
(new cases 1973)	302
(new cases, last quarter 1973)	55
1973 Population by Sex (last quarter 1973)	
Male	40 (73%)
Female	15 (27%)
1973 Population by Race	
(It is a staff policy not to compute this statistic.)	
Family Background (new cases, 1973 reporting)	
(cases overlap)	
Head of household is on welfare	179 (59%)

<sup>34</sup>Quotations are from director's reading of “Quarterly Report, January, 1974.” February 1, 1974.



Head of household is single parent	42 (14%)
Previous Court History Reported (of those new cases, 1973: N=302)	165
Previous DYS Commitment or Referral History (of those new cases, 1973: N=302)	46
Offense Category (of those reporting court history: N=165)	
Auto theft	34 (21%)
Breaking and entering	33 (20%)
Disorderly conduct	27 (16%)
Vandalism	14 (8%)
Larceny	12 (7%)
Robbery	11 (7%)
Other	34 (21%)

*Services rendered.*<sup>35</sup>

Direct Services (of those new cases, 1973)	
Individual counseling	48
Group counseling	30
Tutoring	10

The quality of relations with clients varied widely by individual and by group. Generally, this was determined by the relationship developed between specific juveniles and specific street workers or aides. What loyalties and trust were extended to these staff members often did not extend to the bureau itself.

### Internal Evaluation

*Self-evaluation.* Evaluation has consistently been talked about since the early planning of the YRB. The director notes that he had several times proposed funds for evaluations in budget requests to the Governor's Committee, but such funds have not come through. He suspects that there is some hesitancy because of a fear that an internal evaluation would be biased. Yet this is a misunderstanding of self-evaluation, the purpose of which is primarily monitoring, feedback, and, hopefully, learning, as compared to program evaluation, the purpose of which may require an "unbiased" perspective. Except for the quarterly accounting to the Governor's Committee there has been little self-evaluation. Only recently has the staff gone away together to gain perspective and form a workshop oriented toward learning and reorganization.

<sup>35</sup> Quotations are from director's reading of "Quarterly Report, January, 1974." February 1, 1974.

*Program evaluation.* Last year the Governor's Committee hired a consultant to evaluate all of their juvenile programs.<sup>36</sup> This consultant looked at all cases but the YRB, because it was felt that the controversial nature of the YRB would require a highly respected consultant. Such a consultant was contacted, but during contract negotiations he became wary of the task and, by refusing, left the YRB without an evaluation. Thus the Croan thesis is the only recent overview of the YRB program. The general tenor of Croan's study is one of criticism; criticism not only of the program, but more fundamentally of the basic goals and constraints underlying and bounding the YRB as a youth service bureau.

The Youth Service Bureau strategy, as a means of providing an alternative to the judicial court process and preventing delinquency through systems change, needs to be critically re-examined in light of the constraints imposed by the systems in which the youth service bureau must operate.<sup>37</sup>

### Analysis

For our purposes the YRB is best represented as a youth advocacy-street worker program aimed at systems change and delinquency prevention. It is not a diversion program, though its failure to become one offers some valuable lessons.

*Community diversity.* Cambridge is a community highly saturated with services. One recent directory lists 127 separate local service agencies within the city. More importantly, the city has a political ambiance of conflict. With so many cooks in the kitchen, providing services in Cambridge is bound to be competitive and politicized. This does not mean that the delivery of services is good, but rather that introducing a major new service agency into the service system is bound to be perceived as a threat and reacted to with resentment and defensiveness. No matter how delicately, diplomatically, and sensitively the establishment of such an independent service agency had been carried out, the climate of Cambridge would have led to "turf" fights. Not all communities are like Cambridge. Many have a great lack of services, are more homogeneous in population, are more centrally controlled, or are less prone to view local events in so highly politicized a manner.

<sup>36</sup> See Social Systems Analysts.

<sup>37</sup> Croan at 156.

*City auspices.* What was noted about the Juvenile Intake Program is reinforced here. That program's sponsorship and tight control by the court was of great value in lending the staff the credibility and cooperation it required to carry on so successfully. The city auspices of the YRB is another thing. In Cambridge, city government is seen as administered by politicians and maintained by patronage. Far from being a quiet policy session, the city council meetings are literally seen as a battleground for all sorts of disrespected self-interests. Being associated with the city government gave the YRB little prestige or authority in dealing with other service agencies, the courts, the police, or the community. In fact, with some—the youth—it might have been a detrimental association. Again, in another community where the city government is held in greater esteem such auspices might have been of more benefit. A further problem of city auspices is the likelihood that a youth service agency, and to a degree the YRB supports this, may come to behave like any other public service agency. The agency may try to establish a dependent constituency, may put survival ahead of service, may rely on political favors and partisanship, and may be pressed into patronage employment. The maintenance of outside funding may be the chief YRB defense to such pressures.

*Youth advocacy—street work.* The YRB demonstrates how street work can easily come to dominate a youth service agency. The amount of dedication and loyalty necessary for street work, the time and energy necessary to deal with juveniles drawn into a service system by an unrestrained outreach program, the zeal and moral righteousness that become a necessary personality reaction to being constantly on the street, and the often combative stance required to advocate for those whom the traditional service systems would as soon forget forge a character and role that unless carefully supervised and restrained can quickly become the dominant force and identity in an agency. This is not to fault the YRB. Youth advocacy practically assumes a conflict orientation. Whatever present services provide, they cannot be enough. No matter how many clients present services serve there are always more to be found in need of service. Continuously seeking more is destined to lead to tension. Doing so from a “we-they” orientation as the YRB did and were forced to do must eventually lead to conflict.

*Youth condition advocacy—systems change.* There is a natural development from individual advocacy to condition advocacy and back

again. Consistent failure to achieve success for individuals and a psychological revulsion to the "day-to-day, piece-at-a-time" insignificance of street work easily leads to more comprehensive thoughts of "changing the system." The YRB's approach to systems change from a street orientation seemed to carry along the street worker's combative stance. Systems change from this perspective is seen in almost revolutionary terms, complete with moral underpinnings, and does not lead toward cooperation and coordination. Only slowly does the reality of systems change come to dull the edge of the conflict approach, and diplomacy and consensus come to guide strategy. But then one may sense a loss of contact with "the people" and a desire once again to help individuals.

*Diversion.* The failure of the YRB to achieve diversion must be attributed to the difference in world view between the staff and the court and police. There is no motivation for court personnel or the police to divert a youth into a program that sides with the youth and against the authorities. Further, there is no incentive for these authorities to divert a youth into a program that does not believe in authority or use authority to curtail the continuance of the behavior that originally resulted in the youth's apprehension. For all that may be said for administrative coordination, board representation, or more open communication, there can be no successful diversion when the behavior of youth services undermines the authority of the authorities.

### III. Pacifica (California) Youth Service Bureau.

#### The State Experience

California showed an immediate and eager interest in the 1967 President's Commission recommendations for establishing local youth service bureaus (YSB's). In 1968 the California legislature passed its own Youth Service Bureau Act, which authorized funds (\$25,000 per year per program) for bureau programs in four communities. The programs were to be selected as pilot programs by the Youth Authority on a competitive basis. These funds were matched by LEAA support from the California Council on Criminal Justice (CCCJ) for an additional five programs plus an evaluation component in the Youth Authority. The California law required that these bureaus be locally controlled service and referral programs coordinated with the police and courts and directed toward delinquency prevention, service coordination, and diversion. Initially, nine pro-

grams were funded. With the curtailment of LEAA and Youth Authority funding after three years, two bureaus were discontinued and the others were picked up with local funds. In at least two cases the programs proved so popular that local efforts have funded several such bureaus within the community.

### Evaluation of California's Youth Service Bureaus

In November 1973 the Youth Authority released its final evaluation of the Youth Service Bureaus.<sup>38</sup> This is a very thorough and systematic report and the results are revealing of the conditions many of these bureau efforts around the country have been forced to face.

In administration, the evaluation found that each YSB had a managing board composed of agency representatives and private citizens, but these boards varied greatly in size and role in decision making. Staffing always included a youth services coordinator and clerical aides and frequently included staff on loan or detached from police, probation, welfare, or private agencies. Functionally, the YSB's varied greatly, but all tended to provide direct services more successfully than they coordinated existing services. Most of the YSB's provided direct services to 200 to 500 new clients during 1972. This was a 52 percent increase over the previous year. The majority of referrals were not from law enforcement and court intake, as expected, but increasingly over the three years new cases either were referred by friends or were "walk-ins." Schools were the most frequent source of non-court agency referrals. Overall, the most frequent referral cases were problems such as employment or health, reasons other than those typically associated with justice system referrals. One third of all new clients referred in 1972 fell into the category "delinquent tendencies," that is, incorrigible, truant, runaway, etc. Family counseling was the most frequently provided service, followed by medical aid, individual counseling, job referral or placement, and recreation. Referrals were primarily carried out on a case basis with cooperative agencies while service brokerage and individual advocacy were seldom performed.

In evaluating the effectiveness of the YSB's, the report noted that while there was less police and court diversion than expected, those who were diverted had a better chance to avoid recidivism than those who were not diverted and that juvenile arrest rates in those areas

<sup>38</sup> E. Duxbury et al., "Evaluation of the Youth Service Bureaus" (California Department of the Youth Authority 1973).

served by a YSB frequently went down (which is not to suggest which direction the causality of that correlation goes). In other words, given the high hopes of 1968, the youth service bureaus were deficient; yet they were significant in providing services to thousands of California youth who otherwise might not have received such services.

### Pacifica

The Pacifica Youth Service Bureau was one of the original nine YSB's and in retrospect it must be viewed as one of the most successful. To make this assertion, the statistic most frequently cited is the 42 percent decrease in juvenile arrests in Pacifica since the establishment of the bureau in 1969. No other YSB-served community comes near to boasting such a large reduction.

Pacifica is a 37,000 resident, lower middle income suburb of San Francisco. Located on the Pacific coast side of the San Francisco peninsula, it is geographically isolated from the city and the remainder of San Mateo County. It is almost totally a "bedroom" suburb, supporting no industry itself and offering almost no public transportation in or out of the community. Its commercial section is hardly more than a couple of shopping centers. Yet its young family population means a high proportion of children and a high tax rate.

### History, Goals, and Orientation

The probation department and the County Delinquency Prevention Commission were instrumental in originating the Pacifica proposal. Planning included representatives from the county, city, and school district. During the summer of the planning phase a series of violent incidents erupted in Pacifica, clashing youth against adults and police and creating such community disruption as to result in the discharging of the police chief. This incident, plus the heavy increase in drug involved youth migrating to the beach from San Francisco, gave a major impetus to the initial proposal and set the stage of community acceptance of the bureau. With the approval of funding in late 1969, one of the probation department's brightest young men was selected to become bureau coordinator.<sup>39</sup> This administrator was an aggressive initiator and developer and quickly induced referrals from the police and schools. As the bureau grew in prestige

<sup>39</sup>This brief administrative history is based on a recent report written by the present administrator. See J. Piotti and M. Savage, "An Organizational Analysis of a Community Based Youth Program" (unpub. paper, San Francisco State University 1973).

and effectiveness, different community interests attempted to become involved in bureau programs and policy. The administrator, for reasons yet disputed, was not able to respond to this growing community pressure. He adopted a fairly autocratic management style, which not only alienated many community members, but frustrated and disillusioned his staff. Sensing community hostility and finding it increasingly difficult to acquire feedback on referrals, the police all but ceased their referrals to the bureau. A hostile and conflictual relationship developed between the bureau and many interests in the community. During this time the youthful streetworkers and a drop-in center became the primary focus of the bureau. In 1971, community pressure forced the resignation of the administrator. An acting administrator was appointed from the probation department who set about a "renewal" effort at the bureau, once again opening up relations with the police, bringing citizen input into a strengthened managing board, improving community relations, and developing a participatory referral management style. With the hiring of a permanent administrator in 1972, the bureau was again an integrated community source, with some police and many school and self-referrals, and an orientation toward less street work and more counseling.

#### Context

*Facility.* Initially the bureau occupied two sites. One facility is in a one story ranch style medical building and includes offices for counseling and administration. The other was a drop-in center including a large hall and recreation field. This second facility has recently been closed.

*Auspices.* The bureau is supervised by a managing board set up under a special joint powers agreement between the city, the county, the probation department, and the school department. As such it is relatively autonomous.

*Funding.* Initial funding was from CCCJ and LEAA. This was matched by city and county funds. Recently the federal and state funds have expired and total funding is now local.

*Target area.* All of the city of Pacifica.

*Accessibility.* The bureau office is open during regular office hours and early evenings every weekday. It is quite centrally located geographically. There is a twenty-four-hour answering service and the bureau coordinator is on call at all times.

### Program Structure and Functions

*Administrative structure.* There is a managing board composed of representatives of the joint powers agreement, a professional advisory committee, and a citizens advisory committee composed predominantly of youth. There is one bureau coordinator, one staff secretary, three full-time counselors (one of whom is detached from the probation department), several part-time social workers, and a part-time psychologist. During the summers there have also been youth hired as street workers and a coordinator of volunteers who ran the drop-in center and recreation program.

*Functions.* The bureau is now primarily focused around counseling, particularly family counseling. Other forms of counseling do occur, particularly concerning employment and school, but for services involving medical, legal, or drug problems, clients are referred. The street worker and drop-in center as well as most of the recreation programs have been suspended because of budget limitations and because the new coordinator felt that these programs were becoming too rigid, parochial, and institutionalized. Instead, this administrator prefers to see such services run on an ad hoc basis, coming into existence when needed and dissolving when outdated.

### External Relations

#### *Referral sources.*<sup>40</sup>

	July 1970- June 1971		July 1971- June 1972	
Total New Clients Served	191	100.0%	296	100.0%
Agencies	139	72.8	117	39.5
Law enforcement	101	52.9	45	15.2
Probation	7	3.7	13	4.4
School	30	15.7	58	19.6
Other agencies	1	.5	1	.3
Individuals	52	27.2	179	60.5
Parent	40	20.9	38	12.8
Self	10	5.2	88	29.7
Other Individuals	2	1.0	53	17.9

*Referral destinations.* No data available.

*San Mateo County Probation Department.* Since the establishment of the bureau in Pacifica, referrals to juvenile probation for the city

<sup>40</sup>E. Duxbury et al., "Evaluation of Youth Service Bureaus" C-1 (California Department of the Youth Authority 1973) (hereinafter cited as Duxbury).



have dropped 51 percent.<sup>41</sup> Relations between the bureau and the department have always been excellent. Two of the bureau administrators have previously been with the department. Since the bureau's first year, the probation department has detached one officer to work as a counselor in the bureau. This counselor has remained a steady and credible liaison between the two agencies. When, in 1972, it appeared that further federal and state funds would be discontinued, the probation department computed a figure of \$55,000 as the value the bureau offered the department in diverting youth from intake and offered this savings to support the bureau.

*Pacifica Police Department.* As noted, relations with the police have varied. Today there exists a good working relationship. Specific types of minor offenses are routinely turned over for bureau services. The fact that officers wishing to detain an apprehended youth must drive many miles over the peninsula hills to San Mateo Juvenile Hall adds incentive to dealing with a youth's problems in the Pacifica community.

*The Pacifica community.* Generally relations with the community are very good. Piotti and Savage note that the conservative elements within the community were initially very sensitive about the bureau, believing it to be a communist-inspired agency dealing in such threatening subjects as drugs, sex information, and group therapy. Today such resistance has been all but neutralized by the excellent, informal, social relationships between the bureau coordinator, who is a gregarious and influential community resident, and the local businessmen and political figures. In fact, today the city supports the bureau with one cent on each tax dollar and the school district with a half cent on each of its tax dollars.

### Client Relations

#### *Population.*<sup>42</sup>

	July 1970- June 1971		July 1971- June 1972	
Total New Clients Served	191	100.0%	296	100.0%
Sex				
Male	117	61.3	184	62.2
Female	74	38.7	112	37.8

<sup>41</sup>"Pacifica Supports Bureau," *Reach Out: CYA Delinquency Prevention Bulletin*, Vol. 4, no. 1 (January 1974).

<sup>42</sup>Duxbury at C-1.

## Client Relations continued

*Population*

	July 1970- June 1971		July 1971- June 1972	
<b>Age</b>				
Under 10	10	5.2	26	8.8
10-11	16	8.4	36	12.2
12-13	36	18.8	59	19.9
14-15	81	42.4	69	23.3
16-17	41	21.5	72	24.3
18 and over	7	3.7	34	11.5
(Median)	(14.7)		(15.1)	
<b>Ethnic Group</b>				
White	182	95.3	244	82.4
Mexican-American	4	2.1	29	9.8
Black	3	1.6	14	4.7
Other	2	1.0	9	3.0
<b>School Status</b>				
Attending			256	86.5
Quit/Dropped Out	Not Recorded		9	3.0
High School Graduate			30	10.1
No Response			1	.3
<b>Present (or Most Recent)</b>				
<b>Grade in School</b>				
Fourth or Under	11	5.8	28	9.4
Fifth or Sixth	20	10.5	35	11.8
Seventh or Eighth	43	22.5	54	18.2
Ninth or Tenth	82	42.9	91	30.7
Eleventh or Twelfth			56	18.9
High School Graduate	32	16.8	30	10.1
No Response	3	1.6	2	.7
(Median)	(9.4)		(9.4)	

*Services rendered.*<sup>43</sup>

	Service in First Three Months	
New Clients Served by ASB in First Nine Months of Fiscal 1972	111	100.0%
Counseling	107	96.4
Individual and family	98	88.3
Individual only	8	7.2
Group	1	.9

<sup>43</sup> Duxbury at C-2.

## Client Relations continued

*Services rendered*

		Service in First Three Months
Other Direct Services	7	6.3
Medical aid	—	—
Job referral/placement	—	—
Recreation program	1	.9
Remedial education, tutoring	6	5.4
Drug program	—	—
Prevocational training	—	—
Legal aid	—	—
Miscellaneous	—	—
Intervention/Advocacy	4	3.6
With school	3	2.7
With probation or court	1	.5
With police	—	—

*Attitudes.* A recent evaluation report carried out an attitudinal questionnaire concerning the bureau.<sup>44</sup> The findings suggest that whereas the adult, and particularly the professional community, were informed of and supportive of the bureau, the “youth are less aware, indicating mixed feelings and a substantial amount of uncertainty as to the service, what it does, whether they would use it and whether or not it is necessary.”<sup>45</sup>

## Evaluation

The Youth Authority evaluation of the Pacifica bureau is very positive. This evaluation notes the significant decrease in city arrest rates and referrals to probation over the last three years and compares these figures to four nearby cities that show increases in both arrest rates and probation referrals over the same time period. The evaluation is clear to caution against inferring a direct causality between rate reductions and the presence of the bureau. Police referrals to the bureau have consistently diminished as well as referrals to probation intake. The presence of a new, highly regarded police chief may have caused a shift in law enforcement policy toward juveniles, of which the bureau's success may be as much a symptom as a cause. Whatever the case, the existence of the bureau as an

<sup>44</sup> “Evaluation Report: Pacifica Youth Service Bureau,” Report to the Managing Board from James Golder et al. (1973).

<sup>45</sup> *Id.* at 30.

alternative resource to the police most certainly is important in explaining the diversion statistics.

The Piotti and Savage report points out some further insights. Noting that the bureau has been through an active, exciting, and conflictual history that nearly killed it and now rests in an active but routine and consensual period, they wonder whether it is possible to maintain community involvement and board member interest in such quiet times. They note that now the bureau has a more conservative and respectable image than before. While obviously the bureau has become an excellent family counseling agency, with the curtailment of the drop-in center, street worker program, and softball league, it may be that the bureau has limited itself to only the least threatening of youth services. Such a condition may be in perfect accord with the needs of Pacifica's youth, but then it is difficult to explain the results of the youth attitude survey.

#### IV. Community Youth Responsibility Program.

The Community Youth Responsibility Program (CYRP) was established four years ago in East Palo Alto by the East Palo Alto Municipal Council. So-called East Palo Alto, or Nairobi, is an unincorporated area of San Mateo County that lies between the San Francisco Bay and the incorporated city of Palo Alto in Santa Clara County. The two communities are divided by the Bayshore freeway. The communities are distinctly different in composition and appearance. East Palo Alto is flat, with low density housing, low income, and a predominantly black population of about 20,000. It has little industry and the most attractive shopping areas are all in Palo Alto proper.

##### Orientation and Goals

The CYRP was set up in 1969 in an atmosphere of black community consciousness, rising youth crime rates, a high burglary setting, and an increasing dissatisfaction with the services of the predominantly white San Mateo County law enforcement personnel. The formation of the East Palo Alto Municipal Council was indeed a county response to demands for more local control and autonomy in government services.

The orientation underlying the CYRP idea was that local residents could and should take responsibility for the development and treatment of their own youth. The original application for the CYRP

states that the purpose of the program is "to involve the community or neighborhood in the prevention of crime, in public safety efforts and in grievance resolution mechanisms."<sup>46</sup> The application goes on to list two areas of focus: prevention and guidance. Prevention is to be carried on by block volunteers on a community organizing model. Guidance is to be handled by a community panel that hears cases and determines needs for which a counseling staff is available. The program began its operations in late 1970 with county and LEAA funding through CCCJ.

### Context

*Facility.* The program operates out of a converted single-family, ranch-style house on the main street of the community.

*Auspices.* The program is responsible to the East Palo Alto Municipal Council, an elected council empowered by the county to provide advisory authority in East Palo Alto.

*Funding.* Funds have come from LEAA, the county, and the United Bay Area Crusade, the local United Fund agency. The project runs on a budget of roughly \$170,000 annually.

*Target area.* All youth who reside in East Palo Alto, a predominantly lower income, black population.

*Accessibility.* Office hours and early evening hours are the standard, but a twenty-four-hour answering service and a staff member on call at all hours increase access.

### Program Structure and Functions

*Administrative structure.* The CYRP has a twelve-member board appointed by the East Palo Alto Municipal Council. It meets biweekly and includes a wide representation of the community, including its youth. The program director is a highly energetic and resourceful past probation officer who has been with the program since its inception. A great deal of the program's success is a result of this man's

<sup>46</sup> "Community Youth Responsibility Program: Project Application" (California Council on Criminal Justice, No. 0248, October 1, 1970).

remarkable character. The core staff reflects the twin orientations of guidance and prevention. There is a supervising youth guidance counselor who oversees the counseling staff, a panel reporter who acts as secretary and investigator for the community panel hearings, and a crime prevention unit supervisor who oversees three coordinators and up to twenty block volunteers. Further, there is a secretary and a typist. All of the supervisory staff are trained professionals and those others who have been taken on from the community have received inservice training from local colleges.

*Functions and policy.* Each orientation has its own functional pattern. The guidance functions begin with intake, which may be a referral from police, court, or other agency or a "walk in." The program director reviews all new cases. He may accept, reject, or refer the case. Cases are rejected when they involve hard drug abuse or when they require services beyond the scope of CYRP. Once a case is accepted, the program director may forward it directly to the youth guidance counselor or to the panel reporter for a prehearing investigation. Generally, cases are directed to the panel hearing when the case is contested or when damage to person or property has been sustained. The panel reporter then meets with the client and others who may have knowledge of the case. Panel hearings are held alternate Thursday evenings. The panel is composed of five persons, three adults and two youths, all of whom have alternates. Generally the panel hears the client and his or her parents together. The panel then meets in private to determine the case, which may result in a dismissal, a referral to counseling, or a referral to a work task. Counseling is traditionally one to one with a developing interest in group techniques and family counseling. A work task is a contract arrangement whereby a youth must work at some community project selected for its rehabilitative potential, e.g., supervising recreation programs for young children. The prevention orientation has led to organizing block volunteers in education functions within the community, focused on disseminating crime prevention information and changing attitudes toward burglaries and the police. Block volunteers also carry on service functions such as assisting in the maintenance of home security systems and coding easily stolen household objects. Further block volunteers help to organize youth recreational programs and cultural activities.

## External Relations

*Referral sources.*<sup>47</sup>

	1st year	2nd year	Total
San Mateo County Sheriff's Dept.	14	35	49
Watoto	42	17	59
Palo Alto Police Dept.	0	57	57
Schools	23	8	31
Parents	8	2	10
Santa Clara County Probation	4	0	4
San Mateo Social Service Dept.	5	5	10
Other (miscellaneous agencies)	3	1	4
Total	99	125	224

*Referral destinations.* The CYRP provides direct services to 94 percent of its case load, meaning that there is little referral out.

*San Mateo County Sheriff's Department.* There have been good relations between CYRP and the sheriff's department. Initially there was a reluctance by the department to refer felons, but CYRP's credibility and successes won over this hesitancy. In fact, the URSA evaluation notes that members of the department have even donated time and money to CYRP projects.

*San Mateo County Probation Department.* The probation department has set up a special section, the Watoto Project, to deal with black youth. There are good informal working relations between CYRP and the staff of Watoto and frequently a youth progresses directly from Watoto to CYRP.

*Palo Alto Police Department.* Perhaps the best testament to good working relations is the Palo Alto police. Routinely, East Palo Alto youth picked up by Palo Alto police are referred directly to CYRP. This is unique because of the cross-county quality of these referrals. Not only are the Palo Alto police willing to give over supervision across county lines, they have begun to model their own juvenile program along CYRP's guidelines.

<sup>47</sup>Urban and Rural Systems Associates, "Evaluation of the Community Responsibility Program," 10 (San Francisco, California, 1973) (hereinafter cited as URSA).

## Client Relations

*Population.* The URSA evaluation notes that the CYRP received 224 referrals in the first two years of its operation. Of these 224, 62 percent were for actionable criminal cases and of these 47 percent were for felony offenses.<sup>48</sup>

*Service rendered.* The primary services rendered to clients are counseling and work tasks. Of the clients whom the URSA evaluation interviewed, 75 percent reported that they had counseling at least once a week.<sup>49</sup> The average duration of such counseling experiences is four to six months. Without exception the clients interviewed noted their relationships with their counselor as the primary factor responsible for behavior or attitude changes.<sup>50</sup>

During the second year of the program, 25 percent of the program clients were involved in work task placements. Placements included:<sup>51</sup>

Community Service Agencies	41 clients
Community Maintenance	5 clients
Training Agencies	1 client
Private Businesses	6 clients

## Evaluation

Urban and Rural Systems Associates have completed two annual evaluations of CYRP. Their working relationship with the staff seems to have been good and many of their first year's recommendations were incorporated into the program by the second year. Overall, URSA's two evaluations have been very positive and commending. Their most recent recommendations have primarily concerned tinkering with the system rather than structural change. This second evaluation found relations with other agencies very good and internal functioning improving, but a continued need for more staff training and a need to help clients more fully understand why they are receiving certain kinds of services.

## V. San Antonio's Youth Services Project

### History and Orientation

The Youth Services Project (YSP) grew out of the work of two men, the chief probation officer of the Bexar County Juvenile Pro-

<sup>48</sup> URSA at 12.

<sup>49</sup> URSA at 16.

<sup>50</sup> URSA at 17.

<sup>51</sup> URSA at 20.



bation Department and the San Antonio city manager. In fact, the concept originated from a local YMCA proposal. The city manager quickly recognized the importance of such a youth bureau in the Model Cities area as a response to a growing awareness in the probation department and the juvenile aid bureau of the San Antonio Police Department that there was a specific "pattern of escalation from juvenile misdemeanor to adult felony offenses."<sup>52</sup> The city manager sought extensive input for the YSP planning but relied heavily on the advice of the police and probation departments. Because of this, the primary goals of the YSP from the very beginning have been diversion and prevention. Diversion was to focus on two groups: the "misdemeanor offenses," defined by a laundry list of ten minor offenses; and "troubled youth," those ten to seventeen years old who have a "high potential for delinquent involvement." The proposal mechanism for reaching these goals was to focus on the Model Cities area, setting up three youth service centers in three existing housing projects where youth apprehended by police could easily be delivered. At these centers, youth workers would be available to immediately hear out the case, offer counseling, and arrange for services or other special attention.

These three centers were to fall under the auspices of a section within the special services department of the city government. Initially, a citizen participation component was envisioned as well as a youth board. Instead, the existing Model Cities Citizens Participation Policy Commission came to act as a citizens advisory council.<sup>53</sup>

In July 1971, YDDPA approved a \$200,000 grant to set up the project. A dynamic and astute former recreation director with much local experience was appointed project director in the central administration. This man and his assistant director carefully selected a staff of center directors and youth workers, primarily persons from the local area with few professional credentials. In February of 1972, the three centers opened. Today there are a total of six centers—the three initial centers still receive DHEW funding. A center to the south and one to the north of the city are recent additions made possible through revenue sharing, while a center in the black neighborhood and the central office are administered on LEAA funds through a grant from the Texas Criminal Justice Council.

<sup>52</sup> Behavioral Research and Evaluation Corporation, "National Evaluation of Youth Service Systems: Final Report" (Boulder, Colorado, 1973) (hereinafter cited as the "B.R.E.C. Report").

<sup>53</sup> See D. Weser, "Youth Service Bureau: San Antonio, Texas" in *Better Ways to Help Youth: Three Youth Service Systems* (Youth Development and Delinquency Prevention Administration, HEW, 1973) (hereinafter cited as Weser).

## Context

*Facilities.* The central office is in a catchall civic service building on the Hemisphere Fairgrounds. Seldom would a youth go there. Three of the satellite centers are located in housing projects. The offices are ample, unimposing, and filled with actively involved staff members. The offices are decorated with sports trophies as testaments to the recreation commitment of staff off-hours work with the neighborhood youth.

*Auspices.* The City of San Antonio Department of Special Services is the project grantee. The central office functions closely with the city and the project director was quite candid about the advantages and limitations of such a close city tie. Certain advocacy functions were all but precluded by this political reality.

*Funding.* That the three separate sources of funding are divided so definitively by facility and yet amount to a considerably large budget indicates the administrative astuteness of the project administration.

*Target area.* Each center covers a specific geographic area of the city and since the addition of the three additional centers, the YSP now covers all of San Antonio.

*Accessibility.* The decentralized centers represent an effort toward high accessibility. The vast low density geographic area of San Antonio and minimal public transit system inhibits much access. Since the center functions primarily during regular office hours, the YSP has staff members assigned to night duty at the Juvenile Aid Bureau—the police department's centralized intake point—to provide round-the-clock YSP availability to police officers.

## Program Structure and Functions

*Administrative structure.* The central office consists of the project director, the assistant director, a research development analyst, an administrative assistant, and supporting clerical staff. Each center consists of a center supervisor, two or more youth workers, and a secretary-receptionist. There are also a field supervisor and a number of Juvenile Aid Bureau night workers. Their enthusiasm, awareness, working knowledge, and positive attitude toward their work,

colleagues, supervisors, and the YSP in general was impressive. Many of these staff members are recent college graduates or community people now working in professional training programs. Further, each year social work interns are taken in from local college programs to assist on a voluntary basis. Most policy seems to come from the central office, with center offices acting in primarily an advisory capacity. There seemed to be no formal mechanism for community involvement though the project director, and the assistant director seemed to feel that they and the local centers kept in close touch with the neighborhoods through a web of informal and personal connections. Further, there was no mechanism for youth involvement, and again the directors did not see this as a problem.

*Functions.* The "B.R.E.C. Report" notes three major function categories: counseling and referral, cultural and recreational, and outreach.<sup>54</sup>

*Counseling and referral.* Once a youth is received at a center, which may occur through a police, parent, or school referral or via the night workers at the Juvenile Aid Bureau, a check is made with the probation department to learn of records or the possibility of a court condition. Once the youth is cleared, a youth worker will attempt to hear out the initiating problems and set an interview time for the youth and parents. The parents must sign a consent form if counseling is to be continued. Continued counseling will lead the youth worker to set up a treatment plan with the youth, which may include referrals to other agencies. Generally the counseling is one-to-one and is directed toward broadening role expectations and breaking the pattern of low aspirations and minimal school performance leading to limited occupational opportunities.<sup>55</sup> Previous bad experience has forced the formalization of referrals with the use of contract-like referral forms and a first- and second-week follow-up check.

*Cultural and recreational.* Competitive sports, particularly boxing, basketball, and baseball, serve as preventive activities for youth, enabling them to become involved and to work out action needs. Most such staff work is done off-hours and is voluntary.

*Outreach.* There is a good deal of informal street work and preventive counseling at each of the centers.

<sup>54</sup> "B.R.E.C. Report" at 227.

<sup>55</sup> "B.R.E.C. Report" at 231.

## External Relations

*Referral sources.*<sup>56</sup>

	1972		1973	
Total Clients Served	1139	100%	1122	100%
Law enforcement	293	26%	182	16%
Probation	320	28%	138	12%
Community	83	7%	214	19%
YSP night intake	443	39%	588	53%

*Referral destinations.*<sup>57</sup>

	1972	1973
Number of Referrals to Other Agencies (no breakdown available)	146	174

*Bexar County Juvenile Probation Department.* As noted, the Chief Probation Officer was instrumental in the early planning and policy decisions regarding the YSP. This man has continued to be one of the YSP's strongest supporters. As he noted in an interview: "I think this is the best thing that has happened to the (juvenile justice) system in San Antonio in the last 10 years. It is most significant in its potential."<sup>58</sup> The "B.R.E.C. Report" notes that there is an open and comfortable working relationship between staff members of both the YSP and the probation department because of the YSP's policy of checking with the department before taking on a youth and being quick to respond to a departmental request to pick up a referred youth.<sup>59</sup>

*San Antonio Police Department.* The placement of staff directly in the juvenile aid bureau on a nightly and weekend basis has been a critical determinant in the YSP's arrest diversion success. While it is evident that the police do refer youth directly from the streets to a center, the largest intake pattern for the centers is through police referrals to these night workers. Since 1968, the police department has maintained community relations officers in many of the neighborhoods now served by the YSP. Informal relations between the two programs seem excellent. Deborah Weser noted that at the time

<sup>56</sup> Youth Services Project, City of San Antonio, "Yearly Intake Status," (mimeo 1972 and 1973) (hereinafter cited as "Yearly Intake Status").

<sup>57</sup> *Id.*

<sup>58</sup> Weser at 5.

<sup>59</sup> "B.R.E.C. Report" at 240.

of her interviews, the police program was considering a change in hours so as to supplement and avoid duplication of services.<sup>60</sup> Again, the "B.R.E.C. Report" notes that good working relations are due to the YSP's quickness in acting, efficiency, informative feedback, and lack of ambiguity of responsibilities.<sup>61</sup>

*School systems.* While few referrals come directly from the school districts (YSP covers a large number of independent districts), the project director feels that relations with the schools are quite good. It appeared that such relationships must be primarily maintained on a case basis.

*Other agencies.* The "B.R.E.C. Report" notes a successful developing relationship between the YSP and the new Center Association Drug Abuse Prevention Project, with reciprocal referrals for multi-problem youth, and the Salvation Army, which takes direct referrals for short-term shelter care for females.<sup>62</sup>

#### Client Relations

##### *Population.*<sup>63</sup>

	1972	1973	Total	Percent
Total Population	1139	1122	2261	100%
Male	726	701	1427	67%
Female	317	387	704	33%
Age 10-11	66	84	150	7%
12-13	277	300	577	27%
14-15	490	502	992	47%
16-17	210	202	412	19%
Residence (N=2131)				
Both Parents	393	417	810	38%
Single Parent	483	574	1057	50%
Other	167	97	264	12%
Offense (N=2131)				
Drugs/Inhaling Toxicants	403	173	576	27%
Theft Under \$5	183	297	480	23%
Ungovernable	94	167	261	12%
Runaway	112	85	197	9%
Liquor Violation	88	98	186	9%

<sup>60</sup> Weser at 3.

<sup>61</sup> "B.R.E.C. Report" at 239.

<sup>62</sup> "B.R.E.C. Report" at 241.

<sup>63</sup> Data computed from "Yearly Intake Status" 1972, 1973.

*Services rendered.* Primarily, the YSP provides individual counseling with some referrals. All youth generally enter a counseling relationship with a youth worker, though the youth worker is fairly free to pursue any course of activity he or she feels is relevant. An effort is made to keep each youth in the program no longer than five to seven weeks, but to provide follow-up afterwards.

*Attitude.* The "B.R.E.C. Report" compared a sample of youth in the YSP with a sample of youth on probation. Generally they found little difference between the two groups in attitude. In both populations, association with the service over time correlates with a decrease in feelings of self concept, negative labeling, and an increase in feelings of alienation. Yet surprisingly the YSP population did report a significant decrease in self-reported delinquency over time.<sup>64</sup>

### Evaluation

*Internal evaluation.* The administration appears to be effective. The degree to which various staff members knew relevant current statistics and demonstrated awareness of details of colleagues' work suggested a tight, though not overly formal, internal evaluation ability. Data were easily collected from records made throughout the system. Two figures are developed from this data that are frequently alluded to as indicators of success. These are the diversion rate and the recidivism rate. The 1973 diversion rate (cases diverted to YSP as a percentage of total cases handled by probation intake) for the county as a whole was 21 percent and for the Model Cities area alone was 44 percent.<sup>65</sup> As a diversion figure this is somewhat misleading because it does not filter out those youth who previously would not have been taken to probation intake, but who, due to the existence of the YSP, were picked up by officers intending to see them referred to the YSP. The recidivism rate to YSP (the number of youth referred to YSP who had previous YSP experience) for 1973 was 18 percent while the recidivism rate to probation (the number of youth referred to probation because of more major offenses who had previous YSP experience) was 4 percent. Without comparative figures these numbers are not very significant, but the "B.R.E.C. Report" does suggest that these are relatively low rates for recidivism.<sup>66</sup>

<sup>64</sup> "B.R.E.C. Report" at 263.

<sup>65</sup> "Yearly Intake Status" 1973.

<sup>66</sup> "B.R.E.C. Report" at 247.

*Program evaluation.* The "B.R.E.C. Report" sought to provide a major program evaluation. The evaluation seemed to be most critical of the heavy emphasis on diversion—in fact San Antonio was the example of B.R.E.C.'s diversion model—particularly in terms of the wider YDDPA goals. The evaluation was specifically critical of the lack of youth involvement, the lack of external evaluation or community input, the negative labeling associated with YSP treatment, and the whole negative approach associated with diversion. The project director seemed to feel that B.R.E.C.'s conclusions were overly severe. As a diversion program, the organization and degree of statistical success seemed excellent. As a DHEW funded project, no doubt the YSP should have some commitment to the YDDPA National Strategy goals. From the beginning, the YSP was primarily interested in diversion and prevention. Their goals have not broadened much since. The project seemed to function well on its own criteria. Applying criteria from Washington, even when attached to funding, does not in itself make the program less of a success—it only reveals the program as deviant from federal hopes. On the other hand, there has been no evaluation (B.R.E.C. notwithstanding) testing the program in terms of the needs and desires of those clients it supposedly serves—the youth and families of San Antonio.





## Appendix B

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### YOUTH SERVICE PROGRAMS IN SCANDINAVIA

#### I. Overview.

The Scandinavian countries, Denmark,<sup>1</sup> Finland,<sup>2</sup> Norway,<sup>3</sup> and Sweden,<sup>4</sup> do not have juvenile courts. Young offenders are handled instead by child welfare boards. The boards, which were first introduced in Norway in 1896,<sup>5</sup> are generally composed of from five to seven lay persons from the local township.<sup>6</sup> Although members are expected to have an interest in children, there are no professional requirements, for it is believed that lay persons will give more thoughtful consideration to individual cases than experts who are trained to generalize.<sup>7</sup> Each township's child welfare board makes all decisions concerning the welfare of children in the community.<sup>8</sup> This

<sup>1</sup> See generally T. Haarlov, *Administrative Opdragelsessanktioner* [Administrative Sanctions for Upbringing and Education] (Copenhagen 1952) (Summary in English). Special acknowledgment must be given to Finn Henriksen of the Library of Congress for help on this chapter.

<sup>2</sup> See, e.g., I. Anttila, "Sanctions for Juvenile Delinquency" in *The Finnish Legal System* (Helsinki 1966).

<sup>3</sup> See, e.g., H. Røstad, "Det Strafferetlige Reaktionssystem for Unge Lovover tredere," 2 *Jussens Venner* 167 (1968).

<sup>4</sup> The Penal Code of Sweden (Stockholm 1965); The Child Welfare Act of Sweden (Stockholm 1961) (hereinafter cited as Swedish Act).

<sup>5</sup> See The Norwegian Neglected Children's Treatment Act of 1896.

<sup>6</sup> In Denmark, the majority are elected; the balance are volunteers or appointees. See The Children and Young Persons Act of Denmark, § 8, n.1 (1972) (hereinafter cited as Danish Act). In Sweden, all members are elected. Swedish Act § 7.

<sup>7</sup> In Norway, each board originally was to contain the local doctor, vicar, and judge, but these requirements were later dropped as too moralistic. See Dahl, "The Scandinavian System of Juvenile Justice" 25 (1974) (unpub. manuscript to appear in forthcoming book of essays ed. by M. Rosenheim) (hereinafter cited as Dahl).

<sup>8</sup> The chairman of the board is given discretion to make decisions between full board meetings. See Swedish Act § 1; Toft, "Care of Children and Young Peo-

includes the problems of individual children who are neglected, have misbehaved, have committed offenses against people or property, or need medical or psychiatric attention. The board also makes such administrative decisions as what new youth or family services are necessary for the community, and which activities shall receive national grants.<sup>9</sup> The result is that a small group of local people may consider every aspect of a child's life that can have some effect on the smooth functioning of society as a whole.

Although the local boards are theoretically overseen by a national council, the decisions of the local board are in fact usually final, for the national council takes the position that the people in the community know the facts, and are in the best position to make decisions.<sup>10</sup> Local boards may ask the national council for guidance in difficult cases and may consult local persons in the community who have special expertise, such as judges, doctors, lawyers, social workers, and teachers. The latter practice is termed co-optation, and is required when matters arise that are beyond the competence of board members.<sup>11</sup> The board also has a staff that does the day to day work, and may include a social worker, lawyer, nurse, or teacher. In the larger cities, where more problems arise, the staffs tend to be composed entirely of paid professionals.<sup>12</sup>

Every citizen has a duty to bring child welfare matters to the attention of the board. Additionally, social workers, nurses, and teachers may refer families with problems, and members of the board will be alert to general conditions and specific problems that arise among children in the community.<sup>13</sup> Proceedings for individual cases are not supposed to be accusatory but pragmatic, with the emphasis not on what the child has done wrong, but on how the child can be persuaded to achieve a more normal and socially-fulfilled life.<sup>14</sup> In the few situations where children are coercively removed from their families, a judge either presides or is co-opted for advice,<sup>15</sup> and

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ple" 8 (published by Ministers of Labor and Social Affairs, International Relations Division, Copenhagen 1967) (hereinafter cited as Toft).

<sup>9</sup>Swedish Act § 3.

<sup>10</sup>Conversation with Jacob Vedel-Petersen, Danish Social Research Institute in Copenhagen, June 12, 1973 and with Ib Ydebo, Kontorchef, Copenhagen, June 13, 1973.

<sup>11</sup>See, e.g., Danish Act §§ 14-17, Swedish Act § 10.

<sup>12</sup>Conversation with Ib Ydebo, note 10 *supra*.

<sup>13</sup>See, e.g., Danish Act § 21-22. See also M. Wagner and M. Wagner, "Child Advocacy in Denmark" 8 (unpub. report submitted to the Office of Child Development of the Department of Health, Education and Welfare 1973) (hereinafter cited as Wagner and Wagner).

<sup>14</sup>See Dahl at 19, 22.

<sup>15</sup>See, e.g., Danish Act § 14. See also Dahl at 24, Wagner and Wagner at 6.

parents have the right to appeal the decision.<sup>16</sup>

It would be a mistake to conclude from this general description that Scandinavia has entirely replaced the court system with institutions similar to our youth service agencies, however, for older juveniles may indeed be processed in court—although it will be the same court that has jurisdiction over adult offenders.

It is true that offenders under fifteen years of age will not be tried in court, for that is by law the minimum age for criminal responsibility.<sup>17</sup> Offenders fifteen years of age and over may, but will not necessarily, be tried in court. In the case of minor offenders, or when the evidence is weak, prosecution may simply be waived.<sup>18</sup> If an accused offender is between fifteen and eighteen, prosecution may be waived on condition that the juvenile be placed under the supervision of the appropriate child welfare board, or in exceptional cases, placed under other care for a specified period, which may be extended through the twenty-first year.<sup>19</sup>

The administrative option does appear to be used with great frequency. In recent years, for example, between 80 and 90 percent of the Danish criminal cases against juveniles between fifteen and eighteen years of age were disposed of in this way.<sup>20</sup>

Scandinavia, in short, uses a mixture of judicial and community-based institutions in treating juvenile offenders; it therefore may shed some useful light on the YSA concept which, if implemented in this country, would result in a system that also mixes judicial and community-based alternatives.

## II. A Closer Look at Sweden and Denmark.

The major source of law in Sweden is the 1961 Child Welfare Act. It is so concerned with due process and questions of correct procedure before the child welfare boards that it appears almost as if it were written for a court of law. Provision, for example, is made for such legal details as how a summons to appear before the board should be served,<sup>21</sup> at what point the police may be called in to coerce an appearance,<sup>22</sup> when fines may be levied,<sup>23</sup> what rights the

<sup>16</sup> In Denmark, appeal is to the National Council, and then to the High Court of Justice. Danish Act §§ 52, 57. In Sweden, appeal is to a higher board, and then to an administrative court. Swedish Act §§ 80-87.

<sup>17</sup> In Norway, the limit is fourteen. See Dahl at 5.

<sup>18</sup> See Haarlov, note 1 *supra* at 345.

<sup>19</sup> *Id.* at 346.

<sup>20</sup> See H. Horsten, *Børne-og Ungdomsforsorgen i Danmark* (7th ed. Arnold Busck 1969).

<sup>21</sup> Swedish Act §§ 15, 17.

<sup>22</sup> *Id.* at §§ 17, 18, 33, 37.

<sup>23</sup> *Id.* at §§ 11, 17.

child or the parents have to make oral statements,<sup>24</sup> and how evidence should be presented.<sup>25</sup> A lawyer is to be a member of the board "wherever practicable."<sup>26</sup> The standard for treatment is to match possible programs with the person's age, development, attributes and social prospects.<sup>27</sup> Significantly, this act was drafted in response to widespread complaints that the boards were de facto courts with compulsory jurisdiction, and therefore that children and parents should be offered the same protection as if they were in court.<sup>28</sup>

The thrust of the 1972 Children and Young Person's Act of Denmark is quite different. Available social support services are described, with emphasis on how individuals can gain access to them.<sup>29</sup> Child welfare boards are advised on how to co-opt professional help, and what social factors to consider in their decision making, with emphasis placed on keeping the family together.<sup>30</sup> The only mention of police is the rather mild statement that the boards may enlist their help for the enforcement of resolutions.<sup>31</sup> Due process provisions, when they are mentioned at all—as when the appeal procedure is described—are not set forth in a single body of law, but are woven into diverse provisions of the Act. The assumption seems to be that parents and children will voluntarily come before the board seeking aid, and that the board's function is primarily to provide guidance and make that aid available.

### III. The Swedish Approach.

Nowhere in Scandinavia are there greater pressures on the nuclear family than in Sweden. Sweden has shifted its goals from those of a rural society to those of an urban one in a dramatically short time. Not only is there little pressure to form families, but the legal trend is to provide for easy dissolution of them.<sup>32</sup> Furthermore, women

<sup>24</sup> *Id.* at § 19.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.* at § 7.

<sup>27</sup> *Id.* at § 36.

<sup>28</sup> See Temkin, "The Child, the Family and the Young Offender—Swedish Style," 36 *Mod. L. Rev.* 569, 577 (1973) (hereinafter cited as Temkin).

<sup>29</sup> See, e.g., Danish Act §§ 8-17.

<sup>30</sup> *Id.* at §§ 14-17.

<sup>31</sup> *Id.* at § 34.

<sup>32</sup> See Temkin at 571-574. Between 1961 and 1971 marriage ceremonies declined by 20,000. In 1972, 21 percent of children were born out of wedlock. *Id.* at 572, n. 1a.

have been encouraged to seek careers outside the home and to join the national work force.<sup>33</sup>

As traditional family units have dissolved, the government has stepped in with services for children that substitute for the supervision formerly given by parents. It is a goal of the Social Democratic Government to eventually provide complete social services, giving parents and children freedom to create their own lives within the larger "family" of Swedish society.<sup>34</sup> The government thus planned to provide complete child care for all working mothers in 1975.<sup>35</sup> Rounding out day care are other youth services that have become part of the fabric of Swedish life, such as after school "free time" care, youth clubs for teenagers, and rural vacations for city children with working parents.

These community-based programs have not only the preventive function of giving children some structure outside the family, but they are the basis for the rehabilitation of youthful offenders. Child welfare boards consider these programs to be the first line of defense against delinquency and the means by which problem children can be re-integrated into normal societal patterns.

Jurisdiction of the child welfare board is compulsory for problem children, but every effort is supposed to be made to encourage the child and family voluntarily to seek state aid. The board is given wide discretion, with only general educational and therapeutic standards set forth in the Child Welfare Act.<sup>36</sup>

Treatment depends on an initial determination of whether the problem is primarily with the child or with the family, with growing emphasis on treating the family as a whole rather than the child as an isolated individual. If there are family problems such as alcoholism or violence, the boards will decide whether supplemental family guidance will improve the situation, or whether the child will have to be temporarily separated from the family. For example, regular visits by a social worker or visits to a psychiatrist might be ordered, or the child may be placed in after school care or in youth club activities. Directives may be issued requiring changes in the child's living conditions, or a guardian may be appointed to supervise the child's general development.<sup>37</sup>

<sup>33</sup> *Id.* at 571. In 1971, 53 percent of married women were employed. *Id.* at n.1.

<sup>34</sup> *Id.* at 570-571.

<sup>35</sup> *Id.* at 573. In 1970, 130,000 children below the age of seven participated in child care programs. This compared to a total population of 700,000 children in the same age group. *Id.*

<sup>36</sup> Swedish Act §§ 35, 36.

<sup>37</sup> Swedish Act § 28. Supervision of a child's development by a trained guard-

If retention within the family is thought not to be therapeutic, as when the child's life might be endangered, separation will reluctantly be considered. In these cases, as in all situations in which coercion is involved, the board is obliged to consider all the evidence carefully, listen to the parent's point of view, and give written support for the decision. Parents have the right to be represented by counsel, and to appeal the decision first to a higher committee in the township administration, and ultimately to the highest administrative court.<sup>38</sup>

If the child has been the victim of neglect and abuse, a decision may be made to "foster" it, by temporary removal to another home that provides a family atmosphere, with long-term removal until the age of twenty a possibility.<sup>39</sup> One problem is that most foster children are from Stockholm, whereas most foster families are rural. Thus, fostering usually involves a complete change of surroundings. Foster parents are paid on a sliding scale that takes into consideration how difficult the child may be.<sup>40</sup>

If a child is very delinquent, the board may decide that a youth welfare school would provide the most beneficial structure. Such schools are small, with an average of only forty-five "students," classified according to sex, age, intelligence, and psychological type.<sup>41</sup> The stay is meant to be temporary with re-integration into society and the family the eventual goal. Upon release, after-care may involve a period in foster care, or boarding school, or return to the family with medical and social support services ordered.

Sweden has been experiencing a rising delinquency rate<sup>42</sup> and it

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ian is an interesting feature of Scandinavian law. In Sweden, guardianship is valid until the child's twenty-first birthday, with the guardian generally directed to "constantly watch the minor's development, closely observe his living conditions, and further whatever may profit him." *Id. Compare with Danish Act § 37*, which is similar except for a provision that the earnings of a young person may be paid to the guardian.

<sup>38</sup>Swedish Act §§ 20, 22, 24, 80-87. *But see Temkin at 578.* (Swedes tend to rely on the ombudsman more than on the appeals tribunal; it was at the suggestion of the ombudsman that the law was revised to include a lawyer on the child welfare board, when practicable).

<sup>39</sup>Swedish Act § 31.

<sup>40</sup>*See Temkin at 583.* About 10 percent of children dealt with by child welfare boards are fostered. *Id.*

<sup>41</sup>*See Grobe, "Juvenile Delinquency in Sweden," 53 Ky. L.J. 247, 250 (1964-65).* Only when a child's behavior, rather than the family background, is at issue can he or she be committed to a youth welfare school. *Temkin at 584. See generally Swedish Act § 25(a)(b).*

<sup>42</sup>Trial of a child under fifteen is theoretically possible if the facts are in dispute, under Special Rules for Young Offenders. *See Temkin at 576.* In 1970,

is difficult to estimate how successful the child welfare system has been in counteracting this. Conflicts arise out of the board's compulsory jurisdiction, which seems to inhibit parents and children from voluntarily seeking its aid. Members of the board act like judges by considering evidence and making dispositions, and children and parents can be coerced into participation. The conflict between whether the boards should operate on the disease model or the criminal culpability model is as old as the origin of the system, and continues to flare up periodically.<sup>43</sup>

In general, Swedish youth services pervade most aspects of juvenile life. Standards and procedures are developed nationally, but wide discretion is given to local boards to apply and interpret them. The goal is to treat the child as part of a complete social environment, through rehabilitation into normal social patterns.

#### IV. The Danish Experience: Variety and Experimentation.

While Swedes are progressively taxed at one of the world's highest rates,<sup>44</sup> Danes are taxed at a lower rate and receive less complete child care services. Furthermore, the Danes have experienced more changes of political ideology, with the result that national goals have differed from time to time. Various child care services have grown up, proved themselves, and been taken under complete or partial government sponsorship. Although community services are requested through and overseen by the local child welfare boards, they are under the ultimate authority of different government agencies.<sup>45</sup> The one consistent policy is that raising a child is primarily the responsibility of the family;<sup>46</sup> supportive services are offered to supplement family care when there are individual parental

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439 older children were sentenced to youth imprisonment, a slight drop from previous years. See Nelson, "Criminal Law Reform: Sweden," 21 *Am. J. Comp. L.* 269, 278 (1973).

<sup>43</sup> See Grobe, *supra* n. 41 at 252. The maximum sentence is three years plus two years of probation, but the average incarceration is for ten months, with subsequent transfer to care outside the institution. See Nelson, *supra* n. 42 at 280.

<sup>44</sup> Moyer, "The Mentally Abnormal Offender in Sweden: An Overview and Comparison with American Law," 22 *Am. J. Comp. L.* 71, 104 (1974).

<sup>45</sup> The Danish overseeing agencies include the Directorate of Child and Youth Welfare Services, the Economic Board of Child and Youth Welfare, the Educational Board of Child and Youth Welfare, the National Council of Child and Youth Welfare Services. See Toft at 6.

<sup>46</sup> When there is a conflict of interest, the needs of the child are the first consideration, taking priority over preference of parents. See Wagner and Wagner at 5.

or child problems, working parents, or emergencies.<sup>47</sup> On the other hand, medical and dental care and education are viewed as primarily the responsibility of the government.

Two-thirds of the nurseries, after-school groups, and youth clubs and three-fourths of the kindergartens are privately owned by nonprofit groups such as unions, with some entirely sponsored by townships.<sup>48</sup> The government, on the other hand, not only establishes the standards for training of the personnel and administration of these "private" centers, but heavily subsidizes their construction and operating costs. Government grants of 70 percent are typical, with townships and users paying the balance.<sup>49</sup>

Because the local child welfare boards have the sole power to request government subsidies, real control over services remains with the local people. The resulting combination of private initiative and government subsidy allows some experimentation while at the same time maintaining strict national health and education standards.

Mother and infant care in Denmark is a joint responsibility of the Ministers of Social Affairs and the Interior. The emphasis is on medical attention, with a concomitant offering of legal and social support services. The process begins at the age of seven, when sex education is first offered,<sup>50</sup> intensifies from the age of fourteen, when people are legally entitled to consensual sexual relations and are simultaneously counseled and provided with birth control means;<sup>51</sup> continues with support services through periods of pregnancy, especially for single mothers;<sup>52</sup> culminates in the two-year period after birth when all children and mothers are visited at home by nurses and may be referred to welfare services when that seems appropriate,<sup>53</sup> and continues in some cases through the child-raising years, during which time exhausted mothers with small children may be

<sup>47</sup> Danish Act § 27.

<sup>48</sup> See M. Wagner and M. Wagner, "Group Day Care in Denmark" 3 (unpub. report #3, OCD 1973).

<sup>49</sup> Danish Act §§ 69-75; See Toft at 18; Wagner and Wagner, "Group Day Care" at 2-5.

<sup>50</sup> See M. Wagner and M. Wagner, "Helping Mothers in Denmark" 5 (unpub. report #7, OCD 1973).

<sup>51</sup> *Id.*

<sup>52</sup> All pregnancies are registered with the "Mother's Help" organization, with a physician's statement as to whether the birth was out of wedlock. Single mothers are offered social, legal, financial, and personal help. See M. Wagner and M. Wagner, "Services During Pregnancy" 4-8 (unpub. report #6, OCD 1973).

<sup>53</sup> During the first year of an infant's life, an Infant Health Visitor makes an average of twelve visits to an infant's home. About 88 percent of infants receive this service. See M. Wagner and M. Wagner, "Health Visiting in the Infant's Home" 2, 5 (unpub. report #5, OCD 1973).



sent to rest and recreation centers for vacations combined with counseling.<sup>54</sup> Financial and material aid is available wherever there is evident need, and services are provided through both government agencies and private organizations with government sponsorship.

The policy for education and support services is to leave decisions up to the individual, but to provide complete information so that decisions are informed. Thus, young women are free to decide whether to abort, put up for adoption, or keep a baby;<sup>55</sup> to reveal or not to reveal the name of the father so that legal paternity proceedings may be initiated;<sup>56</sup> and even to receive or not to receive free medical care.<sup>57</sup>

Group day care has been offered in Denmark for nearly one hundred and fifty years.<sup>58</sup> During that time certain standards have grown in acceptance and become the rule, such as preference for neighborhood centers,<sup>59</sup> a staff-infant ratio of one to four,<sup>60</sup> nursing, education, and recreation training for the staff,<sup>61</sup> availability of full medical care through the centers,<sup>62</sup> local supervision by the child welfare boards, and a limit on the number of hours any child can attend in one day. Such national standards apply regardless of the degree to which the day care center is government subsidized. A specific program of day care is provided, and standards for staff training differ, in each of four different categories: nurseries, kindergarten, after school care, and youth clubs.<sup>63</sup> The trend is not to isolate these four age groups, but to accommodate them in different areas of the same facility.<sup>64</sup>

For the most part, group day care centers have waiting lists and

<sup>54</sup> See M. Wagner and M. Wagner, "Group Day Care in Denmark" 1-2, 3 (unpub. report #3, OCD 1973).

<sup>55</sup> Women under the age of eighteen or over the age of thirty-eight, or having four children under the age of eighteen, may receive abortion on demand. Other women must apply for abortion through Mother's Help centers, which will take the following factors into consideration: serious danger to health; rape or incest; genetic defects or embryonic injury; serious mental or physical defect in women; bad social conditions. *Id.* at 6.

<sup>56</sup> All children have a right of inheritance and 50 percent of their support from fathers. Thus legal paternity proceedings are important. *Id.*

<sup>57</sup> Only about 2 percent have turned down home nurse's visits. *Id.* at 5.

<sup>58</sup> *Id.* at 1.

<sup>59</sup> *Id.* at 8.

<sup>60</sup> *Id.* at 10.

<sup>61</sup> See generally M. Wagner and M. Wagner, "Training Child Care Workers in Denmark" (unpub. report #8, OCD 1973).

<sup>62</sup> Wagner and Wagner, "Group Day Care in Denmark" at 5.

<sup>63</sup> Wagner and Wagner "Training Child Care Workers in Denmark" at 3-8.

<sup>64</sup> The same building is often open to senior citizens during the evening hours. Wagner and Wagner, "Group Day Care in Denmark" at 8, 9, 13.

are unable to provide places for the children of all working parents. Other services, like family day care, have grown up to meet the needs of those who would not otherwise be accommodated. Family day care refers to care in a home, rather than in a group facility, under supervision of one of the adults residing there. In 1966, Copenhagen township found family day care valuable enough to refer it to the government for sponsorship. The program had proven to be better than group day care for certain kinds of "high risk" children. Children under three years of age who come from broken homes, unwed mothers, families with disturbed or sick members, or children with physical handicaps or behavior problems seemed to respond best to care in a home.<sup>65</sup>

Family day care workers are given the same quality of government support as are group day care workers. They are offered in-service training, are supervised, and their homes are inspected for sanitation and appropriate size. Their pay scale is controlled, and they may not take in more than seven children, or more than three children under the age of three.<sup>66</sup> Those who wish to specialize in keeping difficult and abnormal children are required to receive special training.<sup>67</sup>

The government even retains the right to refuse to allow a parent to take in one or two children for profit when there are moral or medical problems in the home.<sup>68</sup> On the other hand, children who are cared for by relatives under informal arrangements are not subject to inspection or supervision, on the theory that problems in such homes would reach the child welfare committees by other means.

Alternative placement for handicapped children is offered in small regional centers, within commuting distance from homes, with residential treatment available for the severely handicapped.<sup>69</sup>

Family guidance is an example of a relatively new program that is becoming widely accepted in cities, but is not yet offered throughout all the small towns and rural areas of Denmark.<sup>70</sup> It is a counseling and referral service for families who are experiencing some kind of general, rather than immediate, emergency such as the loss of husband or wife, or problems growing out of the long illness of one of the family members. It may begin either upon individual request or

<sup>65</sup> M. Wagner and M. Wagner, "Family Day Care in Denmark" 4-5 (unpub. report #4, OCD 1973).

<sup>66</sup> Danish Act § 64 (2).

<sup>67</sup> Wagner and Wagner, "Family Day Care in Denmark" at 6-9.

<sup>68</sup> Danish Act § 64 (4).

<sup>69</sup> Wagner and Wagner, "Group Day Care in Denmark" at 17-18.

<sup>70</sup> Danish Act, §§ 18-19.

when a community becomes aware that a family is in need.<sup>71</sup> The counselors come from a variety of social service backgrounds, such as nursing, home economics, or social work, and are provided with additional training in law, psychology, home economics, and counseling where necessary.<sup>72</sup>

While family guidance in Copenhagen is a highly specialized division that includes psychiatrists, lawyers, and other professionals,<sup>73</sup> in the outlying districts it may be one of many duties that the district social worker undertakes. In all cases, workers are drawn from the local community. Depending on the crisis and the extent of help desired, workers may directly advise the family on budgeting and child care, or they may recommend economic assistance, a mother's helper to temporarily look after the house, after school care, enrollment in youth clubs, or even foster care.<sup>74</sup> After analysis of the family's situation the form of aid is decided upon by the counselor, contact with the appropriate social agency is made when necessary, and the family pays as it is able for the services, with complete state subsidies available for the destitute. Family guidance may be seen as one more way trouble is spotted and corrected before a problem has deteriorated beyond all help. The approach is typical of the Scandinavian interest in treating the problems of youth within a family setting, and typical of the Danish view that special services should be supplementary to, but not substitutes for, family responsibility.

One of the most recent examples of the government and private enterprise working together is the attempt of Copenhagen township to develop a program for drug-addicted youth. In the 1960s, when the problem first surfaced in Copenhagen, there was no experience on which to draw for developing a treatment program. First, a contact center, which was little more than a social center for addicts, was developed.<sup>75</sup> As trial and error showed what kind of help addicted youth would accept, and as the social workers became more adept in communicating with the youth, group treatment homes were added to the program. One group of young persons decided to

<sup>71</sup> See Toft at 9. In Copenhagen, 89 percent of families make contact themselves, whereas 11 percent are referred. See M. Wagner and M. Wagner, "Family Guidance in Denmark" 4 (unpub. report #2, OCD 1973).

<sup>72</sup> Forty percent have group day care certificates; but 15 percent are registered nurses; 25 percent are graduates in home economics. See Wagner and Wagner, "Training Child Care Workers in Denmark" at 1-2.

<sup>73</sup> See Wagner and Wagner, "Family Guidance in Denmark" at 6.

<sup>74</sup> See generally Toft at 9-10.

<sup>75</sup> See M. Wagner and M. Wagner, "A Treatment Program for Drug Addicted Youth in Denmark" 3 (unpub. report #10, OCD 1973).

retreat to an isolated rural area while they went through withdrawal. This proved so successful that it was added as a regular first step in the therapy program.<sup>76</sup> Finally, the opportunity for extended group living in rural areas was provided, because experience showed that not all youth were able to successfully move back into city life soon after withdrawal from addiction.<sup>77</sup> Throughout the evolution of the program, the government met most of the expenses, but let the standards develop empirically.

Thus youth services in Denmark grow from the bottom up, rather than being created at the national level, and then imposed. Local needs are spotted by the child welfare boards, and when services are created that prove to meet those needs, they may be offered substantial government subsidy. The government does not aim to control every facet of those services, but it does set priorities: health care and education.<sup>78</sup> The more complex operating standards have evolved from those two priorities through experience at the local level. Professional services such as law, medicine, and social work are always available to young people in trouble, but the decision to make use of that expertise is usually left to lay child welfare boards, or to the potential users. Since use of social services is seldom required, it seems to be widely requested.

## V. Conclusions.

The difficulty that Sweden has had in integrating immigrant populations is an indicator of problems the United States would probably encounter with a centralized family-substitute system of youth services. Catholic and Moslem families from southern Europe and the Mideast have resented and resisted attempts of the Swedish government to decide how children should be reared and cared for, what programs they should be enrolled in, and what social habits they should acquire during their education. The Swedes have had to pull back in their efforts to impose cultural values on these families.<sup>79</sup>

Certainly the type of education and family atmosphere that urban blacks, rural Spanish-Americans, and New England whites in our country either desire or require often differ greatly. Dr. Bruno Bettelheim predicted in *The Children of the Dream* that the communal experience and highly structured existence of children in the

<sup>76</sup> *Id.* at 6.

<sup>77</sup> *Id.* at 6-7.

<sup>78</sup> The greater part of the Danish National Budget, as of 1969, was for social services and public health, followed by education and defense. See Toft at 4.

<sup>79</sup> See Temkin at 574.

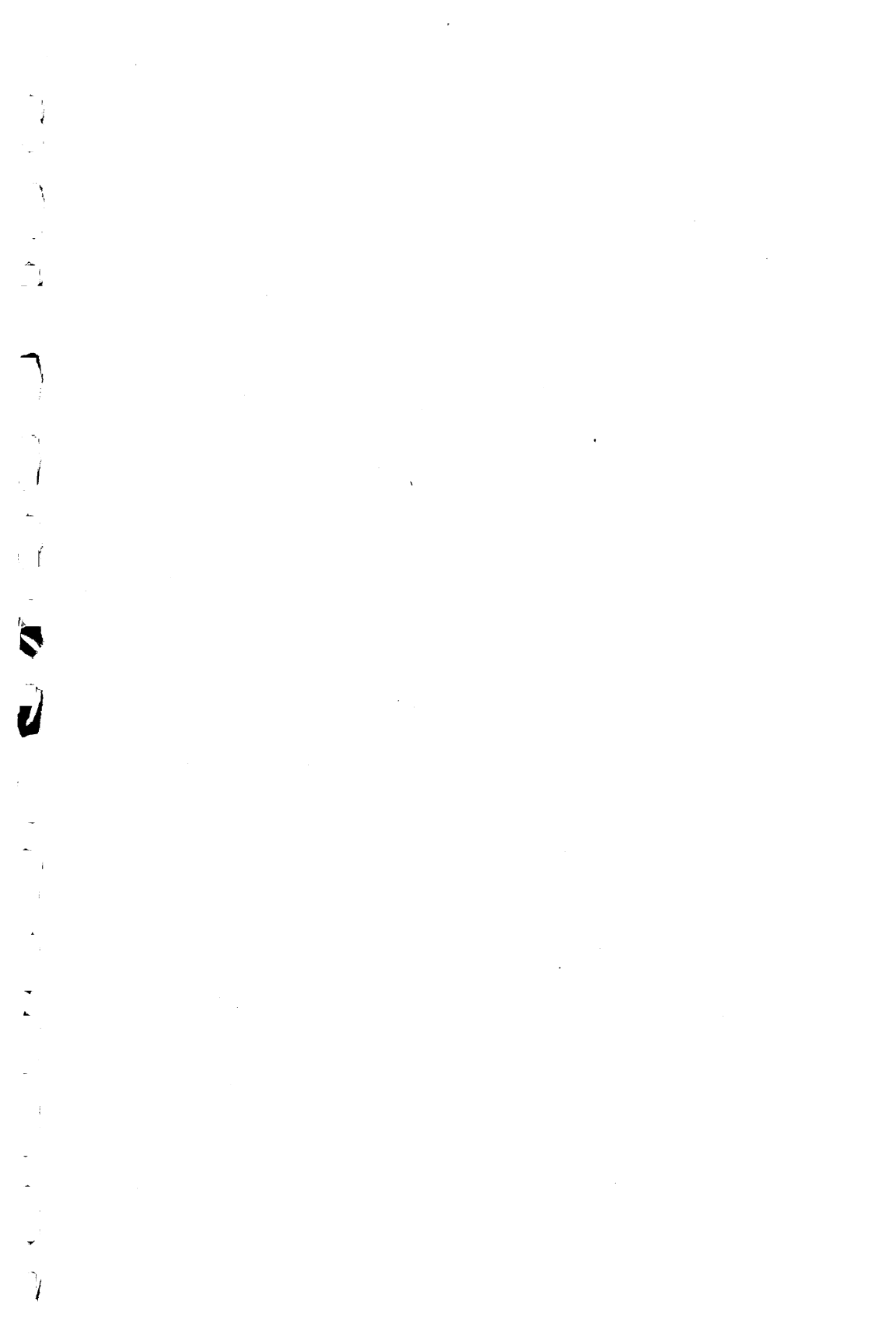
Israeli kibbutz would fail in America, because its success depends on a cohesive society where there is consensus about goals and the best way to achieve them.<sup>80</sup> The tightly-knit Israeli kibbutz can to some degree be compared to the Scandinavian societies, which until the recent influx of foreign workers, have been remarkably insulated from diverse cultural pressures.<sup>81</sup>

The Danish experience, by contrast, appears to be of more potential value to Americans because it is premised on the theory that each community is in the best position to determine its own social needs. Services that arise in response to those needs, either through local arms of government agencies, or privately, are allowed to develop as long as they do not offend a general standard of health or education. If those services are viable, the local child welfare boards can then recommend them for government grants. Once the government does undertake subsidy, more complete standards for training, facilities, and operation usually emerge. With few exceptions, no one is required to use the services, and townships need not establish them and increase the local tax burden. The quality of the most pervasive services is assured, while diversity and innovation are not precluded.

<sup>80</sup> See B. Bettelheim, *The Children of the Dream* (1969).

<sup>81</sup> In 1969 alone, 66,000 immigrants entered Sweden. By 1973 immigrants were 6 to 7 percent of the total population. Second generation immigrants tend to commit more crimes than the general Swedish population. See Temkin at 574.





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