

Treatment and Rehabilitation of Delinquent Youth Some Sociocultural Considerations

Lenore Kupperstein

Volume 4, Number 1, January 1971

URI: <https://id.erudit.org/iderudit/017016ar>

DOI: <https://doi.org/10.7202/017016ar>

[See table of contents](#)

Publisher(s)

Les Presses de l'Université de Montréal

ISSN

0065-1168 (print)

1718-3243 (digital)

[Explore this journal](#)

Cite this article

Kupperstein, L. (1971). Treatment and Rehabilitation of Delinquent Youth:
Some Sociocultural Considerations. *Acta Criminologica*, 4(1), 11–111.
<https://doi.org/10.7202/017016ar>

Article abstract

LE TRAITEMENT ET LA REHABILITATION DU DELINQUANT : QUELQUES CONSIDERATIONS SOCIOCULTURELLES

Ce rapport s'efforce d'établir la relation entre certains facteurs socioculturels (communautaires, institutionnels, « organisationnels », et individuels) et le traitement ou la réhabilitation du jeune délinquant. Sur le plan communautaire, le choix de mécanismes formels d'intervention qui sont préférés, ou substitués, à des méthodes informelles et non officielles, varie selon : 1) les perceptions qu'a la communauté de la délinquance et des jeunes délinquants; 2) le statut socio-économique qui prévaut chez les membres de la communauté; 3) le statut socio-économique et l'origine ethnique du jeune délinquant; 4) le degré de concordance entre 2) et 3).

L'auteur suggère que les classes moyennes, même lorsqu'elles adoptent le principe de l'individualisation de la justice et de la réhabilitation pour le juvénile et qu'elles acceptent une politique de réinsertion sociale pour les

jeunes en difficulté et pour les délinquants de la classe moyenne, conservent des stéréotypes si négatifs sur le style de vie des classes inférieures qu'il en résulte fréquemment une attitude punitive plus forte à l'égard des délinquants de ces classes sociales. Il apparaît en outre que, dans le cas où le système officiel d'intervention n'est pas compris par la communauté ou s'écarte suffisamment du sentiment collectif, la communauté non seulement ne soutient pas son action mais va jusqu'à saper celle-ci.

L'examen de la structure de fonctionnement des services institutionnels révèle de plus un déséquilibre entre les ressources sociales et les ressources psychiatriques. Dans les classes sociales inférieures, l'absence relative de programmes de prévention et de services non judiciaires est aggravée par le recours à des critères sélectifs d'admission, par les longues listes d'attente, et par l'absence de ressources thérapeutiques appropriées dans les quelques services qui existent, ce qui amène l'utilisation excessive des mécanismes formels d'intervention avec les jeunes, qu'ils soient des délinquants endurcis ou des jeunes aux prises avec de sérieux problèmes d'adaptation. Le résultat a été de faire de la cour juvénile un « dépôt » pour les adolescents à problèmes, alors que ceux-ci devraient et pourraient être pris en main plus efficacement par des services communautaires n'ayant pas de caractère judiciaire.

À l'examen, il est évident que les principes d'organisation du système de justice juvénile et de mise en application des politiques dépendent pour une large part : 1) de la philosophie et de l'orientation en ce qui concerne l'étiologie et la thérapeutique de la délinquance juvénile; 2) de leur propre expérience avec certains groupes de la population juvénile; 3) de la fréquence et de l'intensité des contacts et des communications avec les autres agences dans le système; 4) des valeurs, de la formation, de l'expérience personnelle et des perceptions individuelles, des attitudes et des autres biais des membres du personnel.

Les idéologies et les objectifs contradictoires, les politiques inappropriées et les changements de procédure compromettent fréquemment les objectifs théoriques du système de justice juvénile qui peuvent être excellents, en les sacrifiant à des considérations d'efficacité et d'opportunisme. Le résultat est le refus quasi inévitable de dispenser des « soins appropriés et un traitement régénérateur » aux jeunes délinquants, tels que stipulés dans l'esprit et le texte de la loi.

L'effort qui a été fait pour identifier les éléments importants (personnels, sociaux et culturels) sur lesquels reposent les décisions qui concernent l'intervention et le traitement révèle : 1) l'absence de consensus sur les caractéristiques significatives qui différencient le délinquant endurci du délinquant primaire ou occasionnel; 2) l'incertitude par rapport à l'importance qui doit être donnée lors de l'évaluation, à la présence ou à l'absence de certaines caractéristiques; 3) l'incohérence dans la relation entre ces caractéristiques et le choix du traitement.

Les modèles d'action basés sur la tradition et sur l'intuition prennent le plus souvent le pas sur ceux qui sont basés sur des critères scientifiques, si bien que la « maladie » est fréquemment assimilée à criminalité ou méchanceté. En somme, les jeunes de la classe inférieure ou les jeunes des groupes minoritaires sont le plus souvent désavantagés à l'intérieur de l'appareil judiciaire, en même temps qu'est perpétué le mythe de l'individualisation du traitement.

Étant donné ces faits, l'auteur souligne l'urgence de l'éducation des citoyens. Il importe de les amener à une conception plus éclairée du problème de la délinquance ainsi qu'à une plus grande compréhension et connaissance des objectifs de la prévention et du contrôle social. La priorité doit être donnée au support communautaire et à l'acquisition de la responsabilité.

Pour ce faire, il faut développer un système plus étoffé et très spécifique qui permettrait de s'éloigner de la clinique traditionnelle et de l'approche psychogénétique de la délinquance. Une approche interdisciplinaire éclairée de l'étiologie et des solutions à apporter au comportement criminel s'impose. Un système doit être développé dans lequel seraient conciliés sans compromis les objectifs de la punition, du contrôle de la prévention et de la réhabilitation; il servirait à affronter plus efficacement tous les problèmes de la jeunesse qui nécessitent notre attention.

Indubitablement, l'efficacité d'un tel système est conditionnée par la philosophie qui l'inspire, par la politique et les procédures qui sont appliquées, par le personnel et par l'appui qu'il reçoit de la communauté. Si le délinquant est au départ le produit d'un jugement social, le délinquant réhabilité doit aussi être un produit de la communauté, donc d'un système capable de le servir et de l'aider à résoudre ses problèmes. Il importe que chacun de nous puisse souscrire à la réalisation de ce traitement individuel et puisse demander l'abandon des pratiques discriminatoires, et non scientifiques, auxquelles la société fait fréquemment appel. Enfin, le principe de l'équité doit remplacer le présent système d'une justice de classe.

TREATMENT AND REHABILITATION
OF DELINQUENT YOUTH
SOME SOCIOCULTURAL CONSIDERATIONS

Lenore Kupperstein

CONTENTS

Introduction	13
Chapter one : Community perceptions of delinquency and the juvenile justice system	20
Chapter two : Organizational considerations in the ad- ministration of services and treatment to delinquent youth	45
Chapter three : Personal, social and cultural factors as dispositional determinants	70
Chapter four : Summary and conclusions	97
References	102

INTRODUCTION

While the process of juvenile justice is primarily judico-legal in nature, many extralegal considerations tend to become prime determinants in decision making at all levels of the administrative system and thereby directly affect the character and extent of a juvenile offender's involvement in that system. By extralegal considerations, I am referring here to various personal, social and cultural attributes which undoubtedly operate to mold the behavior patterns, attitudes and values of juvenile offenders as well as the agents of authority with whom they come in contact. Also included within this framework are certain structural and organizational arrangements which define the roles and policies of various youth-serving agencies and which delimit the parameters of client populations.

All such factors ultimately have a direct bearing on the nature and subsequent effectiveness of the rehabilitative process, whether « treatment programs » be oriented to correcting sources of individual pathology (psychiatric approach), modifying attitudes and values of the juvenile offender (casework and counseling arena) or altering the youth's environment in some way to mitigate its negative effects upon his behavior patterns and life-style (sociological approach).

Obviously, not all who engage in delinquent behavior become officially labelled as delinquent. Rather, as Piliavin and Briar suggest¹, « the official delinquent as distinguished from

1. Cf. Piliavin and Briar (1965), p. 16.

simply the juvenile who commits a delinquent act, is the product of a social judgment... He is a delinquent because someone in authority has defined him as one, often on the basis of the kind of person he is more than the kind of offence he committed. »

The question must thus be posed as to what motivates or influences various community residents, institutional representatives, social service personnel or law enforcement agents to (pre)judge a child delinquent and to seek formal intervention « in his behalf ». Obviously for those observed or apprehended in the commission of a serious offence, there is generally little question as to the desirability or necessity of formal intervention. Questions relevant to these cases, rather, tend to revolve around the *kinds* of action to be taken, *i. e.*, formal *vs* informal handling, community treatment *vs* incarceration, etc. The decision of *whether or not* to seek official intervention is, however, subject to greater vagaries in the case of adolescents who present chronic behavior problems at home or in school, youths who repeatedly engage in petty offences or juveniles whose « delinquent conduct » might be more appropriately viewed as evidence of parental neglect or the need for greater supervision and control.

Since the form of their delinquent behavior is not of the nature most generally visible to the police nor particularly disruptive nor disturbing to the community at large, formal intervention by the police or the court in behalf of these youths must ordinarily be requested or otherwise initiated by some nonenforcement intermediary (parent, teacher, school principal, truant officer, social worker, and the like).

No doubt, subsequent behavior patterns and attitudes toward the law adopted by those youths labelled delinquent are, at least in part, a function of the kinds of action taken by conventional society in response to their antisocial conduct, and represent a reaction, if not a reaction formation, to the ways in which social institutions designed to control their behavior impinge upon them.

These and other community concerns, such as the legal or institutional role of the court in the community (as compared with the communally accepted view of the court), the community's perception of the law enforcement function of the

police, especially as it concerns antisocial behavior demonstrated by juveniles, and the community's notion of the adequacy of social service and treatment programs (based on its remoteness, not from the *problem*, but from the *sources* for ameliorating the problem) will be the concern of Chapter 1 of this paper.

Traditionally, the juvenile corrections and social service systems have attributed delinquent behavior more to personal maladjustment and individual pathology than to certain social and cultural forces generated in the individual's environment and internalized by him. Unfortunately, little attention was paid to the possible meaningfulness and function of given behavior patterns, attitudes and values for the youth within his own sociocultural milieu. As such, most treatment efforts were directed toward producing change in the individual offender by means of psychotherapy, casework and individual counseling, either within or outside of correction institutions.

Only recently has there been a shift in the thinking about juvenile delinquency and youth crime, wherein it is postulated that :

the meaning of an act which the dominant society terms delinquent can be adequately understood only when the full range of social, cultural, situational and personal variables involved have been identified and related to one another... It [thus] seems reasonable that to be effective, any program of intervention should not be directed just at the personality and familial relationships of individual delinquents ; *it should also be directed at the social and cultural setting itself* ².

What such an approach obviously required was a shift in emphasis from changing the individual offender to altering the manner in which various social institutions relate to him and ameliorating conditions of social and political inequality ³.

In response to this challenge, a myriad of public and private social agencies and institutions, bureaucrats, politicians and academicians have espoused or embarked upon numerous social action programs designed to upgrade existing social institutions or to create new ones which will more adequately serve and meet the needs of today's youth. For the most part, however, authorities steeped in the tradition of the Establishment remain ill-prepared and unequipped to cope with the new ap-

2. Martin, Fitzpatrick and Gould (1968), p. 10.

3. *Ibid.*, p. 1.

proach to relating to children and youth entrusted to their care. Further, members of various ethnic and cultural minorities have not yet been provided with sufficient understanding of the new approach, the consequence being that new forms of corrective treatment are meaningless within their normative and value systems and are, therefore, viewed with indifference if not scorn. Thirdly, members of the middle class community are not yet convinced of the efficacy of the new approach. They continue to witness increasing delinquency and crime and therefore feel justified in criticizing the law enforcement system for its inability to control it, and the courts and correctional system for being too lenient with the offenders.

What has not yet been sufficiently recognized is that mere « imposition » of new rehabilitative programs, whatever their form or objectives, does not guarantee their receptivity by the community at large nor their effectiveness with members of the population to whom they are addressed. As a consequence, much of any potential program effectiveness is frequently undermined by virtue of the program's essential remoteness from the life-style and value system of the target population and their lack of support from the middle class community. Too often, the unintended (and not infrequently unanticipated) consequence is heightened frustration, hostility, alienation, and deviance (as defined by the middle class) and a subsequent constriction of the middle class community's tolerable deviance level (leading to increased reliance on the law enforcement system and cries for more restrictive measures to be taken with regard to juvenile offenders).

It is even suggested that where the official intervention system is sufficiently at odds with prevailing community sentiment regarding it (e. g., in the ghetto), not only will the community fail to support its effective operation but, in essence, will actually undermine it. There is, in fact, some evidence to demonstrate that crime and delinquency are virtually reinforced and perpetuated in the community by virtue of the operation of a « conspiracy of silence ».

By conspiracy of silence, I am referring to the refusal of the offender's friends, neighbors and relatives to initiate formal intervention by the police, or even to divulge upon request information regarding offences which they have witnessed or

about which they have knowledge or information which could help the authorities in identifying or apprehending the offenders.

The subsequent inability of the police to secure needed information from the conspirators, coupled with the « tough boy » attitude and demeanor adopted by many ghetto youth, serve to reinforce the authorities' negative image of ghetto residents, confirm the delinquent stereotype of many ghetto youth, and provide the rationale and justification for the harsher treatment accorded them upon confrontation. And so the vicious cycle of mutual disdain and distrust is perpetuated.

At a later point in this paper, I shall attempt to demonstrate how and to what degree various community institutions — including the law enforcement system itself — actually operate to lower the middle class community's tolerable deviance level and confidence in the law enforcement system while at the same time raising the tolerable deviance level of the lower class community. The obvious effect of the former is to cause formerly tolerated acts to be reported more as crimes, thereby causing greater reliance on the law enforcement system for community protection and the enforcement of law. Failure on the part of the system to control this perceived increase in delinquency eventually results in a « crisis of confidence » with respect to the law enforcement system itself. The consequence of the latter (*i. e.*, increased tolerance for what the middle class perceives as deviance), on the other hand, is actually to provide subliminal reinforcement for delinquent behavior.

Obviously, the size of the delinquency problem and the array and adequacy of youth services in the community will have a direct effect on the manner in which various agencies and institutions handle delinquents and deal with the delinquency problem. However, there are also certain organizational variables which determine the manner and style in which they relate to juvenile offenders, the frequency of such encounters, and the relational characteristics between and among the agencies and organizations within the juvenile justice system.

In effect, the differential handling of juvenile offenders is attributable, at least in part, to variation in agency policy, these variations being dependent, in turn, upon such organizational attributes as 1) the prevailing operating philosophy, 2) the areas of responsibility or jurisdiction, and 3) the perceived role and function of the agency or organization.

The kind of interagency relations which evolve are often determined by the frequency and intensity of communication and contact and the extent to which organizations are mutually interdependent⁴. Naturally, these and other organizational arrangements have a major role in determining both the nature and extent of treatment juvenile offenders will receive.

For example, it has been clearly demonstrated that individual agents tend to adopt a role and position clearly reflective of their own attitudes, experience and perceptions of delinquency and delinquents, but that individual biases are frequently rationalized and justified within the context of both official and unofficial, explicit and implicit agency policy — thus making them less visible in dispositional decisions. Secondly, it has been shown that social control agents frequently adopt a rather negative posture toward the role and effectiveness of social service agencies (the « rehabs ») in their work with problem or delinquent youth, again obviously affecting their referral and dispositional decisions. Thirdly, research findings have indicated that certain types of social service agencies are not fulfilling their service mandate when it comes to delinquent youth. Rather, unsound admission and acceptance criteria have the effect of denying service to troubled youth deemed by the courts to be in urgent need of service or treatment.

Thus, rather than primarily reflecting response to the treatment needs of offenders, treatment decisions are often based on expediency and organizational considerations, to the effect that the entire process of juvenile justice, each time it is encountered, is reduced to a fragmented series of unrelated and often contradictory decisions and plans of action, each bearing little relation to prior actions and each, in effect, merely transferring jurisdiction from one agency to another. It should not be surprising, then, that agents of authority come, realistically, to have decreasing confidence in the system, and that this situation gives rise, in turn, to mistrust of officialdom, hostility toward the seeming hypocrisy of the legal system and cries of what amounts to « kadi justice » by youth repeatedly subjected to the juvenile justice process and correctional system.

Chapter II of this paper will attempt to demonstrate how such social facts as variation in agency and departmental policy, lack of objective and realistic admission criteria by some social

4. Miller, Baum and McNeil (1966), p. 6.

service agencies, and poor interagency relations affect administrative and treatment decisions taken with respect to juvenile offenders.

Having once examined some of the structural and organizational considerations affecting the treatment and rehabilitation of delinquent youth, we must next look at the ways in which certain personal, social and cultural attributes of the offender affect the dispositional decisions of various agents of authority operating within the juvenile justice system. In Chapter III, then, particular attention will be given to the role such factors as age, race, social class, family background, educational level, physical appearance and demeanor play on : 1) the attitudes and biases of law enforcement personnel, 2) the dispositional decisions taken at and subsequent to the initial encounter with the juvenile, 3) recommendations by court intake workers and probation officers, 4) judicial dispositions, and 5) assignment of juvenile offenders to treatment and rehabilitative programs.

In essence, the purpose of this chapter is to provide the reader with a greater understanding of how and to what extent the offender's treatment program is molded and structured by virtue of the meaning and import of various personal, social and cultural characteristics for personnel and agencies empowered and expected to make intelligent decisions regarding the treatment and rehabilitation of delinquent youth.

In the concluding chapter, an effort will be made to summarize the findings presented throughout the paper, to interpret their effects upon the rehabilitation of the juvenile offender and the operation of the juvenile justice system, and to recommend changes in the present system where deemed necessary or desirable. It is hoped that the knowledge gained by the reader herein will be considered, if not applied, throughout the juvenile justice process, particularly with regard to decisions which directly affect the subsequent treatment and rehabilitation of delinquent youth.

CHAPTER ONE

COMMUNITY PERCEPTIONS OF DELINQUENCY AND THE JUVENILE JUSTICE SYSTEM

As indicated in the Introduction, not all acts of delinquency eventuate in a direct encounter between the police and juvenile offenders nor do all who engage in deviant behavior ever become formally adjudicated as delinquent by the courts. While we do not know the proportions of *all* violators who become known to law enforcement authorities, we do know that offenders who do become known to the police are handled differentially both in terms of formality and degree of involvement in the juvenile justice process.

We know, for example, that there are decisions made by policemen to release a suspect whom he has stopped and questioned. Such street adjustments may result in a warning or reprimand to the juvenile but generally no further action is taken and no record of the encounter is maintained. From the FBI, we also know that about 46% of the youths confronted by police officers and brought to the stationhouse for further questioning are ultimately « handled within the department and released », that another 2% of the youths are referred to various « welfare agencies », and that slightly over 48% of the juvenile offenders taken into custody are subsequently referred to the juvenile court ⁵.

In some communities, primarily those of middle- or upper-class status, there has long been a tolerance for and encouragement of a policy of « absorption »⁶ for all but the most flagrant

5. Federal Bureau of Investigation (1968), p. 110.

6. « Absorption » is here defined as « the attempt of parents, schools, neighborhoods, indeed, the communities to address the problem of delinquent and deviant youth by minimizing referral to one of the official State

juvenile law violators⁷. The endorsement of this kind of policy not only prevails among authorities of the juvenile justice system, but rather seems to permeate most other agencies and institutions and is adopted by many individuals, if we take as evidence the numerous instances of informal handling of juvenile offenders that abound in the neighborhoods. For example, cases of vandalism or malicious mischief, which result in broken windows, a stolen bicycle or an overturned flowerbox, are seldom reported to the police⁸ but rather are handled unofficially and informally through direct restitution by the parents of the offender or through a claim to the insurance company to cover the cost of damages inflicted.

While there may be occasional complaints of inadequate police protection, residents of middle-class suburbs generally prefer, or at least adhere, to informal methods of resolution. Some evidence for substantiating this predilection for informal handling of juvenile offenders has, in fact, been gathered in Contra Costa County, California, where data from two suburban middle-class communities demonstrate that « the *drop-out* rate, i. e., adjustments without benefit of the formal agencies of juvenile justice, for middle-class suburban youth at the law enforcement level is considerably above the national and state averages⁹ ».

Further, in contrast to the practice of expelling youths manifesting chronic behavior problems in the overcrowded classrooms of large, urban inner-city schools, suburban students exhibiting behavioral difficulties or academic problems in school are only rarely suspended. Rather, an alternative educational plan is worked out by the parents of these youths, frequently taking the form of private tutoring or counseling or transfer to a private or parochial school, military academy or « college preparatory » institution. Here, again, the middle-class youth is spared the stigma of legal sanctions which result from the

or County agencies designated to handle such youth; or, if there has been a referral to one of these agencies, the attempt to remove the offender from the official process by offering a solution, a technique, or a method of dealing with the offender outside of the usual agency channels» (this system, while being less disruptive, generally, to the community, also avoids the stigma attached to the delinquent officially adjudicated and possible criticism of his parents as inadequate). From Carter (1968), p. 22.

7. *Ibid.*

8. Those who do report juveniles to the police are frequently derided by the youths and often their families as « crotchety old ladies ».

9. Carter (1968), p. 20.

lower-class chain link process of repeated suspension → drop-out → truant → adjudicated delinquent.

Another example of the operation of the absorption process with middle-class youths can be seen in family and community response to such undesirable behavior and « offences » as sexual promiscuity, teenage pregnancy, runaway, alcohol and drug abuse. While lower-class youths are frequently referred to the courts for such « offences » on charges of incorrigibility or ungovernability, among middle-class youths there is more often recourse by their families to abortion (performed either out of the country or by private physicians as « therapeutic abortions »), private psychiatric care or individual counseling.

Those who decry such informal methods for dealing with juvenile delinquents frequently criticize their use as an undemocratic perversion of justice on a social class basis and deride the evils of the « influence of affluence » or « buying off » juvenile deviance and delinquency¹⁰. Others feel, however, that extensive utilization of personal and community resources should be strengthened and expanded in order to avoid the undesirable consequences of some aspects of the juvenile justice process. In essence, they view the absorption process as providing both a healthier and potentially more successful alternative to traditional methods (which have thus far proved unsatisfactory) of solving the delinquency problem and coping with juvenile offenders.

While we have noted that members of middle-class society frequently espouse informal and unofficial means for coping with most of their own, their neighbor's children or other youths of similar class origin and background (except for the most serious law violations), it is of interest to determine to what degree the same view prevails with respect to the handling of lower-class juvenile offenders.

It is here suggested, and subject to further research, that an antithetical policy would be more frequently maintained with respect to the handling of lower-class youth. Simply put, it is hypothesized that members of middle-class society are more frequently prone to call for formal intervention mechanisms of a more restrictive nature with lower-class and minority group juvenile delinquents whose offences, if committed by middle-

10. Carter (1968), p. 23.

class youths, would more likely be either ignored or handled informally. In part, it is suggested that this perspective is attributable to the way in which middle-class society differentially perceives middle and lower-class delinquency and delinquents.

Middle-class delinquency, being more often perceived as a passing phase of adolescent misconduct or serious pathology, requires and results in a more individual treatment orientation where each child and his problems are to be treated separately. A more punitive and collective orientation obtains, however, in their view of lower-class delinquency where youthful offenders are not seen as individuals with problems but are encompassed within the prevailing stereotype of the slum dweller and his life style (with delinquent behavior being an integral component). It is this negative judgment or impression of the group as a whole which becomes applicable to each and any individual member in it. This collective approach, therefore, gives less credence to the notion of individualized treatment which, ultimately, all but disappears.

Even among those who maintain a more liberal approach consistent with the notion of individualized treatment, regardless of the offender's social class or background, there is frequently a failure on their part to recognize that « Fifth Avenue » psychiatric care or traditional social work techniques (even if applied under new programs or with different labels) may not be effective in « rehabilitating » lower-class youth. Recently, considerable evidence has been amassed which demonstrates that where rehabilitative programs are far removed from the psychological and social underpinnings of lower-class life-style and values, there is little chance of their being successful or significantly effective. Further, failure of lower-class society to understand the objectives of such programs or to be able to integrate them into their behavior patterns and life-style often produces the unintended, unanticipated and undesirable consequences of heightened frustration, increased hostility toward the middle class and its representatives (police, judges, teachers, social workers), and greater alienation and social isolation.

As noted by Professor Martin and his colleagues¹¹, to understand delinquency requires an even fuller understanding of the social, cultural, situational and personal variables which

11. See above.

generate it. Where such understanding is forthcoming, « it may become very clear, for example, that delinquency in a given neighborhood is not simply the acting out of personality defects, but rather largely represents patterns of behavior that should realistically, because of cultural or other structural reasons, be expected to occur in that setting¹² ».

Within given lower-class settings, then, what is termed delinquent or deviant behavior by the dominant middle-class society may, in fact, be acceptable or at least tolerated conduct within the lower-class milieu. In other words, compared to that of middle-class society, the tolerable deviance level of the ghetto, slum or working class community may be considerably greater. Thus, when official agents of authority continue to pounce on lower-class community residents for engaging in what to the lower-class community is normative (i. e., non-deviant) behavior, resultant hostilities between these two groups are bound to develop. Not only will the community fail to support or in any way co-operate with the police by reporting such acts or identifying the perpetrators, but they will also actually undermine such official efforts by deliberately remaining silent. This is then perceived by the authorities and the middle class as a justification for the existing stereotype and a means for reinforcement and self-perpetuation of criminal behavior patterns. Within this framework comes the rationalization for a more punitive and restrictive approach to dealing with apprehended offenders.

The more such crime and delinquency persist and spill over into the middle-class communities, the more the middle-class society constricts its tolerable deviance level and clamors for greater police protection as well as more stringent measures of prevention and control. What subsequently is perceived as a failure on the part of the law enforcement system to respond to such demands ultimately results in increased criticism of the system to achieve community protection and the preservation of law, a « crisis in confidence », heightened community pressures to ameliorate the system or take the enforcement of law into its own hands through the establishment of neighborhood vigilante groups, petitions to Congressmen, and the like.

12. Martin, Fitzpatrick and Gould (1968), p. 10. See also Gould (1967).

It is quite apparent that for lower-class juvenile offenders, especially those of minority group status, few of the informal alternatives available to the middle class actually exist. As such, it is the lower-class youth who most often becomes a statistic of the police, the courts and the correctional system. Several factors appear to account for this situation.

First, attempts by the police to engage the cooperation of the juvenile's parents or guardians in maintaining more adequate supervision and control over him and his activities often prove fruitless, due to the situation of working parents, other inadequacies accompanying the poverty-level life-style of large, lower-class families, pathology of the parents, or simple parental indifference to the whereabouts or activities of their offspring. In such cases, official police action and subsequent court referral are deemed necessary to provide protection of the neglected child and greater supervision and control.

Secondly, the police, even though willing, are often unable to make what might be a more appropriate referral to social welfare or child psychiatric agencies because such public services simply do not exist in the community, and because private psychiatric care, child guidance, individual or family counseling are either unavailable or financially out of the question. Where such services do, in theory, exist, however, lower-class families are frequently reluctant to engage them out of fear or mistrust, admission criteria mitigate against acceptance of severely emotionally disturbed or delinquent youth, long waiting lists produce interminable delays and deferral of service, and case overload results in inadequate or inappropriate treatment of the offender and his family.

The continued engagement of these youths in delinquent or deviant behavior inevitably forces the police, on subsequent encounters, to take official action and thereby inject the juvenile by default, into what often becomes a series of repeated encounters and increased involvement in the juvenile justice system. In large part, therefore, it is this uneven balance of service resources and the failure to provide early preventative alternatives to problem youth which contributes to the disproportionate utilization of the formal intervention system with lower-class juvenile offenders.

One would expect, then, that the introduction of early prevention programs and the creation of new or expanded

services to troubled youth and their families might result in a significant decrease in recidivism and a reduction in the number of juvenile court referrals. One project which attempted to demonstrate the efficacy of such programs was that undertaken as a cooperative effort by several community social service agencies in Cincinnati and sponsored by the Cincinnati Health and Welfare Council and the Office of Juvenile Delinquency and Youth Development of the United States Department of Health, Education and Welfare.

Operating between July 1965 and September 1966, this « Troubled Children Under Twelve Project » attempted to demonstrate a method for insuring that early danger signals manifested by troubled youth would be heeded in an effort to reduce the chances of later delinquency. The objectives of the Project, as stated in its evaluation report, were as follows :

- (1) to assure social services to the families of children whose behavior is, or might become, delinquent, improving upon the prevailing system of referrals and services; (2) to add to what was known about the children; (3) to explore the adequacy of services for meeting the treatment needs of such children and families; (4) to foster communication within and among agencies about the needs of this client group; and (5) to facilitate change toward a more effective social service¹³.

The basic features of the demonstration program included :

- 1) employment of a caseworker (« central agency worker ») to receive reports about troubled children from the schools, police and the courts, to determine whether or not a social agency was currently active with the child or his family; and to refer the child and his family to an appropriate service agency; 2) purchase of the services of two caseworkers assigned by the Cincinnati Family Service to offer exclusive, intensive « reaching out » casework to the families referred by the project; 3) acceptance of referrals by participating social agencies and the assurance that each case would remain on active status for as long as needed; and 4) the operation of a « new » way of handling cases (« centralized intake and referral », commitment of social agencies to serve, review of cases by a professional panel) to supplant the « prevailing way under which children and their families might or might not be refer-

13. Community, Health and Welfare Council (1967), p. 2.

red to social agencies, and social agencies might or might not maintain contact with them ¹⁴ ».

The families of troubled children referred by the project generally presented many of the classical features of low income neighborhood residents : high juvenile and adult crime rates, poor housing, large families, unsettled home and family situations, below average educational background, and the prevalence of unskilled laborers. The data also indicated that 84% of the families had had prior contacts with community service agencies ¹⁵.

Cases referred to the project were subsequently assigned to either treatment or control groups for the purpose of later comparison and evaluation. The treatment group received service under the new system of the demonstration project while the control group received service under the prevailing system. While intended as random assignments, later analysis revealed that, in fact, greater numbers of families with more troubled histories and past contacts with law enforcement and welfare agencies were inadvertently assigned to the treatment group. As such, despite initial expectations of lower recidivism, and even though the project was relatively successful in increasing casework and providing more counseling during its operation, children of families in the treatment group showed *more* recidivism than did the children in the control group. In part, the explanation given for this phenomenon was : « since, the longer the child's previous record of contacts with police and the court, the more he is likely to be recidivist, the greater recidivism of the treatment group cases may be attributed to their previously established patterns of behavior, not to the effects of casework ¹⁶ ».

As predicted, however, cases in the treatment group were *more* likely than those in the control group to be in an active caseload at a social agency. However, how much this was due to the greater severity of the problems in the treatment group cannot be accurately estimated.

It is rather well known that many social workers are frequently opposed to « uninvited intervention » on the grounds that aid or counsel not actively solicited will not be accepted.

14. Community, Health and Welfare Council (1967), p. 1-2.

15. *Ibid.*, p. 16.

16. *Ibid.*, p. 17.

The high percentage of agency workers who found their efforts accepted by the clients, however, seemed to indicate that, indeed, rehabilitative programs need not depend upon the client's initiative in order to be accepted. Further, the fact that a client does not actively or verbally seek assistance does not necessarily preclude recognition of his problems or the desire to do something about them. Rather, he may simply be unable to verbalize his concern and instead, may act out his plea for help through deviant, attention getting behavior¹⁷. On the other hand, an accepting attitude can mean either passive or active acceptance of assistance in solving his problems. Thus, a high rate of « acceptance » by the client does not, in itself, indicate his degree of involvement in a casework relationship or in any efforts toward improving his situation : « It may simply mean that the social worker has his foot in the door ¹⁸. »

Although problems of research design and methodology precluded conclusive results, the researchers concluded that :

In any event, it is likely that intervention directed toward the accomplishment of specific changes in factors known to be critical in sustaining the delinquent behavior will be more successful than intervention whose objectives are general and diffusely relevant to a host of factors associated with both delinquency and nondelinquency... The T.U.T. project was concerned with « troubled children » and « delinquency ». It is likely that these terms, like « pain » and « illness » refer to a number of symptoms and maladies generated in a variety of milieux which must be better understood if treatment is to be relevant ¹⁹.

Another project which tried to implement alternative and expanded services to youthful offenders and to encourage greater citizen involvement in solving the community's delinquency problem was that introduced in the town of Enfield, Connecticut. Under the assumption that it was basically the community's responsibility to handle its delinquency problem, and that past policies of extensive court referrals had not proved an effective deterrent to recidivism, a new Juvenile Review Board was developed by the Enfield Police Department in co-operation with the Department of Social Services. This Board, with his primary objective of providing additional community resources to the police in handling juvenile delinquents, was

17. Community, Health and Welfare Council (1967), p. 65.

18. *Ibid.*, p. 66.

19. *Ibid.*, p. 89.

composed of a number of responsible lay and professional community residents including the Police Chief, a policewoman, police chaplains, a school guidance counselor and truant officer, a family home consultant, a psychiatric consultant, a juvenile court probation officer and a juvenile liaison officer. Together, the Board functioned as a resource for identifying behavior and medical problems, evaluating family strengths and weaknesses, and designing remedial and preventive action programs for individual offenders and their families.

In addition to providing direct services, the project saw as its role the identification of the nature and extent of the delinquency problem which existed in Enfield, the interpretation of the problem to the community, modification of existing community attitudes toward delinquents and delinquency, and the expansion of community tolerance for youthful deviance.

The delinquency problem in Enfield rested on a variety of factors, not the least important of which was a rapidly growing population and an influx of relatively new residents. The majority of these recent immigrants were young, blue-collar families who for the first time were faced with the responsibilities and problems of home ownership. Further, many had come from the cities which had offered them greater access to transportation and recreational facilities, health and welfare services. In Enfield, however, such facilities and services were unavailable to the majority of the residents.

Despite their rather low position on the socioeconomic scale, many of these newer residents moved to Enfield from a desire to participate in what they perceived as the middle-class suburban life-style. And, because of their desire to maintain a middle-class image for their community, there tended to be rather strict enforcement of the traditional taboos against violence and a heightened sensitivity to offences (such as vandalism and shoplifting) which would have been viewed as rather minor in a more urban context. Despite a minimum of violent and other serious crimes, however, the relatively large numbers of youth referred to the juvenile courts was taken as an indication of the existence of a rather serious delinquency problem in the community. There was apparently little cognizance, however, of the operation of other factors which created such strong reliance on the courts.

First, because of the lack of community resources, police often resorted to court referral for cases in which there was a need for family help. Secondly, as noted above, the basis for determining offence severity differed from that of the community's urban counterpart. Thirdly, there was a greater school-age population (representing more potential juvenile offenders) than was the case in most communities of comparable size to that of Enfield. Fourthly, evaluation of the community's attitude toward adolescents, as indicated in their complaints to the police, demonstrated a clear lack of tolerance and understanding of the behavior of teenagers.

Although, as indicated above, the population of the community had substantially increased, no additional programs or services had been created to meet the greater need for such services. Among the reasons for this was a decided resistance among the longtime residents of « Old Town » to acknowledge the presence of the newcomers in the outlying districts of the town and an obvious reluctance on the part of these people to assume responsibility for the welfare of the newcomers. Also, because of the large number of blue-collar families who replaced the former middle-class residents, tax revenues became insufficient for provision of all the necessary community services and facilities. As a consequence, such monies as there were were expended on the basis of established priorities which had the effect of placing such concerns as mental health services or recreational facilities at the bottom of the list.

It ultimately was hoped that through the Review Board and the cooperating agencies the needed services would be rendered to problem youth such that the number of court referrals would be significantly reduced and that community attitudes toward delinquency could be positively altered. During the project's operation, however, several problem and deficiencies became apparent. First, it was recognized that the tolerance of the community and the attitude of the residents really were dependent upon those manifested by the Review Board which was, in effect, simply a reflection of the community image of middle-class morality :

Because of their orientation toward authoritarian responsibilities while wearing their other hats, [Board members] have a preconceived image of the youth... [usually negative] ... Frequently, the youth are judged not on the basis

of the severity of the crime, but on the way members see them and their families in the community²⁰.

As such, before the Board could hope to change the attitudes of the community, it had first to change its views of juvenile misbehavior without superimposing their own standards, preconceptions and biases on their decisions. The subsequent decision to enlarge the Board to include among its members more nonauthoritarian nonprofessionals having greater and more intimate contact with youth was based on the Board's desire to accomplish its envisioned objectives.

With regard to the service aspect of the project, there was evidence to indicate that the police had, in fact, expanded its public service role in the community and that the number of subsequent court referrals of youthful deviants was considerably reduced. The majority of court referrals which did persist were based on the desire by the police to provide services to the youths and their families which they were not able to provide or for which the court was the more appropriate referral source. In the name of prevention, the police also felt compelled to take such actions in cases where deferral of action at an early stage might ultimately lead to later difficulties. The presence of the caseworker, however, did have the effect of easing somewhat this overriding concern that the youth's needs, without such action, would somehow go unmet.

Unfortunately, it soon became apparent that the police were not taking full advantage of the new service program nor were the full range of services ever made available to the police. Evidence does seem to indicate, however, that greater communication among the police, social service agencies and the juvenile court was, in fact, developing and that better use was being made of the already existing community agencies.

Thus, even though the project experienced considerable difficulties in mobilizing its new service programs and some community resistance to the acceptance of the new approach, it did represent an active and, at least partially, successful effort to provide expanded services to problem youth and their families, to enlist community support for solving its delinquency problem, and to establish better relations between and among

20. Application for continuation of their demonstration project, presented to the Office of Juvenile Delinquency and Youth Development on March 31, 1967 by the Enfield Police Department. Cf. Enfield Police Department (1967), p. 11.

the various community agencies and institutions concerned with the problem of delinquency and the handling of delinquent youth.

As indicated above, the fact that theoretically already existing or newly created service agencies in the community avail themselves to needy clients does not in and of itself guarantee extension of service to all or even most of the applicants, nor does it generally reserve top priority for acceptance of those whose presenting symptoms seem to demonstrate a most urgent need for prompt attention and treatment. Ordinarily, as noted, this situation stems from the simple fact that service capacities of existing agencies are far exceeded by the tremendous demands placed upon them, so that these agencies have been forced to adopt rather strict acceptance or admission criteria and relatively elaborate procedures for selecting from and dispensing such services as are available.

The unfortunate result, however, is that severely emotionally disturbed and delinquent youth have become some of the most frequent victims of rejection and service denial. Although some reference has already been made to these consequences, further evidence in support of this assertion has been revealed in a study of the selection policies of child psychiatric agencies. This study to which I now refer was undertaken at Harvard University, under the sponsorship of the Office of Juvenile Delinquency and Youth Development, in an effort to determine the correlates of applicant acceptance and rejection by five such agencies during 1962²¹.

Under the assumption that factors other than the applicant's presenting symptoms directly affected his chances for acceptance, it was hypothesized that the agency's decision to accept or reject an applicant was more directly related to : 1) the source of referral, 2) the applicant's social status and 3) the stated needs and goals of the agency²². To test this hypothesis, intake data were collected on all applicants to three child guidance clinics and two court psychiatric clinics during the calendar year 1962. The major variables to be examined were : 1) the source of referral, 2) the presenting problems, symptoms or offence, 3) the disposition of the case, 4) the age

21. Teele and Levine (1963). « Emotionally disturbed » was herein defined as any child in the study group for whom help was sought.

22. *Ibid.*, p. 1-2.

and sex of the applicant and 5) the applicant's social status as measured by the father's occupation.

Looking first at the findings for the child guidance clinics, it was demonstrated that most clients were obtained as a result of referral either from social service agencies, community health professionals or the youths' own families — especially their mothers. With respect to the latter, this finding, according to the researchers, probably reflected « the current policy of clinics to focus on the family, rather than on the child alone », and on their preference for « the mother's direct involvement with the treatment of her child ²³ ».

Analysis of the presenting symptoms revealed that problems related to school or difficulties in learning ranked first in frequency with those of delinquency or near delinquency ranking second — together accounting for approximately 50% of the presenting complaints. Of interest to note, however, was the relative absence of psychosis, suicidal behavior or other manifestations of serious child pathology ²⁴.

Neither delinquent nor near delinquent cases were more likely than nondelinquent cases to receive service more readily than did those not presenting such symptoms.

Among *all* applicants to the three clinics, the largest proportion (30%) was referred elsewhere, less than 12%, respectively, were in either treatment or diagnosis at the time of the study, and less than 28% were receiving what was defined by the researchers as complete service (including consultation, withdrawal after contact, diagnosis or treatment ²⁵).

The findings regarding the applicants' social status, although only tentative, suggested that, as expected, middle- and upper-class youth were more often accepted than working-class youth and thus were overrepresented in the clinics' popula-

23. Teele and Levine (1963), p. 6-7.

24. Complaints of homosexuality, suicidal behavior and truancy were among those *least* likely to receive full service, while enuresis, soiling, setting fires, poor peer relations, night terrors and other forms of phobic or nervous disorders were among those *most* likely to receive it (cf. *ibid.*, p. 18).

25. Teele and Levine (1963), p. 13. While case disposition was found to be rather closely associated with source of referral (perhaps reflecting the importance of informal and formal communication networks available to professionals but less accessible to laymen), applicant acceptance was found to be more directly affected by the organizational needs and requirements of the agencies. As the authors noted, while this kind of selection policy cannot be used to condemn agencies with more applicants than they can handle, it does indicate that the cumulative consequences for the community created by such policies may require more serious appraisal.

tions (despite the fact that one clinic did handle a greater proportion of lower class clients). The explanations postulated for this finding were related first to the greater ability of the middle- or upper-class individual to pay for treatment (thus producing less strain on agency budgets) and secondly to the prevailing belief among psychiatric workers that lower-class clients tended to be more resistant to treatment than middle- and upper-class individuals.

As for the age distribution of the accepted applicants, more service was given to younger children, seemingly reflecting the clinics' belief in early intervention. Significantly, however, a rather severe service gap existed for youths between 11 and 14 years of age, even though this age group included the peak age of delinquent behavior (according to data from other studies).

The findings with respect to the selection policies of court clinics, by way of contrast, revealed only a small proportion of middle- and upper-class individuals (10%) and a larger number of older youths. Obviously, the source of referral became an irrelevant variable and the larger preponderance of lower- and working-class youths was not surprising in view of the fact that these lower status clients did, indeed, make up the bulk of court referrals in the first place.

As for case disposition, 65% of the court clinics cases (as opposed to 72% of the child guidance clinic cases) received incomplete service ²⁶.

The failure of court clinics to accept for treatment almost two-thirds of the youthful offenders referred to them was taken by the researchers to represent a most significant and disturbing finding, particularly if examined from the viewpoint that only a small proportion of juvenile offenders ever come to the court's attention and that among their numbers, only a small minority are subsequently referred to court psychiatric clinics. For, as the reporters note :

26. Teele and Levine (1963), p. 28. However, it should be noted that in the court clinics, incomplete service merely denoted a decision not to treat the case, while in the child guidance clinics, incomplete service also included « rejected », « held », « referred », and « withdrawn before a personal interview ». Yet, the impressive similarity between the two types of clinics with respect to the proportion of cases accepted for service, « encourages speculation as to the relative role of psychiatric techniques, organizational arrangements, professional culture and other social conditions in producing these caseload limits or ceilings » (p. 29).

The failure of the court psychiatric clinics to provide treatment to all or at least most of the relatively small number of offenders who are referred to them casts doubt as to the scope and effectiveness of the total delinquency prevention and control program²⁷.

In sum, from the evidence presented, it becomes readily apparent that neither child guidance clinics nor court psychiatric clinics were accepting or treating to any appreciable degree anything like a significant proportion of their applicants, let alone the very difficult cases or those in greatest need of help. Secondly, « because agencies tend to specialize, at least in part, on the basis of their needs, interests and capacities, there [has developed] a gap between the services provided and the acute needs of various segments of the population²⁸ ». Thirdly, it appears that the problems of delinquent children have not and do not appear to be of any central concern to child guidance agencies nor is priority given to the client manifesting delinquent or pre-delinquent behavior. Since even the court clinics serve only about one-third of their referrals, it is obvious that delinquent youth receive the worst of both worlds.

In conclusion, the authors note that the task of youth-serving agencies is not merely one of adding personnel or creating new resources. Rather, what is also urgently needed is a better and more productive utilization of existing resources (through more evaluation and planning as well as better delineation of responsibility among community agencies) and a « fuller coordination of existing services and resources with the needs of the local community. Above all, it is necessary to admit that existing modes of organizing and deploying resources are far from satisfactory and to consider basic departures from the present organization of services, composition of personnel and established operating procedures²⁹ ».

It appears obvious to this author, to many researchers, and hopefully to the reader, that much remains to be accomplished in the realm of educating the community to a more enlightened approach to juvenile deviance and handling of young delinquents, and in the development of community support (both financially and psychologically) and citizen involvement for the provision of expanded, improved and more diversified

27. Teele and Levine (1963), p. 33.

28. *Ibid.*, p. 34.

29. *Ibid.*, p. 35.

relevant services and treatment programs. Necessary as well is the community's demand for greater utilization of existing service resources and the establishment of such resources where they are presently inadequate or nonexistent.

Further, it is now time to reverse the present trend of using the juvenile court as a dumping ground for all manner of community problems which could, and should more properly be handled by other public or private agencies or institutions³⁰. Rather, the greater use of discretion in invoking the processes of the formal juvenile justice system is, according to Margaret Rosenheim³¹, both inevitable and desirable. It is supported first, on the grounds of avoiding the reinforcement of delinquent tendencies which frequently derive from the stigma attached to being formally labeled a delinquent, from obstacles to subsequent employment, and from limited access to community services and facilities. It is further justified on the grounds that many acts which technically support a delinquency charge are often more appropriately and realistically viewed as expressions of either juvenile misconduct at one extreme, or manifestations of some more serious individual or social pathology at the other. In any case, however,

insofar as a juvenile's behavior is characterized as something other than lawlessness, it will often be seen more appropriate to handle him, if at all, not as a law enforcement problem but as a subject of another public (or private) agency's program³².

What I have been saying, in effect, is that there is a tremendous need to recognize as part of the entire delinquency prevention and control system, any community agency or institution or any other resource which assumes an active role in working with delinquent youth and which offers relevant treatment alternatives to juveniles who, by their acts, may be classified as delinquent, predelinquent, or quasi-delinquent — whether such service be informal or formal, official or unofficial. Just as the number of such resources are potentially numerous, so too are the dimensions and opportunities for cooperation and interaction between and among all components of the system.

What is abundantly clear, however, is that without a positive change in community attitudes, the development of

30. Kupperstein and Susman (1966), p. 79.

31. Rosenheim (1966), p. 5.

32. *Ibid.*

increased tolerance for and understanding of juvenile delinquency, greater support for the workings of the entire delinquency prevention and control system, and greater willingness to treat rather than solely to punish youthful offenders, troubled youths will continue to be the victims of a society more willing to cast their lives aside than to provide the opportunities for their rehabilitation and individual and social betterment.

Up to this point, our attention has been devoted exclusively to examining community perceptions of delinquency and the juvenile justice system and analyzing the array and adequacy of services which exist outside of that formal system to handle juvenile offenders coming to the attention of particular individuals, school authorities, social service agencies, the police and the courts. Before concluding this chapter, however, corresponding issues of the adequacy and efficacy of the juvenile justice system itself and the problems surrounding the offender's reintegration into the community upon termination of treatment (either conditionally or unconditionally) deserve at least brief mention here.

Our discussion of the former will proceed in a moment. With regard to the latter, however, I should note that since I have already alluded to some of the consequences immediately attached to being formally labeled a delinquent as well as some of the harmful consequences of institutionalization (which, I assume, are sufficiently familiar to the reader as to eliminate the necessity for elaboration here), I shall devote my discussion of reintegration to those problems which may be less obvious or at least not quite so universally appreciated or called to mind.

In analyzing the juvenile court, it is first important to locate the degree to which it is integrated as part of the total community structure and the extent to which it must compete with other agencies and institutions for operating funds, manpower, services and facilities. Generally, although a special unit or division of the state judicial system, its county based operation, its relatively low position within the state system and its dependency on state and local government and institutions for financial support, service resources, manpower, facilities and clientele place the court in the difficult posture of competing from a position of relative impotency near, if not at, the bottom of a large hierarchy. In addition, the court, in order to survive, must maintain complex and often conflicting multilevel relation-

ships with other community agencies and institutions; « the judge and his staff must somehow harmonize the procedural expectations of higher courts with the pressures for action stemming from local sources; negotiations with state agencies must be balanced by those with local services; [and] both law and the voter must be served by court performance ³³ ».

As indicated above, most cases referred to the juvenile court by some individual or institutional authority are occasioned either because the situation is urgent or perhaps, as Vinter and Sarri suggest, « morally imperative ». Not only is there a demand that some action be taken, but often the petitioners have also determined in their own minds the kinds of action to be taken, and strong exceptions to the workings of the court frequently result when such prescriptions are ignored :

Delays, refusal to act and different action — even if for valid reasons in law or fact — are regarded as jeopardizing the petitioner's legitimate interests, with consequent frustration or antagonism... [They] impose... demands on the court as though they were customers and the court existed primarily to serve their needs ³⁴.

The juvenile court and its associated services and facilities are typically impeded from operating with maximum efficiency and effectiveness by virtue of insufficient resources at their disposal for handling the enormous demands placed upon them. Consequentially, as Justice Fortas has noted in the recent Kent decision,

There is evidence, in fact, that there may be grounds for concern that the child receives the worst of both worlds — that he neither gets the protection accorded to adults nor the solicitous and regenerative treatment postulated for children ³⁵.

As Vinter and Sarri have noted, for example, the courts frequently adopt an attitude of futility toward intervention where adequate services and treatment resources are lacking in the community, this deriving from the courts' recognition of the necessity of making alternative, though generally less appropriate and potentially less effective, dispositional decisions ³⁶.

Looking at prevailing detention practices as an illustration, we find that thousands of children each year are held behind

33. Vinter and Sarri (1964), p. 180.

34. *Ibid.*, p. 185.

35. *Kent vs United States*, March 21, 1966, p. 14.

36. Vinter and Sarri (1964), p. 186.

bars (often illegally so, in district or county jails) without court orders and frequently in violation of their constitutional rights. In a paper delivered to the National Conference on Bail and Criminal Justice in 1965, Judge Edwards noted that :

Most children now in detention are held in institutions which at best represent cold storage, and at worst penal regimes similar to adult penitentiary practices, and that in 1964, treatment for and human concern and contact with children in detention [were] the exception, in detention homes of this country, rather than the rule [...] I charge that delays in hearings by overburdened courts and delays in acceptance by totally inadequate state training schools and state mental hospitals, have produced an overcrowding in our juvenile detention homes which is terribly damaging to the children held there and potentially dangerous and explosive ³⁷.

It is no doubt that such practices represent a failure as a therapeutic measure and a gross impediment to the entire rehabilitative process. They must be taken as a reflection of the dysfunctionality of the juvenile justice system. It is this situation which is the likely result of community indifference or the lack of awareness of the role of the juvenile court and its need for the requisite services to fulfill its mandate ³⁸.

The prevalence of expediency measures and the heavy reliance on existing community services to cope with increasing case overload have already been pointed out. And, in our largest cities, where the courts are most overburdened and the demands for services are the greatest, court staffs are most inadequate, both numerically and in terms of training and professional competence. In a study undertaken during 1959-1960 by the United States Children's Bureau, in which 502 juvenile courts and over 2000 probation officers were surveyed, it was found that 97% of the probation officers in the sample carried workloads in excess of the established standard recommended by the National Council on Crime and Delinquency and the National Association of Juvenile Court Judges. Even if the standard had been doubled, however, it was estimated that 3 out of every 4 officers would have been carrying excessive case-loads ³⁹ :

37. *Proceedings and Interim Report of the National Conference on Bail and Criminal Justice* (1965), p. 263.

38. Kupperstein and Susman (1966), p. 76.

39. Children's Bureau (1960), p. 7.

Thus it can be seen that the court has been placed in the difficult position of trying to fulfill its mandate of providing solicitous and regenerative care to its wards while, at the same time, providing for the safety and welfare of the individual and the community, even though handicapped by a dearth of community resources, qualified personnel and support from significant public and private agencies and institutions ⁴⁰.

The re-entry of the youthful offender into the community following release from a period of confinement in a correctional institution has long been recognized as one of the most critical phases of the rehabilitative process. At the point of re-entry and during the period immediately thereafter, the danger of recidivism looms large and the probability of future « matriculation » in reformatories, training schools or adult correctional institutions hangs in the balance.

Subsequent recidivism must ultimately be attributed however, not only to the failure of institutional programs in achieving the youths' rehabilitation, but to the failure of persons and institutions in the community to receive and fully re-integrate the ex-offender and, by so doing, forcing him, either directly or indirectly, to return to his former way of life and his criminal behavior patterns. It is not an unfamiliar experience, for example, to watch a youth, upon his return, run into barriers and strained interpersonal relationships created within the community by virtue of individual and social rejection and limited educational and employment opportunities. Nor is it a rare phenomenon to note the negative effect of such early obstacles to success and to watch the development of increasing bitterness and frustration with the youth's eventual return to the criminal subculture in order to escape from his repeated experience of material and social deprivation. Aside from these direct consequences for the offender, his family, too, frequently suffers humiliation, community criticism or even ostracism, perhaps eventuating in their moving entirely away from the rejecting community.

While successful reintegration cannot be accomplished in a day, a week, or even a month, what occurs during this period immediately following release will ultimately determine the offender's strengths in accomodating to his new status and

40. Kupperstein and Susman (1966), p. 80.

« transformation identity ⁴¹ », and his ability to successfully achieve social and psychological readjustment. It is expected, however, that greater community understanding of the strains and crises encountered by the release might enable the community to better prepare itself for the offender's return such that it will become more willing to enhance, rather than restrict, its opportunity structure. A few of these crises and strains deserve brief mention here ⁴².

First, with a minimum amount of preparation, the releasee is thrown from a more or less rigidified institutional structure and regime, replete with more deprivation than privilege, into a world representing numerous problems and responsibilities, many of which are neither new nor resolved. Further, the behaviors learned as an accommodation to institutional rigors have little place or pertinence in a freer world of theoretically greater opportunities for « success » and fewer boundaries to its achievement. Temptations of the positive sides of pre-institutional life begin to play great havoc with the conditions of parole, such that the releasee may become torn between two « loyalties » or worlds and ultimately immobilized from fully accepting either.

Identified in the past as a failure, the releasee is now faced once again with avoiding the self-fulfilling prophecy which places him in further jeopardy of losing his newly gained liberty. At the same time, he encounters persistent and serious obstacles to the requirements of his parole conditions, thus failing to extinguish his negative self-image or satisfying his greater ego needs of the present. In essence,

the parolee is attempting to make his way back from a position of social degradation to the base status from which most people start in life. Whatever goals he may previously have held for himself, their accomplishment has been postponed and his progress toward achieving them complicated by this institutionalization. Each additional period of incarceration sets him further behind in the biological and social time scheme that is an intrinsic part of each person's sense of self ⁴³.

In order to combat such problems of reintegration, Mobilization for Youth (MFY) in New York City embarked on an

41. See Strauss (1959), p. 89-131.

42. These were derived from Elliot Studt's *The Reentry of the Offender into the Community*. Cf. Studt (1967), p. 3-4.

43. *Ibid.*, p. 4.

action program (developed out of Cloward and Ohlin's opportunity theory ⁴⁴) which was designed to « change the receiving social situation so as to permit the returning youngster to achieve useful social objectives in employment, education, leisure and other areas of life from which he would ordinarily be excluded or in which his participation would be curtailed ⁴⁵ ».

The target population for the action program was composed of youths, aged 12-17 years, who had been committed to a juvenile correctional institution for the first time. A staff of one supervisor and three social workers initiated contact with the sampled youths at the time of their commitment and maintained such contact for a period of at least one year following their release on parole. Efforts were made to provide employment and educational opportunities for the youth, to provide remedial instruction where necessary, to offer counseling and other direct services to the youths and their families and to make recreational activities sponsored by MFY available to them.

After two years of operation, findings indicated that the recidivism rate of the released experimental youths was identical to that of the citywide average and was not significantly different from that of the the control group. Among the youths placed in the school programs, a higher than average absentee rate manifested itself along with a lower rate of academic achievement. The longer the youths continued in the school system, the progressively worse this pattern became. Ultimately 43% of these experimental youngsters had either quit school or were suspended. Upon interview, many noted as the major cause of their truancy the dislike for their teacher coupled with an accusation that they were treated unfairly by the teachers.

Of the 15 youngsters placed in the work program or on jobs, 40% had dropped out within a period of three months. Some youths actually manifested contempt for the opportunities afforded by the work program, and some youths refused job referrals. For the many who held such negative attitudes, the low-level jobs made available to them only served to reinforce their already existing notions that obstacles to employment do, in fact, exist for the minority group, unskilled school drop-out.

44. Cf. Cloward and Ohlin (1960).

45. *Mobilization for Youth (s.d.)* : « The Reintegration Project », New York.

Actually, the single most important factor in the large employment drop-out rate was the low wage scale. To many youths much more could be earned by « hustling » in the community.

Unfortunately, the staff was apparently ill-prepared to deal with the large numbers and kinds of services needed by most youths and their families, most of whom were low on the socioeconomic scale and represented the classic syndromes of the socially and economically deprived. Interestingly, however, the staff found little support of their expectation that various individuals in the releasee's community would actively discriminate against or even ostracize the returning youths. Occasionally, even, the youth's « rep » among his peers was actually enhanced by virtue of his institutionalization.

Where discrimination was found to exist, however, was in the public schools to which the releasees were assigned. There appeared to be a conscious policy of such discrimination and a deliberate attempt by the local board of education to delay school assignments for these perceived problem-producing students. For their part, the negative attitude toward school and the entire educational process which had frequently long prevailed among these youths was inevitably reinforced.

Thus it can be seen that MFY's reintegration project failed in large measure to significantly reduce recidivism of the institutional releasees, to instill a positive attitude in them toward education or employment and to provide the many services whose need manifested itself by the youths and their families. It should be noted, however, that the youths must not be seen as entirely at fault or as *the only failures*, for it was as much the community that failed through its reluctance and inability to provide adequate opportunities and conditions conducive to successful reintegration and rehabilitation.

In concluding this chapter, I can only reiterate what has been asserted or implied already — that is, the community itself is one of the prime determinants of both the type and extent of rehabilitative services which could potentially be made available to predelinquent and delinquent youth. Further, it is an essential arbiter of any given youth's chances for success once the juvenile justice and corrections process has been terminated.

Since the efficiency and effectiveness with which the delinquency prevention and control system operates are first and

foremost a function of community support (in terms of operating funds, manpower and facilities) and basically a reflection of the community's attitudes toward delinquency and its perceived needs with regard to youth services, without an active, vocal and cooperative citizenry demanding and seeing to it that its needs be met, it will ultimately be the youth of the community who suffer at the hands of a service system either unable, unwilling, or both, to provide the requisites for their rehabilitation.

CHAPTER TWO

ORGANIZATIONAL CONSIDERATIONS IN THE ADMINISTRATION OF SERVICES AND TREATMENT TO DELINQUENT YOUTH

The entire process of delinquency prevention and control obviously involves a large number of individuals, agencies and organizations which operate within different organizational contexts and from a wide variety of perspectives. The differing roles and functions, and the division of labor within and among these groups inevitably produce a system highly subject to a complex multiplicity of competing ideologies, frequent conflict over the set of values guiding agency policy and operations, and contradictory views as to the fundamental objectives of the juvenile justice system itself. While not necessarily inherently contradictory, concern with punishment, justice and deterrence tends to compete with the desire for reform, treatment and rehabilitation of juvenile offenders ⁴⁶.

Clearly, the operational policies which a given agency adopts is, in part, a function of that agency's exposure to a particular facet of the delinquency problem, the particular subset of the delinquent population it serves or encounters, and the frequency and intensity of contact and communication with other individuals and organizations in the system.

Needless to say, however, the guiding philosophy regarding the etiology of and solution to the delinquency problem ultimately determines the character of the juvenile justice process, subsequent agency policy, and the manner and style in which juvenile offenders are handled. Yet, even at this most fundamental level, controversy still exists. If one adopts, for example, the position that delinquent behavior is symptomatic of some

46. Vinter and Sarri (1964), p. 180-181.

more general individual or social pathology, primary consideration in the juvenile justice process must be accorded to the treatment needs of the offender, and a more service or therapeutically oriented administration tends to obtain. If, on the other hand, delinquency is viewed in more moralistic terms, greater weight is attached to the nature of the delinquent act, legal proceedings tend to become more accusatory in nature, and concern with the punishment and deterrence of the offender frequently predominates.

It seems readily apparent that these and other organizational considerations will have a profound effect upon the manner in which juvenile justice is meted out, the degree of interagency communication, contact and cooperation between and among all components of the system, and the nature and extent of treatment ultimately accorded to juvenile offenders. It will be the purpose of this chapter to identify some of these organizational factors and to examine their relationship to and effect upon the delinquency prevention and control system and the treatment of juvenile offenders.

Since the police are generally the first and frequently the only law enforcement agent coming in contact with alleged juvenile offenders, it seems particularly important, in order to adequately evaluate their actions, to understand the perspective from which they view delinquency, their perceived role and function within the juvenile justice system, and the goals to which they aspire in their encounters with delinquent youth.

As James Q. Wilson has suggested, a fairly accurate indicator of the perspective from which police officers operate is the ethos which obtains in a particular police department⁴⁷. This conclusion was derived from a study of the comparative professionalism of two urban police departments and the degree to which the degree of professionalization affects the handling of juvenile offenders. After investigation, the department in Western City was characterized as exhibiting a rather high degree of professionalization (as indicated by recruitment criteria, centralization of operations, degree of departmental specialization, calibre of police training, and the manner in which juvenile justice was carried out). The force in Eastern City, by contrast, was significantly less professionalized and, in fact, operated on a more fraternalistic basis.

47. Wilson (1968), p. 9-30.

With regard to their perception of delinquent behavior, the officers in Western City tended to view delinquency as symptomatic of more general pathology and, at least verbally, expressed a more therapeutic orientation to dealing with delinquent youth⁴⁸. Eastern City officers, on the other hand, saw the problem in a more moralistic framework and thereby expressed a more punitive approach. Here again, however, theory and practice seemed to be at odds as juvenile offenders in this city tended to be treated with somewhat greater leniency. Unless the youth committed what the police regarded as a « vicious crime », he was almost certain to be released after only a warning or reprimand, even after repeated encounters with the police.

In the more professionalized Western City force, a rather generalized knowledge of delinquency ordinarily provided the basis for dispositional decisions, while in the more fraternal Eastern City department.

the officer's knowledge about delinquency, crime and neighborhood affairs is, from the first, specific, particular, indeed, *personal*, and the department is organized and run in such a way as to maintain a particularistic orientation toward relations between officer and officer and between police and citizens⁴⁹.

In the police department studied by Piliavin and Briar⁵⁰, officers tended to view the primary concerns of the juvenile justice and corrections systems as apprehension and punishment rather than rehabilitation and treatment. They saw their prime function within that system as the prevention of crime and enforcement of the law. Aside from prevention, their role, basically, was to determine whether a specific act which came to their attention constituted unlawful, dangerous or harmful behavior and to identify what part the particular juvenile played in committing the act for which he was subsequently charged. Generally, investigation of the causes or underlying motivations for the undesirable behavior was not considered a responsibility of the police unless it was deemed necessary for evidentiary

48. Interestingly, however, their dispositions tended to bely their therapeutic approach in that dispositions were rather punitive and restrictive, and a rather large proportion of the youths were referred to court.

49. Wilson (1968), p. 25-26.

50. Piliavin and Briar (1965), p. 18. See also Lichtenberg (1966), p. 36, 40-41.

purposes or indicated for making intelligent dispositional decisions⁵¹.

Ordinarily, where the police viewed the offender as morally responsible for his actions, they felt that the juvenile should accept with relative contriteness the consequences of breaking the law. In great part, this position derived from the prevailing belief that recidivistic offenders had been early socialized into criminal behavior patterns and that they therefore represented a permanent and potential danger to society. Any intervention strategy taken as a control measure, therefore, should thus have the objective of deterrence through awakening the offender to the fact that continued, persistent deviant behavior would not be tolerated⁵².

In justifying their position, the police pointed to the breakdown of traditional socializing institutions (home, church, school) and saw themselves as the « custodians of a public conscience to which society gives only lip service » and the final resort in handling cases symptomatic of the failures of society⁵³.

What appears on the surface to be a severely punitive attitude, however, is often confused with the authoritarian stance which officers may adopt in their encounters with juveniles. As an outgrowth of such confusion, surprise has frequently been registered over what appears to be a paradox of word and deed; and the question most frequently posed is how to resolve or explain this seeming contradiction.

That Wheeler and his co-authors⁵⁴ may be victims of such confusion seems likely relative to their discussion of the willingness of police to invoke official court action with youthful offenders, and in their assertion that :

the more punitive the group in attitude, the less willing it is to refer delinquents to the juvenile court. This is a clear reversal of the common-sense notion that sending a boy to court is a more serious action than handling him at an informal police level. If « leniency » means lack of engagement in the official process, then even the most punitive in attitudes are also the most lenient⁵⁵.

51. O'Connor and Watson (1964).

52. See Piffner (1963), p. 6.

53. *Ibid.*, p. 13.

54. Wheeler, Bonacich, Cramer and Zola (1966), p. 31-60.

55. *Ibid.*, p. 48. Yet, if as in Wilson's Eastern City only the « hard core » youth are referred to the court, then the police do, in fact, view court referral as a more serious action than informal police adjustment. Wilson

The authors go on to postulate two possible explanations for this perceived paradox. The first centers on the perceived role and function of the court. In particular, they suggest that police view the court as a « way station into correctional institutions », while judges tend to view it as *the* best instrument for deciding « what is in the best interests of the child ». The police would thus seek court intervention only as a last resort while the judges would espouse its more general use for dealing with troubled youth ⁵⁶.

The second interpretation concerns power relationships and suggests that each group is committed to maintaining, if not expanding, its jurisdiction and control over delinquent youth. Being reluctant to surrender its present jurisdiction, the police department may tend to avoid use of the court and corrections route wherever possible. At the same time, judges and probation officers wishing to expand their control, tend to espouse policies which would require more extensive use of court referral ⁵⁷.

While not meant to discount either of the aforementioned explanations, still another position may apply. It is here suggested that the low rates of referral may actually be more directly related to the rather negative way in which the police view the courts. In essence, they see the courts as being under the prevailing influence of the « rehabs » for whom they have little regard ⁵⁸, and whom they criticize for indulging in greater leniency than seems warranted with the hard-core delinquents brought to the court's attention ⁵⁹. Here, however, leniency does *not* relate to « engagement in the official process » *per se*, but rather denotes a position on the punitiveness-permissiveness continuum of another order. That is, leniency is seen by the police as being equated with the court's service and treatment orientation, and it is this leaning which, according to the police,

seems to be in agreement with Wheeler, however since the more punitive group in attitude is, in fact, less punitive in their dispositions. Yet, the question remains, is attitude correctly measured in terms of word or deed?

56. Wheeler, Bonacich, Cramer and Zola (1966), p. 48.

57. *Ibid.*, p. 49.

58. In part, this is due to a lack of confidence in the rehabilitation techniques themselves and in part due to other considerations such as the high caseloads carried by correctional workers and lack of professional training among them. These and other problems were viewed by the police as vitiating their efforts at treatment.

59. See Pfiffner (1963), p. 20, and Wilson (1966).

invalidates their work and undermines their prime concerns for crime prevention and law enforcement.

As Wheeler and his colleagues go on to suggest :

When judges complain about police, their complaints typically take the line that the police are too punitive, that they want to see children get the « book » thrown at them, that all they are interested in is getting youngsters put away. And when the police complain about the court, it is that too often they are lenient. They return youths to the community who should not be returned, thus invalidating the work of the police⁶⁰.

Apparently, the courts use as evidence of police punitiveness the fact that despite their initial reluctance to seek court intervention, they appear more willing than probation officers to have juvenile offenders committed to correctional institutions. In this case, however, the courts fail to consider the rather wide usage of release and reprimand by the police for most minor offenders such that only the most hard-core delinquents and the most severely disturbed youth (deemed in need of more restrictive measures or incarceration) are actually exposed to the court.

In contrast, police complaints of judicial leniency stem from lack of confidence in the rehabilitative measures upon which the courts and correctional workers rely for such dangerous and disturbed youths. They tend to support their essential ineffectiveness with these youths by citing the large numbers of failures and recidivists who again become problems to the community and to the police.

In sum, these kinds of complaints seem to indicate a clear lack of understanding and communication between the two organizations, a failure to resolve the problems of co-existing but conflicting operational ideologies, and a confirmation of the mutual lack of trust and confidence which obtains between the police and the courts (or more generally, the « rehabs »). Despite the necessity of rather intense and frequent interaction, these conditions have served to undermine what should be a cooperative and integrative effort toward meting out juvenile

60. Wheeler, Bonacich, Cramer and Zola (1966), p. 49. Thus, even though significantly less professionalized, it was Wilson's Eastern City force that most clearly resembled the police department studied by Wheeler and his colleagues, but it was the Western City department which would become subject most often to the kinds of complaints indicated above.

justice and a common interest in achieving the ultimate social adjustment of the offender.

Just as the police and the courts are experiencing difficulties in resolving discrepancies between ideology and operational procedures, theory and practice, so, too, are workers in the field of corrections. Throughout the recent history of corrections, we have witnessed a rapid proliferation of new correctional practices — casework, remedial education, group counseling, psychotherapy, and all forms of community-based correction programs — all of which have been « added piecemeal to existing systems and, instead of replacing older philosophies, have simply supplemented them ⁶¹ ».

Their superimposition upon the more traditional correctional objectives and practices, however, continues to generate conflict and hostility between custody and treatment personnel (an extension of the aforementioned ideological conflict), to obscure the impact and effectiveness of either the old or the new techniques, and to further intermesh concepts of treatment and rehabilitation with those of punishment, deterrence, control and community protection. However, since the goals of treatment and rehabilitation are now accorded at least verbal primacy, correctional practice has emerged as a « somewhat diffuse but quasi-psychiatric specialty, close kin to casework in clinical settings ⁶² ».

Evidence continues to mount, nonetheless, to demonstrate that such psychiatric methods as are used in corrections are essentially unsuited to most correctional settings and are essentially irrelevant for most juvenile offenders. In essence, their irrelevancy obtains because they were developed on the experiential base of a culturally different population (the middle class) in which « lasting behavioral change » was thought to be best accomplished through the development of intra-psychic insight. For the offender of the lower class, however, where modification of behavior rather than intra-psychic change is the primary concern, the traditional authoritarian and control-oriented (though not necessarily punitive) correctional techniques seem more suitable. The present failure of social work and psychiatric techniques with these offenders (who consti-

61. Empey (1967), p. 7.

62. Grey and Dermody (1966), p. 11.

tute the majority in any correctional system) suggests that they are retained more on the basis of the prestige and status they confer upon the workers than on their scientific merit in achieving modification of the offender's undesirable behavior. In illustrating their essential inapplicability to corrections work, Grey and Dermody have noted :

[Psychiatric techniques] are concerned primarily with (a) the understanding of intra-psycho phenomena for (b) the relief of subjective discomfort in (c) voluntary patients who are (d) free to choose their own goals, since typically they have not been identified as lawbreakers. In correctional work, on the other hand, the primary concern is with (a) the modification of overt behavior where (b) there may be no subjective discomfort to begin with and where its existence is of only incidental concern to the enforcement agency, in any case... Moreover, the clients (c) are not voluntary, (d) nor are they free to choose their own goals because such goals may previously have involved behavior threatening to the community⁶³.

Even if the goals of casework and psychiatry were compatible with correctional objectives, however, problems in establishing a treatment relationship with the offender would arise by virtue of the worker's psychological and social distance from his client, the frustration the former must internalize from his client's frequent refusal of help or failure to acknowledge the existence of problems requiring help, or simply from the outright hostility or indifference displayed by the client as a function of having the casework relationship forced upon him as a condition of his probation, parole or other treatment program⁶⁴.

It seems apparent, therefore, that for casework and psychiatric techniques to be at all effective in the correctional area, certain basic changes must be made. First, diagnostic procedures must be completely reformulated so as to distinguish *not* between the « pathological » and the « normal », but between offenders capable and incapable of acquiring and conforming to conventional and respectable social roles⁶⁵.

Whether the ex-offender shows intra-psycho signs of « pathology » in the course of maintaining acceptable behavior is not the business of law unless such signs are

63. Grey and Dermody (1966), p. 18.

64. *Ibid.*, p. 20.

65. *Ibid.*, p. 31.

scientifically proven to be indicative of imminent illegal acts. Psychopathology cannot be equated with illegal acts⁶⁶.

As for their treatment potential, little ground can be expected to be gained until psychiatrically oriented correctional workers overcome their present reluctance to acknowledge the role of control measures and adopt a more effective authoritarian posture with offenders where necessary and without actually abusing it. Further, an effective psychosocial approach to rehabilitation will ultimately come about only with a reduction of the psychological distance between the worker and his client and a more complete understanding of the role assumed by the delinquent subculture or the offender's milieu in regulating and patterning his illegal behavior. Lastly, it requires the recognition that not only the individual, but society itself must be modified to prevent the creation of large, new generations of delinquents and a reduction in recidivism among those who have already run afoul of the law⁶⁷.

Up to this point, primary attention has been devoted to analysis of the interagency relations which obtain between two traditional and established institutions engaged in delinquency prevention and control — the police and the courts —, and the discontinuities which persist in the theory and practice of correctional casework. In essence, our discussion of the former has demonstrated that even though the police and the courts are theoretically interdependent, «reciprocal and facilitative organizational interdependence» has often been impeded by the existence of conflicts regarding ideology, role and function⁶⁸. In our discussion of correctional casework, the conclusion was reached that current psychiatric practice and techniques are neither relevant nor applicable to the tasks which generally confront the juvenile corrections worker.

In an era characterized by ideological revolution and a proliferation of nontraditional services and organizations, it

66. Grey and Dumody (1966), p. 31.

67. *Ibid.*

68. These characteristics of interagency relations have been developed by Miller and his co-authors in great detail (Miller, Baum and McNeil, 1966, p. 13-14). The concept of organizational interdependence refers to the «degree to which an organization requires the operations or resources of another in order to achieve its own objectives». «Reciprocal» interdependence obtains when one agency requires or values the services or resources of the other. Interdependence is «facilitative» when the effective operations of one organization require the effective operation of another.

also becomes important to address the evolution of interagency relations between and among traditional and nontraditional agencies and organizations. It is to this issue, among others, which Walter Miller and his associates address themselves in their study of *Delinquency Prevention and Organizational Relations*⁶⁹.

In essence, the study is devoted to a detailed consideration of the circumstances surrounding the establishment of a new organization designed to cope with delinquency in a high-delinquency area (Midcity) of a large urban center (Port City), « the process of introducing a new organization into a field of existing organizations », and the nature and explanations for the relationships which developed between the new Midcity Project and existing Port City organizations.

Although the report in its entirety is of considerable interest and is exceedingly insightful, space considerations here prohibit an extensive commentary and complete review. As such, discussion will be limited to the section on « Relational Outcomes and Organizational Characteristics » in keeping with our present attention to the effects of various organizational arrangements on the treatment of delinquent youth.

In their report, the authors suggest that the nature and extent of organizational interaction are determined in large measure on the basis of similarities and differences which exist along six organizational dimensions : 1) jurisdictional domain, 2) resource origins, 3) task specialization, 4) operating philosophies, 5) interdependence and 6) authority centralization⁷⁰. A summary of some of the major findings with regard to these relationships follows.

1) The factor found to be most closely associated with the development of friendly or hostile relations was *organizational interdependence*. Where it was facilitative, friendly relations developed ; where impeditive (*i. e.*, seen as damaging), hostile relations persisted⁷¹. Interestingly, however, the relational out-

69. Cf. reference above.

70. For definitions and illustrations of these terms, see Miller, Baum and McNeil (1966), p. 6-17.

71. The bases of impeditive interdependence, however, tended to differ in different instances. In each of four situations, the basis for development of hostile relationships rested, respectively, on differences in : 1) operational procedures, 2) operating philosophies, 3) principles of organization and 4) organizational growth.

comes in this respect appeared to be relatively independent of closeness of interaction.

In terms of the Project, friendly relations developed between it and the settlement houses, family service agencies, the municipal government, the welfare department, the police and the schools. Hostile relationships prevailed, however, between the Project and the court, the YMCA, community churches, the State youth authority and the recreation department.

2) The degree of overlap in *jurisdictional domain* was the factor most closely associated with closeness of interaction⁷². Where organizations offered similar kinds of services to similar client populations, closer contact was maintained.

Here, closeness of interaction prevailed between the Project and the youth authority, recreation department, settlement houses and family service agencies. Interactional distance, on the other hand, was maintained between the Project and the courts, YMCA, the churches, the municipal government, the welfare department, the police and the schools.

3) *Authority centralization* was closely related to the degree to which hostility was generated. Where centralization was low, hostility of a given intensity had less effect on organizational relations than where it was high.

4) Differences in *operating philosophies* between organizations working in similar areas had less effect on relations where interaction was distant than where it was close. That is, the less the contact, the less likely that philosophical differences would create interagency friction.

Table 1 illustrates the relational outcomes of the Project with eleven public and private organizations on each of the six organizational characteristics enumerated above⁷³.

As indicated above, interagency relations varied considerably in their development during the three years the Project operated as a service enterprise. For the purpose of illustration, however, it seems worthwhile to provide a brief review of some of the factors underlying the relations which developed between a traditional agency (the police) and a nontraditional organization (the Project).

72. Contrary to initial expectations, high overlap in operational domain was not, in itself, a determinant of conflict.

73. This chart was reproduced directly from Miller, Baum and McNeil (1966), p. 73.

TABLE 1
Relational outcomes : 11 organizations

		Overlap in				Type of	
		operational domain				interdependence	authority centralization
High interaction		programs and services	resource origins	delinq'y as focus	operating philosophies		
Low hostility	Settlement houses	med.	med.	med.	high	facil.	low
	Family agencies	med.	med.	med.	high	facil.	low
High hostility	Youth authority	high	med.	high	high	imped.	high
	Recreation dept.	med.	med.	low	med.	imped.	high
Low interaction							
Low hostility	Municipal gov't	low	low	low	low	low	med.
	Public welfare	low	low	low	med.	low	high
	Police	low	low	med.	low	low	med.
	Schools	low	low	low	high	low	med.
High hostility	Courts	low	low	med.	low	imped.	med.
	Churches	low	low	low	low	imped.	low
	YMCA	med.	low	low	med.	imped.	high

From Table 1 it can be seen that the police and Project staff maintained friendly relations and a reciprocal and facilitative interdependence, even though intense interaction was relatively infrequent. On the characteristics of jurisdictional domain and operating philosophies, overlap was minimal. With regard to operational procedures, discrepancy in policy and practice was found, not unexpectedly, to exist in that police officers given the responsibility for apprehension and arrest of juvenile offenders often revealed a decided reluctance to resort to official arrest actions. Rather, they tended to rely fairly heavily on an informal « pass system » in which determined efforts were made to avoid formally booking the offender.

In view of the increasing volume of delinquency and the subsequent community pressure for use of more restrictive measures, it was necessary for the police department to avoid public discovery and inevitable criticism of its « soft approach » with delinquent youth. To accomplish this, the department periodically engaged in « get tough » campaigns, but on a more continuing basis, and in return for public support of the Project and approval of its activities, it relied heavily on the Project for keeping youthful offenders — particularly gang members — out of public view ⁷⁴.

It became readily apparent that the police were grateful for the opportunity to share their responsibility for delinquent youth with the Project, and that the Project, in turn, often engaged the police to oversee its functions and to provide a measure of relief and protection from potentially dangerous and explosive situations :

Just as the publicly communicated image of the police as implacable foes of juvenile hoodlums contrasted with the actuality of their rather benign and tolerant approach, just so did the Project's official stance with respect to the police contrast with its more covert orientations... While permissiveness was the official policy of the Project, both Project staff and gang members recognized on some level that the availability in the community of armed force in fact constituted the ultimate basis for the control of disruptive behavior ⁷⁵.

Despite the fact that discrepancy between officially formulated operational procedures and actual practice created intense hos-

74. The cooperation enlisted between the police and Project gang workers is, however, a rare phenomenon according to John Pfiffner in his paper entitled : « Needed : A Geopolitical Approach to Law Observance » (1964), Los Angeles, University of Southern California. Here, the author refers to the more usual fact of existing tensions between gang workers (« rehabs ») and the police. In general, the police believe that effective police work coupled with and supported by efficient work of the juvenile courts is a preferable strategy to the use of detached workers and it is more effective in breaking up the juvenile gangs. Since they regard gang leaders as confirmed delinquents, if not criminals, and therefore beyond the reach and benefit of rehabilitative techniques, they feel that the best way to reduce gang behavior is to take gang leaders out of circulation. Their criticism of efforts by social workers attached to the gangs is further justified by them on the grounds that detached workers tend to perpetuate gang structure, that they inadvertently become status mechanisms in the eyes of gang members, and that they actually undermine the effective work of the police in breaking up the gangs by actively suppressing knowledge of gang behavior from the police. — See also : Klein, « Juvenile Gangs, Police, and Detached Workers — Controversies about Intervention », University of Southern California, Youth Studies Center, Los Angeles, California (1964).

75. Miller, Baum and McNeil (1966), p. 51.

tility between the Project and three other organizations (the courts, the youth authority and the recreation department), the Project and the police saw their own best interests actually furthered by concealment rather than exposure of such discrepancies. Since it was in the Project's interest that as few as possible of their clients be arrested, Project staff profited from the « secret » of the police in avoiding arrest of juvenile offenders whenever possible.

A further commonality between police and Project expressed itself in their respective views of delinquency and their attitudes toward delinquents. In essence, the police were apt to view the juvenile misconduct as a passing phase of adolescence and were therefore hesitant to reinforce such deviant behavior by giving the juvenile a record or by exposing him to the possibility of further contamination through institutional confinement with hard-core delinquents. The Project also considered most gang members as essentially « nice kids » and basically « good » with their delinquent behavior being attributed to the negative influence of various pathological forces in the environment for which the youths were not primarily responsible.

These positive attitudes toward delinquents coupled with the conspiracy of concealment maintained by the Project and the police were, in large part, responsible for preventing both succumbing to community pressures for a more restrictive approach to delinquent youth. The reciprocal and facilitative interdependence which developed thus proved effective in averting the hostility which might otherwise have developed.

While concealment is not to be construed here as a particularly sound basis of cooperation on a larger scale, this example hopefully will serve to illustrate that interagency cooperation and understanding can be achieved even though differences do exist in philosophy, operational procedures, policy, functions and objectives.

Just as the operating philosophies and procedures affect the nature and extent of interagency relations, so, too, are they determinants of the rates of encounters with juvenile offenders and the manner and style in which they are handled. Thus, for example, one way in which police administrators inadvertently increase the juvenile arrest rate is to evaluate their officers' productivity or performance in terms of the number of arrests

made. Unless there is strict enforcement of an operating policy requiring the arrest of *all* juvenile offenders, however, this kind of administrative pressure serves only to encourage arbitrariness and inequity in police handling of juveniles ⁷⁶.

Secondly, an « arrest and confine » mandate or a « get tough » policy on the part of the police department may be undermined inadvertently by judicial repudiation of police actions consonant with the tougher policy adopted. Such actions are generally necessitated in order to avoid inordinately high and unmanageable court and probation caseloads, gross overcrowding of detention and other institutional facilities, and artifactual statistical increases in the juvenile delinquency rate ⁷⁷.

No doubt, this perceived judicial leniency and lack of support for effective police work invariably result in both confusion and demoralization within the police ranks and create an arbitrary and capricious system of meting out juvenile justice. For, as Lichtenberg has noted, « when seemingly arbitrary decisions are made daily in the courts, pressure is exerted upon the police officer, who wishes to be responsible to the youths, to interact with juveniles only when the situation is significant ⁷⁸ ».

Looking again at the courts, we can see the relationship between judicial ideology, the manner and style of operation and subsequent dispositions of juvenile offenders. As Wheeler and his co-authors have indicated ⁷⁹, while socioeconomic characteristics of the judges seem more directly related to determining the rates of court appearance, individual attitudes and orientations

76. One way in which arrests are reduced, on the other hand, is the persistent ridicule by members of the police rank and file of those officers who do bring juvenile offenders to the stationhouse for booking. Rather typical of the attitude adopted by officers subject to such criticism is that expressed by one of Wilson's Eastern City officers : « A delinquent is not a good pinch — at least not for most officers. You get ribbed a lot and sort of ridiculed when you bring a kid in... You get a little ribbing like that and finally you don't bring so many kids in for pinches. » (Miller, Baum and McNeil, 1966, p. 23).

77. According to Vinter and Sarri (1964, p. 191-192), case overload was also deemed responsible for shortcuts in processing made in the effort of expediency. One consequence of this situation is the development of a « categoric risk » pattern in which members of minority groups and those of low socioeconomic standing were *more* likely than other juvenile offenders to be apprehended, charged, adjudicated and incarcerated in public institutions. These same groups were also *less* likely to be referred to mental health clinics, placed on probation or assigned to community-based treatment programs.

78. Lichtenberg (1966), p. 40.

79. Wheeler, Bonacich, Cramer and Zola (1966), p. 50-58.

and the degree to which judges adhere to a « professional, humanistic, social welfare ideology » in decision making are more positively correlated with the *severity* of imposed sanctions and the *formality* of court proceedings.

The authors found that judges who conduct their court in a more formal manner similar to that which obtains in adult criminal proceedings and who wear their robes on the juvenile court bench, rated closer to police in attitudinal similarity and were more likely to be punitive and hostile in their confrontations with juvenile offenders. By adopting such a stance, these judges attempt to instill in the juveniles before them a sense of awe or fear of judicial power and position and a consequent respect for the court and its officials. Those who conduct their court in a more service-like atmosphere, on the other hand, tend to take a more fatherly attitude toward the youths they encounter and deliberately attempt to avoid a reaction of fear and the development of psychological distance between them ⁸⁰.

While it is generally assumed that judges who maintain a commitment to the more traditional doctrines of punishment and deterrence will impose more severe sanctions on juvenile offenders, Wheeler and his associates have demonstrated that, in fact, the most severe sanctions are actually imposed by judges most favorably disposed to a therapeutic orientation. In other words, it is just those judges whom one would characterize as permissive in attitude who take the most restrictive measures with regard to delinquent youth ⁸¹.

Two interpretations are suggested to account for this anomaly. First, adherence to the *parens patriae* doctrine and social welfare ideology would permit actions which would be unjustifiable under a different ideological frame of reference. Thus, for example, if a judge regards a correctional institution as a humane, benign, therapeutic environment rather than a « last resort for punishment and community protection », he may be more apt to sentence larger numbers of juvenile offenders to such institutions ⁸².

80. Wheeler, Bonacich, Kramer and Zola (1966), p. 50-54.

81. *Ibid.*, p. 56.

82. Even if not seen as humanistic and benign in an absolute sense, correctional institutions may be perceived as a more healthy environment than that in which the youth formerly resided. As the authors note, « acceptance of a more professional outlook is likely to include a heightened awareness of the possible danger and pathologies that reside in families and

A second explanation posited by the authors suggests that the « adoption of a more sophisticated ideology regarding delinquency causation and treatment has the added consequences of making a person more sensitive to the problems of delinquency in the first place⁸³ ». A result of this increased sensitivity to deviant behavior is that acts which might otherwise be regarded as mere adolescent misconduct will here be seen as a manifestation of some more serious pathology. And, if such youths are thought to require more severe sanctions, it is obvious that a larger proportion of juvenile offenders will be formally adjudicated delinquent and will be the recipients of these more restrictive actions⁸⁴.

That departmental functions influence the rate of encounters as well as the manner and style in which juveniles are handled can be illustrated further with reference to a prevention-oriented police department. Where the policy of prevention prevails, the greater will be the rate of interaction between police and juveniles⁸⁵. Brief examination of some of the factors underlying this relationship should help to clarify this point.

Operating policy oriented to prevention obviously requires increased police patrolling in certain areas and a heightened sensitivity to and awareness of potentially dangerous persons, places and situations. In accordance with their primary task of preventing crime, therefore, officers will tend to maintain a particularly watchful eye on traditional trouble spots in the community (*i. e.*, places where groups of juveniles frequently congregate, such as the local « hamburger joint », and places where crimes are most likely to be committed) and on individuals and groups of juveniles who are either known to the police as gang members, past troublemakers and hoodlums or who are perceived as potential offenders. Heightened vigilance and surveillance practices ultimately result in : 1) the actual observation of a greater number of offences, 2) greater willingness to

neighborhoods and thus, may go hand in hand with a developing view of institutional settings as relatively humane and therapeutic » (Wheeler, Bonacich, Kramer and Zola, 1966, p. 57). In such cases, judges do not generally see institutional commitment as being justified so much on the basis of offence severity or necessity of official action. Rather, their willingness to commit is more closely associated with judicial sensitivity to psychological disorders manifested by the offender (*ibid.*, p. 58).

83. *Ibid.*, p. 57.

84. *Ibid.*

85. Lichtenberg (1966), p. 40.

intervene in cases of minor violations which might otherwise be ignored or adjusted informally, and 3) increased readiness to pick up juveniles found in « suspicious circumstances » or fitting the police stereotype of delinquent youth.

As Lichtenberg notes :

It is commonly reported that when police observe boys gathering in groups without purpose, loitering, « hanging out » on the streets, they initiate encounters... These interactions are presumed to prevent gang wars and other violations that grow out of idleness... [In addition] an interaction may eventuate if the police officer thinks that the clothing and appearance of the youth indicate that he is probably a chronic offender or a potential chronic offender. Finally, if a policeman observes a youth or a group of juveniles out of their own neighborhood, [...] he may very well accept the out-of-placeness as grounds for the initiation of an encounter ⁸⁶.

Before concluding this chapter, it seems wise to mention, at least in passing, the effects of particularized experience, perceptions and attitudes of individual agents and authorities on the operation of the juvenile justice system. It seems quite natural to expect that increasing maturity and greater professionalism gained from working experience over time will operate to shape and reshape an individual's perceptions of and attitudes toward various people, problems and situations faced on a day-to-day basis. Findings of several recent research efforts do, in fact, substantiate this assertion.

For example, in a study of the control of deviant behavior by police and probation officers ⁸⁷, it was found that experience (as measured by age, length of employment, and frequency and intensity of contact with delinquent youth) had differential effects on the likelihood of police and probation officers to endorse punitive delinquency control measures. With experience, it was found, police officers become *less* likely to endorse such measures while probation officers become *more* likely to endorse their use ⁸⁸. In part, this is seen by the author as a function of

86. Lichtenberg (1966), p. 53.

87. Garabedian (1963).

88. In his study of « Social Class, Family Structure and the Administration of Justice » (1963), Aaron Cicourel found that increasing encounters with juveniles led police to change their attitude toward delinquents and to shift away from their previously held notion of the need for help. With time, police become more likely to adopt the view that recidivistic offenders are beyond help and are, rather, in need of punishment. This is similar to the view expressed by the police in Miller's *et al.*, study cited above.

changes in their etiological frame of reference regarding delinquency. Over time, and as they incorporate a larger number of theoretical perspectives into their frame of reference, the police move from a more or less unicausal to a multifactored approach to delinquency causation. Again, the reverse is true for probation officers — perhaps as a consequence of their frequent encounters with their « failures ».

It is also possible that, over time, some social control agents tend to become more sensitive to the consequences of some aspects of the formal intervention process and the judicial definition of a delinquent — in particular, the negative effect of parental, communal and possible peer disapproval and the contamination effect resulting from prolonged and intimate institutional contact with hard-core delinquents. The unintended consequence of such actions, as viewed by the police, is the actual reinforcement of what might previously have been only a « tentative proclivity toward delinquent values and behavior »⁸⁹.

Fear of reinforcing deviant behavior or the desire to prevent such reinforcement may explain, in part, the inclination toward leniency on the part of some juvenile officers in handling youthful offenders whose strong *commitment* to delinquency is still seriously in question⁹⁰.

Thus, despite a departmental mandate to arrest and confine *all* juveniles committing certain serious offences, officers may come, in cases of minor offences, to consider variables other than the offence itself which might provide the basis for a more « lenient » disposition but one which could more readily be justified in terms of the treatment needs of the offender⁹¹.

From the preceding pages it should now be somewhat more evident that the community itself plays a major role in structuring, at least to some extent, the nature of the delinquency prevention and control system and the degree to which formal intervention mechanisms are utilized ; that organizations operate as a function of community needs, demands and pressures ; and that individual agents within that system pursue

89. Piliavin and Briar (1965), p. 18.

90. *Ibid.*

91. In such cases, the police tend to perceive the offender as « essentially good » but under the negative influence of undesirable companions or associates. In such a view, not only are arrest and confinement deemed unwarranted, but they are seen as being actually detrimental to the entire rehabilitation process, thereby reducing the chances for the offender's successful social adjustment.

their activities in accordance with organizational goals and policies but modified somewhat by virtue of their own working experience, training, attitudes, perceptions and biases.

In the next chapter, discussion will be devoted to examining : 1) the extent to which these variables determine the nature of encounters with juvenile offenders and 2) the effect of personal attributes and certain social or cultural characteristics exhibited by the offender on subsequent dispositional decisions.

In conclusion, however, it seems appropriate and opportune to review some of our previous findings, to structure some conclusions which may be drawn from them, and to offer various recommendations for ameliorating the present operation of the delinquency prevention and control system.

First, the available evidence has suggested that the police presently operate in somewhat splendid isolation from the rest of the system. While they regard their prime functions as crime prevention and law enforcement and structure much of their activity toward these ends, they are often forced into a course between Scylla and Charybdis. In trying to meet increasing community demands for greater protection and more effective crime prevention and control, the police, at the same time, feel thwarted in these efforts by what they perceive as an increasingly uncooperative and unsupportive citizenry, courts which are overly lenient, and a service system which is entirely inadequate to meet the needs of problem youth coming to their attention.

Diffusion of their authority is further aggravated, according to the police, by virtue of recent legislative enactments designed to restrict their actions with regard to the handling of offenders. To them, this combination of limiting variables reduces the probability of « successful intervention » with law violators, relegates them to an even lower status in the community, and encourages an attitude of futility toward intervention and cynicism toward their role and function and the effectiveness of the delinquency prevention and control system.

How, then, do we deal with this police problem and the subsequent community problems it generates? Do we retrain our policemen to act as a kind of quasi-social work community service worker? Do we abandon the traditional concepts of law enforcement and equate prevention and control with psychiatric or social work caseworking? Do we officially re-establish the

predominance of informal control mechanisms to deal with crime and delinquency in the community ? Or do we attempt to effect a stronger integration of present police functions of prevention and law enforcement with expended and more relevant treatment and rehabilitative techniques within a broadened service structure ?

Although several alternative approaches may be posited, it appears that the lastmentioned approach may provide us with a constructive base upon which to build. It is suggested that within this framework a system can be built which will accommodate *without* comprising the presently conflicting objectives of punishment, control, deterrence, community protection, prevention, treatment and rehabilitation ; will provide the offender with a larger number of alternative relevant and applicable services and intervention strategies ; and will regain the confidence of the police and other authorities by integrating their roles and functions in a larger and more effective system.

Since the police have neither the training nor the desire to become community service workers, and since their role as public servants in the community has already been expanded beyond reasonable expectations, it is suggested here that the authority for diagnosis and treatment decisions be transferred to an agency or persons more professionally equipped to fulfill this role.

With regard to the juvenile court, it seems advisable to reexamine its jurisdictional domain, especially as it pertains to neglected and dependent children, predelinquents and juvenile status offenders. It is recommended that we follow and strengthen the present trend of re-establishing the primacy of its judicial function and further restrict its jurisdiction to include only the most serious, hard-core or recidivistic offenders with whom nonjudicial institutions have failed and other treatment strategies have proven fruitless in achieving their « habilitation » or rehabilitation, however defined. In this way, the court caseloads will be considerably reduced, the majority of problem youth will be spared the stigma of legal sanctions and the official label of delinquent, and judges will be freed to operate more intensively in their area of expertise — legal factfinding and adjudication.

It is further recommended that the processes of adjudication and disposition be separated by removing the responsibility

for diagnosis and treatment from the court, placing it instead in a non-judicial agency created specifically to serve these functions, staffed by personnel from several disciplines who are well trained and more qualified to perform these functions.

For those youths who persist in or present serious criminal behavior patterns and who have failed to respond to all other forms of treatment, considerations of stigma or other harmful consequences of the juvenile justice process *must* be subordinated to the more immediately relevant concerns of community protection and deterrence. For such offenders, no other course of action seems either tolerable or permissible.

For all other problem youth, and consonant with the safety and well-being of both the individual and the community, it is recommended that they be referred directly by the police or other complainant to a newly created State-wide social rehabilitation agency for diagnosis and treatment assignment. It is suggested that such a State-administered agency, operating under its own funds, be given a quasi-legal status in order that a given youth be *required*, where necessary, to participate in the recommended treatment program. Where both the offender and his family appear both cooperative and willing to engage the necessary services or treatment, simple recommendation of the appropriate service or treatment agency with assistance in initiating contact may be all that is needed.

Where the rehabilitation agency determines that temporary detention, court referral or institutionalization is warranted, a petition to that effect may be requested by that agency such that the juvenile in question will be placed immediately upon the juvenile court calendar for hearing of his case. Upon hearing the facts of the case including diagnostic findings and treatment recommendations, and upon determination that institutionalization, either temporary or long-term, is proper, the court will then transfer jurisdiction of the case back to the rehabilitation agency for actual institutional assignment. Where institutionalization or official court adjudication is deemed unnecessary by the judge, the court will again refer the case back to the agency with stated reasons for rejecting the recommendations such that further diagnosis and an appropriate community-based treatment program may be assigned.

The reader will note that all mention of probation as a treatment strategy has been omitted — deliberately so — from

discussion of the juvenile court. It is this author's belief that if the youth is sufficiently stable or potentially responsive to a community-based treatment program, he should not be referred to, and certainly not adjudicated by the juvenile court in the first place. Rather, it is suggested that probation as well as all other community-based programs be the province of the social rehabilitation agency. Such coordination of available treatment programs within this agency will have the advantages of providing a monitor to oversee their functions and to determine their adequacy in serving problem youth, will result in a greater awareness of community resources, and will increase the capacity to utilize most effectively the available resources appropriate to meet the service and treatment needs of the youths in question. Lest there should be some confusion, the social rehabilitation agency is *not to administer* all such services, but merely to assign the offender to the appropriate resource already existing in the community, and to ascertain that the youth is, in fact, being treated.

Needless to say, the effectiveness of such an organization requires the cooperation of the police, the courts, the social and psychiatric agencies and the correctional system, and is dependent upon highly trained, qualified and experienced personnel at all levels of the delinquency prevention and control system. If such cooperation and « facilitative interdependence » can be achieved, however, we can expect a more highly integrated, efficient and effective service system.

With regard to the official correctional and institutional system, itself, several points should be noted. First, because certain offenders require institutionalization does not mean that they should be subjected to unrealistic or unreasonable « pains of imprisonment » nor that their present status should be summarily viewed as permanent. Rather, they should be provided with institutional programs appropriate to their needs and with realistic incentives and opportunities for constructive change. This means that educational and work programs must be upgraded and that present casework and psychiatric techniques and procedures be reformulated so as to become more suitable and applicable to an institutional setting and correctional framework. Special care should be taken to make such institutional treatment programs more relevant for offenders of the

lower class who will, no doubt, continue to make up the majority of the institutional population.

To accomplish this objective, it is necessary to incorporate greater emphasis and concern with the offender's sociocultural milieu and its effects on his behavior patterns and life-style into the techniques, to replace primary concern with intra-psychic change with that of intensified efforts to achieve, first and foremost, modification of overt behavior. If a posture of authoritarianism and greater control mechanisms are deemed necessary to accomplish this end, treatment personnel must learn to overcome their reluctance to resort to such measures and to cooperate more fully with the « custodial » staff of the institution.

When and where the desired change occurs, the offender should be transferred immediately into a community-based aftercare program, again assigned by the social rehabilitation agency, which will operate to reinforce the base already established and will assist the offender in overcoming the crises of his return and readjustment to community life.

Lastly, the rehabilitation process must be extended to include « community correction », for if the offender has been helped to resolve his problems and to modify his deviant behavior patterns, but the community fails to recognize his change in status and to assist in his readjustment, the offender's new learning will more or less quickly be extinguished and past deviant behavior patterns will once again be resumed. By so failing the ex-offender, the community itself will have failed to effectively cope with its problem youth.

Community enlightenment will be achieved only if both individuals and institutions become more willing to involve themselves in the rehabilitation process and to accept the necessity of modifying attitudes and services so that they may better relate to the needs of the individuals they serve.

In sum, the advantages accruing from the effective operation of this newly organized system may be stated as follows :

General provisions

1) Enabling personnel within the delinquency prevention and control system to function more exclusively and effectively in their respective areas of expertise ; 2) Resolving competing and conflicting operating philosophies and ideologies ; 3) Pro-

viding greater communication and cooperation between and among all components of the social service and delinquency prevention and control systems ; 4) Providing expanded treatment and service alternatives for problem youth ; 5) Developing greater citizen involvement in and community enlightenment to the problems of its youth.

Special provisions

1) Eliminating time-consuming court testimony by the police for all but the most flagrant and persistent juvenile law violators ; 2) Reducing court caseloads ; 3) Coordinating diagnostic and treatment concerns in an agency specially designed, equipped and staffed to accomplish this ; 4) Taking presentence investigations and probationer supervision out of the courts ; 5) Enabling probation officers to concentrate on probationer supervision and giving them the opportunity to take further advantage of the existing service system in work with their « clients » ; 6) Permitting the court to function exclusively as an adjudicatory agency and the *only* official designator of institutionalization ; 7) Providing for the development of more suitable and effective institutional « treatment programs » ; 8) Providing better coordination of aftercare services and programs with the entire rehabilitative process.

CHAPTER THREE

PERSONAL, SOCIAL AND CULTURAL FACTORS AS DISPOSITIONAL DETERMINANTS

In the preceding chapters, our attention has been centered on the operation of the juvenile delinquency prevention and control system as a function of various communal, institutional and organizational arrangements. We have seen how this system, functioning within the limits of the law, imposes certain legal and administrative constraints upon the functionary in his handling of juvenile offenders, and we have viewed the actions of these individuals in relation to the operation of the system. We have yet to examine, however, the ways in which the actions taken by these official agents are additionally shaped by the target population itself, *i. e.* the juvenile offenders with whom the agents come in contact.

It seems apparent that legal, communal, institutional and organizational considerations are insufficient in themselves to fully explain the dispositional outcomes of encounters with juvenile offenders. While they may define the parameters of the system within which the individual functions, they do not explain the particular action choices of the individual agents within these set outer limits. For such explanations, we must examine the characteristics of the target group.

No doubt, the agent's evaluation of a situation, an offence or an offender is significantly influenced by his background, his own norm and value systems, his perceptions and his ego-needs, and these are mirrored in his responses to the situations, actions and attitudes presented by the offender at the time of confrontation. This fact, coupled with a system which permits a considerable amount of individual discretion, leads

inevitably to the differential handling of juvenile offenders. As Goldman states, the individual functionary must be seen as a « potential selective agent » and the offender a subject of differential liability to certain types of actions and responses⁹².

Throughout this chapter, an attempt will be made to identify some of the salient determinants of dispositional and treatment decisions and to explain the bases upon which they are made by the various official functionaries of this selective system. Since it is the police officer who, most often, initially determines what subset of the universe of juvenile offenders will become « eligible » for further processing (both officially and unofficially), it seems appropriate to begin our discussion with police decision making.

In each encounter with an alleged offender, the police officer is faced with the task of deciding what, if any, official action should be taken with regard to the juvenile in question. Ordinarily, considerable discretionary powers are conferred upon the investigating officer, and a wide range of dispositional alternatives is made available to him. These include : 1) street adjustment, 2) stationhouse adjustment, 3) referral to a social welfare agency or other community service resource, 4) arrest, and 5) referral to the juvenile court.

In theory, any action taken with respect to an apprehended juvenile must be governed by the dual considerations of the welfare of the youth and the protection of society. These in turn are derived from an assessment of the situation based on : 1) the officer's knowledge of the facts and circumstances of the alleged offence, and 2) his judgement regarding the character of the alleged offender. In other words, each case is to be evaluated on its own merits.

Obviously, any such assessment must be based on the information available to the officer at the point of confrontation with the alleged perpetrator. The fact is, however, that in most cases, considerably less than complete or even verified information must serve the police officer in his dispositional determinations. With regard to the offence, unless it has actually been observed by the officer, the only information available is that provided by the offender, victim, witness or other complainant. Conflicting stories are not the uncommon result of inquiries. With regard to the offender, little in the way of background

92. Goldman (1963), p. 6.

information is immediately accessible unless the offender is already known to the officer as a result of past encounters. Rather, the character of the offender, his home and family situation, and his general ability or willingness to refrain from future violations must be guessed at from clues which may be provided during the interaction immediately following apprehension. Most frequently, they are conveyed in the youth's attitude and demeanor, his physical appearance, his companions, and his verbally indicated commitment to delinquent behavior.

Not infrequently, there are also other factors which are considered, not always consciously, in evaluating the case and making a dispositional decision. These include the offender's age, his race and social class, the neighborhood in which he lives, and his presumed commitment to delinquency as is gathered from the degree of sophistication with which the offence was committed. No matter what the basis for decision, however, it is ultimately the officer's *judgment* of the situation upon which the dispositional outcome rests.

In cases where the offence charged is viewed as particularly threatening to the community by virtue of its serious or violent nature, or where it is especially repulsive or repugnant to the officer, there is generally little ambivalence regarding the dispositional decision. Most likely, apprehension of the offender(s) either observed, suspected or identified as the perpetrator(s) will be followed by arrest (unless there are exceptionally strong mitigating factors precluding such action). In such serious cases, then, the *offence* itself becomes the prime determinant of dispositional outcome.

As the severity of the offence decreases, however, non-offence related variables tend to assume greater and greater importance as dispositional determinants, and at some point on the seriousness continuum, they begin to displace the primacy of the offence. Most often, these determinants are certain personal, social and cultural characteristics of the *offender* out of which his character may be judged.

It is at that point where character assessment begins to override the primacy of the offence that differential handling of juvenile offenders can be most readily observed. Yet, even within this group, certain dispositional patterns tend to emerge. In its extreme, it is possible to detect what might be called « offender stereotypy ». In other words, the presence of one

or a few attributes or characteristics is taken as sufficient to assume certain other offender characteristics or situational conditions which may or may not be present. These assumptions, whether valid or invalid, then give rise to certain, rather fixed kinds of actions and responses.

While experience has shown that dispositional decisions based upon such stereotyping often prove neither unwise nor unjust in given instances, it is the means of such decision making, rather than the ends, which is frequently called into question. Undoubtedly it is true that in some cases, inappropriate dispositional decisions will result from faulty assumptions, that is, where the « necessary and sufficient » conditions or circumstances calling for particular types of action ultimately prove to be absent in the situation at hand.

It is also true, however, that learning and increased perceptiveness accrue from experience and that police officers are justified in taking such experience into account in their assessments of given situations. It has been found, for example, that youths exhibiting certain character traits and behavioral characteristics do, in fact, commit more frequent and more serious delinquencies, and the police, being attuned to such relationship, rightfully tend to keep a particularly watchful eye on such youths. The greatest problems surrounding dispositional decision making seem to arise *not* from the ordinary or general application of experiential learning to the instant case, but from the abuse of police discretionary powers due to the existence of personal biases or prejudices. It is this kind of abuse which most frequently makes newspaper headlines and which levels intense criticism on the juvenile justice process.

What is abundantly clear, however, is that whatever its nature or basis, the initial dispositional decision made by the police officer frequently becomes the *primary determinant* of the character and extent of the youth's further involvement in the juvenile justice and correctional systems. This fact alone has provided ample justification for the large number of research efforts undertaken for the purpose of identifying some of the factors which are considered in dispositional decisions and of examining their relative importance in the decision making process. A few of these factors already identified will be listed and discussed below.

Prior record

Other than the offence itself, the youth's prior offence record appears to be the most singularly significant factor in dispositional decisions. The existence of such a record is, in itself, factual evidence of the youth's prior involvement in delinquent behavior, and his commitment to the continuance of such deviance.

Except in small communities, however, where the police are generally familiar with the juveniles in their precinct or district, the police, upon confrontation with a juvenile offender, do not ordinarily know whether the juvenile in question does in fact have a record. As such, it is actually the severity of the offence itself which ordinarily determines the initial action to be taken (i. e., warning and release or custody of the youth). Further actions against those initially taken into custody will then be based upon information gathered at and obtainable from the station house — including indications of the youth's prior record.

Where such a record exists, and where it contains frequent and/or serious law violations, there is little likelihood that the offender will escape formal court intervention for his present offence. Where the offender has no prior record, however, the police officer might be reluctant to initiate one in view of its implications and serious consequences. Thus, unless the present offence is especially serious, the first offender is most likely to be handled informally or unofficially.

Attitude and demeanor

Other than prior record, the offender's attitude and demeanor tend to emerge as the most significant and frequent basis of character judgment. Police officers interviewed by Piliavin and Briar, for example, noted that demeanor of the offender was the major determinant in 50-60% of their decisions⁹³. Youths exhibiting a « tough boy » attitude and those who were perceived as disrespectful to the officer or indifferent to violation of the law were generally stopped and interrogated more frequently (even when there was little or no evidence that an offence had been committed) and were more likely to be given a more severe disposition after apprehension for specific offences than those youths who were contrite about their infrac-

93. Piliavin and Briar (1965).

tions, respectful to the officer or somewhat fearful of the sanctions which might be imposed.

Aaron Cicourel, too, noted the influence of the offender's demeanor, appearance and behavior on subsequent dispositions⁹⁴. As a result of direct observation and interviews with police and probation officers in two California counties, he concluded that it was not generally the delinquent act *per se* which became the critical variable in decision making. Rather more important were : 1) the size of the caseload carried by the officer, 2) his working conception of the juvenile's social class, 3) the marital status of the youth's parents and their response to their youngster's problems, and 4) the juvenile's demeanor :

These behavioral and appearance differences serve to stamp the working-class youth as « deviant » almost by definition while his middle-class counterpart has an edge by definition. Each encounter with police, probation officer, judge [and] juvenile hall personnel is evaluated by reference to appearance and behavioral acts. The « right attitude » becomes a critical element in the decision to forget an incident, to begin formal probation, to send the youth to a benign county farm rather than a youth authority, and so on. Add the critical element of family reaction and support to the youth's trouble and the middle class again has the edge⁹⁵.

Let us examine for a moment why the offender's demeanor and attitude assume such significance in the decision making process. Lichtenberg, for example, has suggested that in effect, the youth's attitude and demeanor are perceived by the officers as indicators of the degree to which police authority is either respected or challenged⁹⁶. Where the juvenile appears truly penitent, guilty, self-abasing, deferent and respectful upon confrontation, the officer generally will assume that his authority is being properly recognized. In such instances, unless the offence committed was especially serious, the youth will most often be released with only a reprimand, even if he was apprehended during the commission of the offence. If, however, the officer perceives that such expressions of fear or guilt are merely « put on » for effect, he may respond not to this superficial posture but to the youth's hidden attitude of contempt

94. Cicourel (1963).

95. *Ibid.*

96. Lichtenberg (1966).

and resentment seething below the surface. Where such is the case, a negative reaction to the juvenile is more likely to ensue⁹⁷.

Where the youth appears passive, indifferent and unconcerned, the police officer may perceive this refusal to acquiesce as a challenge to his authority, and as such, it is not uncommon for the officer, out of frustration, anger, disgust or exasperation, to arrest the juvenile⁹⁸. As Lichtenberg notes, however :

What is happening is probably quite different from what the police officer imagines. The youth can be seen to be trying to withdraw from the power being directed at him. Far from challenging the authority of the policeman, the juvenile is defensively reacting to it. It is not uncommon that the youth becomes vague, disoriented, loose, fugue-like, dissociated during this withdrawal; he becomes incapable of discreet and appropriate responsiveness. His vagueness and dissociation are frightening to the policeman. On the one hand, the police officer's power is more powerful than he can believe; on the other hand, the youth in a state of dissociation may be unpredictable, even violent... He wants the youth to be capable of realistic action for the sake of both of them, but fails to understand that he must lessen the pressure rather than increase it... but as matters evolve he loses control of the situation and becomes controlled by events instead⁹⁹.

The youth who is defiant and aggressively disrespectful represents to the officer a direct challenge to his authority. As such, he is again likely to be arrested. While a defiant youth is more likely to be arrested than a deferent or fearful youth, he is, however, less likely to be arrested than if he were passive, indifferent and unconcerned¹⁰⁰.

Race

The research reports available seem to indicate that while there may exist certain racial prejudices among a few individual officers, rarely does such prejudice openly show itself in the actions taken by the policeman. If it does, most police departments are unwilling to admit it.

The study conducted by Piliavin and Briar, however, did reveal that more than one half of the officers interviewed admitted to racial prejudice or a dislike for Negroes. They

97. Lichtenberg (1966), p. 29.

98. *Ibid.*

99. *Ibid.*, p. 30.

100. *Ibid.*, p. 30-31.

contended, however, that such prejudices were not pre-existing but were developed in the course of experience. Over time the officers came to believe that Negroes and « tough boys » who « looked delinquent » were, in fact, more likely to commit offences. They indicated further that Negro youths more often than white youths gave them a « hard time », were generally less cooperative and respectful, and more often felt little remorse over their illegal behavior — all of which were construed by the police as signs of a confirmed delinquent.

Goldman¹⁰¹, too, noted that police tended to consider Negro youths as less tractable, as inherently more criminal, and in greater need of more authoritarian measures than white youths. As such, Negro youths tended to be arrested more often, and more frequently referred to juvenile court.

Companions and group affiliations

Already described above was the illustration that the mere presence of a group of youths walking the streets at night out of their own neighborhood was taken as sufficient evidence for a police officer to intervene on the assumption that an offence had already been or was about to be committed. As Goldman has pointed out, in such cases police officers tend to treat the entire group on an « all-or-none basis ». All members are either released or arrested since there is generally little effort to assess the roles of the various individuals in the group.

Lichtenberg noted that group membership was actually treated by some police officers as if it were « a character trait of the juvenile ».

The policeman uses the youth's group affiliations as if they were information about the moral achievement and reliability of the youth. If he is a member of a delinquent gang, if other members of his family have had trouble with the law, if he is a friend of an offender, if he is a member of a racial group in which the crime rate is high, the youth is treated more severely in the interaction than he would otherwise be treated¹⁰².

This kind of collective judgment brings to mind that mentioned earlier in connection with the middle-class perception of lower-class offenders. In both cases, the fate of the individual is cast on the basis of the groups to which he belongs, and there is somewhat of the phenomenon of guilt by association.

101. Goldman (1963).

102. Lichtenberg (1966), p. 12.

Apparently, police officers see the companions of a youth as indicators of the degree to which the juvenile may be involved in or committed to delinquency. In fact, several recent studies tend to show that such a relationship may, in fact, exist. Toby and Toby, for example, posited that arrest histories of a youth's friends are a more valid index of delinquency commitment than his own arrest record. In their longitudinal study of seventh grade boys in a public junior high school, they found that while many nondelinquent boys (*i. e.*, those without delinquency records) had friends who were delinquent, practically none of the boys with delinquency records (9 out of 117) lacked friends who were delinquent ¹⁰³.

Similar findings were revealed in a study by Hardt and Peterson ¹⁰⁴. Among the boys without an official record, a positive relationship was revealed between the number of friends with an official record and a youngster's own self-reported violation score. Further, « boys who have not been arrested but have friends with arrest records are more likely to have a delinquency commitment than nonarrested boys whose friends also have an unblemished record ¹⁰⁵ ».

Age

The age of the youth is also a significant variable in dispositional determinations, although it is frequently contingent upon the nature of the offence and the offender's prior record. As a general rule, the older the offender, the more likely he is to be arrested for a given offence. Most often cited as an explanation is the fact of the usual spontaneous remission from delinquent behavior with the progression of age. Since most youths, upon reaching later teen years, do dissociate themselves from delinquent gangs and do outgrow delinquent behavior, those youths who continue to engage in such activities are viewed with particular suspicion as confirmed delinquents likely to continue their illegal activities well into adulthood. For this reason, severe sanctions are imposed more frequently upon such older youths.

Home and family situation

One factor which to one degree or another is considered

103. Toby and Toby (*s.d.*), p. 8.

104. Hardt and Peterson (1968), p. 44-51.

105. *Ibid.*, p. 50.

in making the dispositional decision is the offender's home and family situation. If it appears to the officer that the family is relatively stable and that the parents exhibit at least a modicum of concern over the problems of their youngster and an interest in assuming greater responsibility for the youth, the officer will generally be inclined to release the juvenile to the custody of his parents or guardians, with, perhaps, a warning or reprimand. Where, on the other hand, there seems to be more general family pathology, where the parents are unwilling or unable to exercise more adequate control over the youth, where they appear uncooperative or unable to provide more adequate supervision, arrest of the juvenile will ordinarily be forthcoming. In such cases arrest and referral to the juvenile court is grounded more in the youth's need for greater supervision and control than in his offence or character traits. Rather, such offence and offender-related variables are taken, in themselves, as evidence of the youth's poor home and family situation and the inability of his parents or guardians to exercise the proper control over him.

Obviously, the discussion in this section is rather oversimplified and very general, but it should serve to indicate some of the factors which enter into police decision making, and to explain some of the dispositional patterns which seem to repeat themselves from city to city, police department to police department. What is obviously missing, however, and what remains unknown, is the weight placed on the presence of any one or combination of such factors in dispositional determinations and the degree to which offender stereotypy results in inappropriate decisions in light of the primary considerations of the youths' welfare and the protection of society.

In this light, it would seem most important that some research effort be undertaken to answer these questions. Specific recommendations in this regard will be given at the end of this chapter. For the present, however, we shall continue our discussion of decision making with reference to the juvenile court and its related services.

For those who must pass judgment on the juvenile offenders referred to the court, another set of problems emerges. Here, we face a dilemma which essentially derives from the prevalent juvenile court philosophy of « individualized justice » and its rival, the principle of equality or equity of justice. Ac-

cording to David Matza¹⁰⁶, it is the official *indifference* to the crucial *differences* of meaning between these concepts of equality-equity and individualized justice which underlies the emergence of a deep sense of injustice by the recipients of « justice » and is conducive to « rampant inconsistency » in the juvenile justice process. In the words of Matza :

Equity in criminal proceedings is best viewed as a *doctrine*¹⁰⁷ — a qualification or legitimate exception to the *principle of equality*. The principle is that we treat people equally, which is to say that we consistently apply the same limited set of criteria to the disposition of cases... It takes no account of events *which in that particular case* appear in sufficiently great measure as to overwhelm the relevance of ordinary criteria... Individualized justice differs fundamentally from equity... Individualized justice is *itself* a principle... [S]trictly speaking, the principle of equality should be called the *principle of offence*. The principle of individualized justice is a distinct departure from that offence... [It] is more inclusive than the principle of offence [in that it] suggests that disposition is to be guided by a *full understanding* of the client's personal and social character and by his « individual needs »¹⁰⁸.

In Matza's view, it is the principle of « individualized justice » in the juvenile court which must be subject to criticism in that « to the extent that it prevails, its function is to obscure the process of decision and disposition rather than to enlighten it »¹⁰⁹ by virtue of its grossly enlarged « frame of relevance » and its overinclusiveness. There is seemingly no consensus as to which items are to be included for consideration in dispositional determinations nor to the weight given such items as are included. For such decisions, the courts must rely on the infinite wisdom and professional judgment of their officials to whom are given precious little in the way of guidance.

While the judge, *de jure*, is ultimately responsible for the dispositional decision, such decisions are generally dependent, *in fact*, upon the intake workers (generally social workers or probation officers) responsible for conducting the predispositional investigations and for preparing the reports to be submitted to the judge. There is no doubt that the judge relies heavily on such reports for dispositional determinations and generally follows the treatment recommendations contained

106. Matza (1964), p. 111ff.

107. Italics are those of the author, Matza.

108. Matza (1964), p. 112-115.

109. *Ibid.*, p. 115.

therein. Often, these reports form the sole criterion for dispositional decision making.

In light of the above, one would expect that the predispositional investigation would be conducted with the thoroughness and objectivity consistent with its critical importance in decision making and that the ensuing reports would reflect the highest degree of professionalism on the part of the intake worker. For it is readily apparent that the appropriateness of the disposition and the chosen treatment strategy will be functionally dependent upon the objectivity, relevancy, adequacy and validity of the information gathered about the offence and the offender as well as the diagnostic and interpretive ability, the knowledge, integrity, perceptions and biases of the investigator. The fact is, however, that the circumstances under which the investigations are carried out and the reports prepared cast serious doubts upon their validity, objectivity and integrity.

As indicated above, organizational pressures created by inadequate staffing patterns, minimal training levels and excessively high caseloads necessitate primary emphasis upon expediency and efficiency rather than validity or integrity.

Drawing upon the social work concept of social diagnosis, the investigator is called upon to gather that information which will assist him in arriving « at as exact a definition as possible of the social situation and personality of a given client ¹¹⁰ ». However, such information is generally gathered rather hurriedly and somewhat superficially from a series of interviews with the police, the complainant, the offender and his parents (generally the youth's mother). More or less frequently, additional information may be gathered from school authorities, employers, medical records and records obtained from outside social or psychiatric agencies with which the offender and/or his family had past contact.

In addition to the « objective » information provided by such interviews, this method of information gathering also allows the intake worker to form his subjective impressions of the offender and his family. According to the findings revealed by the Juvenile Court Community Development Project in New York, such subjective impressions constitute one of the most crucial elements in determining whether the case may appro-

110. Szasz (1963), p. 32.

priately be informally adjusted at this level, thereby obviating the necessity for filing a formal petition required for court adjudication¹¹¹.

Again reminiscent of police decision making, a categorical risk pattern seems to operate at the intake level in that parents exhibiting certain personal, social or cultural characteristics or expressing certain attitudes will evoke a negative reaction in the intake worker¹¹². The children of these parents are immediately placed at a disadvantage with respect to the outcome of their cases. Other things being equal, their cases are less likely to be handled unofficially and more likely to be referred to the juvenile court.

It is apparent, however, that neither uniform criteria nor even consensus as to the differentiating characteristics of adjusted cases presently exist among court intake workers. Rather, case evaluation is an individual matter which invariably reflects the personality of the intake worker, his professional training and the extent to which the worker is compatible with the offender in terms of social class, economic status, race, ethnicity and religion.

For those cases pending court adjudication, the intake worker is obliged to collate the information obtained and to transcribe it, along with the subjective impressions of the offender and his family into a report for submission to the judge. On the basis of such information and social diagnosis, he is also expected to record his recommendations for treatment. Generally, however, the reports which emerge contain only

111. *Juvenile Court Community Development Project* (1968), p. 84ff. A case may be adjusted either by the intake worker himself, by negotiating an agreement between the complainant and the offender (and his family) or by referring the case to an appropriate outside social service agency. The latter method is much less common due to the lack of adequate service resources in the community. Generally, a case will be informally adjusted if the offence is of a relatively minor nature, the offender does not have a prior record for serious offences, the offence has not been publicized by the mass media, the youth's parents seem cooperative and able to provide more adequate supervision and control, or the offender exhibits no serious personality difficulties. If, on the other hand, the case seems to warrant formal adjudication, a petition will be filed and the juvenile's case will be entered upon the court calendar for appearance before the judge.

112. *Ibid.*; Puerto Rican parents, for example, were usually described as inarticulate, uncooperative and careless in reporting details. Negro parents were perceived as being wary of interviewers, less able to relate to white than Negro intake workers, and frequently hostile (especially those affiliated with or sympathetic to any of a number of black militant organizations). Thus, ethnoracial considerations also seem to play a crucial role in the decision making process.

capsule summaries of the relevant data and rather « glib evaluations » of the cases at hand. As such, they appear to be remarkably similar in terms of language, tone and content.

They generally abound in clichés and stereotypes, contain numerous generalizations regarding the character of the offender — many of which are unsupported — and are « interlarded with vituperative and prejudicial epithets of the most loose, inaccurate and vague diagnostic meaning ¹¹³ ». Such psychiatric labels and character descriptions as « immoral », « inadequate », « psychopathic », « immature », « antisocial », « emotionally unstable », and « socially maladjusted » are scattered liberally throughout the report and are used to justify the treatment recommendations which follow. The virtues or character strengths of the offender are rarely recorded.

While case histories frequently contain references to such undesirable social conditions as poverty, broken families, deprivation and unemployment, substandard housing and low educational achievement, little significance is attached to the role of such environmental forces in patterning or regulating the youth's behavior. Cultural differences as problem-generating are also ignored or, if they are noted, a negative connotation is generally placed upon them, thereby adding one more strike against the offender. Rather, primary emphasis is placed upon the character and personality of the youth as the root of his behavior problems; for it is this « psychogenic approach » to crime and delinquency which forms the basic training orientation of both social workers and probation officers, and it is this fund of knowledge from which the worker draws in making his treatment recommendations. Treatment recommendations, then, are directly related to the offender's psychiatric « abnormalities » or psychological problems uncovered in the investigation, manifested by the offence, and « diagnosed » by the investigator.

Possessed by and representative of middle-class morality, the investigator is frequently appalled or repulsed by the youth's misconduct. As such, his evaluation of the degree of personality aberration often rests, in fact, upon his *a priori* judgment of the degree of *social deviance* manifested by the youth. As Szass has stated it, « sickness » is equated with « wrongness », that

113. Blumberg (1967), p. 144.

is, the more the behavior deviates from societal norms (as defined by the investigator), the « sicker » is the offender ¹¹⁴.

One of the consequences of this kind of reasoning has been cogently illustrated by Goffman. In his view, one of the purposes of the case record is to provide evidence of the « sickness » of an individual (in order to justify his institutional commitment) « by extracting from his whole life course a list of those incidents that have or might have had « symptomatic » significance... Where contrary facts are known to the recorder, their presence is often left scrupulously open to question ¹¹⁵.

Although both Szasz and Goffman were referring to the case records of mental patients, the same phenomenon can also be observed with respect to the evaluation of delinquency cases. Rarely are there instances of the investigator's recognition that the youth's « deviant » behavior might be realistically interpreted as evidence of an effective or even « healthy » coping style for dealing with a particularly stressful or intolerable situation.

Let us take the example of chronic school failures as a case in point. It is now well recognized that culturally deprived youth constitute a large proportion of such school failures. Their inability to keep up with their classmates or to perform at their expected age-grade level frequently results in their repeated exposure to derision by their peers and criticism by their teachers. Rather than suffer the frustration, boredom and demoralization produced by such chronic failure and degradation, many simply elect to drop out of school. Others, who do not choose this alternative, are often effectively pushed out by exasperated teachers who are unable to cope with their learning problems and their resultant behavior problems. Some of these youths eventually drop out or become truant in response to repeated punishment and suspension. The school authorities then use the fact of such truancy to justify their abrogation of responsibility through referral of the youth to the juvenile court on charges of delinquency.

Contrary to perceiving the youth's behavior as a rather realistic and even healthy response to an unhealthy environment, the investigator is generally more inclined to evaluate his

114. Szasz (1960), p. 114.

115. Goffman (1961), p. 156.

truancy as evidence of withdrawal or his school-related acting out behavior (actually against his aggressors — school authorities and fellow students) as symptomatic of overaggressiveness. It is the exception to find such behavior evaluated within the context of the actual situation — an educational program which has little significance for the student, which provides even less in the way of motivation or incentive, and which is characterized by programmed failure for those who neither socially nor culturally fit the middle-class model to which the curricula and teaching methods are adapted. Instead, the evaluation of the behavior is based upon the « deviant » response to the requirement of participation — even though participation is narrowly and untenably defined as the simple, physical presence of one's body in the school classroom for the programmed number of hours¹¹⁶.

The lack of clearly defined statutes or legal mandates regarding the treatment of juvenile offenders has placed the court in a difficult position with respect to fulfilling its mandate of providing « solicitous care and regenerative treatment » :

The unfortunate result in too many instances has been an ever-expanded pattern of arbitrary and sometimes capricious practices under the ostensible motives of providing guidance, direction, protection, and rehabilitation for the problem child¹¹⁷.

Such practices have prompted Matza to characterize the juvenile court as meting out « kadi justice » and as operating under such an extraordinarily wide frame of relevance that, in principle, everything matters. In a given case, the kadi (judge) simply chooses those elements from the frame of relevance which he wishes to invoke¹¹⁸. The selection of criteria upon which the treatment choice is based is, at best, intuitive rather

116. As a matter of official record, the Panel on Educational Research and Development of the U. S. Commission on Education noted in its March 1964 report that as many as one-third of the students found in the school systems of the twelve largest cities in the United States have such limited backgrounds that traditional educational methods are incapable of reaching them effectively : « By all known criteria, the majority of the urban and rural slum schools are failures... Adolescents depart from these schools ill-prepared to lead a satisfactory and useful life or to participate successfully in the community. » See Lohman (1968), p. 38.

117. Kupperstein and Susman (1966), p. 68.

118. Matza (1964), p. 118. Kadi justice is defined by the author as that form of justice characterized by « great variations in practice and sentiment » and dependent primarily upon the « special attributes and wisdom possessed by the kadi ».

than scientific. Furthermore, there is no reason to believe that the treatment strategy chosen to correspond with a specific set of criteria will be most effective in achieving the offender's rehabilitation.

Even if such a positive relationship were to be demonstrated, the lack of adequate institutional programs or facilities and the insufficient numbers of community-based treatment sources all but preclude the possibility of individualized treatment. In effect, only two treatment alternatives are generally available to the judge : probation and institutionalization. The net result is a routinized, procrustean treatment model, guided in practice by the principle of offence and operating to the disadvantage of lower-class and minority group offenders.

To illustrate the operation of this model, we refer to a study of the criteria used by probation officers in determining their treatment recommendations to the juvenile court judge¹¹⁹. The findings of that study revealed that far fewer Negroes and lower-class youth were recommended for probation, psychiatric examination and discharge than were recommended for institutionalization. The only characteristic significantly differentiating the institutionalized group from the others was the nature and seriousness of the delinquent act — which for most of the youths in the institutionalized group was sexual delinquency or offences against their parents. According to the probation officers whose reports were investigated, these kinds of delinquencies were « generally considered products of a social background and personality makeup beyond the range of effective probation treatment¹²⁰ ». Even though the statement appears that « racial or religious affiliation was not considered a factor in recommending, or not recommending probation¹²¹ », the fact that the Negroes in the sample had often committed offences of this nature effectively excluded them from consideration for discharge or probation.

However, if we look beyond the differences in offence, we find that Negroes also possessed certain social characteristics which, in themselves, would probably have excluded them more frequently from the groups recommended for discharge, psy-

119. The study was conducted in the Bronx Children's Court in New York and its findings reported by Yona Cohen (1963), p. 262-275.

120. *Ibid.*, p. 269.

121. *Ibid.*

chiatric examination or probation. The report notes, for example, that children most often recommended for probation were those who, along with their parents, tended to be relatively cooperative with the probation officer. If we recall the findings of the Juvenile Court Community Development Project¹²², however, Negro youths and their parents were often described as uncooperative and even hostile — thus placing the youth at a decided disadvantage in the probability of his being recommended for probation.

The report also notes that the youths recommended for discharge or probation had both their natural parents more often than those recommended for institutionalization. For the Negro youth — strike two. One more seemingly discriminatory practice shielded under the principle of offence might be noted for good measure — that on the basis of economic status. The statement appears that « [e]conomic level affected the officers' recommendations...; high economic level appeared most often among those in the discharge group, least often among those in the institution group¹²³ ». While the study findings did not report the differences between whites and Negroes in economic status, it may be presumed that Negroes will be highly represented in the lower-class group.

Thus, despite the conclusion that « [i]n spite of the high number of Negroes in this [institutionalized] group, the kind of delinquent act, rather than a child's race, was what brought him into the institution¹²⁴ », it is evident that the status « Negro » itself frequently carries with it other social facts which, in themselves, reduce the probability of a recommendation for discharge or probation. Since treatment differentiation on the basis of offence is potentially subject to considerably less question or criticism than it would be on the basis of such sociocultural characteristics as race, ethnicity, economic status and the like, it can be expected that the court will take advantage of the dodges provided by the operation of the principle of offence in order to lessen the visibility of what, in effect, may be construed as discriminatory practice in the assignment of treatment programs. If not actually discriminatory, such practices may be questioned on the grounds of scientific validity.

122. Cf. p. 82 of this article.

123. Cf. p. 82 of this article.

124. *Juvenile Court Community Development Project* (1968), p. 271.

While recent Supreme Court decisions have prompted rapid and significant changes in the procedural aspects of the juvenile court's adjudicatory process, little headway has been made in refocusing the court's theoretical orientation, in revising its investigatory techniques and diagnostic processes, or in improving its intervention strategies with delinquent youth. As indicated earlier, despite recent trends toward the adoption of a more interdisciplinary approach to the etiology of delinquent behavior and the continued development of new and innovative treatment programs, the court has, for the most part, maintained its essentially clinical orientation to the investigation, diagnosis and treatment of juvenile offenders. In short, the juvenile court has been rather slow in recognizing the need for institutional change and has been even slower in implementing such change, even where it was deemed both necessary and desirable.

In an effort to induce the desired institutional change in the orientation, structure and programs of the juvenile court and its supporting services, a two-year demonstration project was jointly undertaken by the Department of Sociology and Anthropology of Fordham University and the New York University Graduate School of Social Work. This Project, funded by the Office of Juvenile Delinquency and Youth Development, and working in cooperation with the Juvenile Term of the Family Court of the State of New York, within the City of New York and the office of Probation for the Courts of New York City, set about to reshift the focus of the court and its affiliated services from the individual delinquent to the neighborhood and its delinquency-producing conditions. The change was to be accomplished through the establishment of a small experimental unit in a selected Bronx neighborhood whose functions it would be « to penetrate, describe and assess the selected neighborhood in terms of the delinquency-producing cultural and organizational patterns present therein » and to establish, on the basis of the assessment findings, « a local community organization action program whose function would be to alter neighborhood delinquency-producing patterns ¹²⁵ ».

The overall project proceeded in three phases, the first of which was « to provide for the Court and the Office of Proba-

125. *Juvenile Court Community Development Project* (1963), p. 2.

tion experience with a new and different orientation and procedure for assessing the etiology of delinquent behavior characteristic of the children coming to the Court from the experimental Brooklyn neighborhood¹²⁶ ». The procedure was based on a sociologically oriented interdisciplinary theory of delinquent behavior as well as a number of new study methods (sociogenic life histories, situational analysis of delinquent acts and epidemiological or area analysis)¹²⁷.

In each instance, the assessment method attempts to view a particular delinquent act in terms of the situation in which it took place, the cultural and structural complex which give it meaning, and the characteristics of the individual's personality and social history that were operative at the moment of action¹²⁸.

All of the assessment and program procedures were structured to complement and run parallel to the standard Court investigatory procedures and supervisory activities ordinarily obtaining with delinquents coming from the experimental neighborhood and placed on probation by the Juvenile Term of the Family Court in Brooklyn.

A second phase of the Project, running concurrently with the first, was the provision of a study panel consisting of a Family Court judge, the probation staff and Project personnel. The panel was convened on a regular basis for the purposes of : 1) exploring for the Court and Probation Office the implications of assessment findings and 2) developing recommendations for implementing the community action program. « It was expected that the assessment process would yield a body of informaion which would shape the policy, content, and techniques of intervention which would characterize the Project's program innovations¹²⁹. »

After a careful selection process, an East Tremont section of the Bronx was chosen as the experimental neighborhood for the following reasons : 1) it showed the highest increase in delinquency between 1963 and 1965, and 2) it represented an

126. Application for a Demonstration Grant presented by the Department of Sociology and Anthropology, Fordham University to the Office of Juvenile Delinquency and Youth Development, U. S. Department of Health, Education and Welfare (February 10, 1966), p. 5-b.

127. Both the theory and the methods are presented in Martin and Fitzpatrick (1965).

128. *Juvenile Court Community Development Project* (1968), p. 16.

129. *Ibid.*, p. 4.

interstitial area, recently transposed from a lower-middle-class, largely Jewish-Italian-Irish community to a lower-class Puerto Rican-Negro community.

Evaluation of the assessment phase of the Project revealed that data yielded by demographic analysis, community organization studies and case interviews suggested that high rates of delinquency and other social problems in the area could best be understood in terms of four socioeconomic characteristics of the community. These were : 1) rapid demographic transition of the area, 2) major institutional dislocations¹³⁰, 3) social and psychological isolation of neighborhood youth¹³¹, and the presence of cultural supports for delinquency and other forms of deviance from middle-class norms.

Evaluation of the new assessment method itself revealed its effectiveness in increasing the investigator's understanding of an individual case and in providing a wealth of information about the local community in which the individual operates — both of which are not ordinarily obtainable from the information gathered from conventional investigatory techniques. The new method also provided a means for relating the dynamics of the individual case to the social and cultural forces operating in the neighborhood, and demonstrated the necessity for and directions of environmentally oriented programs geared toward the reduction of delinquency and the successful rehabilitation of the juvenile offender. It also indicated that conventional probation case histories were inadequate in describing the Court's perception of the juvenile's behavior and personality. The primarily factual or identifying information gathered by the investigators allowed for « little interpretation or analysis about the juvenile himself, and often only vague descriptions of what he had done¹³² ».

130. Conventional institutional structures did not adapt to the needs and characteristics of the newcomers to the areas. As a consequence, institutions became overwhelmed with the increased volume of work, they were unable to relate effectively to the people they served, and they were rarely cited as important reference groups for the new residents.

131. Large numbers of youth were alienated both from the local institutional structure and from the indigenous adult population, and the community provided few legitimate adult role models for the youth of the neighborhood. In fact, for many of the Puerto Rican youth, the young adults with whom they engaged in criminal activities were serving as illegitimate role models, thereby giving cultural support of such illegal and antisocial behavior.

132. *Juvenile Court Community Development Project* (1968), p. 25.

With respect to the community organization phase of the Project, a student unit in community organization was established by the New York University Graduate School of Social Work for the purpose of developing and implementing program innovation. During the Project's first year of operation, the student team studied and assessed « the fabric of community and institutional life in the experimental area ». A survey was made of all the public and private agencies and organizations in the community, and representatives of each were interviewed for the purpose of eliciting information about the history, function, target population and services of each organization. During the second year, the students assisted the organizations to identify and articulate the problems of the community and to develop meaningful alternatives for addressing them, to organize for action and to implement the institutional changes which were necessary requisites for the improvement of the community. It was hoped that improvements in the community's organizational structure would eventually affect the experience and behavior of the youth in the community.

Starting with a community almost totally devoid of grass roots organization, the community organization team, in a period of nine months, developed and achieved active community involvement in : 1) a grass roots housing organization, 2) improved functioning of a welfare clients organization, 3) the foundations for organizing the youth in the neighborhood, and 4) a grass roots organization concerned with education. While no sweeping institutional changes could be accomplished during the very short time of Project operation, the community organization team did contribute significantly to « the origins of a community organization structure necessary for the ultimate realization of institutional change ».

Looking at the impact of the Project as a whole, the following achievements may be enumerated.

1) The introduction of a new intervention strategy. In 1967, the Juvenile Court Services Program of the Puerto Rican Community Development Project assigned three Puerto Rican subprofessional workers to the intake sections of the Probation Department in the three boroughs of the Bronx, Brooklyn and Manhattan. The task of the workers was to intervene in Puerto Rican cases at the intake level for the purpose of suggesting nonjudicial alternatives to handling delinquency and PINS

cases, where appropriate, and to follow to court those cases where referral was considered necessary. The program as a whole, effectively managed to keep large numbers of Puerto Rican cases out of the court, helped the probation officers to develop a better understanding of Puerto Rican cases, and promises, by virtue of the firstmentioned achievement, to relieve overcrowding in detention facilities and to reduce the caseloads of the Court and the Probation Office.

2) While the decision to decentralize probation services was not a direct result of Project efforts, the Project did contribute significantly to the ways in which decentralization was to take place, to the development of satellite offices, community-based programs and specialized caseloads. It is expected that more and more of these innovations will become operational and more responsive to the needs of the local communities they serve.

3) An agreement was made by the Court and its probation arm to utilize the new assessment techniques developed by the Project wherever feasible. However, while the probation officers recognized the value of the sociogenic case histories in increasing their understanding of individual cases, they failed to see that such investigatory methods made a significant difference in dispositional decisions. For the most part, they doubted that the judge would have reacted differently in those cases, even without the benefit of the additional information. Rather, the Court and the probation officers persisted in viewing the new model as *supplementary* to the conventional methods rather than as a replacement for them. As such, the new methods were seen as an additional burden to an already overworked probation staff. Additional reluctance to utilize the new assessment techniques was based on the perceived ethical problems which the method invoked. The probation officers tended to feel that the more extensive interviews of friends, relatives and neighbors which the method required were, in fact, an invasion of privacy, and that the information obtained through such interviews was somewhat less than reliable.

3) A tentative decision was made to use community organization social work students in the new, decentralized probation offices.

4) A new training program is being developed for probation officers by Fordham University. The officers taking the

course will be instructed in the new assessment methods and will be given instruction in some of the new and interdisciplinary theories of delinquency. The program is now only waiting for funding to begin.

In essence, although the Project and its findings were accepted as being interesting to Court decision makers, the Probation Office, in particular, found it difficult to see the relevancy of the new orientation to the operation of the Office. To them, it provided little in the way of promising outcomes with respect to dispositional decisions or the relief of present work pressures on the probation staff. Nonetheless, the Project must be viewed as a significant contribution in the direction of bringing about institutional change in the juvenile court and its supporting services. If nothing else, it has certainly increased awareness of the need for institutional change and has placed in the minds of decision makers several ideas for implementing such change. In that respect, its goal of demonstrating a means for inducing needed changes has certainly been achieved.

Throughout this chapter, an attempt has been made to identify some of the personal, social and cultural characteristics of juvenile offenders which assume importance in decision making throughout the juvenile justice system, and to analyze their role and significance as dispositional determinants within that system. The information which has been made available to this author suggests, in essence, that we are still rather far from reaching consensus as to : 1) which attributes or characteristics are, in fact, truly relevant to either dispositional or treatment decisions, 2) which characteristics should be considered in differentiating the committed hard-core delinquent from the one-time or occasional offender, 3) what weight should be attached to the presence or absence of any one or combination of characteristics in the dispositional and treatment decisions, or 4) the validity of using personal, social and cultural characteristics as predictors of successful treatment outcomes.

Despite the lack of standards or even consensus in these areas, the police continue to base their dispositional decisions at least as much on the juvenile's social class and family background and on his attitudes toward the officer and his offence as on the actual seriousness of the offence itself. Intake workers and probation officers continue to base their decisions on the findings of cursory investigations

and less than scientific « social diagnoses » where the « sickness » of the offender is measured by the degree to which his behavior deviates from the social conduct norms to which the investigator subscribes. These inadequate investigation reports frequently provide the only information about the case available to the judge, and it is upon these reports which the judge is, therefore, forced to rely for his dispositional and treatment decisions. While the court, in fact, actually operates under the principle of offence, the myth of individualized treatment is endlessly perpetuated even though present diagnostic procedures and treatment programs preclude the effective operation of such an ideal. With only a few treatment alternatives available and a population which is remarkably similar in terms of social background (most are lower-class, minority-group offenders coming from unstable families and living in high delinquency areas), the court is effectively reduced to utilizing the offence itself as a differentiating variable in treatment assignment.

The end result is a juvenile justice system which deals its hardest blow to those juveniles whose behavior patterns and social backgrounds deviate the most from those of the white middle-class youths to whom most social institutions are geared to relate. Obviously, it is much easier to ascribe behavior problems to psychiatric abnormalities (which claim to be value-free and which are not subject to scientific « proof ») than it is to identify their relationship to the operation of complex social-cultural-situational-motivational variables and to find solutions for them which would, of necessity, require institutional change rather than the achievement of individual adaptation to existing institutional forms. By maintaining its traditional psychogenic orientation, the Court has chosen « the easy way out » and has, by so doing, effectively limited the opportunities for reducing the spiraling delinquency rate and precluded the successful rehabilitation of large numbers of juvenile offenders with whom it comes in contact.

If the juvenile justice system is to function effectively under the principle of equality, and if we are truly intent upon operationalizing, rather than euphemistically compromising, the objective of individualized treatment, then certain systemic changes must be made in terms of basic orientation, practices, procedures and intervention strategies.

First, our expanded knowledge base must be removed from the library shelves whereupon it is stored and actually integrated into our present system of operations. Thus, for example, the relatively new interdisciplinary approach to the etiology of delinquency must be broken out of its largely theoretical shell and applied scientifically to the treatment and rehabilitation of delinquent youth. Obviously, this will require that individual functionaries be taught to understand the basis and merits of such an approach, be well trained in its application to the youth whom they serve or encounter, and be willing to subordinate their traditional clinical or psychogenic orientation to the broader perspective inherent in the new conceptual framework. It will further require that traditional therapeutically oriented services and treatment programs be supplemented with, if not replaced by, treatment and intervention strategies which not only address themselves to the correction of individual pathology and personal failure, but to the delinquency-producing conditions of the offender's sociocultural milieu.

In those areas where new knowledge or technical skill is lacking, it will be necessary to develop it out of past experience and careful reassessment of present practices and techniques, and then to apply this learning to scientific research and validation. To illustrate, we may wish to utilize the case evaluation and dispositional decision-making experience of various functionaries as the basis of a research project designed to identify and select those personal, social and cultural characteristics of offenders which can effectively differentiate the committed, hard-core delinquent from the one-time or occasional offender. Once the predictive factors have been identified *in potentia*, and their proper relative weights attached to them, a base expectancy table might be developed and subsequently validated by applying it to selected target populations. Once validated, the predictive model may then be put into use as a guideline for case evaluation and dispositional decision making.

For the purposes of aiding the functionary to choose the most effective treatment strategy, an additional model will have to be developed, first by identifying the criteria most relevant for the choice of treatment program, and secondly, by determining whether or not the treatment program ultimately chosen to correspond with a specific set of criteria will, in fact, be the

most potentially effective in achieving the offender's rehabilitation.

Without the successful development of decision-making aids for those who must make dispositions of and treatment recommendations for juvenile offenders, and without their application to the decision-making process itself, we can continue to expect a series of *ad hoc* decisions and large numbers of dispositional and treatment errors, most of which are derived from faulty diagnoses and the undesirable incursion of the decision maker's value system into the diagnostic and interpretive processes.

CHAPTER FOUR

SUMMARY AND CONCLUSIONS

Throughout this paper, an attempt has been made to ascertain the relationship between selected sociocultural factors and the treatment and rehabilitation of delinquent youth. The information upon which much of the discussion was based indicates rather poignantly the multidimensional character of the relationship, as it has been demonstrated to exist simultaneously at the communal, institutional, organizational and individual levels of analysis.

We have seen, for example, the degree to which formal intervention mechanisms are preferred and substituted for unofficial and more informal methods of adjustment or resolution, and the ways in which methods of handling delinquent youth vary with : 1) community perceptions of delinquency and delinquents, 2) the prevailing socioeconomic status of community residents, 3) the socioeconomic and ethnic background of the juvenile offender, and 4) the extent to which 2) and 3) are at odds. Thus, it was suggested that while middle-class communities generally tend to adopt an individual and rehabilitative orientation, and to espouse a policy of absorption with respect to middle-class offenders, their attitude toward lower-class youths is more punitive in character and tends to derive from a negative image or stereotype of the life-styles of the lower class. The individual juvenile is then judged within the framework of this collective orientation.

Examining the relationship from the perspective of the institutionalized service structure, we find that an uneven balance of social and psychiatric service resources and early

preventative alternatives for lower-class youth again contributes to the disproportionate utilization of formal intervention mechanisms. It is clear that most of the nonjudicial alternatives for handling delinquent or problem youth simply do not exist in lower-class communities. If they do exist, selective admission criteria often preclude the acceptance of lower-class applicants. Where they do exist and are willing to serve these youths, they tend to be limited in the assistance they can provide by virtue of staff shortages, excessive caseloads, long waiting lists and inadequate or inappropriate treatment programs. Private counselling and psychiatric care are, ordinarily, financially impossible to engage.

As a consequence of these conditions, the juvenile court, via the police, the schools and frequently the parents, has become a dumping ground for all manner of « offences » and problems presented by lower-class youth, many of which could be handled more effectively outside of the juvenile justice system and should, more appropriately, be referred to nonjudicial community service resources.

To reiterate the conclusions drawn from Chapter 1, there is an urgent need to educate the community toward a more enlightened approach to the problems of juvenile misconduct, toward a greater understanding and awareness of the objectives of the delinquency prevention and control system, and toward a greater willingness to support the development of an expanded service system. Clearly, juvenile offenders generally lose in their battle to compete with adults and with those youths presenting less serious problems for the services rendered by the traditional public service agencies. As such, it is hereby suggested that community education programs be implemented and that new as well as supplementary social and psychiatric service resources be established, expanded and upgraded in order that delinquent youth may be served more efficiently and effectively. Further, it is urged that additional services be developed for predelinquent and quasi-delinquent youth in order to stem the tide of overburdening the courts with essentially nonjudicial problems.

Hopefully, too, the new service system will break away from the traditional clinical or psychogenic approach and will adopt, instead, a basic philosophy and orientation consistent with the more enlightened interdisciplinary approach to the

etiology of and solution to delinquent behavior. No doubt, this will entail an intensified training program for new and veteran functionaries and the development of innovative treatment alternatives which will address themselves not only to symptoms of individual pathology and personal failure but to the delinquency-producing conditions of the offender's environment and sociocultural milieu.

In the second chapter, attention was devoted specifically to the organizational character of the juvenile system and the ways in which it affected the treatment and rehabilitation of delinquent youth. From the information available, it became readily evident that the operating policies of a given agency are a direct function of : 1) the guiding philosophy of and orientation to the etiology of delinquency and the resolution of delinquent behavior, 2) the agency's particularized experience with a given subset of the delinquent population, 3) the frequency and intensity of contact and communication with other agencies and organizations of the system, and 4) the value systems, training, working experience, and individualized perceptions, attitudes and biases of the functionaries.

No doubt, the agencies and organizations comprising the juvenile justice system are dependent upon community support and responsive to the needs and pressures of the community. Obvious, too, is the fact that individual functionaries within that system pursue their activities and perform their functions in accordance with organizational philosophies, operating policies and procedures, although the manner in which they are pursued may be altered, more or less, by virtue of the agent's individual working experience, his training and his orientation to the handling of delinquent youth.

Too frequently, however, conflicting ideologies and objectives, unsound policies and procedural variations result in compromising the relatively sound objectives of the juvenile justice and corrections systems to the overriding considerations of efficiency and expediency such that the juvenile offender is denied the required « solicitous care and regenerative treatment » stipulated by the spirit and letter of the law.

It is thus suggested that a careful reassessment of the entire delinquency prevention and control system be undertaken and that particular attention and diligence be devoted to the development of a system which will : 1) accommodate without com-

promising the objectives of punishment, control, deterrence and rehabilitation, 2) separate those offenders requiring judicial intervention (*i. e.*, those who have violated the criminal law) from those whose antisocial behavior is essentially noncriminal, and 3) effectively serve all problem youth brought to its attention. Without such a system, we can expect continued high rates of failure, and a system which is both inefficient and expensive to operate and maintain.

Lastly, in Chapter III, we have attempted to identify some of the salient personal, social and cultural determinants of dispositional and treatment decisions and to explain the bases upon which they are made throughout the juvenile justice system. The lack of consensus as to which characteristics significantly differentiate the hard-core from the one-time or occasional offender, the significance which should be attached, in case evaluation, to the presence or absence of various characteristics, and the relationship between the presence of certain characteristics and treatment choices has resulted in a number of dispositional patterns rooted not in the scientific method but in intuition and tradition. The result is a tendency to equate « sickness » with wrongness, to place the lower-class minority-group youth at a decided disadvantage throughout all levels of the juvenile justice process, and to perpetuate a myth of individualized treatment to the extent of blinding the operating agencies and individual functionaries to the shortcomings of their policies and procedures.

To alleviate some of the existing problems with respect to dispositional decision making and case evaluation, it is recommended that more and better empirical research be carried out for the purpose of developing dispositional aids, better investigatory and diagnostic techniques, and more relevant and effective treatment and intervention strategies. In addition, it is strongly urged that new and innovative demonstration and training programs be continued for the purpose of inducing the necessary institutional changes throughout the entire delinquency prevention and control system.

Clearly, the system can only be as effective and efficient as its personnel who serve within it, and can be operated only to the extent of the support which it receives, both internally and externally. As such, we must place greater emphasis upon attracting bright and dedicated workers who are both well

trained and highly qualified to discharge their awesome responsibilities, and we must assume the responsibility for making working conditions conducive to their continued dedication. Lastly, all of us must recognize the need for improving all aspects of the delinquency prevention and juvenile justice processes and must create a demand for more adequate and effective service. The youth of today are a precious but exceedingly vulnerable commodity and are fully dependent upon us for guidance, service and attention. Just as the delinquent is a product of a social judgment, the habilitated or rehabilitated delinquent is the product of a public and a system dedicated to serving them and committed to resolving their problems.

In order to achieve the highest ideals and objectives of delinquency prevention and control and the rehabilitation of the offender, we must subscribe to the fullest realization of individualized treatment and require the abandonment of non-scientific and frequently discriminatory practices. In the end, the principle of equality must replace our present system of « kadi » justice.

REFERENCES

- ALLEN, F. A. (1963) : « Criminal Justice and the Rehabilitative Ideal », in : W. Peterson and D. Matza (eds.) *Social Controversy*, Belmont (Calif.), Wadsworth.
- BLUMBERG, A. S. (1967) : *Criminal Justice*, Chicago (Ill.), Quadrangle Books.
- BODINE, G. E. (1964) : *Factors Related to Police Dispositions of Juvenile Offenders*, paper presented at the annual meeting of the American Sociological Association.
- CARTER, R. M. (1968) : *Middle-Class Delinquency : An Experiment in Community Control*, Berkeley (Calif.), School of Criminology, University of California.
- CHILDREN'S BUREAU (1960) : *Survey of Probation Officers, 1959*, Washington (D. C.), U. S. Department of Health, Education and Welfare.
- CICOUREL, A. (1963) : *Social Class, Family Structure and the Administration of Juvenile Justice*, Berkeley (Calif.), Center for the Study of Law and Society, University of California.
- (1968) : *The Social Organization of Juvenile Justice*, New York, John Wiley.
- CLOWARD, R. D. and L. OHLIN (1960) : *Delinquency and Opportunity : A Theory of Delinquent Gangs*, Glencoe (Ill.), The Free Press.
- COHEN, Yona (1963) : « Criteria for the Probation Officer's Recommendations to the Juvenile Court Judge », *Crime and Delinquency*, 9 : 262-275.
- COMMUNITY HEALTH and WELFARE COUNCIL (1967) : *Evaluation of the Troubled Children under Twelve Project*, Cincinnati (Ohio).
- EMPEY, L. T. (1967) : *Alternatives to Incarceration*, Washington (D. C.), Office of Juvenile Delinquency and Youth Development, U. S. Department of Health, Education and Welfare.
- ENFIELD POLICE DEPARTMENT (1967) : *Application for Special Demonstration Project Presented to the Office of Juvenile Delinquency and Youth Development*, U. S. Department of Health, Education and Welfare.
- FEDERAL BUREAU OF INVESTIGATION (1968) : *Crime in the United States — Uniform Crime Reports, 1967*, Washington (D. C.), U. S. Department of Justice.
- GARABEDIAN, P. (1963) : *Delinquency Control Agent Study*, Washington (D. C.), Washington State University.

- GOFFMAN, E. (1961) : *Asylums*, New York, Doubleday.
- GOLDMAN, N. (1963) : *The Differential Selection of Juvenile Offenders for Court Appearance*, New York, National Council on Crime and Delinquency.
- GOULD, R. E. (1967) : *Society's Child — The Making of a Delinquent*, working paper of the Juvenile Court Community Development Project, Bronx (N. Y.), Department of Sociology and Anthropology, Fordham University.
- GREY, A. L. and H. E. DERMODY (1966) : *Discontinuities in the Theory and Practice of Correctional Casework*, working paper of the Juvenile Corrections Project, Bronx (N. Y.), Department of Sociology and Anthropology, Fordham University.
- HARDT, R. H. (1968) : « Delinquency and Social Class : Bad Kids or Good Cops », in : I. Deutscher and E. J. Thompson (eds.), *Among the People : Encounters with the Poor*, New York, Basic Books.
- and S. J. PETERSON (1968) : « Arrests of Self and Friends as Indicators of Delinquency Involvement », *Journal of Research in Crime and Delinquency*, 6 : 44-51.
- Juvenile Court Community Development Project, Final Report* (1968), Bronx (N. Y.), Department of Sociology and Anthropology, Fordham University.
- KLEIN, M. W. (1964) : *Juvenile Gangs, Police and Detached Workers — Controversies about Intervention*, Los Angeles (Calif.), Youth Studies Center, University of Southern California.
- KUPPERSTEIN, L. and R. M. SUSMAN (1966) : « The Juvenile Court Process », *Journal of Offender Therapy*, 10(3) : 66-81.
- LICHTENBERG, P. (1966) : *Police Handling of Juveniles*, administrative paper, Washington (D. C.), Office of Juvenile Delinquency and Youth Development, U. S. Department of Health, Education and Welfare.
- LOHMAN, J. D. (1968) : « Crises of a Society in Ferment », *Crime and Delinquency*, 14 (1) : 31-41.
- MARTIN, J. M. and J. P. FITZPATRICK (1965) : *Delinquent Behavior : A Re-definition of the Problem*, New York, Random House.
- , J. P. FITZPATRICK and R. E. GOULD (1968) : *Analyzing Delinquent Behavior : A New Approach*, Washington (D.C.), Office of Juvenile Delinquency and Youth Development, U. S. Department of Health, Education and Welfare.
- MATZA, D. (1964) : *Delinquency and Drift*, New York, John Wiley.
- MILLER, S. M. and F. RIESSMAN (1968) : *Social Class and Social Policy*, New York, Basic Books.
- MILLER, W. B., R. C. BAUM and R. McNEIL (1966) : *Delinquency Prevention and Organizational Relations*, administrative paper, Washington (D. C.), Office of Juvenile Delinquency and Youth Development, U. S. Department of Health, Education and Welfare.
- O'CONNOR, G. W. and N. A. WATSON (1964) : *Juvenile Delinquency and Youth Crime. The Police Role — An Analysis of : Philosophy, Policy, Opinion*, Washington (D. C.), International Association of Chiefs of Police.
- PIFFNER, J. M. (1963) : *The Function of Police in a Democratic Society*, Los Angeles (Calif.), University of Southern California.
- PILIavin, I. and S. BRIAR (1965) : *Police Encounters with Juveniles*, administrative paper, Washington (D. C.), Office of Juvenile Delinquency and Youth Development, U. S. Department of Health, Education and Welfare.

- Proceedings and Interim Report of the National Conference on Bail and Criminal Justice* (1965), Washington (D. C.), Office of Juvenile Delinquency and Youth Development, U. S. Department of Health, Education and Welfare.
- ROSENHEIM, M. K. (1966) : *Planned Nonjudicial Handling of Juvenile Delinquents*, Chicago, University of Chicago (unpublished).
- SKOLNICK, J. (1967) : *Justice without Trial : Law Enforcement in a Democratic Society*, New York, John Wiley.
- STRAUSS, A. L. (1959) : *Mirrors and Masks : The Search for Identity*, Glencoe (Ill.), The Free Press.
- STUDT, E. (1967) : *The Reentry of the Offender into the Community*, Washington (D. C.), Office of Juvenile Delinquency and Youth Development, U. S. Department of Health, Education and Welfare.
- SZASZ, T. S. (1963) : *Law, Liberty and Psychiatry*, New York, Macmillan.
- TEELE, J. E. and S. LEVINE (1963) : *The Acceptance of Emotionally Disturbed Children by Psychiatric Agencies*, administrative paper, Washington (D. C.), Office of Juvenile Delinquency and Youth Development, U. S. Department of Health, Education and Welfare.
- (1963) : *Experiences of Unsuccessful Applicants to Child Psychiatric Agencies*, Washington (D.C.), Office of Juvenile Delinquency and Youth Development, U. S. Department of Health, Education and Welfare.
- TOBY, J. and M. L. TOBY (s. d.) : *Low School Status as a Predisposing Factor in Subcultural Delinquency*, Report of a Cooperative Research Project of the U. S. Office of Education and Rutgers University (mimeo).
- VINTER, R. D. and R. SARRI (1964) : « The Juvenile Court : Organization and Decision Making », in : *Juvenile Court Hearing Officers Training Manual*, Ann Arbor (Mich.), Institute for Continuing Legal Education, University of Michigan, vol. II.
- WHEELER, S., E. BONACICH, M. CRAMER and I. K. ZOLA (1966) : « Agents of Community Control : A Comparative Analysis », in : S. WHEELER (ed.), *Controlling Delinquents*, New York, John Wiley.
- WILSON, J. Q. (1968) : « The Police and the Delinquent in Two Cities », in : S. WHEELER (ed.), *Controlling Delinquents*, New York, John Wiley.

ABSTRACTS

LE TRAITEMENT ET LA RÉHABILITATION DU DÉLINQUANT : QUELQUES CONSIDÉRATIONS SOCIOCULTURELLES

Ce rapport s'efforce d'établir la relation entre certains facteurs socio-culturels (communautaires, institutionnels, « organisationnels », et individuels) et le traitement ou la réhabilitation du jeune délinquant. Sur le plan communautaire, le choix de mécanismes formels d'intervention qui sont préférés, ou substitués, à des méthodes informelles et non officielles, varie selon : 1) les perceptions qu'a la communauté de la délinquance et des jeunes délinquants; 2) le statut socio-économique qui prévaut chez les membres de la communauté; 3) le statut socio-économique et l'origine ethnique du jeune délinquant; 4) le degré de concordance entre 2) et 3).

L'auteur suggère que les classes moyennes, même lorsqu'elles adoptent le principe de l'individualisation de la justice et de la réhabilitation pour le juvénile et qu'elles acceptent une politique de réinsertion sociale pour les

jeunes en difficulté et pour les délinquants de la classe moyenne, conservent des stéréotypes si négatifs sur le style de vie des classes inférieures qu'il en résulte fréquemment une attitude punitive plus forte à l'égard des délinquants de ces classes sociales. Il appert en outre que, dans le cas où le système officiel d'intervention n'est pas compris par la communauté ou s'écarte suffisamment du sentiment collectif, la communauté non seulement ne soutient pas son action mais va jusqu'à saper celle-ci.

L'examen de la structure de fonctionnement des services institutionnels révèle de plus un déséquilibre entre les ressources sociales et les ressources psychiatriques. Dans les classes sociales inférieures, l'absence relative de programmes de prévention et de services non judiciaires est aggravée par le recours à des critères sélectifs d'admission, par les longues listes d'attente, et par l'absence de ressources thérapeutiques appropriées dans les quelques services qui existent, ce qui amène l'utilisation excessive des mécanismes formels d'intervention avec les jeunes, qu'ils soient des délinquants endurcis ou des jeunes aux prises avec de sérieux problèmes d'adaptation. Le résultat a été de faire de la cour juvénile un « dépôt » pour les adolescents à problèmes, alors que ceux-ci devraient et pourraient être pris en main plus efficacement par des services communautaires n'ayant pas de caractère judiciaire.

À l'examen, il est évident que les principes d'organisation du système de justice juvénile et de mise en application des politiques dépendent pour une large part : 1) de la philosophie et de l'orientation en ce qui concerne l'étiologie et la thérapeutique de la délinquance juvénile; 2) de leur propre expérience avec certains groupes de la population juvénile; 3) de la fréquence et de l'intensité des contacts et des communications avec les autres agences dans le système; 4) des valeurs, de la formation, de l'expérience personnelle et des perceptions individuelles, des attitudes et des autres biais des membres du personnel.

Les idéologies et les objectifs contradictoires, les politiques inappropriées et les changements de procédure compromettent fréquemment les objectifs théoriques du système de justice juvénile qui peuvent être excellents, en les sacrifiant à des considérations d'efficacité et d'opportunisme. Le résultat est le refus quasi inévitable de dispenser des « soins appropriés et un traitement régénérateur » aux jeunes délinquants, tels que stipulés dans l'esprit et le texte de la loi.

L'effort qui a été fait pour identifier les éléments importants (personnels, sociaux et culturels) sur lesquels reposent les décisions qui concernent l'intervention et le traitement révèle : 1) l'absence de consensus sur les caractéristiques significatives qui différencient le délinquant endurci du délinquant primaire ou occasionnel; 2) l'incertitude par rapport à l'importance qui doit être donnée lors de l'évaluation, à la présence ou à l'absence de certaines caractéristiques; 3) l'incohérence dans la relation entre ces caractéristiques et le choix du traitement.

Les modèles d'action basés sur la tradition et sur l'intuition prennent le plus souvent le pas sur ceux qui sont basés sur des critères scientifiques, si bien que la « maladie » est fréquemment assimilée à criminalité ou méchanceté. En somme, les jeunes de la classe inférieure ou les jeunes des groupes minoritaires sont le plus souvent désavantagés à l'intérieur de l'appareil judiciaire, en même temps qu'est perpétué le mythe de l'individualisation du traitement.

Étant donné ces faits, l'auteur souligne l'urgence de l'éducation des citoyens. Il importe de les amener à une conception plus éclairée du problème de la délinquance ainsi qu'à une plus grande compréhension et connaissance des objectifs de la prévention et du contrôle social. La priorité doit être donnée au support communautaire et à l'acquisition de la responsabilité. Pour ce faire, il faut développer un système plus étoffé et très spécifique qui permettrait de s'éloigner de la clinique traditionnelle et de l'approche psychogénétique de la délinquance. Une approche interdisciplinaire éclairée de l'étiologie et des solutions à apporter au comportement criminel s'impose. Un système doit être développé dans lequel seraient conciliés sans

compromis les objectifs de la punition, du contrôle de la prévention et de la réhabilitation; il servirait à affronter plus efficacement tous les problèmes de la jeunesse qui nécessitent notre attention.

Indubitablement, l'efficacité d'un tel système est conditionnée par la philosophie qui l'inspire, par la politique et les procédures qui sont appliquées, par le personnel et par l'appui qu'il reçoit de la communauté. Si le délinquant est au départ le produit d'un jugement social, le délinquant réhabilité doit aussi être un produit de la communauté, donc d'un système capable de le servir et de l'aider à résoudre ses problèmes. Il importe que chacun de nous puisse souscrire à la réalisation de ce traitement individuel et puisse demander l'abandon des pratiques discriminatoires, et non scientifiques, auxquelles la société fait fréquemment appel. Enfin, le principe de l'équité doit remplacer le présent système d'une justice de classe.

EL TRATAMIENTO Y LA REHABILITACIÓN DEL JÓVEN DELINCUENTE : ALGUNAS CONSIDERACIONES SOCIOCULTURALES

Este trabajo es un intento de explicación del tipo de relación existente entre ciertos factores socioculturales (comunitarios, institucionales, individuales y de organización) y el tratamiento y la rehabilitación del joven delincuente. Desde el punto de vista comunitario, la intensidad con que los mecanismos formales de intervención son preferidos y reemplazados por métodos informales y no oficiales de arreglo varía según : 1) la percepción que la comunidad tiene de la delincuencia y del joven delincuente; 2) el estatuto socio-económico dominante entre los miembros de la comunidad; 3) el estatuto socio-económico y el origen étnico del joven delincuente; 4) la intensidad de la diferencia entre 2) y 3).

Las comunidades de clase media tienden a adoptar una orientación individual y de rehabilitación de la justicia juvenil y a aceptar una política de reinserción social para los delincuentes de clase media o para los problemas de los jóvenes. Los estereotipos de dichas comunidades sobre el estilo de vida de las clases inferiores son negativos; de ello resulta frecuentemente una actitud punitiva más pronunciada respecto a los delincuentes de dichas clases socio-económicas. Cuando el sistema de intervención social oficial es ignorado por la comunidad o bastante diferente del sentimiento colectivo, no solo la comunidad sería incapaz de apoyar cualquier acción efectiva sino que incluso la haría fracasar.

El examen de esta relación según la perspectiva de una estructura de servicio institucional revela un equilibrio inestable entre los recursos de los servicios sociales y psiquiátricos. En las comunidades de clase social baja, la ausencia relativa de programas válidos de prevención y de servicios no judiciales se acompaña de la presencia de criterios selectivos de admisión, de largas listas de espera y de recursos inadecuados de tratamiento, lo cual contribuye substancialmente a la utilización desproporcionada de mecanismos formales de intervención contra los jóvenes de la clase social baja, muchos de los cuales son delincuentes endurecidos o que manifiestan serios problemas de adaptación psicológica. El resultado ha sido que los tribunales de menores se han convertido en una especie de « vertedero » de todos los jóvenes que presentan problemas, los cuales deberían y podrían ser tratados más eficazmente por servicios sociales no judiciales.

El carácter de la organización del sistema de la justicia juvenil y las políticas utilizadas por una agencia dada dependen en gran parte de : 1) su filosofía y de la orientación que dan a la etiología y a la solución del problema de la delincuencia juvenil; 2) su propia experiencia de los sub-grupos de la población juvenil; 3) la frecuencia e intensidad del contacto y de la comunicación con las demás agencias del sistema; 4) los valores, formación, experiencia personal y percepción individual, actitudes y defectos de los funcionarios.

Las ideologías en conflicto, las políticas nocivas y las variaciones en el procedimiento penal comprometen frecuentemente los objetivos teóricamente excelentes del sistema de justicia juvenil a causa de consideraciones de eficacia y oportunidad pasadas de moda. El resultado evidente es la negación casi inevitable de «cuidados apropiados y tratamiento regenerador», previstos en el espíritu y en la letra de la ley sobre jóvenes delincuentes.

El trabajo realizado para identificar los principales elementos determinantes de las decisiones de aptitud y tratamiento (personal, social y cultural) y a explicar las bases de tales decisiones revela : 1) una falta de acuerdo sobre las características significativas que distinguen el delincuente endurecido del primario o del ocasional; 2) el grado de significación que debe acordarse, en el momento de la evaluación, a la presencia o ausencia de ciertas características; 3) el grado de relación entre dichas características y la selección del tratamiento.

Los modelos basados en la tradición y en la intención dominan a menudo sobre los que se apoyan en criterios científicos, de tal manera que frecuentemente se asimila la «enfermedad» al daño causado o al crimen cometido. En resumidas cuentas, la clase baja de la población y los jóvenes de grupos minoritarios ocupan en la mayoría de los casos una situación de inferioridad en todos los sectores del aparato judicial, perpetuándose el mito de la individualización del tratamiento.

Teniendo en cuenta estos hechos, el autor pone en evidencia la urgencia de la educación de los ciudadanos mediante una interpretación más clara de los problemas de la conducta de los jóvenes delincuentes y una mayor comprensión y conocimiento de los objetivos de la prevención de la delincuencia y del sistema de control social. Debe consolidarse el soporte comunitario desarrollándose y aplicándose un sistema amplio y específico gracias al que nos alejariamos de la vía clínica tradicional o de la perspectiva psicogenética de la delincuencia. Para ello, debe utilizarse un examen interdisciplinario inteligente de la etiología y de las soluciones de las conductas criminales. Debe además desarrollarse un sistema en el que estarían conciliados, sin compromiso alguno, los objetivos de castigo, de control, de prevención y de rehabilitación; dicho sistema serviría con más eficacia a todos los problemas de la juventud que llaman nuestra atención.

No cabe la menor duda que tal sistema solo podrá ser efectivo y eficaz si representa un guía filosófico de política y de procedimiento activos y personales, sus posibilidades de aplicación dependiendo del apoyo activo y adecuado que la comunidad le preste. Si inicialmente el delincuente es el producto de un juicio social, el delincuente rehabilitado debe ser también un producto de la comunidad y del sistema que se dedicará a servirle y ayudarle a resolver sus problemas, de tal manera que cada ciudadano pueda suscribir a la entera realización del tratamiento individual y pedir el abandono de prácticas discriminantes no específicas y bastante frecuentes. Finalmente, el principio de equidad debe reemplazar al sistema actual de justicia de clases.

DIE BEHANDLUNG UND REHABILITIERUNG DER JUGENDLICHEN RECHTSBRECHER : EINIGE SOZIALKULTURELLE BETRACHTUNGEN

Der Artikel stellt den Versuch dar, die Art der Beziehung zwischen ausgewählten soziokulturellen Faktoren (auf kommunaler, institutioneller, organisatorischer und individueller Ebene) und der Behandlung und Rehabilitation jugendlicher Rechtsbrecher zu beleuchten.

Auf kommunaler Ebene ergab sich, dass der Grad formeller Interventionsmöglichkeiten, so wie er informeller Handhabung verschiedener Lösungen und Wiedereingliederungen gegenüber bevorzugt wird, von folgenden Faktoren abhängt : 1) der Auffassung der Gemeinschaft von Verbrechen und Verbrechern; 2) dem vorherrschenden sozio-ökonomischen Status der

Einheimischen; 3) der sozio-ökonomischen und ethnischen Herkunft des Rechtsbrechers; 4) dem Ausmass der Übereinstimmung und Nichtübereinstimmung von 2) und 3). Es wurde darauf hingewiesen, dass, obwohl gutbürgerliche Gemeinschaften versuchen, eine individuelle und rehabilitierende Einstellung zur Jugendgerichtsbarkeit anzunehmen und eine Politik der « Absorption » hinsichtlich der mittelständischen Rechtsbrecher (*middle-class offenders*) und der Jugendprobleme im allgemeinen auszuüben, ihre negative Einstellung zu « unterständischem Lebensstil » häufig in eine unverhältnismässig pönalisierende Haltung dem unterständischen Rechtsbrecher gegenüber ausartet. Des weiteren wurde darauf hingewiesen, dass da, wo eine offizielle Kontrollordnung von der Gemeinschaft missverstanden wird, oder sie doch ziemlich verschieden vom vorherrschenden Gemeinschaftsgefühl, so wie es sie auffasst, ist, es nicht nur der Gemeinschaft nicht gelingt, die Handhabung effektiv zu gestalten, sondern dass sie sie baldigst unterhöhlen wird.

Die Untersuchung der Beziehung aus der Sicht institutioneller Organisationen zeigt ein ungleiches Niveau sozialer und psychiatrischer Dienstleistungen. In unterständischen Gemeinschaften trägt die relative Abwesenheit gangbarer Präventionsprogramme und nichtgerichtlicher Massnahmemöglichkeiten, gepaart mit selektiven Aufnahmekriterien, langen Wartelisten, unangemessenen und ungeeigneten Behandlungsmethoden in den wenigen vorhandenen Programmen, wesentlich dazu bei, dass die formellen Interventionsmöglichkeiten, gegenüber der unterständischen Jugend, den verhärteten Delinquenten und den Jugendlichen, die ernsthafte Probleme psychosozialer Anpassung aufweisen, in ungleicher und unverhältnismässiger Art und Weise gebraucht werden. Der Erfolg ist, dass aus dem Jugendgericht eine Grube für alle möglichen Probleme geworden ist, welche erfolgreicher von nicht-gerichtlichen Diensten gehandhabt werden könnten und sollten.

Was den organisatorischen Charakter der Jugendgerichtsbarkeit betrifft, so scheint es klar zu sein, dass das Vorgehen der Behörden in einem weiten Ausmasse von folgenden Kriterien geleitet wird: 1) die eigene Weltanschauung und persönliche Auffassung der Jugendkriminalität und ihrer möglichen Lösung; 2) die besondere individuelle Erfahrung mit Rechtsbrechern; 3) die Häufigkeit und Intensität der Kontaktnahme mit anderen, gleichartigen Behörden; 4) die moralische Werte, die Ausbildung, die berufliche Erfahrung und sonstige Einstellungen der betreffenden Beamten.

Ideologien und Zielsetzungen, die miteinander im Widerstreit stehen, politische Rücksichtnahmen und die Verschiedenheiten des gerichtlichen Verfahrens stellen oft genug die an sich ausgezeichnete theoretische Grundlagen des Jugendgerichtsbarkeitssystems in Frage, weil das Problem der Wirksamkeit und der Durchschlagskraft in den Vordergrund gerückt werden. Das Ergebnis ist das meist unausbleibliche Nichterreichen der « wohlwollenden Fürsorge und der Wiedereingliederung » für die jugendlichen Rechtsbrecher, so wie es der Geist und die Worte des Gesetzes fordern.

Die Bemühung, einige der drängenden persönlichen, sozialen und kulturellen Faktoren der Verhandlungs- und Behandlungsentscheidungen zu koordinieren und die Grundlagen für diese Entscheidungen zu erklären, zeigt folgendes: 1) ein Mangel an Übereinstimmung darüber, was den rückfälligen vom einmaligen oder gelegentlich tätig werdenden Rechtsbrecher unterscheidet; 2) die Bedeutung, die bei der Fallbehandlung gewissen Charakteristiken zugemessen wird; 3) die Beziehung zwischen diesen Kriterien und der Wahl der Behandlungsmethode. So ist die allgemeine Einstellung meist durch Tradition und Intuition geprägt, wobei wissenschaftliche Kriterien in den Hintergrund treten. So kommt es, dass « Krankheit » häufig mit « Falschheit » oder mit « Gefährlichkeit » gleichgesetzt wird. So lässt sich also sagen, dass jugendliche — vor allem unterständische — Minderheiten oft im Jugendgerichtssystem benachteiligt werden, und dass die individuelle Behandlungsmethoden einen Mythos darstellen.

Angesichts dieser Tatsachen weist der Autor auf die unbedingte Notwendigkeit hin, die Allgemeinheit in verständnisvoller Weise mit den Pro-

блемен der Jugendkriminalität vertraut zu machen und sie dadurch zu einer wohlwollenden Einstellung zur Prävention zu führen. Mit Nachdruck ist auf ihre Mitverantwortung bei der Entwicklung und Handhabung der Fürsorgeinstitutionen hinzuweisen, und hier vor allem bei denen, die mit der bisher üblichen traditionellen und klinischen Behandlungsmethode arbeiten, die zu modifizieren und anders zu gestalten sind. Wir brauchen vor allem eine interdisziplinäre Annäherung an das Problem und die Lösungsmöglichkeiten der Jugendkriminalität. Es muss ein System entwickelt werden, dass ohne Kompromiss die Ziele der Bestrafung, der Aufsicht und der Wiedereingliederung verbessert, und welcher wirksam dazu beiträgt, uns auf die Jugendprobleme aufmerksam zu machen.

Es besteht kein Zweifel darüber, dass die Wirksamkeit eines solchen Systems von der Philosophie seiner Errichter, von der Politik und der Verfahren, die darin angebracht werden, von der Einstellung des Personals und der Unterstützung, die ihm von der Gemeinschaft geboten wird, abhängt. So wie die Jugendkriminalität anfänglich ein Produkt der sozialen Bewertung gewesen ist, so ist der rehabilitierte Rechtsbrecher ebenfalls ein Produkt all der Organisationen, die dazu bestimmt sind, ihm zu helfen und seine Probleme mitzulösen. So haben wir tatkräftig mitzuwirken an der Gestaltung individueller Behandlungsmethoden und die Forderung zu unterstreichen, dass unwissenschaftliche und diskriminierende Praktiken zu unterbleiben haben. Das Prinzip der Gleichheit schliesslich muss das gegenwärtige System der «Kadi»-Justiz ersetzen.

ИСПРАВЛЕНИЕ И РЕАБИЛИТАЦИЯ ЮНЫХ ПРАВОНАРУШИТЕЛЕЙ : НЕКОТОРЫЕ НАБЛЮДЕНИЯ СОЦИАЛЬНО-КУЛЬТУРНОГО ХАРАКТЕРА

Эта статья является попыткой определить сущность связи между некоторыми социально-культурными факторами (общественными, социальными, судебными и личными) и обращением с юными правонарушителями и их реабилитацией.

С общественной точки зрения, исследование показало, что предпочтительнее отдается традиционным мерам воздействия, а не новым и не предусмотренным законом методам исправления и приспособления к обществу, в зависимости от: 1) взглядов местного населения на правонарушения и на правонарушителей; 2) социально-экономического положения большинства жителей данного округа; 3) социально-экономического и этнического происхождения нарушителя закона; 4) степени расхождения между пунктами 2) и 3). Выяснилось, что хотя средний класс как будто и склонен к индивидуальному и исправительному подходу и применению метода "ассимиляции" (*absorption*), когда речь идет о правонарушителях и "трудной молодежи" (*problem youth*) среднего класса, все же его отрицательные, стереотипные взгляды на образ жизни низших классов выражаются большей склонностью наказывать их представителей. С другой стороны, также выяснилось, что, при ошибочном понимании установленных мер воздействия, или несогласия с ними, общество не только не содействует, но в сущности даже мешает их применению.

Изучение вопроса с точки зрения структуры социального обслуживания указывает на недостаток социальных и психиатрических услуг. В местностях, где преобладает численно низший класс, наблюдается преувеличенное вмешательство официальных органов в дела касающиеся молодежи низших классов, закоренелых преступников и подростков испытывающих серьезные затруднения психологического и социального характера. Это вмешательство объясняется: 1) недостатком учреждений применяющих предохранительные методы или способных оказывать услуги не судебного характера; 2) затруднениями связанными с наличием селективных критерий для приема и долгим ожиданием по спискам; и наконец 3) недостатком и неадекватностью существующих возможностей ухода. В результате, суд становится как бы "свалочным местом" (*dumping ground*), куда сбрасывают всевозможные проблемы, которые, в сущности должны и могут разрешить с большим успехом не судебные органы.

Рассмотрение судебного аппарата для молодежи ясно показало, что образ действия данного судебного органа зависит главным образом: 1) от руководящих его идей и от его взглядов на этиологию и пресечение юношеских проступков; 2) от специального опыта, приобретенного с данной разновидностью преступных групп; 3) от количества и развития контактов и связи с остальными судебными органами; 4) от идеалов, подготовки, профессионального опыта служащих, а также их взглядов, мнений и предвзятостей. Противоречия между идеологией и целями, наличие неправильной политики и непоследовательности в методах, слишком часто компрометируют осуществление теоретически здравых планов правовой системы для юношества из-за чрезмерного стремления к эффективности и целесообразности. В результате, юные правонарушители почти неизбежно лишены "заботы и оживляющего обращения", о которых гласят буква и дух закона (*solicitous care and regenerative treatment*).

Попытка выявить главные личные и культурно-общественные факторы, определяющие и объясняющие отношение к преступникам и выбор мероприятий, позволила установить: 1) наличие расхождения мнений о характерных чертах, значительно отличающих закоренелого преступника от случайного 2) значение, которое следует придавать наличию или отсутствию некоторых характерных черт и, 3) соотношение между этими чертами и различными формами обращения с нарушителем закона. Как таковые, типы отношения, основанные на традиции и на интуиции, берут верх над теми, которые обоснованы "научными" критериями; итак, "недуг" часто приравнивается к "виновности" или вредительству (*offensiveness*). В общем, молодежь принадлежащая к меньшинству низшего класса часто поставлена в определенно невыгодное положение на всех уровнях судебного аппарата и таким образом, являясь индивидуального подхода продолжает.

При наличии всех этих данных, исследователь указывает на срочную необходимость воспитать в гражданах более трезвый подход к проблемам, связанным с проступками молодежи, дать им осознать и понять цели преследуемые системой надзора и предотвращения преступности. Следует настаивать на поддержке и роли местных жителей в организации и действии расширенной системы помощи, в особенности такой, которая сумеет порвать с традиционным клиническим и психогеническим подходом к проступкам. По отношению к этиологии и пресечению преступного поведения, мы нуждаемся в учреждениях более просвещенных и охватывающих несколько отраслей. Следует выработать систему, которая будет отвечать требованиям наказания, надзора, предотвращения и реабилитации и сумеет быть полезной всей "трудной" молодежи (*problem youth*), с которой будет иметь дело.

Без всякого сомнения, такая система не может быть более эффективной и действительной чем ее руководящая философия, образы действия, методы и персонал; она может функционировать только поскольку местное общество ей оказывает деятельную и адекватную поддержку. Так же как правонарушитель является поначалу результатом общественного осуждения, так и исправленный или реабилитированный правонарушитель является созданием общества и системы, намеренных ему помочь и разрешить его проблемы. Следовательно, каждый из нас должен согласиться на проведение в жизнь индивидуального обращения с нарушителями закона и добиваться упразднения ненаучных, часто связанных с дискриминацией, образов действия. В заключение, принцип равенства должен заменить нашу современную систему, напоминающую суд Кадди (*Kadi justice*)

LENORE KUPPERSTEIN

The author holds a B. A. in sociology and an M. A. in criminology from the University of Pennsylvania, and is presently a doctoral candidate in sociology at the same institution.

Miss Kupperstein has held the following positions with the United States Government:

Consultant to the Office of Juvenile Delinquency and Youth Development within the Department of Health, Education and Welfare;

Consultant to the President's Panel on Social Indicators, and Research Criminologist with the National Commission on Obscenity and Pornography;

Consultant to the Comparative Criminal Law Project at New York University School of Law;

Associate Director of the Puerto Rican Section of an international study of juvenile delinquency.

Miss Kupperstein has authored or contributed to a number of articles on crime and delinquency which have appeared in various American and international professional journals and has most recently coauthored a soon-to-be-released book on juvenile delinquency in Puerto Rico.