

Held in Room 519 S, at the Statehouse at 11:00 a. m./p. m., on February 9, 19 78.

All members were present except: Senator Steineger

The next meeting of the Committee will be held at 11:00 a. m./p. m., on February 10, 19 78.

~~These minutes of the meeting held on XXXXXXXXXXXXXXXXXXXXXXXX 19 XXXX were considered, corrected and approved~~


Chairman

The conferees appearing before the Committee were:

- Lt. Ernest Cramer - Topeka Police Department
- Gene Olander - Shawnee County District Attorney
- Frank Yeoman - Shawnee County Assistant District Attorney
- Thomas E. Kelly - Governor's Comm. on Criminal Administration
- Ernest W. Hohnbaum - Governor's Comm. on Criminal Administration
- Jeff Wampler - Kansas Farm Bureau

Staff present:

- Art Griggs - Revisor of Statutes
- Paul Purcell - Legislative Research Department
- Jerry Stephens - Legislative Research Department

The chairman distributed copies of his report on the seminar conducted at Columbus, Ohio, concerning the Dangerous Juvenile Offender.

- Senate Bill 212 - Age of juveniles subject to the provisions of the Kansas Juvenile Code.
- Senate Bill 553 - Juvenile code revision.
- Senate Bill 761 - Juvenile code, juveniles committing certain crimes may be prosecuted like adults.
- Senate Bill 825 - Juvenile Code revisions; ~~e~~elimination of status offenses.

Lt. Cramer testified in support of SB 212. A copy of his statement is attached hereto. Committee discussion with Lt. Cramer followed.

Mr. Olander testified with regard to the bills. He stated he favors the elimination of status offenses. He also testified that he favors reducing the juvenile age to sixteen. He stated that when the juvenile age had been raised twelve years ago, there had been a promise that facilities would be constructed to house the sixteen and seventeen year olds. Such facilities have never been built.

continued -

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

Minutes of the SENATE Committee on JUDICIARY February 9, 1978.

He stated the amenability provisions in the law are not workable. Committee discussion with Mr. Olander followed.

Frank Yeoman testified with regard to the bills. He stated he feels adequate facilities and services should be developed for the sixteen and seventeen years olds. Committee discussion with Mr. Yeoman followed.

Tom Kelly testified with regard to the bills. A copy of this statement is attached hereto. He presented proposed amendments to Senate Bill 553 that would bring the bill into compliance with the Federal Juvenile Justice Act. He presented the committee with information concerning funding that Kansas would receive if it complied with the federal act, and provided the committee with details concerning it. Committee discussion with Mr. Kelly followed.

Mr. Hohnbaum testified in support of the proposed amendments to Senate Bill 553.

Jeff Wampler, of the Kansas Farm Bureau, appeared in support of lowering the juvenile age to sixteen.

Senator Berman moved that the minutes of January 24, 25, 26, and 27 be approved; Senator Simpson seconded the motion, and the motion carried.

The chairman announced that there would be a working session of the committee Friday afternoon at 1:30.

The meeting adjourned.

These minutes were read and approved by the committee on 4-4-78.

2-9-78

GUESTS

SENATE JUDICIARY COMMITTEE

NAME

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Jeff Wampler

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Jim M. Clark

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Dist Atty

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Lawrence Ms.

Lawrence Police Dept

Steve Starr

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Robert L. Morrison

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District Court

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Planning & Research

James H. Hays

Topeka

Division of the Budget

GUESTS

2-9-78

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NAME	ADDRESS	ORGANIZATION
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Barbara Sabal	SOB	SAB
Joan Webster	Topoka	Jr. League Top.
Barbara Meidinger	Topoka	Jr. League of Topoka
deStarna	topoka	Council of Churches
Ruth Groves	Topoka	AAUW & KECY
Bill Jensen	Topoka	Lawrence's Office
Mike Wolford	Lawrence	
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COMMITTEE ASSIGNMENTS

CHAIRMAN: JUDICIARY
 VICE-CHAIRMAN: INTERSTATE COOPERATION
 COMMISSION
 MEMBER: ASSESSMENT AND TAXATION
 LEGISLATIVE, CONGRESSIONAL AND
 JUDICIAL APPOINTMENT
 LOCAL GOVERNMENT
 ORGANIZATION, CALENDAR AND RULES

TOPEKA

SENATE CHAMBER

December 30, 1977

REPORT OF SEMINAR
 THE DANGEROUS JUVENILE OFFENDER
 DECEMBER 15-16, 1977
 COLUMBUS, OHIO

This seminar was sponsored by the National Conference of State Legislatures in conjunction with the Academy for Contemporary Problems. Attached please find a copy of the agenda, as well as a list of the participants. Also attached please find a pamphlet entitled "On Taking Dangerous Kids Seriously" which is a good summary of the issues presented at the seminar; also enclosed is a pamphlet describing the Dangerous Offender Project of the Academy for Contemporary Problems.

The purpose of the seminar was to provide an opportunity for legislators and others interested in the field to discuss the findings of the study conducted by the academy and the policy implications of that study.

Attached is a copy of the address given by a Dr. Conrad at the evening session on December 15.

In the first part of the afternoon program on December 15, Dr. Simon Dinitz presented background information concerning the academy's Dangerous Offender Project. He indicated that a study of the effect of incompacitation, that is, incarceration, indicated that a five (5) year mandatory sentence in Columbus, Ohio apparently would have reduced crime 4%, arrests 2%, and the number of offenders 19%. He indicated that recently, statistics indicate that violent offenses committed by juveniles has increased 273%, while during the corresponding period violent offenses by adults had increased 120%. He acknowledged that current literature provides no answers to the problem of the dangerous juvenile offender. He indicated that there are at least four (4) distinct theories in literature concerning juvenile offenders. The first is that the earlier a juvenile begins violating the law, the worse his crime career will be. The second theory is that kids start on small crimes, and progress to more serious crimes. A third

theory is that there is now a special kind of juvenile offender, the so called "ogre" theory. The fourth theory is that repeat offenders account for a large percentage of the total offenses.

Dr. Dinitz then proceeded to describe the Dangerous Juvenile Offender Project which had been conducted by the Academy. They meticulously went through the Columbus, Ohio Police Department records concerning all offenses of record for persons who were born in the years 1956, 1957, and 1958, and picked out those persons who were born in those years who had a history of an arrest for homicide, robbery, rape, sexual offenses, or assault and battery. It was necessary to search through over 10,000 records. Eight hundred eleven (811) persons fit the criteria of an arrest for one of the specified violent offenses whose birthday fell within the prescribed period. One percent (1%) of the applicable age group in Columbus was included in the study group, but if you look only at boys, the percentage was closer to 2%. His preliminary conclusions indicate that the age of onset of the first offense is important, if total arrests are considered. The age group of 11-12 is the most important indicator of possible later violent crimes. The progression theory is not borne out by the study, and neither is the "ogre" theory. The study is not completed yet, but will be in about three (3) months. Unfortunately, the study does not reveal any clues for predictability.

Dr. Donna Hamparian indicated that juvenile incarceration studies show that non violent offenders are likely to have been incarcerated longer than violent offenders. She indicated that there is a national trend now not to institutionalize juveniles for status offenses. This will result in fewer beds being required in the future, but the institutions will have to deal with more difficult inmates. She reported that the state of Washington has recently passed a law to go into effect next July providing for mandatory sentencing for juveniles for specified crimes and a mandatory restitution for lesser crimes. She said the sponsor of this legislation indicates that this will insure incarceration for serious offenders at the same time eliminating the discrepancy between sentencing from rural areas and urban areas of the state, which results in the incarceration for relatively minor offenses for some juveniles from rural areas. She indicated that West Virginia has also recently inacted a similar law, and that Michigan has administratively defined dangerous.

Her recommendations were as follows:

- (1) State should abandon indeterminate sentences, and go to flat terms.
- (2) States should purchase services from private agencies for repetitive serious offenders. She indicated that this would encourage innovative programs; that civil service inhibits innovation; that states would not be locked into buildings or programs; and there might be some fiscal savings.

- (3) States should institute aftercare programs.
- (4) States should give more study before changing the age of juveniles.
- (5) Existing programs should be improved.

In the Saturday morning program, Judge John Milligan stated that judges and legislators both need to educate the public to the problems of juvenile offenders. He indicated that he feels that the balance of powers is out of balance between the Judiciary, Legislature, and Executive branches. Penalties for crimes used to be specified by laws. More power was transferred to the Judiciary by the passing of indeterminate sentencing provisions. Now, the executive branch has assumed much more power by the increase in parole activities. In recent years, the legislatures have not been exercising powers concerning juvenile matters. A judge in a juvenile case has much more power than a judge in an adult case. The executive branch has been delegated vast powers in juvenile matters, since the traditional disposition concerning incarceration is to an agency of the executive branch. The issue now is "who decides" matters concerning juveniles. Legislatures have traditionally made decisions in broad categories; such as the passing of laws pertaining to blood alcohol content. The social science community has failed to define or predict dangerousness in juveniles. Judge Milligan therefore urged legislators not to deal with dangerous juvenile offenders in a categorical manner.

Representative Philip Johnston indicated that Massachusetts originally pioneered in large juvenile institutions. The years from 1968-1970 saw a drive in that state to reform those institutions. A new director of juvenile institutions, Jerry Miller, was hired in an attempt to achieve reform. Miller originally attempted to reform the institutions. After much effort, he concluded that they could not be reformed. He suddenly closed one institution, sending its 350 inmates to the University of Massachusetts campus. In making such sudden changes, he had support of the governor, the legislative leadership, the Boston Globe Newspaper, and groups such as the League of Women Voters. Rather quickly after the first institution was closed, all of the state juvenile institutions were closed. Within a year, the state was contracting with some 200 private community based organizations. Representative Johnston reported that for several years, the legislature refused to recognize the closing of the institutions, and continued to appropriate funds for them, and for several years the staff remained in place although there were no inmates.

He stated that the new programs worked for 90% of the juvenile offenders, and did not work for 10%. All services for juveniles in Massachusetts are now contracted out to private organizations. He indicated that the need is to re-emphasize the family unit, instead of zeroing in on the kids.

He stated that Massachusetts has decided that the state is incapable of running juvenile institutions. Nobody knows what to do with the violent offenders. He feels the private sector should be given an opportunity to develop innovative programs to see what might work. Status offenders have been shifted from the Youth Services Department to the Department of Public Welfare.

Massachusetts is just now beginning to deal with the whole problem of security in juvenile placements. Massachusetts has a rate setting commission, and has had such a commission for medical services for many years.

Dr. Dinitz commented that he fears the possibility of the development of dual systems-the maintenance of a system by the state at the same time that the state is financing private systems.

Judge Milligan indicated that there is growing documented evidence of a strong correlation between diet and juvenile violence. He passed out a copy of an article "Aggression and Diet" which is attached.

Also attached is a table showing the number of arrests that the various youths studied in the project had. Two hundred thirty eight (238) had only one arrest. The highest number of arrests were twenty three (23). However, in this table, the number of arrests included all arrests by that juvenile, provided that at least one (1) arrest was for a violent offense. The largest number of violent arrests was six (6). Of the 811 youth studied, 677 had only one (1) violent arrest.

AGENDA
THE DANGEROUS JUVENILE OFFENDER
PRESENTED BY
THE NATIONAL CONFERENCE OF STATE LEGISLATURES
IN CONJUNCTION WITH
THE ACADEMY FOR CONTEMPORARY PROBLEMS

December 15 and 16, 1977

Thursday, December 15

- 1:00 p.m. Registration
- 1:30 p.m. Welcoming Remarks
- Introduction of Conference
The Honorable Stanley Aronoff, Chairman, NCSL Criminal
Justice Committee
Senate, Ohio General Assembly
- 2:00 - 3:45 p.m. Discussion of Dangerous Offender Project;
Juvenile Aspect; Findings; Policy Implications;
Need for Research as Condition Precedent to
Deciding Policy Questions
●Richard Schuster - Academy for Contemporary Problems
●Simon Dinitz - Academy for Contemporary Problems
- 4:00 - 5:00 p.m. National Overview - Extent of the Problem;
State Responses.
●Donna Hamparian - Academy for Contemporary Problems
- 5:00 - 6:00 p.m. Cocktail Hour
- 6:30 - 8:00 p.m. Dinner

"THE HOODLUM IN THE HELPLESS SOCIETY"

Speaker - John P. Conrad - Academy for Contemporary Problems

Incarceration: Policy Implications
(Construction; Types of Sentencing;
Purchase of Private Service)

The Dangerous Juvenile Offender
December 15 - 16, 1977

Friday, December 16

9:30 - 12:00 Noon

Discussion focusing on:

- I. When and under what circumstances should a dangerous juvenile become an adult?
- II. Where and why should a dangerous juvenile be incarcerated?
- III. How should "dangerousness" be statutorily defined for juveniles?
- IV. What criteria can be legitimately considered in determining state construction policy?
- V. To what extent should legislators determine sentencing and/or release?

- Simon Dinitz - Academy for Contemporary Problems
Co-director, Dangerous Juvenile Offender Program
- Representative Philip Johnston
Boston, Massachusetts
- Judge John Milligan
Juvenile and Domestic Relations Court
Canton, Ohio

THE DANGEROUS JUVENILE OFFENDER

PRESENTED BY

THE NATIONAL CONFERENCE OF STATE LEGISLATURES
IN CONJUNCTION WITH
THE ACADEMY FOR CONTEMPORARY PROBLEMS

December 15 and 16, 1977

PARTICIPANTS LIST

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Judge, Juvenile and Domestic Relations Court
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THE COLUMBUS STUDY OF JUVENILE VIOLENCE

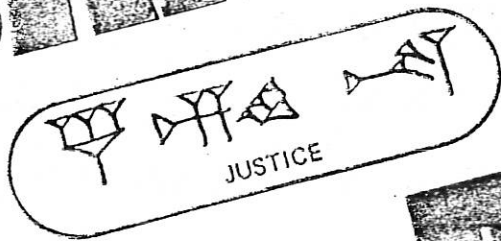
For the last two years the Dangerous Offender Project has included a study of juvenile violence. The Project itself consists of four other empirical studies: the incidence of violent crime in Columbus during the period 1950; the prosecutory decisions on criminal proceedings against violent offenders; the utility of incapacitation in reducing violence; and the problem presented by the Dangerous Offender in prison.

The Project has published two books, *The Law and the Dangerous Criminal*, an inventory of legislation on dangerousness; and *In Fear of Each Other*, a collection of essays on the problem of identifying and controlling the Dangerous Offender. A third book, *In Search of Criminal Man*, is in process and will be published early in 1978.

The staff participating in the Study of Juvenile Violence consists of: John Conrad, Simon Dinitz, Donna Hamparian, and Richard Schuster.

The Academy for Contemporary Problems
1501 Neil Avenue
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THE DANGEROUS OFFENDER PROJECT



The Academy for Contemporary Problems
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with current attempts to identify, manage, and control juveniles who commit violent and outrageous offenses. The proposals for reform of the system have included the abolition of the juvenile court entirely, a get tough enforcement and prosecution policy, more institutional dispositions and for longer periods of time, mandatory sentences for specific crimes, more waivers to criminal court, and the lowering of juvenile court age to 16 or even 14.

None of these proposals, and others, are based on solid research findings. They reflect, instead, growing public discontent and fear of the violent juvenile offender.

How much validity is there in some of the prevailing conceptions about the juvenile perpetrator of violent crimes?

- That he is a "monster" — amoral and vicious — who will stop at nothing.
- That he is a repetitive offender.
- That his crimes increase in frequency with age.
- That he progresses from less to more serious crimes.
- That he gets off too lightly under our present system.
- That a small number of such offenders commit the bulk of all violent crimes.
- That sweeping these juveniles off the streets will significantly reduce the hazards to us all.

The empirical base for these beliefs is absent. The recently released Vera Institute study in New York is one such investigation. The other major study which is only peripherally concerned with this problem is the Wolfgang et al. research in Philadelphia of all boys born in that city in 1945 and resident there throughout their juvenile years. As part of our more comprehensive study of the dangerous offender, we did, indeed, focus on the violent juvenile as a principal component of the larger problem of dangerousness.

Our study concerns each and every juvenile in Columbus, Ohio, born in the years 1956-1960, who was arrested at least once for the commission of a violent crime up to age 18. These five birth years (84,792 age-eligible cases in all) yielded 1,138 subjects who had been arrested for one or more violent crimes. These subjects constituted 1.3 percent of the youth population and 2.3 percent of the male youths. Each subject's police and juvenile court dossier was abstracted (under the proper safeguards for privacy). In effect, we collected, with names and other identifying variables excluded, the entire histories of these cases — crime, victim, prosecution, disposition, sentence, release, and recidivism. We also know the sex, race, socioeconomic status, family composition, and other sociodemographic characteristics as these were officially recorded. We have plotted and analyzed these juvenile careers and some of the results are striking:

The Violent Juveniles

- Boys constituted 85 percent of those arrested for the commission of a violent crime.
- Blacks contributed 55 percent of all such arrests — about four times their numbers in the population.
- Lower class youths — male and female, black and white — accounted for 86 percent of the arrests.
- The very poorest census tracts contained under 8 percent of the youth. The violent juveniles in these tracts amounted to over 32 percent of the total.
- Roughly 57 percent of the violent juveniles came from intact homes.

ing their first violent crime.

The Crime Patterns

- The number of all arrests, ages 6-18, ranged from 1-23. The average was 5.5 per case.
- Nearly 3 out of 10 had one and only one arrest during their juvenile years.
- 83.5 percent had one and only one arrest for a violent crime. Only 3.8 percent had three or more violent crime arrests. One boy had six such arrests.
- The largest number of these violent crime arrests were for simple assault. Contrary to popular belief, murders, rapes, and aggravated assaults were very few — even before plea bargaining.
- The first arrest (for any crime) occurred at about the mean age of 13.
- The first arrest for a violent crime occurred one year later or roughly at 14 years of age on the average.
- Violent crime arrests occurred with equal frequency at all stages of the juvenile career. They were not bunched in any one period as initially thought would be the case.
- A fourth of these violent offenders were sentenced to the Ohio Youth Commission.
- The average length of time spent in an Ohio Youth Commission facility per commitment was just under 7 months with the longest stay being 33 months.
- For all commitments (i.e., total time during their juvenile years), the mean was 13 months and the extreme was 49 months.

Tentative Conclusions

- Although a few juveniles do commit heinous offenses, the typical violent juvenile has been involved in an assault, a purse snatching, or something similar. The "monster" thesis cannot be supported except for a tiny core of violent juveniles.
- Very few violent juveniles are repetitive in their violence, at least officially.
- With regard to repetitiveness:
 - Recidivists are generalists in their range of crimes, both violent and nonviolent;
 - Violent recidivists are unpredictable even in their violence.
- The age of onset of police contact is related to subsequent violent events. Onset at ages 11 and 12 is particularly critical for the number of subsequent violent events.
- Youths do not progress from nonviolent to violent crimes on any consistent basis.

Our findings do not support the conventional wisdom regarding juvenile violence except as regards sex, race, poverty, family, and other attributes. Criminal histories do not appear to be predictive of violent conduct. Under these circumstances, prevention programs are likely to be only modestly effective.

Legislators should be cautious in enacting statutes which apply to all juveniles rather than to the minute number of repetitively violent youth.

On Taking Dangerous Kids Seriously



For the last two years the Dangerous Offender Project has included a study of juvenile violence. The Project itself consists of four other empirical studies: the incidence of violent crime in Columbus during the period 1950; the prosecutory decisions on criminal proceedings against violent offenders; the utility of incapacitation in reducing violence; and the problem presented by the Dangerous Offender in prison.

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The staff participating in the Study of Juvenile Violence consists of: John Conrad, Simon Dinitz, Donna Hamparian, and Richard Schuster.

ON TAKING DANGEROUS KIDS SERIOUSLY

Americans are impatient but practical people. Problems should be solved, and the people to solve social problems are the officials of government, the governors, legislators, and courts we elect. They are to get the best advice from experts, and if the advice doesn't work, they are to find new and better experts. In the light of this spirit, the American people have a right to be severely critical of all of us, officials and experts alike, when they consider the affliction of juvenile crime. They hear that juveniles are more dangerous than ever before, and occasionally they see an alarming criminal act committed by a young thug who is hardly more than a child. The statistics which are spread across the newspapers and television screens are discouraging and get more so every year. There is a natural impulse to get tough where sweet reason does not prevail. Experts in toughness, some endowed with impressive credentials, have no trouble in making themselves heard. Those who try to keep the focus on the goal of effectiveness find themselves on the defensive, sometimes seeming to defend the indefensible. Our system of dealing with delinquents is sadly imperfect. Much has to be done, and none of us is entirely certain of the means for achieving the ends of a peaceable society.

This paper is intended to outline the problem, to discuss some of the current approaches to its solution, and to indicate the questions that urgently need to be answered if we are ever to arrive at solutions that will control the level of violence in this country. The staff of

the Crime and Justice Center of this Academy has been investigating the problem of the Dangerous Juvenile Offender for the last two years. The facts we have to present are verified and we stand by them. Our conclusions are arguable, but we will stand by them, too.

The Problem

If we consider the problem statistically, it doesn't look serious. Turning to the 1976 *Uniform Crime Reports*, published by the Federal Bureau of Investigation, we find that children ages 16 and under were responsible for 54,747 of the 341,499 index crimes against the person (homicide, forcible rape, robbery, and aggravated assault) committed in this country during 1976. That works out to 16 percent, too high a figure for comfort, but certainly not the main part of the crime problem. Of all the delinquent acts committed by juveniles, 1,523,615, the 54,747 crimes against the person constitute 3.6 percent of the total burden of juvenile delinquency. This is a small enough fraction to be lost in the unwieldy process of the juvenile justice system. It is not unnatural that officials sometimes tend to dismiss it as numerically insignificant, despite the seriousness of many of the situations contained in the total.

Another way of estimating the dimension of the problem is to take figures from the closer look that research studies make. Probably the most famous such study is the report issued by the University of Pennsylvania in 1972 under the title, *Delinquency in a Birth Cohort*. In this investigation, the delinquent careers of 9,945 Philadelphia boys born in the year 1945 were carefully followed. It was found that 3,475 of these boys, or 35

The Academy for Contemporary Problems is a national public policy research center operated by the Council of State Governments, International City Management Association, National Association of Counties, National Conference of State Legislatures, National Governors' Association, National League of Cities, and U.S. Conference of Mayors. The Academy's purpose is to assist its seven Member organizations of state and local public officials in their search for solutions to critical problems in American states and communities.

percent, had committed one or more delinquent acts — the total number of delinquencies was 10,214. But of these boys, 627 chronic delinquents had committed 5,305 delinquencies; 18 percent had committed 51 percent of the offenses. Once again we have a relatively small number of boys to find and bring under stricter control because they are responsible for a disproportionate number of offenses.

Our own study at the Academy is still incomplete but we are far enough along with our data analysis to offer some findings of our own. We studied 811 boys and girls born in the years 1956-58 who were arrested in Columbus, Ohio, for at least one violent offense before the expiration of juvenile court jurisdiction at age 18. These juveniles were responsible for 1,087 violent crimes. Over 83 percent of these juveniles were arrested only once for a violent offense — only 3.8 percent were arrested three or more times.

The amount of detail that could be added to the statistical picture so far presented is too large and unwieldy to fit into a summary like this. But the picture to be presented is clear enough. We have a system which annually processes an enormous number of juveniles. It arrests them, it interviews and diagnoses them, it makes findings about them, it disposes of them in various ways ranging from suspended sentences to terms in juvenile training schools and occasionally, by the procedure of binding them over for an adult trial, to terms in prison. In Columbus, over 26 percent of our 811 violent juveniles got some kind of institutional commitment, but only 15 were actually bound over for disposition in the Court of Common Pleas.

Given the nature of the juvenile justice system, what can be done to improve its effectiveness in controlling juveniles regarded as dangerous? Let us keep in mind that the numbers are rather small in comparison to the volume of young people to be processed. But these numbers are large enough to impress a fearful public. Concern about the juvenile justice system's handling of these young people is so acute in some quarters as to discredit the whole system and to suggest that it should be overhauled or drastically curtailed in the discretion it is allowed.

The Present Solutions

From the beginning, the juvenile court was intended to be problem-oriented, not offense-oriented. All con-

cerned in it were to consider first what needed to be done for the child. His offense was a symptom of some underlying defect, perhaps in his family, perhaps in the neighborhood, perhaps even in himself, as in the case of mental illness or retardation. Consequently the juvenile court had broad discretion to do as it thought best for the child. Its resources consisted of various services under its control — a probation department, a juvenile detention facility, perhaps a camp or a "parental" school. It could send a particularly difficult child to a state school. If it had the money, some could be placed in foster homes or in private facilities. This structure may have some other options in the form of suspended action, restitution or public service orders, or referral to private societies for supervision and casework.

Because of the increase in juvenile violence over the last two decades and the inability of the courts and the system as a whole to claim progress in reducing recidivism by rehabilitative programs or even to deter young people from the commission of serious offenses, dissatisfaction with this long-established structure is increasing. Some writers have called for mandatory sentences for juveniles found guilty of certain offenses; some have urged the lowering of the maximum age for juvenile court jurisdiction; still others believe that all juveniles charged with violent offenses should be bound over for trial in an adult court. This is a drift toward rigor, and it needs a brief comment at this point.

The Drift Toward Rigor

The rationale for rigor is simple to state. It is argued that actions must have consequences; the appropriate consequences for a delinquent act must include punishment. If it is a serious delinquent act, one which puts a victim in fear of jeopardy or inflicts bodily harm, then the consequences must be proportionately severe. It is believed that unless there is dread of a severe penalty, the delinquent child himself will believe that he can harm others with impunity, while those who know what he has done will be inclined to emulate him. It is also advanced that the offender who is under custodial restraint will be incapacitated for further crimes against the general public for as long as he is restrained.

A policy of this kind, strictly applied, will vastly increase the numbers of children under control. More

juveniles serving longer sentences will have to be expected. Restraint will not be enough; they will have to be educated, trained, and counseled in preparation for an eventual release, because they cannot be kept forever, or even for long enough to finish their most volatile years. Large staffs must be mobilized for their custodial control and their educational programming. And all this expansion must take place in the discouraging knowledge that all studies show that these kinds of juvenile facilities are ineffective in reducing recidivism and are unusually hard to manage without the most serious abuses committed by residents upon each other.

The Escape From Futility

If the present system is deficient, if the introduction of rigor cannot be expected to improve matters, then what can be done? We cannot be certain that a satisfactory answer can be given, but as might be expected, whatever answer that can be responsibly offered will be complex. There will be no sure road to success, and there will be more blind alleys to enter. But we think that the signs point most clearly to a need to strengthen community services so that children needing help can obtain enough of it early enough to make a difference. There will continue to be a need for residential institutions, and it may well be that these institutions should keep those committed to their care for much longer periods than now is the case. These facilities must provide for small, self-sufficient units, versatile, well-trained staff, and strong, purposeful leadership. We do not believe that a satisfactory program for the most serious kinds of violent offenders can be designed without availability of institutions with this kind of custodial security.

There are good reasons to believe that neither the community programs we advocate, nor the small institutions that we believe to be needed can succeed in the public sector, where the vast majority are now located. Highly specialized services for extraordinarily difficult young people are needed; these are not services which can be successfully managed on the civil service and tenured basis. Instead, the state should limit itself to setting standards for juvenile care, to assuring that these standards are strictly complied with, and to the processes of disposition and referral. Private societies should be encouraged to enter the field and to try their hands at various kinds of innovative programs. Such

programs exist in several states, and many have been signally successful. It must be conceded that some have been terrible in the most literal sense of the word, but their survival is the fault of a state that fails to take responsibility for their supervision.

This avenue toward improvement is not advanced as a panacea. Juvenile justice, however administered, must always have a substantial number of failures. That is the nature of the problem. But a system founded on hope mixed with realism will be a far better investment for the state than one based on realism mixed with vengeance. A boy or girl locked up in an adult prison certainly will represent to everyone the community's disapproval of what he or she has done. But he will find no path to reconciliation leading out of an adult cell-block and will be a better than even bet to get into further trouble when eventually turned loose.

The Questions

To sum up, it is appropriate to list the outstanding questions about which the community must make up its mind. Facts will not settle these issues, but values may and probably will.

- (1) What is a juvenile, and at what age does he cease to enjoy this status?
- (2) Who is dangerous, and what criteria should be used to discriminate him?
- (3) What kinds of services will help the dangerous juvenile, and how can more of them be made available?
- (4) What juveniles need to be locked up, and for how long? What do we do with them while they are in custody?
- (5) Can the state provide credible and hopeful programs for delinquents, and if so, what changes can be made in the present system to provide them?
- (6) How can sufficient private services, sufficiently various and effective, be mobilized and maintained to meet the probable needs?

Many more questions will occur to the most casual reader of this paper. If some resolution of these six questions can be reached, we think we may be on the way to a system in which the public and the juveniles directly concerned can have confidence that our administration of justice takes this grave problem seriously.

The Academy for Contemporary Problems

1501 Neil Avenue
Columbus, Ohio 43201

THE HOODLUM IN THE HELPLESS SOCIETY

Presented At The

THE DANGEROUS JUVENILE OFFENDER CONFERENCE

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John P. Conrad

THE ACADEMY FOR CONTEMPORARY PROBLEMS
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THE HOODLUM IN THE HELPLESS SOCIETY

I

In this contribution I have to face an unpalatable but all too familiar set of facts. There are hoodlums in American cities, and in some of our cities the System is helpless to do anything at all about them. Two terms in that statement need definition: the Hoodlum and the System. For the purposes of this discussion, at least, I will define a hoodlum as a young predator who uses violence and the threat of violence to intimidate his victims. Sometimes he inflicts serious harm on them, even when his prey complies with his demands. The System is all of us. It consists of the general public, the police we hire to discover and arrest offenders, the courts we maintain to judge guilt and innocence and to impose appropriate sanctions, and the corrections subsystem established to carry out these sanctions.

In most cities the System works more or less effectively, so far as we can tell. It has its failures, the uncaught hoodlum, the inappropriate sentence, the correctional facility in which only crime is learned. But for the most part, serious consequences will await the young mugger. Sooner or later he will be caught, and once caught he is likely to be caught again if he robs again. We think that in Columbus the System is reasonably effective. You have already heard from my colleagues about the data we have collected and interpreted in our Dangerous Juvenile Offender Study. We think it is a picture which represents the state of affairs in most well organized American cities of the size of Columbus or smaller. Later in these remarks I will refer to gaps in our collective expertise which have resulted in tragic failures, but I want to comment now on the situation in cities where the System works badly, if it can be said to work at all. I shall

illustrate my initial point with a vignette that must be familiar to anyone who resides in or has acquaintances who reside in our five or six largest cities.

Last week we had a conference here at the Academy on the problems of prison discipline. One of the participants was a young scholar from New York. He lives with his wife and two children in the early teens on the upper West Side of Manhattan. During one of the coffee breaks, he and I talked about our study of the Dangerous Juvenile Offender about which you have been hearing today. He was concerned that our data are mostly drawn from arrest reports and therefore, in his opinion, would not reflect the gravity of the true situation as he knew it. He told me that his twelve year old daughter has been mugged twice in recent months, both times in broad daylight in the vicinity of 95th Street and Broadway. On the first occasion two boys, a little older than she, took some money from her; on the second, the muggers were two girls who threatened her with a knife and made off with money and a necklace. Both incidents were reported to the police, who carefully and considerately recorded the facts, but no arrest was made. My friend remarked that all his neighbors have had similar experiences. He supposes that the intangible consequences of such experiences are much more serious than the criminological statistician usually concludes. For the victims, the fears are disturbing and unsettling to the secure equilibrium that wise parents try to maintain for their children. White children in his part of town look with apprehension on any group of non-white teenagers, thereby tending to learn a virulent form of racism from the kind of integration they are encountering in their neighborhood. He is also alarmed about the consequences of children learning that nothing is likely to happen to them if they engage in actions that can be accurately classed as early hoodlumism.

This sort of thing happens when the System is overloaded. We all know the obvious. The police are heavily burdened with the tasks of apprehending and arresting criminals of the most serious kind. It is hopeless to expect a clearance of a teenage mugging; little of tangible value is involved; the leads to the perpetrators are uncertain; the courts are so densely docketed that it will be months, if ever, before they can hear the case. What's the use? What, indeed? We may call this the condition of Primary Helplessness. Hoodlums will flourish, and their offenses, thus undeterred, will probably become more frequent and more grievous.

In Columbus we are wont to say that New York is not America, and conditions on 95th and Broadway do not resemble those obtaining in any district of our less glamorous but much safer city. I do know of alarmists who would declare that we suffer from some of the same symptoms of Primary Helplessness that I have described but I do not agree with them. But as in most metropolitan centers, we confront a more insidious condition that I will refer to as Secondary Helplessness. I want to report to you a recent and tragic example.

Last October, the Franklin County Public Defender asked me to testify in a juvenile court hearing to determine whether a seventeen-year-old whom I shall call Billy should be bound over to an adult criminal court for trial. Billy stood accused of the robbery and murder of a 72-year-old man, an offense that, on the face of it, was guaranteed to mobilize a maximum of antipathy for the defendant. It transpired that there was more to the story than met the eye, and because this story is made to order to illustrate the problem of Secondary Helplessness, I shall tell it.

Billy was one of a fairly large family of Appalachian antecedents living on the margins of the economy. His parents have been more often on welfare than not. Poor managers, they have been unable to provide their children with more than subsistence. Love and harmony were rarely manifest in a home chiefly remarkable for violence. Billy recalled having been beaten by electric cords, straps, belts, sticks, broom handles and boards from early childhood. This kind of discipline went on until one day, when he was fourteen, his mother came at him in a fury, armed with a plank with which she was going to beat him. He knocked her unconscious, and from that time on he seems to have been mostly on his own.

School had been an arena of defeat. He had great difficulty in reading, and was eventually discovered to be dyslectic, or neurologically impaired so that letters did not arrive in his brain in intelligible order for words could be made out of them. He learned to think of himself as a dummy, the word that other children applied to him. By the time he was nine, he had taken to sniffing glue, which certainly did not improve his nervous system. When he was fourteen, he dropped out of school, perhaps because of his unrelieved scholastic failures, perhaps because of his assault on his mother.

He took to hanging around, sometimes in the company of an uncle fourteen years older than he who seems to have introduced him to homosexual practices. It was not long before he was making twenty dollars a trick as a homosexual prostitute. A large portion of his earnings went into the purchase of various uppers and downers and marijuana, but he does not seem to have used "heavy stuff."

One of his customers was the old man who was the victim in this offense. The actual events that took place on the Fourth of July week-end last summer are hard to be sure about, as you will see. It appears that Billy and his uncle spent the holiday at the old man's apartment. They drank heavily and smoked pot. As they became more and more drunk, conviviality turned into acrimony. They ran out of beer and the old man told Billy to go out and get some more, calling him a dummy and a punk as he issued the order. The official account alleges that in a rage Billy attacked him with his fists, knocked him flat and then stomped him until the old man succumbed. The pathologist's report shows that the alcoholic content of the victim's blood was so high that death must have been imminent anyway.

Juvenile court jurisdiction in Ohio terminates at eighteen. Billy was seventeen years and three months. The public defender thought the circumstances did not warrant a death penalty, which the county prosecutor was inclined to demand. He was impressed with Billy's vulnerability and concerned about what would probably happen to him in prison. So was I when I interviewed Billy. He was a slight youth with chestnut blonde hair neatly styled, blue eyes, and a fair, beardless complexion. He spoke haltingly, as though unsure of himself with strangers. Although a psychologist had elicited an IQ well above average on a non-verbal intelligence test, he seemed painfully immature. I asked him what he would like to do if he got out of his difficulties. He replied that he wanted to join the Army, to serve his country. After his discharge from the service he wanted to go to Florida and work as a deep sea fisherman, an occupation at which, he understood, a person could earn as much as \$30,000 a year. Last spring a friend had taken him to Florida and he liked the climate and the sea. He did not think

of himself as a homosexual. He had had lots of girl-friends, but he could make so much money turning tricks with men who fancied boys that he didn't see why he shouldn't.

His dreams about a fisherman's life were predicated on the hope that he would not be bound over to the court of common pleas. If he had been committed by the juvenile court to the Ohio Youth Commission, he could have been placed in a private facility for treatment, if the Commission were willing to take the risk involved.

The Public Defender had interested a remarkable man named Tom Peters in Billy's case. Peters is an entrepreneur of altruism, a man who has accepted the gospel of community-based corrections and has established a halfway house which he calls "Betterway" in a northern Ohio city. He interviewed Billy twice, each time at considerable length, and convinced himself that Betterway could help him. He testified to that effect at the juvenile court hearing.

The court had three options to consider. If Billy were to be bound over to the court of common pleas and found guilty he would be committed to prison for life or for a long term. If jurisdiction were to be retained in the juvenile court, he would be committed to the Youth Commission if found guilty. The Youth Commission could assign him to one of its more secure institutions. It might even assign him to Betterway, as the third option in prospect, if the judge agreed.

Ohio prisons are overcrowded and under-programmed. Naturally an effort would be made to protect Billy, but the necessary measures would limit his participation in the educational and remedial programs which he needed. In the dense throngs of men and boys in our prisons, people get lost, sometimes until it's too late to rescue them. A careful warden

would try to keep a pretty youth like Billy out of harm's way, if only to prevent rivals for his favors from doing mortal battle. Billy would not be a welcome prisoner, nor is it conceivable that he would have eventually become better for the experience.

The Youth Commission facilities are smaller. Programs relevant to Billy's serious educational and psychological problems are theoretically available. His vulnerability would require a responsible superintendent to take measures to protect him. He could not have the full benefit of the programs provided. I think the willingness of Tom Peters to take him on at Betterway would have been likely to strike a responsive chord.

We shall never know whether Mr. Peters could do as well as hoped. The court decided to bind Billy over for trial as an adult. I am certain that the decision was made with regret and concern. The cruel choice between a child's best interests and the protection of society had to be resolved. Billy stood accused of the most serious of crimes. His morbid background and his personal situation inspired no confidence at all in his ability to change. To argue that he was not dangerous was to dismiss the horrible affair on the Fourth of July, a record of violent family relations in his home, and a life without adult control for the last three years. Commitment to the Youth Commission would have to end when he became twenty-one, whether he were doing well or badly. If he were to escape from custody, especially if he were to leave Betterway, the court would be subjected to charges of undue leniency and disregard of its responsibility for the protection of society. We cannot blame the troubled judge, but we can wish that our powers of social invention could have provided him with a better way to dispose of this pathetic youth. I am not sure that Tom Peters' Betterway was indeed the better way that was needed. Whether

it was or not, the decision must have been agonizing. To commit anyone, even a confirmed recidivist, to a long term in prison is a hard decision for a judge to make, especially if he has some knowledge of what life in a contemporary prison is like. To commit a naive and heedless boy to such a maelstrom must be a distressing action to take, no matter how justifiable it may be.

The juvenile justice system has been troubled by boys like Billy throughout its history. Their crimes are so grave that it is incongruous to use the conventional juvenile court rationale and assign the first priority to the protection of the child's best interests. So they are bound over to an adult criminal court to assure the maintenance of control for whatever number of years is deemed appropriate in the criminal code. In doing so, we force the boy into premature manhood and abandon serious effort to reconstruct his life. In most cases, we assure that he will be even worse when he leaves the hands of the state than he was when he came.

Billy's story ended at this point when I wrote it first. Last Monday he hanged himself with a sheet in his cell in the Franklin County Jail. Anything I can say about this tragic event will merely labor the obvious. He died because we were helpless to save him. Our helplessness was evident years ago when the schools were unable to supply the specialized remedial services he needed to become educable. When he was picked up for minor infractions of the law at least some of his sordid background was discovered and more of it could have been discovered by reasonable enquiry. The difficulty was and is that no intervention appeared to be available that would not do more harm than good until finally Tom Peters came along -- and then it was too late. Billy was not a natural hoodlum; he was too delicate, too passive for that role, but he had become a killer because the System was helpless.

II

It is a moving dilemma, and now we move to the virtually helpless system of correcting youthful offenders, the hoodlums and dangerous young men and women with whom we are concerned. I contend that we are virtually bankrupt. Our ideas are threadbare and our programs are worse. All too often we find our youth corrections facilities producing the "State-Raised Youth," memorably described by John Irwin, a former convict now turned sociologist, in his book entitled "The Felon."⁽¹⁾

Irwin identified four themes in the world of the state-raised youth, the boy or girl locked up early and often in state correctional facilities. First, the state-raised youth believes that violence is the proper means for settling an argument, and a man must be ready to face it and inflict it. Second, the loyalty of the state-raised youth is to his gang or clique, and the gang defines values for him and determines his actions. An old convict put it this way:

"The gang leaders have absolute control. . . a lot of these guys would die for their gang -- dying doesn't mean anything to them. They would rather die than let it be said that they wouldn't go all the way."⁽²⁾

Third, homosexuality defines an exploitative and violent caste system in which one's sexual role is determined by the ability to exercise force, and subjugation results in a complementary deprivation of masculinity. Fourth, the state-raised youth thinks of "the streets" as a sojourn for the enjoyment of orgiastic pleasures, a place for holidays from the real world of the institution. Irwin sums up this product of the youth corrections system as follows:

"The world view of these youths is distorted, stunted, or incoherent. . . The youth prison is their only world, and they think almost entirely in the categories of this world. They tend not to be able to see beyond the walls. They do conceive of the streets, but only from the perspective of the prison.

Furthermore, in prison it is a dog-eat-dog world where force or the threat of force prevails. If one is willing to fight, to resort to assault with weapons. . .he succeeds in this world."

No one wants to raise youths like this. Indeed, legislators, judges, and correctional officials would be unanimous that this is precisely the kind of result they do not want to get when they budget for the building and operation of a youth training school or when they send kids to such a place for a term of months. But this is the kind of young man that reform schools have been raising for many decades, for a century or more. We are still raising them, mainly because the state does not know what else to do with them when it gets them.

The traditional reform school is the state's vehicle for raising these youth. It is not entirely accurate to say that other alternatives are not available or at least under consideration. The hard-liners would like to send more tough young thugs of eighteen or less to the state prisons, to keep them out of harm's way, and to deter others. Our last statistics on the numbers of boys under eighteen doing time in prison puts the total (3) less than 2000. (National Prisoner Statistics, 1973, published December 1976). I don't doubt that this figure is higher now, but it could double or triple and not be more than two or three percent of the total prison

population. It is a comparably small fraction of the population of incarcerated juveniles. I have known a number of such young men; I can think of only one who was not affected grievously for the worse.

The second option is also tough. Here it is conceded that the adult prison is no place for a kid, even a pretty tough kid, and the best way to handle such youths is to design and maintain special youth corrections facilities for them, and to impose stiff mandatory sentences on them.

We have such facilities in Ohio, minus the mandatory sentences advocated by some. Last year, my colleague, Simon Dinitz published, with two co-authors, a book, Juvenile Victimization, which gives us an account of how things go in a well designed, fairly new (1961), and generously staffed (145 staff for 192 residents), facility for aggressive older boys. (4) The objectives of the institution are stated in standard vernacular of social uplift:

"[Our goals] are to promote positive attitudinal and behavioral change within an atmosphere of mutual respect and personal dignity; to provide a resident with opportunities to gain an increased understanding of himself, others, and his environment; and to learn to meet his needs in socially acceptable ways." (5)

The institution described in this book is fairly typical of its kind, but the discrepancies between intentions and performance have been documented with painful thoroughness. This is a situation in which the staff still has the last word, but the dominant boys enjoy an alarming degree of control. The culture of the "residents is exploitative and criminal. Some of the staff are so fearful of their charges that they hide in the security of their offices. A constant testing of the courage and resourcefulness of the others seems to go on. When residents are out of sight, there is a great deal of violence and sexual imposition, following, as if by prescription,

the analysis which I have quoted earlier from Irwin's report on state-raised youth. In the air is a climate of intimidation with all the roles -- the bully, the toady, the snitch, the victim, the goat -- which result from that kind of social interaction.

Those who are familiar with the literature of youth training schools or who have had access to oral accounts of how things have been in these juvenile prisons for the last century, will recognize this facility as the legitimate heir to an old and disgusting tradition. The persistence of the model is not difficult to understand. The idealism of the staff erodes in the backwash of unrealized expectations. Training is insufficient to prepare recruits for the experiences they will encounter when they get to work. Leadership by seniors is perfunctory, rhetorical, and bureaucratic. But to my mind, the primary failing to which that list of failings is attributable is the compromise with residents over lawful conduct. Once that compromise has been made and unlawfulness has been overlooked the hope for creating a civic culture is dead. As the authors of this powerful book put it:

"...instead of modeling themselves after other professional staff, the professional staff is subverted and adopts the style and values of the residents... ...[A]s long as personnel are in the institution, they must react and respond in resident terms. The turf belongs to the inmates. . ."

(6)

I have dwelt on the description of this institution because it foretells the extraordinary difficulties ahead of us if we proceed with the seemingly reasonable strategy of creating specialized facilities for the incarceration of violent youth. An institution of this kind is unsafe for all concerned, staff and residents alike. It is hard to say what its worst effects are,

the brutalization of the boys who are intimidating their fellows or the subhumanization of those who are intimidated.

Another alternative, apparently more attractive -- and that would scarcely be difficult -- is to be found in Massachusetts, where the youth corrections system has been made famous by former Commissioner Miller's program of deinstitutionalization. This aspiration has never been fully realized. Instead of maximum security youth training schools of the type I have just described, Massachusetts has Secure Care Units for the management of extremely aggressive boys. These units come in two sizes: twenty-four boys and twelve boys. The staffs are of about the same size as the inmate groups contained. The usual length of stay is less than a year; the administrative pressure on the staff is to get kids out rather than to keep them in.

I visited one such unit. My observation was brief and quite possibly unrepresentative, but it gave me a lot to think about. The unit was at some distance from downtown Boston. It was a sort of enclave of delinquents on the grounds of a mental hospital. The manager was a pleasant young man whose commitment to the cause shone through his realistic estimate of his prospects for success. He told me that most of his twelve youths were without families that were interested in them; most had been committed for extremely serious crimes of violence; most had educational and social handicaps of massive dimensions in addition to the handicap of a record of frequent and grievous delinquency. In his words, "most of these guys have been moving through life so fast that they decide what they should do after they have done it. All we can do is to slow them down." He gave as an example of this process of deceleration an incident that had occurred that morning before my arrival. Pointing to a small stereo speaker on

the floor beside his desk, he said, "one of the boys threw that at me this morning because I had turned him down for a home visit -- he wan't ready for the privilege. I asked him why he did it, and he said it was because he was so mad at me. Then after thinking it over for a minute, he went on to say, 'I guess I wasn't as mad as I would have been a month ago. I wouldn't have missed you then.'"

The program consists of remedial education, some athletics and some group counseling. Except for the lack of a vocational training program, the very small size of the unit, and the undiluted toughness of the population, the program has a family likeness to that which I have described in the larger Ohio facility for the same kind of boys. But slowing violent hoodlums down, the realistic goal of the Massachusetts program manager, does not seem to me a sufficient objective. It is a step ahead of the treatment that such boys get in most states. Maybe its success will be more apparent than its staff expects. The wise program manager will mute his hopes with modesty when he considers how the history of corrections is trewn with blasted expectations. Nevertheless, when experience with this kind of offender is considered as a frame of reference for the assessment of the Massachusetts adventure, I do not see much reason to expect a greatly improved performance. An evaluation of the Massachusetts experiment with deinstitutionalization has been undertaken by a research group at Harvard University. Its preliminary reports indicate that recidivism from Secure Care Units has been in the order of 60 percent, much higher than in any of the other program categories.

Massachusetts is not the only state with experimental work under way to discover a more effective way to hold and help the Dangerous Juvenile Offender -- the Hoodlum, to be more direct -- in spite of himself. The

very small residential unit characteristic of Massachusetts may well be an essential feature of the system of the future. At least, it offers the most likely laboratory for the development of whatever more successful approach we are likely to find to the solution of the problems these boys present to our helpless society. It is probable that most of the repulsive effects described by Professor Dinitz and his colleagues can be entirely avoided in living units structured by this model. The Massachusetts Department of Youth Services is staffed by optimists. I think they believe that there is a way to control and treat these hoodlums which will not require the maintenance of even the tiny Secure Care Units which now seem necessary. If we re-assemble five years hence, we may be more definite about the components of an optimal program.

I think there are four approaches to the problem of the Hoodlums. We can bind them over to an adult court for trial, conviction and custody in adult prison. That converts them into adults but assures that they will be off the streets for a matter of several years. When released they are at least unlikely to be upstanding citizens; all too probably they will be the menaces to society who keep us behind locked doors at night. We can devise a system of mandatory sentences in youth correctional facilities and achieve the same end; we incapacitate and thereby postpone the reckoning with them. We can renew our act of faith in the state as a vehicle for treatment by developing secure care units on the Massachusetts model. Each of these approaches commits the state to continue raising youth.

All these approaches contain elements of doubt. As to the first two, we back down on our national commitment to a fair start for all children. Perhaps we can give up on adult offenders, or some of them, as too scarred, too damaged to be accessible to help, and maintain them in warehouses.

I do not think the nation is yet willing to give up on the sixteen or seventeen year-old kid who has become mired in delinquency because of the mismanagement of his early years by the adults in his life. As to the small state institutions, we have only too much reason to expect that state agencies assigned to helping people will become bureaucratized, impersonal, and pre-occupied with procedures. There are many functions that only the state can carry out well, but the management of human relations is not one of them.

So the fourth option is the regeneration of the private sector. This choice has always been available. Children of the upper classes who get out of control have typically been sent to military academies or similar residential schools for attention and discipline that they could not get at home. Some of these facilities are well managed, and some are frauds committed on distracted parents at their wits' end. We don't know how much that is objective about these places, but there are suspicions that in keeping the bad rich boy out of a state reform school his parents may not be getting a much better bargain from the boarding school that is willing to take him in.

The state has money to spend, too. Nobody really knows much about the traffic in difficult children, often across state lines, which gets them out of state institutions in which they are unmanageable and into privately operated group homes, camps, and other institutional situations in which they can be managed for a price and somebody can make a profit. There is much more to be known about this entrepreneurial treatment of youth. It may well be that this is one of the many services offered a needful public that calls for a federal regulatory agency to assure compliance with standards of care.

All that is by way of recognition that the private sector is not necessarily an avenue toward the conversion of hoodlums into citizens. Nevertheless, I think there are a number of reasons for supposing that most of the future progress to be made in improving the state's response to the challenge of the hoodlum may be made in the private sector. I shall wind up my contribution to this discourse by outlining my reasons for believing that enlightened policy should go as far as it can in the encouragement of the private sector to care for these youths and to create programs for their socialization.

First, the state is not well adapted to the helping role. That is as it should be. The state should prevent avoidable misery -- as for example in making welfare payments to the indigent -- but it has no business occupying itself in making individuals happier or morally better. It creates conditions of freedom to facilitate the pursuit of happiness, but it is not to attempt to purvey happiness directly. That is for the individual to find as best he can, with a little help from his friends. The state's tools are those of management and order. Its procedures are bureaucratic. Its agents cannot express the state's love and concern because the state is not an entity capable of love and concern. Impersonality, fairness, and rationality are what we expect from the state, even if we do not always see these characteristics in the course of business with its agents. The state is not to take risks with the taxpayers' money. It can and does experiment, but the experiments it conducts should be directed at improvement of state services, and that sets a boundary on the possibilities for improvement.

Second, the services that Hoodlums need do not lend themselves to the kinds of careers for which civil servants are recruited and around which they build their lives. The pattern of thirty years in the same service, with promotion by seniority, with rules of work governed by civil service and union standards as to hours, duties, privileges, rights and training, is workable for a fire department or a division of highways and public works. It is an inappropriate pattern when the work to be done is the influencing of others by example, counseling and control. It is even less appropriate for the special tasks which those assigned to the Dangerous Juvenile Offender must carry out.

We know in our bones what the problem is. The best of intentions and the highest of motivations will erode with emotional fatigue. It is a rare man or woman who can confront hostility with professional responses for the duration of a normal civil service career. Some day, some salty young resident of a correctional facility will sling a stereo speaker at the civil servant counselor and the response will be inappropriate, not because the counselor is new and untrained, but because he is too experienced and burnt out. Ways have to be found to enlist energetic and well disposed young people to work for a few years only in facilities of this kind. I don't think these ways can be contrived in the civil service.

Third, leadership by civil service officials is necessarily shaped by bureaucratic expectations and requirements. The personal attributes of magnetism, energy, commitment to an ideal do not usually enter into decisions about appointment of state officials. My observation is that successful human service programs tend to revolve around a manager or a director who possesses that attribute which we call, for want of a better word, charisma. Conventional state procedures do not lend themselves

to the voluntarism that this kind of leader requires for scope, happy accidents to the contrary notwithstanding.

Fourth, the employee of a private organization is much more easily hired or fired than the civil servant. Although it is untrue that civil servants cannot be fired, (I have seen it done), the difficulties will daunt all but the most determined manager and will certainly divert him from more profitable uses of his energies.

Fifth, it is a lot easier to get rid of an unsatisfactory program that is on a service contract to the state than it is to phase out a budgeted state program. In either case, the Commissioner of Corrections, or whoever he may be, does not have an easy task. Other arrangements have to be made for services, pressures to continue the program in spite of poor performance will usually be heavy, and the Commissioner is in the politically unattractive position of making a considerable number of enemies and few, if any friends. He needs to have this task simplified by the absence of unnecessary obstacles. One simplification is to base the service on a contract which he can refuse to renew rather than on a state unit which has to be closed down. In corrections, failure is a contingency that must be expected, but it must never be allowed to exceed the bounds of inevitability.

I cannot prove to you that the private sector is the best hope in the unpromising challenge of the hoodlum to the apparently helpless state. If we choose this strategy, we cannot expect an overnight transformation. Legions of young men and women are not out there eagerly waiting for their chance to show what can be done with these troubled and sometimes frightening young offenders. There are some people-serving organizations equipped to take on these responsibilities, but there are not nearly enough of them.

Even more obviously, when state funds are transferred to private organizations for the provision of services, there will be abuses and shortcomings and failures that could have been prevented had adequate precautions been taken. The state will still have standards to set and practices to regulate. It will be out of the questionable business of regulating itself; in a sense it will be a teacher.

Many years ago, Mr. Justice Brandeis wrote:

"Our government is the potent, the omnipresent teacher. For good or ill, it teaches the whole people by example. Crime is contagious. If the government becomes a law-breaker, it breeds contempt for the law; it invites every man to become a law unto himself; it invites anarchy."⁽⁷⁾

He was not writing about the operation of facilities for the management of the Dangerous Juvenile Offender, but his precept should guide us in the context of the Helpless Society. What the state finds itself doing in even fairly well run juvenile facilities is condoning unlawful conduct by allowing a criminal culture to control the turf. This is exactly the kind of example that cannot be permitted in residential facilities. It may be possible to avoid this impasse in a state facility, but I suggest that we will all be a lot safer if we turn the task over to the concerned entrepreneur who is willing to comply with state-established guidelines -- to do as the state requires but not as the state itself has commonly done in the past.

What do we want the state to teach? I think that whatever else is taught -- from welding to the primal scream -- the lessons have to take place in a lawful and decent community, one in which violations of the criminal law do not occur -- or, if they do, such violations result in immediate punitive consequences. It hardly needs saying that life outside

these closed communities is not like that. The Hoodlum comes from a nearly lawless society and will return to it. That cannot relieve the state from its duty to assure that while he is in custody he is safe and prevented from unlawful conduct. We don't know what good the observance of this principle will do, but we know all too well what harm will be done by not observing it.

I began these remarks with a focus on the hoodlum and the helpless society. No conceivable regeneration of the juvenile justice system will of itself sweep the hoodlums off the streets. Much more ails our society than the helplessness of our system when confronted by hoodlums. But I think it should be obvious that our nation needs services which can channel young people into life patterns that are not patently dangerous to themselves and to others. These tasks are beyond the capability of the state. The immense task ahead is for the philanthropic community working in partnership with the state. Those hoodlums at Broadway and 95th, and Billy's suicide are symbols of the urgency of what has to be done.

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- (7) Citation to come.

By Thomas O. Marsh
Chief of Police, Fairfield, Ohio

GOOD NUTRITION is essential if one is to enjoy good physical health. It is just as important, however, if one is to enjoy good mental health. Researchers are just now discovering some of the ways that poor nutrition can adversely affect behavior. One of these ways is to increase the likelihood of violence and anti-social actions. It may well be that nutrition is directly related to our spiraling crime rate.

Recent studies have shown that there are basically three ways that nutrition can lead to criminal acts. Food allergies and hypoglycemia may cause violent or impulsive acts, prenatal or infant malnutrition may lead to retardation or borderline retardation, and dietary habits may increase the reliance on alcohol or illicit drugs.

The number of severely mentally retarded children born annually is at least 126,000. Some researchers estimate that one child in eight is mentally retarded. Mental retardation in the big cities is primarily the result of chronic malnutrition of poor and generally ill-fed mothers. Dr. Charles S. Ireland, M.D., Director of Harvard University Hospital, reports that one half of all women who deliver in public hospitals have had no prenatal care!

The seriousness of this lack of prenatal care is apparent when we see that recent tests indicate mental retardation may result from the incomplete development of brain cell membranes as a result of nutritional deficiency. Malnutrition of the mother alone is not the only nutrition related cause of birth defects. It has been shown that malnutrition on the part of the father prior to conception can also cause deficiencies in the child.

The importance of retardation to the occurrence of crime can be seen in a report by H. Floyd Dennis, J. D., Director of the Institute on Youth and Social Development, in Nashville, Tennessee. Dennis states that there are a larger percentage of retarded persons in prison than in the general population. In a study in Tennessee, it was shown that persons classified as retarded make up two to three percent of the general population while nine percent of the juveniles in Tennessee juvenile institutions were classified as retarded. Dennis also says the 16 percent of the general population can be considered as being borderline retarded, as compared to 37 percent of

AGGRES SION and DIET

the juveniles in institutions. According to Dennis, these retarded are less likely to commit offenses against persons and more likely to commit offenses against property.

A pattern of malnutrition may continue after birth and create a further risk since improper food during the critical early years can also lead to mental retardation.

As a result of malnutrition, brain cells may fail to multiply as rapidly as they should. Brain cells of human beings multiply only until about eight months after birth. Additional brain cells are never developed later, even if the child obtains a better diet in later stages of life.

Aside from the risk of mental retardation, improper nutrition in youth can often lead to behavioral problems. Hypoglycemia, vitamin deficiencies and food allergies have all been credited with producing hyperactivity in children. R. Glen Green, M.D., an attending physician at Saskatchewan Penitentiary for seven years, sees food allergy linked to behavior problems as a pattern that begins early in childhood and continues into adult life. Very often, the baby with feeding problems is the child with hyperactivity and the juvenile in trouble with the law.

A study done in a London institution for delinquent girls graphically demonstrates the effect of good nutrition on behavior. Seventeen girls, ages 11 through 15, were being fed the usual institution fare consisting of white bread, margarine, jam, sweet tea and canned and processed meat. Behavior problems were persistent. When their diet was

changed to one that was nutritious and diversified, they quickly became less aggressive and less quarrelsome. In addition to the lessening of behavioral problems, their general physical well being improved as well.

Malnutrition, of course, does not always stop at adulthood. Personal dietary preferences, limitation of intake by dieters and alcoholism all can contribute to malnutrition. Ironically, those institutionalized in our prisons are many times those most limited in essential nutrients.

Dr. Jean Mayer, professor of nutrition at Harvard, points out that a large number of individuals suffer from iatrogenic (doctor caused) malnutrition. Drugs prescribed for emotional distress often worsen nutrient deficiencies that may be the cause of the problem in the first place.

Birth control pills taken without supplementing the diet can also cause derangement of nutrient metabolism and cause a form of malnutrition. Depression is a common complaint among birth control pill users. Studies have shown that new psychiatric symptoms or worsening of existing psychiatric symptoms are present in one-half of all those using birth control pills.

We have seen that malnutrition has its major impact on crime by causing mental retardation. We have also seen that the majority of crimes committed by those suffering from mental retardation are property crimes. In sharp contrast to this, food allergies can contribute to violent, aggressive and even schizophrenic reactions.

K. E. Moyer, a professor of psychology at Carnegie-Mellon University, relates the story of a child who within 20 minutes of eating bananas would be in a temper tantrum. He reacted the same to all sugars except maple sugar. According to Moyer, while a person who is allergic to pollen suffers a stuffy nose, a person allergic to chocolate or bananas may pass out bloody noses.

According to Abram Hoffer, M.D., Ph.D., a noted forensic psychiatrist from Canada, a continuing exposure to a food or substance to which one is allergic can cause a form of addiction. Dr. Hoffer has called sugar "America's most serious addictive agent" saying that 35 percent of the population is addicted to sugar. He has indicated that this type of addiction may well be the basis for alcoholism and drug dependence. Dr. Hoffer, who says he does not oppose punishment for the criminal, nevertheless feels that convicted

criminals should be tested for cerebral allergies and treated during their confinement if tests are positive.

Food allergies of this type are treated by limiting the intake of the offending food and supplying the patient with vitamin B₆ and other vitamins and minerals.

Hypoglycemia, also referred to as hyperinsulinism or low blood sugar, is a condition that is estimated to affect as many as one-fourth of all Americans. Some experts consider hypoglycemia to be of epidemic proportions with over fifty million Americans said to have hypoglycemia in varying degrees of severity.

Along with a variety of physical problems, the person suffering from hypoglycemia usually displays some strong emotional symptoms. Confusion, violence, irritability, anxiety, illogical fears, suicidal thought and a loss of a sense of meaning and purpose in life have all been listed as emotional conditions produced by hypoglycemia.

Jose A. Yaryur-Tobias, M.D. and F. A. Neziroglu, B.A., of the North Nassau Mental Health Center, Research Division

in Manhasset, New York, feel that low blood sugar is triggered by excesses of refined carbohydrates. Much of our American diet consists of this type of food. Sugar, white flour products such as bread, rolls, crackers, donuts and spaghetti, breakfast cereals and alcohol are just a few examples of these refined carbohydrates. These two researchers have issued a report on tests on 45 of their patients. These patients ranged in age from five years old to 43 years old and consisted of 26 males and 19 females. All of the patients chosen for the tests displayed aggressive behavior and all were suffering from functional hypoglycemia. These patients were divided into four groups and treated by four different methods. Those patients who displayed the greatest reduction in aggression were the ones who were treated with a high-protein, low-carbohydrate diet and a supplement of Vitamin B₆.

In their authoritative book on hypoglycemia, *Body, Mind and Sugar*, E. M. Abrahamson, M.D. and A. W. Pezet cite the case of a 43-year-old man who for six years had upset his family with violent

temper tantrums which invariably occurred at meal time. Hypoglycemia was suspected as the cause and a change in diet was prescribed. Within a few weeks the violence stopped and did not return.

Food additives are practically unavoidable. Virtually every processed food contains some additives. There are an estimated 2500 to 4000 different additives used today in the United States. An average American consumes an estimated ten pounds of food additives a year. This is excluding such things as sugar, salt, corn syrup and dextrose which would increase the total to over 135 pounds. Many of these additives are suspected as causes of hyperactivity, hypoglycemia and cerebral allergies.

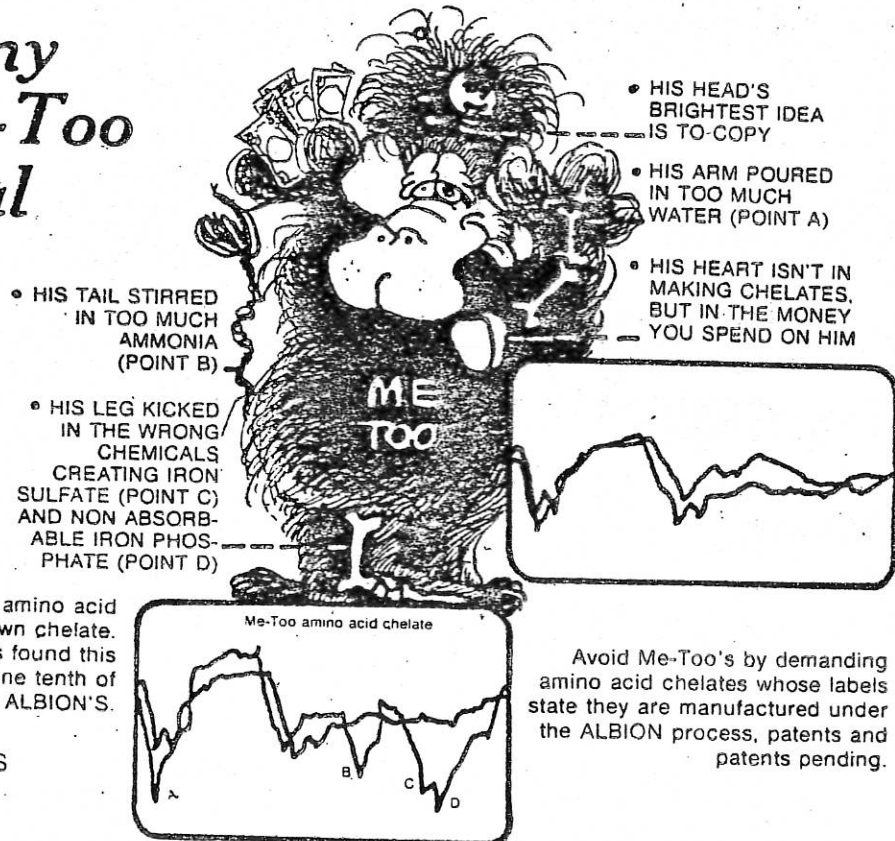
Children who are hyperactive or are suffering from cerebral allergies are often difficult children who can push low-tolerance parents to over-react and in this way contribute to child abuse. Dr. Rapp, in a communication to the *American Medical News* remarks that she has seen an allergy-free diet produce more normal behavior in battered children with the parents in turn modifying their own aggressive behavior. ♦

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Number of Arrests	Number of Youths	Percent of Youths	Cumulative Percent
1	238	29.3	29.3
2	131	16.2	45.5
3	84	10.4	55.9
4	87	10.7	66.6
5	55	6.8	73.4
6	35	4.3	77.7
7	38	4.7	82.4
8	41	5.1	87.5
9	27	3.3	90.8
10	22	2.7	93.5
11	13	1.6	95.1
12	11	1.4	96.5
13	9	1.1	97.6
14	3	.4	98.0
15	5	.6	98.6
16	1	.1	98.7
17	4	.5	99.2
18	1	.1	99.3
19	3	.4	99.7
20	2	.2	99.9
23	1	.1	100.0
	<hr/> 811	<hr/> 100.0	

largest number of violent arrests was 6
 677 of 811 had only 1 violent arrest

SENATE BILL 212

I believe passage of this Bill # 212 would decrease the amount of serious crime committed by teen-aged youngsters. Our present Juvenile Justice Model is too frequently perceived by our youth as a mystery. We must be more definitive and this bill is a step in that direction.

I support this bill for the following reasons:

1. Uncertainty of consequences by the older juvenile offenders.
2. Some Juveniles are knowledgeable about criminal penalties and manipulate our juvenile laws knowing they are not punitive and pose little threat.
3. Some Juveniles behave and respond in a manner inconsistent with what our juvenile model expects.
4. Certification while theoretically designed to address the preceeding problem in actual fact rarely seems to be a reality.
5. Too many 16 and 17 year olds are now on probation that aren't really good candidates for probation.
6. Too many 16 and 17 year olds committing extremely serious crimes are now sent to juvenile institutions that are programmed for younger and less sophisticated offenders. It would seem more appropriate to expect the Department of Corrections to deal with the rehabilitation of these young offenders than expect the already over burdened Department of Social Rehabilitation Service to fulfill this function.

Perhaps fifteen or twenty years ago there was truth in the assumption that most adolescents by age eighteen could be held accountable as adults. As a matter of fact, there is still truth in that assumption.

Fortunately, there is little significance to most youngsters reaching an age that makes them accountable as adults, because a majority never have any traumatic contact with the law.

Our problem arises in that the majority of young people with whom we deal, the ones most often in conflict, generally by age 16 and 17 aren't amenable to juvenile programs.

In our community last year, approximately 8% of our school age youth accounted for about 50% of the crime. We aren't talking about the majority of our youth by any means. Sixteen and seventeen year olds accounted for the bulk of those offenses of a serious and violent nature.

The majority of these have had several contacts with the system by the time they reach 16 and 17. The point here is that you are being asked to legislate for the actions, not of the majority but just a few, but that few need to be addressed in a positive and realistic fashion more in keeping with this point in time.

LT. ERNEST CRAMER
Juvenile Bureau
Topeka Police Department
Topeka, Kansas

Crime by juvenile girls on rise, More juvenile girls involved in crimes

JAN 13 1978

By BILL STINCHCOMB
Law Enforcement Writer

More juveniles were handled last year by the Topeka Police Department's Youth Bureau than in 1976, but they were involved in less serious crimes and, overall, were held responsible for slightly fewer offenses than in 1976.

That's a broad summary of a year-end statistical report compiled by Det. Lt. Ernest Cramer, head of the bureau, who added, however, that girls seem to be getting more involved in offenses than they had been in previous years. The figures showed that in 1977 there were 583 girls involved in offenses as opposed to 521 last year.

Overall, though, Cramer said he was "guardedly optimistic" because the general juvenile crime picture had not changed much in 1977 from 1976.

He said he felt a four percent decrease in the number of total offenses involving juveniles and a five percent increase in the number of juveniles involved was not too significant.

The number of runaways reported last year was up somewhat from 1976 (532 to 536), but considerably less than the 679 who left home in 1974 when Cramer first began keeping statistics.

"I don't want to convey a picture that everything is rosy. There's still enough here," he said pointing at the survey, "to show that. But there're not some things (offenses) that we've contended with in the past."

Juvenile offenses

	1976	1977
Assault	106	83
Auto theft	67	84
Burglary	292	195
Dependency and neglect	83	67
Disorderly conduct	42	44
Drugs	86	111
Forgery	26	14
Larceny	202	264
Liquor	126	123
Rape	2	2
Robbery	28	30
Ungovernable	54	58
Runaway	532	536
Sex	8	14
Vandalism	105	96
Weapons	18	3
Unauthorized presence	15	5
Shoplifting	245	276
Criminal trespassing	...	42
Bomb threats	...	2
Possession of stolen property	...	7
Illegal entry into U.S.	...	2
Probation violation	...	1

Admitting it was "hard to make an assumption" based on statistics for one year, Cramer said there "seem to be some signs of hope that the community, insofar as juveniles are concerned, may be stabilizing somewhat."

One statistical reason for his hopefulness is that in 1977 only three juveniles were picked up for weapons violations. There were 18 such offenses the previous year.

Another reason for his optimism is a slight age shift in the offenders with older juveniles being the ones involved in serious crime. The largest age group this past year was 17, with the second and third age groups at 16 and 15 respectively, Cramer said.

"For three years the largest age group has been 16 with the second largest group at 15 and the third 17," he said, suggesting that indicates something positive may be occurring at the lower age groups with regard to juvenile misbehavior.

"I think schools are to be complimented," he said, noting that incidents of assaults reported in the schools are down this year compared with previous ones.

"I just feel as though things in general are looking up," he said.

Areas covered in Cramer's study show:

— Most offenses in 1977 occurred in the northwest quadrant of the city (311 in 1976 and 363 in 1977). The

(Continued on Page 2, Col. 1)

(Continued from Page 1)
northeast quadrant recorded 241 in 1976 and 264 in 1977; southwest recorded 321 and 310; southeast, 297 and 336.

Cramer said in response to a non-police request a survey was made of an area bounded by 37th on the south, Seaward on the North, Kansas Ave. on the west and the east city limits. Within that area, he said, 402 of the 1,459 youths dealt with by the bureau last year lived in that area.

— Running away was the most frequent offense in both years, but in 1977

shoplifting was the second most frequent offense.

— Girls ran away from home more frequently than did boys in both 1976 and 1977 (310 and 308 compared with 222 and 228 respectively).

— By race there were 1,004 white youths handled in 1976 compared with 1,067 in 1977; 41 Americans of Mexican descent handled in 1976 compared with 64 in 1977; 321 black youths handled in 1976 compared with 298 in 1977 and 21 Indian youths compared with 30 in 1977.

— Drug offenses by girls (excluding alcohol violations) numbered 21 in 1976 and 35 in 1977. Drug offenses by boys numbered 65 and 75 for the years respectively. Of both sexes, the youngest involved in drug offenses was 12. In 1976 police handled one offender who was 10, the report noted.

— Of the 1,459 juveniles handled last year, 976 were first offenders, almost the identical ratio of first offenders in 1976. Thirty-three of the 109 juveniles who were referred to Shawnee County Juvenile Court last year had been referred to the court in the past. 16 were three-time referrals and three had been referred to the court more than three times.

The bureau is also responsible for investigation of reported missing adults and last year investigated a total of 146 such reports, two more than in 1976.

Of that number, 135 were located within the first month; 10 located within 10 months and one reported missing longer than six months.

STATUS OFFENSES

Kansas Court Referrals
1976



JANUARY, 1978

STATISTICAL ANALYSIS CENTER
GOVERNOR'S COMMITTEE ON CRIMINAL ADMINISTRATION

STATUS OFFENSES: KANSAS COURT REFERRALS - 1976

January, 1978

Prepared by the Statistical Analysis Center, Governor's Committee on Criminal Administration.

Donald E. Carter, Director
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Harold B. Johnson, Jr., Research Analyst
Donna R. Hotchkiss, Word Processing

All data contained in this analysis were derived from data provided by the following state agencies whose cooperation and assistance is greatly appreciated.

Kansas Bureau of Investigation
Department of Social and Rehabilitative Services
Shawnee County Data Processing Department
Juvenile Courts of Kansas

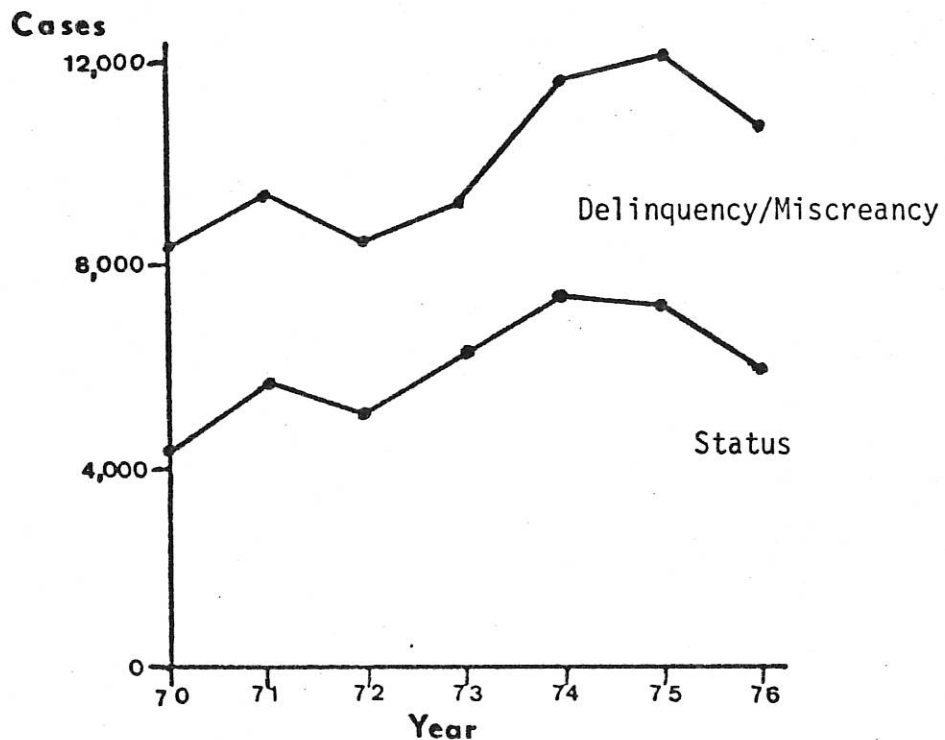
Points of view or opinions stated in this document do not necessarily represent the official position of the U.S. Department of Justice or the State of Kansas.

THE JUVENILE STATUS OFFENDER

From 1970 to 1976, the percentage of delinquency and miscreancy court referrals to delinquency and miscreancy arrests has increased from 38.7 to 53.3. This increase is mostly do to variations in reporting procedures and the manner in which juveniles are handled. During this seven year period, the number of status offenders referred to juvenile court has paralleled the number of delinquency and miscreancy court referrals, at a rate slightly greater than 1 status referral per 2 delinquency and miscreancy referrals.

COURT REFERRALS

DELINQUENCY/MISCREANCY VS. STATUS

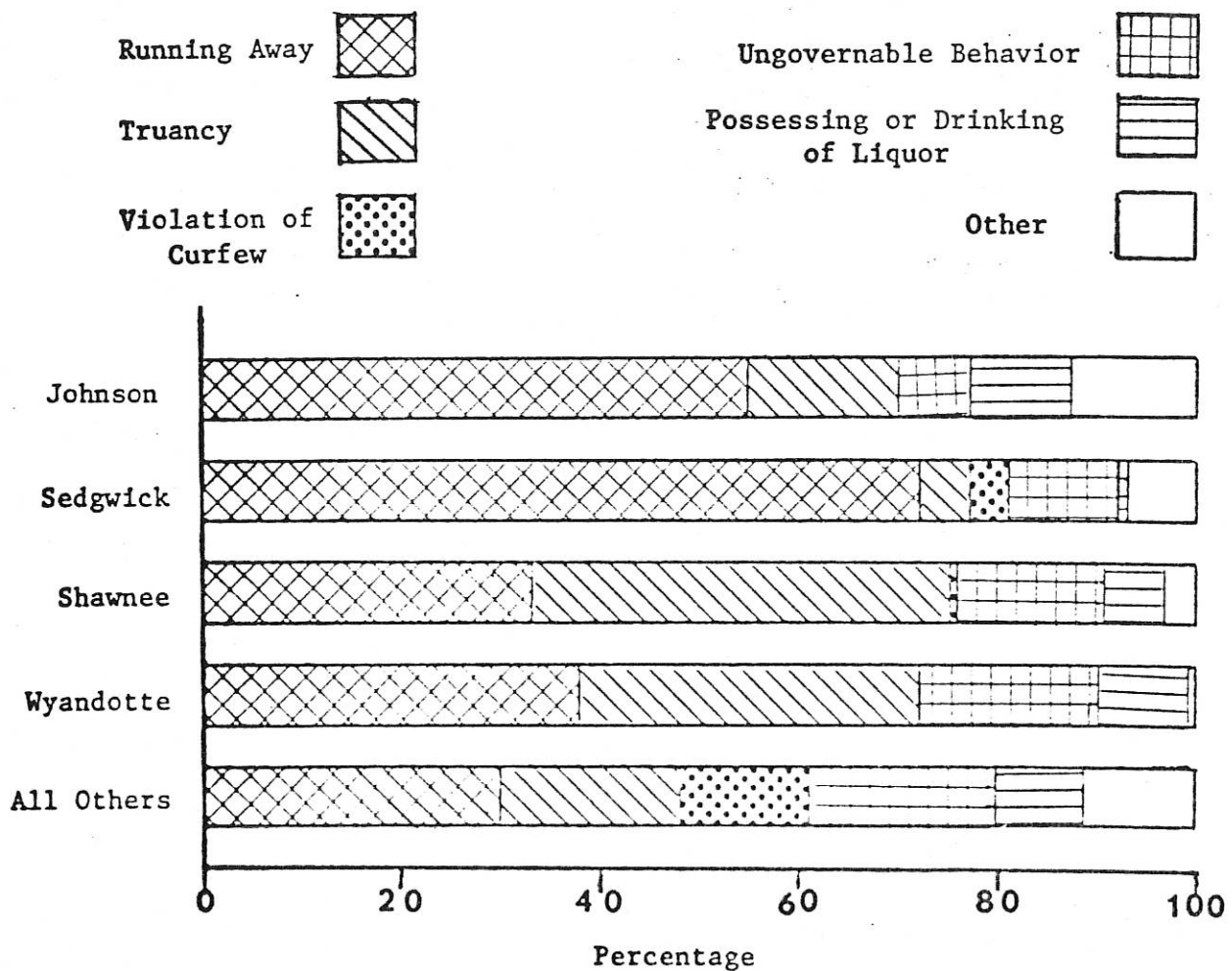


Since more juveniles were referred to the court per juvenile arrest in 1976 than any of the previous five years, investigation of the 1976 data should be the most meaningful.

In 1976, there were 5,827 status offenders referred to the juvenile court; 3,575 of which were in the metropolitan area courts (Johnson, Sedgwick, Shawnee and Wyandotte counties), and 2,252 in the other

COUNTY BREAKDOWN OF REFERRALS

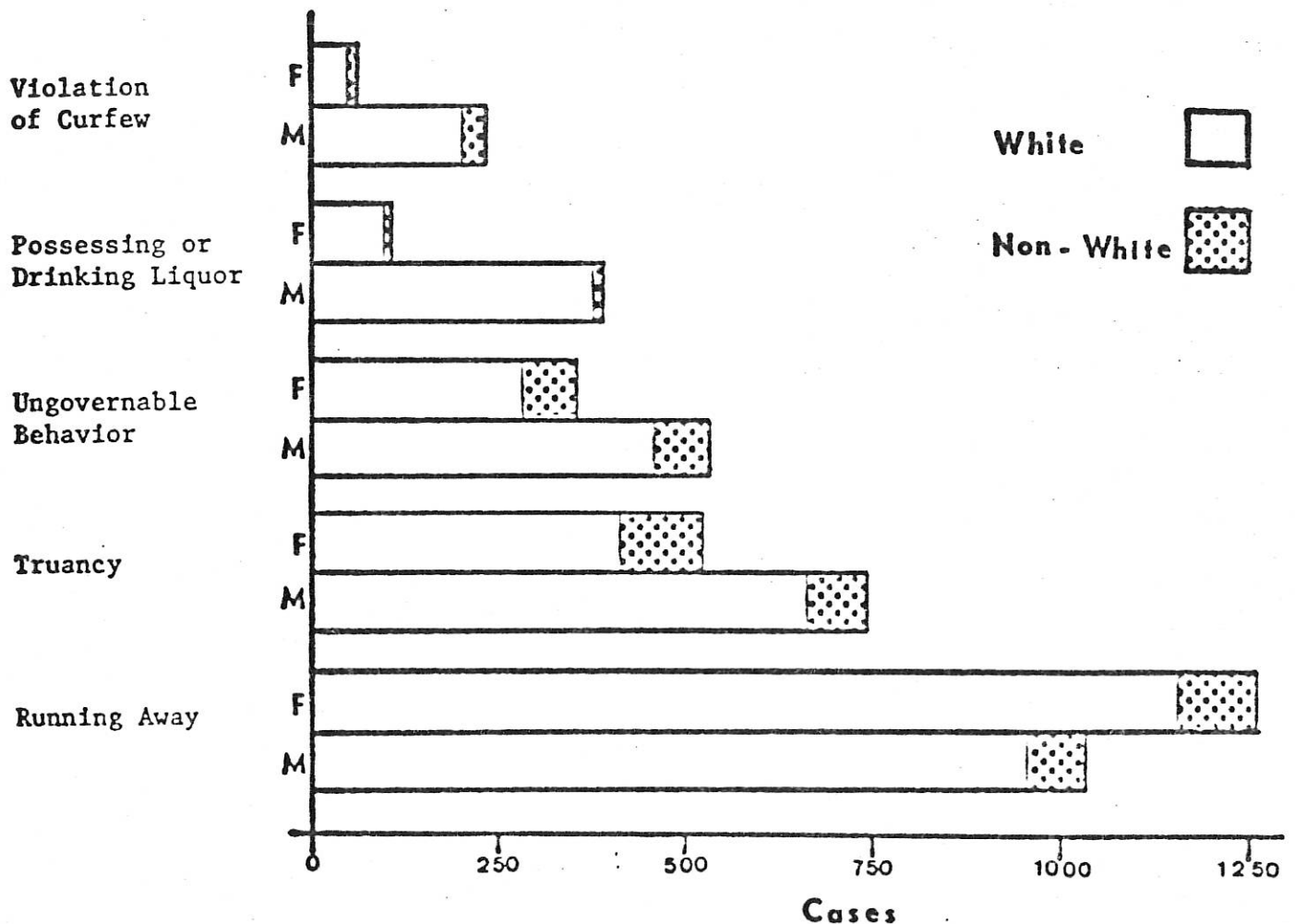
By Reason For Referral



juvenile courts. However, since in Sedgwick County informal cases are generally handled by intake personnel and probation officers, Sedgwick County reported only 249 status court referrals.

The reported status referrals were 28.9 percent 15 year olds with 92.5 percent over the age of 13. They were 57.4 percent male, and 88.3 percent white. Although only 11.7 percent were non-white, the state's juvenile population is only 6.7 percent non-white. This means that the white referral rate is only half (54.2 percent) that of the non-whites.

RACE AND SEX BREAKDOWN OF REFERRALS By Reason For Referral

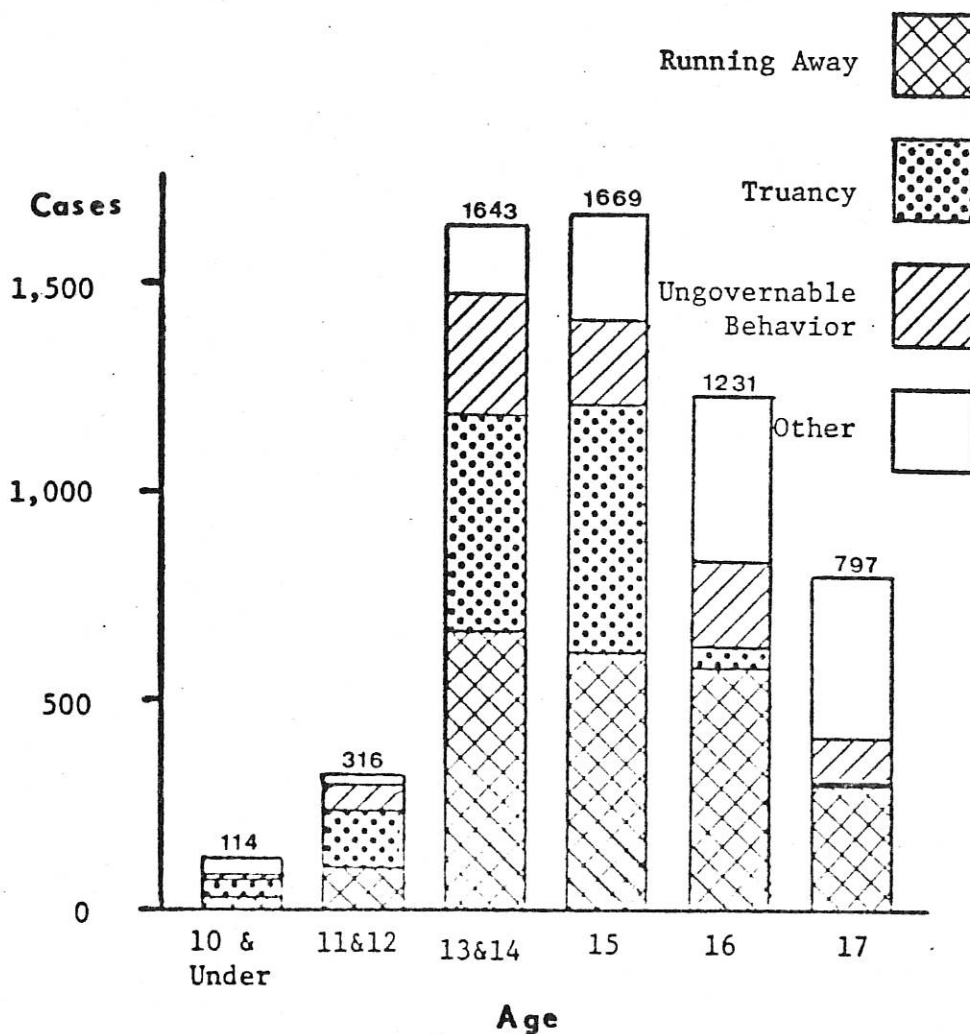


The status offenses are reported under five major categories; running away, truancy, violation of curfew, ungovernable behavior, and possessing or drinking of liquor. Since dependent and neglect cases are classified as non-offenses, rather than status offenses, by the Federal Juvenile Justice Delinquency and Prevention Act of 1974, they are not included.

Runaways make up 39.4 percent of all reported status court referrals. Of the reported runaway cases, 27.1 percent are 15 year olds with 94.4

AGE BREAKDOWN OF REFERRALS

By Reason For Referral



percent being over the age of 13. They are 54.7 percent male and 93.1 percent white. Of the 3,347 male status referrals, 1,031 were runaways or 30.8 percent as compared to 51.0 percent or 1,264 out of the total 2,480 female status referrals. Of the non-white status referrals, only 26.0 percent were runaways as compared to 41.2 percent of the whites.

The metropolitan counties handled 70.3 percent of the runaways. This means that 1,613 of the 2,295 runaways were referred to the juvenile court in a metropolitan county, but it does not imply that their county of residence was one of these four counties. It is probable that many of these were runaways from the rural counties. Since runaways make up 39.4 percent of all status referrals, and 70.3 percent of these are in the metropolitan areas, it follows that 61.4 percent of all status referrals are reported in the metropolitan areas.

Truancy accounted for the second largest part of the 1976 status referrals, 23.7 percent. Forty-three percent of the truants were age 15 with 82.3 percent being between the ages of 13 and 15. The 16 and 17 year olds only account for 3.8 percent of the 1,370 truancies. Since it is to the discretion of the parents/guardians whether or not a juvenile attends school after his 16th birthday, the low percentage is not surprising. The truants were 61.6 percent male, and 80.7 percent white. The 4 to 1 white/non-white ratio represents the highest non-white referral rate of all the status offenses.

Ungovernable behavior was the reason for 15.4 percent of the status referrals. The 887 ungovernable behavior cases were made up of 468 white males, 70 non-white males, 288 white females, and 68 non-white females. By age they were 2.1 percent 10 and under, 5.7 percent 11 and 12, 31.1 percent 13 and 14, 23.1 percent 15, 24.7 percent 16, and 13.2 percent 17 year olds.

There were 499 referrals for possessing or drinking of liquor. Of these 382 or 76.6 percent were 16 and 17 year olds. They were primarily male, 78.0 percent, and only 2.0 percent were non-white.

Violation of curfew accounted for 5.1 percent of the referrals, with 299. However, of these there were only 9 in Sedgwick, 3 in Shawnee, and none in Johnson and Wyandotte counties. In the rural communities, violation of curfew made up 12.7 percent of their status referrals. Of the violation of curfew referrals 78.3 percent were males and 89.3 percent whites.

How the status offender is cared for in Kansas is of major concern. More precisely, how many status offenders are being detained in jails or police stations, detention homes, or other types of lock-ups? Adequate data are not available to answer this question as accurately as generally desired. Weaknesses in the existing information arises from variation in reporting among the juvenile courts, and in less than ideal data classification. The unit for reporting juvenile court activity is a referral rather than an individual. With respect to type care pending disposition, detainment is reported as either no overnight detainment or overnight or longer detainment. This division does not conform to the Federal Juvenile Justice Delinquency and Prevention Act of 1974, which is concerned with the detainment of status offenders beyond a 24 hour limit. Also, the overnight detainment of status offenders is not reported when the child is placed in detention by a police officer or other persons not connected with the court. They are only reported when the court has made the decision to detain the juvenile.

Although there are deficiencies in the data, the information that is

available is worth consideration. However, the reader should bear in mind these deficiencies and consider them accordingly.

CARE PENDING DISPOSITION

<u>TYPE OVERNIGHT CARE</u>	<u>JOHNSON</u>	<u>SEDGWICK</u>	<u>SHAWNEE</u>	<u>WYANDOTTE</u>	<u>NON METRO</u>	<u>STATE</u>
None	1,075	38	666	882	1,332	3,993
Jail/Police Station	8	160	2	0	319	489
Detention Home	159	28	279	123	125	714
Foster Family Home	5	7	9	5	28	54
Other	1	7	17	72	94	191
Incomplete Reports	2	9	20	1	354	386
Total	1,250	249	993	1,083	2,252	5,827

Of the 5,827 reported status court referrals 32 metropolitan and 354 non-metropolitan reports (6.6 percent) were incomplete with respect to care pending disposition. There were 3,993 or 68.5 percent of the status offenders reported as not being detained overnight. The 24.9 percent which were detained overnight or longer were in most cases held in detention centers. Across the state, 714 status offenders were detained in detention homes prior to disposition, 489 in jails or police stations, 54 in foster family homes, and 191 elsewhere. There is a marked difference between the four major counties and the rest of the state in this respect. In the urban counties, 66.8 percent were detained in detention homes, 19.3 percent in jails or police stations, 2.9 percent in foster family homes, and 11.0 percent elsewhere. The rural county breakdown was 22.1 percent detention homes, 56.4 percent jails or police stations, 4.9 percent foster family homes, and 16.1 percent elsewhere. An influencing factor is the availability of the various facilities.

The data available regarding the disposition of a case and the type of after care the child received reveal very little about the detainment of status offenders. Although it is known how many status referrals there were, it is not known if the final substantiated complaint was status, miscreancy, or delinquency. However, from the fact that 5 of the status referrals resulted in a waiver to criminal court it is known that at least some of the reported status referrals are actually delinquency cases. Also, at least 1,827 (46.7 percent) of the status referrals are cases in which the juvenile had previously been referred to the courts. This suggests that some of the status referrals were prior delinquency or miscreancy referrals.