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Testimony of
Michael E. Smith
Director, Vera Institute of Justice,
before the
United States Senate Subcommittee to
Investigate Juvenile Delinquency,
April 12, 1978

Mr. Smith. Good morning, Senator.

As you suggest, I would appreciate your making my full statement a part of the record.

Senator Culver. Without objection, it will be included in the record at this point.

[Material follows:]

The prepared statement, which will appear at this point in the Committee's printed record, is appended to this testimony, after page 10.

Mr. Smith. I would like to pick up a theme that seems to have developed around the last two sets of testimony. It is the theme that is shaping Vera's planning of action programs, and our research, in the area of serious juvenile delinquency.

To put it very briefly, what concerns us is this. The need for programs and for program-related research targetted at really serious delinquents presents indisputably important issues. But these are not popular issues. Apart from a few of the more adventurous private foundations, which are providing support for early planning, neither the public nor the private sector is taking up the challenge and, while funds are abundant for programs and research aimed at status offenders and minor delinquency, it is difficult to attract financing for programs in the serious juvenile crime area. Perhaps this is because it is known that the serious delinquent label applies to a relatively small number of youths. More likely, work in this field is under-financed because of the daunting practical and political difficulties that are certain to arise when attempts are made to deal with even a small number of chronic delinquents who have committed serious crime. The testimony of Mr. Murray illustrated that even the programs that work best with this population are beset with in-program delinquency -- some of it quite serious. The testimony of Mr. Edelman illustrated how such "failures" are politically difficult to bear. Given these difficulties, it is not too surprising that programs focused on serious delinquents are rare and that serious delinquents are so often excluded from the programs that do exist for other children who get into trouble. But this "hands-off" phenomenon, in turn, helps explain the poverty of our research base about serious juvenile delinquents,

and about what kinds of programs work with them and what kinds do not.

The lack of an adequate research base on these issues, in turn, makes it very difficult to design a program with a good prospect of success.

Programmatically, therefore, the most difficult question is the one that emerges from Mr. Murray's UDIS discussion. If you are going to try to deal with seriously delinquent juveniles in a community-based treatment program, controlling their behavior to reduce in-program delinquency must be a central purpose from the start, whether the program is to be one of care in lieu of incarceration or is to be one of care after incarceration.

Senator Culver. You mean in aftercare?

Mr. Smith. Sure. The problems of working successfully with these delinquents are the same, whenever they are taken on.

If you are going to do that, the most serious problem is how to control and monitor the behavior of the children, while they are in the community, sufficiently well so that you can get the acquiescence of those responsible authorities who have to take the political view. You must also keep in mind that attempts to control and monitor behavior, if intense enough to be effective, may interfere with the delivery of services that are essential to helping the program participants.

Finding solutions to these problems is going to be tough, partly because of the lack of an adequate research base and partly because of the financial and political problems associated with programs that tackle such sensitive issues.

The research efforts that UDIS have made are laudable and, as Mr. Murray's testimony shows, are very valuable. From that

experience, I think one can generate some program hypotheses.

The program problem that interests me the most, and which might be of some interest to the subcommittee, is precisely how one can control behavior adequately without interfering with other program goals.

Senator Culver. Can you give us a specific example of that? Are you talking about where you would have to have an armed guard to walk to the community-based secure institution to go to a counselor or somewhere else?

Mr. Smith. That would be an extreme. There are, however, some programs around that incorporate elements of similarly direct one-on-one controlling. I am trying to pick these up in my work and put them together for a program which could be tested.

There is, for example, a program in Connecticut that takes, on early release from a juvenile detention facility, chronic delinquents with major felonies in their histories. The program has a good array of services that are likely to assist such troubled youths readjust and make something of themselves. But it also has a very low staff-to-participant ratio, permitting very close monitoring of behavior.

In this program there are a series of classifications of security which the program delivers to the community and to which the youngsters must adhere. Upon entering the program, in the first and most restraining classification which applies for the first four or five weeks, the participant must comply with a curfew beginning at about 8:30 in the evening. During the time outside of curfew, the participant is either with a program worker, at school, or at home, and every half hour or so

the worker monitors where he is. Continued compliance with the rules permits entry into the second, less restraining classification. The process is repeated through four levels of security until, at the end of the program, a participant is responsible for controlling his own behavior. Failure along the way results in a participant's being placed back into a more restraining classification where his behavior can be more directly controlled by the staff. Failure to get out of classification one on time can lead back to the training school. There is much more to it than this, but this serves to give the basic idea.

Obviously, the security provided by such a program must be more than a 9 to 5 concern. Let me give an example. The staff workers got worried about one of the kids, shortly after he entered the program. The worker assigned to the case stationed himself outside the boy's house at about 10 o'clock, to check on the curfew. He saw the boy climb out a window and down a drainpipe and followed him as he went into a nearby park and started to stalk a young woman. He had had some accusations of rape earlier in his offense history, and when he closed in on the woman at a remote spot in the park, the staff worker seized him, brought him out of the park, put him in his car, and drove him back to the training school.

There are very few programs in this country that can deliver that kind of security. This is one of the very few that try. But it is easy to see how important it is to be able to deliver that kind of security. A serious crime was prevented, the kids in the program, including the one who was caught, were shown that

there are consequences to their actions, and by controlling the behavior of the particular boy, the program avoided incurring the wrath of the community which would have made it difficult or impossible to continue its efforts to help other chronic delinquents.

In a lot of programs, we gloss over such concerns because apprehending serious delinquents is difficult -- even the police do not have a very good record on this. Perhaps this has not been touched on here, but the clearance rate -- the percentage of reported crimes that are accounted for by arrests -- is very low for serious crimes, and not just in the juvenile system.

Senator Culver. Also you have the problem, as we heard in testimony on Monday, that there is rather a cavalier attitude, almost an arrogance, about the likelihood of any serious consequences, even when those who are arrested are subjected to court process. This is particularly obvious among the more hardened types who have been run through the mill a couple of times. They do not have much respect for it.

Is that an additional factor?

Mr. Smith. I take a researcher's somewhat skeptical view about that. I want to know more before I am prepared to say that that is a major problem.

When we come to apprehension, I think it is. Most serious crimes do not lead to an arrest. Getting away with felony crime can engender a cavalier attitude in offenders of any age or station. But when we talk about what the process does with kids who have serious records and commit serious offenses, exper-

ience tells me that a lot of the evidence of revolving-door justice and of a lack of consequences from court process comes from journalistic reports on which I would be very reluctant to base policy decisions.

We have to look behind the gross statistics, and behind those anecdotes, to look at the system to see how well it distinguishes between the few serious offenders and the others. I think it distinguishes better than we allow.

The people who work in this system take their jobs seriously, despite the pressures and sometimes despite their lack of training. They do not let armed robbers just walk out unless there is some kind of obstacle to their doing something about it.

The kids talk it up in a different way, the reporters pick up on that, and as a result we find ourselves with a policy problem. There is no question about that. But, really, is there a major problem of the courts systematically letting serious juvenile delinquents off lightly when there is proof of their guilt? I do not know. I think we need to find out.

Senator Culver. Could you summarize what kind of research agenda is needed in the area of serious juvenile delinquents? I see us do so much research, so many studies, and the quality of those studies shows that oftentimes they are not responsive even to the initial inquiry. Often they are not of a high quality at all, even if we know what we are looking for.

What sort of agenda would you set in terms of areas of information and knowledge in which we are now disturbingly deficient?

Mr. Smith. It is a long list, I am afraid. Some of it is short term for immediate needs. Some is long term.

First of all, we need basic descriptive information about how the system processes the cases that come to it. We do not have that, nor do we know what are the circumstances that underlie the felony labels attached to these cases at arrest. Did he wantonly attack a stranger, or was it a school-yard fight? Both can be felony assaults. You will see that most of my interest in research that would fill these knowledge gaps is because the research is necessary to making good policy and program decisions. That is the first item on my agenda.

Secondly, it seems terribly important that we do pick up on the leads that we do get out of research. Mr. Murray's research has provoked many fascinating questions from the UDIS program. Why do group homes do badly? Why do out-of-town places seem to have more promise? How can we capitalize on that? What, if any, differential effects are there from the continuity of case management that is a feature of the UDIS program? Are there some kids for whom it is better not to have that kind of continuity?

Those are questions that can and should be researched. Someone has to coordinate the process so that, as we proceed through it, there is a relationship between the research that is being done and the generation of new hypotheses and the testing of them in new programs.

In the long term, we want to know about some other things. What, for example, is the relationship between malnutrition -- prenatal and in developmental stages -- and learning disabilities and delinquency? A lot of the poor people whose reactions to multiple stress lead them into our juvenile justice system may have a susceptibility to stress that has organic causes. That is a fascinating thing to look at. It should be looked at by those in the justice field as well as by those in the social and psychological disciplines.

We need more cohort studies, based on official records, like the kinds that have been done in the past. We need them to be uniform across jurisdictions, in order to make comparisons.

We have to make studies into the strange phenomenon of the one kid in a multichild family who becomes a chronic delinquent while the others become doctors and lawyers and so on. If we had some idea about that, we might have some wholly different notions about programs.

I have spelled out a research agenda at somewhat greater length in my paper. I find it difficult to run quickly down the agenda in this way.

Senator Culver. What type of demonstration projects could you suggest dealing with the violent or chronic offender?

Mr. Smith. I think the most difficult and important question is how we can deliver some services, in the community, to kids who pose a physical security problem? I spoke earlier about the political risks and the operational difficulties of such programs.

What does it mean if a kid in such a project goes out with a gun and robs a stranger? When you have a problem like that you want to find out why. You can't just move to exclude from the program kids who might escape your efforts to control their behavior and who might do something awful that puts the program in jeopardy. So, in such a demonstration project, you are not just interested in the cause of the child's delinquency, but also you want to find out why the program broke down. That is the project area where I think we need to give the most attention.

Senator Culver. I want to thank you very much, Mr. Smith, for your appearance here today.

I have a number of questions that I would like to submit to you. If you would be good enough to provide answers for the record, we would hope to get more recommendations from you with regard to the Federal initiative and so on.

Mr. Smith. May I just add one thing?

What worries me is the timelag. Chronic and violent juvenile delinquency present programmatic issues that have been ignored for a long time. The communities are justly disturbed at the way program dollars are targetted. What, they ask, is being done to protect them?

If we do not devote sufficient funds and effort to apprehending, controlling and re-integrating the chronic juvenile delinquents, we will find ourselves, in a few years, having de-institutionalized everyone except these difficult kids and having said over and over that there are only some kids we have to lock up. At that point, if we haven't learned how to control

their behavior except when they're locked up, how are we going to explain their release at the end of their terms? How are we going to explain our having nothing to release them to? The results will be very difficult politically. I do not mean politically in the large sense, but in the sense that projects created at that time, for those kids, will not survive such burdens unless the way is well prepared and the lessons are learned in advance.

Senator Culver. Thank you very much.

Prepared Statement of
Michael E. Smith,
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Thank you for inviting me to share with the Committee my views on what needs to be done to address serious juvenile crime.* Perhaps I should first establish the perspective from which these views come. The Vera Institute of Justice, a private, not-for-profit organization, has played a role since 1961 -- primarily with the New York City criminal and juvenile justice systems -- planning, implementing and evaluating small pilot projects which, if successful, can be absorbed by the responsible agencies or left to stand alone in working alongside those agencies. From time to time these pilots lead to demonstrations which catch hold in New York and, sometimes, are replicated elsewhere. Vera is committed to an "action research" approach: empirical research serves as a basis for forming program hypotheses which are tested in a pilot; the pilot generates more and better data and research of those data help refine the program, lead to new hypotheses and new programs, or show us we were proceeding down a dead end.

While the causes and prevention of crime and the treatment of offenders of any age present complex issues, our own experience suggests that it is possible to make some progress towards improving the criminal and juvenile justice systems and reducing criminal and delinquent activity. We have also found that issues in our field tend to arrive, demanding solutions, without the lead time that is usually necessary for quality program development and for the research on which it depends. Serious juvenile delinquency has the hallmarks of such an issue.

* I want to acknowledge, with thanks, the substantial assistance I received in preparing these remarks from Bonnie P. Lewin, Director of Vera's Serious Juvenile Delinquency Project.

It might be said, in a lighter vein, that preparation of this statement also suffers from insufficient lead time -- there was not the opportunity to shift my focus from our rather narrow concerns (the step-by-step researching, planning and testing of programs) to the broader concerns confronting you. My remarks, therefore, may leap with otherwise inexplicable abruptness from the specific to the general.

Our present interest in serious juvenile delinquency was provoked by the Ford Foundation, which asked Vera to examine the feasibility of identifying, replicating and testing model programs for the prevention and treatment of "violent" delinquency. Vera's attempt to meet this mandate revealed a paucity of information relevant to program and policy, a lack of statistical data and of program evaluations, and a lack of resources being focused on these problems.

We first undertook a study* which included review of the available data about the extent and nature of violent delinquency, and review of the literature regarding its etiology, treatment and prevention. To supplement this study, which frankly did not give us many useful leads, we collected data on the offense histories and juvenile justice dispositions of a random sample of delinquents petitioned in juvenile court, in 1974, in Manhattan and Westchester Counties, New York, and in Mercer County, New Jersey.

Our study indicated that arrest of juveniles for violent acts is relatively uncommon; the majority of juvenile arrests are for offenses against property or for minor offenses. While a significant number of juveniles brought to court have at some

* The full study, Violent Delinquents: A Report to the Ford Foundation by Paul A. Strasburg, is to be published in June by the Monarch Division of Simon and Schuster.

point committed a serious personal injury offense, the percentage that do so repeatedly is small; while 29 percent of our own sample had been charged at least once (including the current charge) with a serious violent crime (a crime against the person causing injury and requiring at least some medical attention), the proportion charged more than once with such offenses was much smaller -- 6 percent of those in the sample.

The empirical research was helpful in defining the extent of the problem, but our review of the literature indicated that there is little consensus on the etiology of juvenile violence. It appears that violent acts are for the most part occasional occurrences within a random pattern of delinquent behavior, rather than a specialty of a particular group of juveniles. Targeting on "violent" delinquents seems an impossible task when the results of self-reported delinquency research are taken into account to show that almost all juveniles engage in delinquent acts at some point.

It seems that efforts to reduce the incidence of juvenile violence, whether by prevention or by treatment, might best be achieved by focusing on the somewhat broader group for whom arrest and processing in the juvenile justice system is a recurring event. Various studies that preceded our own indicated that this group of juveniles, often referred to as "chronic" offenders, represents a relatively small proportion of the delinquent population but accounts for a large proportion of all offenses, including violent offenses. In Delinquency in a Birth Cohort, a study directed by Dr. Marvin Wolfgang, 18 percent of the delinquents in the cohort had five or more police contacts (his "chronic" delinquents), but this 18 percent accounted for 51 percent of all

cohort police contacts, for 62 percent of cohort arrests for property index crimes and for 70 percent of cohort arrests for person index crimes. The Hartford Institute of Criminal and Social Justice found, in an examination of juvenile referrals to court, that juveniles with two previous referrals to juvenile court and whose present referral was for a felony represented 8.1 percent of all referrals to the court but accounted for 54 percent of the referrals on felony charges.

Our review of treatment approaches for violent delinquents indicated that data on program effectiveness is scarce. The paucity of information is in part a result of the exclusion from many of the treatment oriented programs of youths found delinquent for serious violent acts and youths whose delinquency is repetitive. In addition, programs which have accepted such youth for treatment have not often been evaluated and the few evaluations that have been conducted were not sufficiently rigorous to make their findings reliable or generalizable. However, we were able to develop some basic guidelines from review of the treatment literature: no one treatment approach has been shown singularly more effective than another; the major obstacle in developing treatment approaches is the lack of tested and agreed theory, regarding the causes of juvenile violence, to serve as the basis for designing and testing any particular approach; application of a single method of treatment is not likely to change the behavior of a repetitively delinquent youth, and combining treatments seems more promising because the problems that characterize them are multiple and various;

and no treatment methods should be expected to bring about a complete change in a delinquent's behavior in a short period of time.

It is fair to say that we were disappointed in the harvest from our preliminary study -- the effort produced little upon which program models could be built. It also suggested that serious attention needs to be given to approaches that do not rely on treatment effectiveness for crime control; data from our sampling tended to confirm our feeling that, in the juvenile as well as in the adult systems, better techniques are needed to apprehend, prosecute and exercise control over chronic offenders. But, having found that juvenile arrests for serious violent offenses are relatively rare, are rarely repeated, cannot be predicted, and seem to occur randomly in the overall pattern of a recidivist's delinquency, we concluded that "violent delinquency" is (for the present) not a useful organizing concept for program planning. Our own program decision, and our advice to the Ford Foundation, is that a research and program development effort focused on the chronic juvenile offender is the most promising strategy for preparing ourselves and the system to deal competently with serious (or with the more rarefied "violent") delinquents who may be relatively few in number but who seem to cause a lot of damage and for whom we have surprisingly few rational program responses. It is apparent that the need for such responses and our failure to generate them will become increasingly visible as the welcome effort to deinstitutionalize status offenders proceeds. As we approach the day

when the "virgins and boy scouts" have been leveraged out of incarceration into community-based treatment programs, we may be left with a small but very visible institutional population of chronic offenders for whom there are not only no realistic and well-designed community-based treatment alternatives, but no after-care programs that effectively combine necessary supports and services with a capacity to control and monitor behavior in the community. Programs designed for the (far more numerous) less serious delinquents provide us with very little of the kind of data and experience necessary to meet this challenge.

Over the last decade, the juvenile justice system has come under substantial pressure. On the one hand, it is criticized for dealing in too harsh a manner with the majority of juvenile offenders and, on the other hand, it is criticized for dealing too leniently with serious offenders. The response to these conflicting pressures has been twofold: first, there is a movement toward deinstitutionalization and diversion of status and minor offenders; second, there is movement toward lowering the age of juvenile court jurisdiction, movement toward waiver of serious juvenile offenders into the adult criminal justice system, and movement toward mandating longer-term secure confinement for the serious offenders remaining under the jurisdiction of the juvenile court.

While this second set of responses can be understood, it seems likely to lead to a dead-end. Removing serious juvenile delinquents from the juvenile justice system may reduce the serious juvenile delinquency problem, but it adds to the serious

adult crime problem. (And there is reason to think that the adult system is particularly ineffective in responding to serious offenders at the younger end of its jurisdiction.) Likewise, while removing the serious juvenile delinquents from the community may afford temporary protection from new offenses which might be committed by the particular juveniles who are incarcerated, there is little reason to expect that these juveniles, upon release, will have changed their patterns of behavior for the better; not only are they likely to have the same problems, but it is unlikely that any community program will be there to provide either assistance or a controlling influence.

Our sense of the field at the moment is that insufficient attention is being focused on understanding the extent to which serious juvenile delinquency is a problem, on understanding the factors associated with chronic delinquency, and on learning -- by trial and error and by facing the tough issues -- whether programs can be developed which address both the community's interest in protection and these juveniles' need for help. We must recognize that answers to these issues are difficult, that they will require time and expenditure of resources, and that, if the effort is a serious one, certain of the approaches tried will be failures.

Together with the Ford Foundation, Vera has now embarked on three projects that seem to us likely to be helpful, albeit unduly modest in light of the problems sketched above.

1. In order to understand what kinds of incidents come into the juvenile justice process and how that process disposes of them, we are studying a random sample of 3000 delinquency and PINS cases that arrived at New York City's Family Court during a recent six-month period. Available data is so inadequate (in our jurisdiction, at least) that this "wide" sample will provide the first accurate picture of how and at what point in the process such cases reach what dispositions. From other research* we know that the formal labels given to cases are often more mystifying than revealing of the circumstances underlying an arrest or a PINS petition, so we will take a sub-sample of 500 cases and interview each of the persons who handled the case -- the arresting officer, the probation intake officer, and any other probation officers who become involved, the prosecuting and defending attorneys, the judges, the social workers, and (if possible) the intake workers at any agency or institution to which the juvenile is referred or placed. From this effort we hope to learn, among other things, more than the presently available anecdotal and journalistic record reveals about how (and how well) the existing process distinguishes between the serious and the trivial, between the chronic and the one-time delinquent, and between the need for control and the need for services. (Although this kind of research can help,

* Felony Arrests: Their Prosecution and Disposition in New York City's Courts, Vera Institute of Justice, 1977.

as well, to pinpoint process breakdowns and treatment gaps which can be filled by carefully thought-out pilots, it cannot tell us how the police might increase clearance rates for serious felonies -- a problem that is by no means peculiar to the juvenile side of law enforcement.)

2. A member of the Institute staff is attempting to establish and maintain regular contact with those in other jurisdictions who are, by design or by chance, dealing in some programmatic way with chronic offenders. Our sense is that these efforts -- whether oriented toward apprehension, prosecution, treatment or prevention -- are scattered, are not limited to government or government-funded agencies, and do not always surface in the various digests and newsletters devoted to current juvenile justice programs. In a small way, we hope to play a role by collecting and communicating information about what approaches are being attempted and, possibly, by helping the individuals involved to develop basic data-collection systems and procedures for recording their experiences and for identifying those approaches that seem promising and those that do not.
3. We will try to confront head-on what seems to us to be the most important question in the area of program: is it possible to develop a non-incarcerative, non-residential approach to treatment of chronic delinquents -- or even to their after-care -- that addresses the

community's need for protection from further delinquency by the participants, while at the same time providing to them services that fit a plausible treatment hypothesis. My own view is that if such programs could be developed they might do more than anything we have now to interrupt repetitive delinquent patterns in which particularly serious crimes are likely to occur. The major difficulty is combining a helping, advocacy role with a controlling function. Vera intends to develop a pilot, along these lines, for implementation in New York, and to find two or three existing programs elsewhere that would agree to sufficient modification to provide a richer and more varied base for research of such efforts.

It must be hoped that Vera's project activity, whatever merit it may have, comes to constitute but a small part of a much broader national effort. In my view, the agenda for that effort should combine basic research with the generation of testable program hypothesis, the implementation and evaluation of pilot projects, and the evaluation of practices and procedures in the juvenile justice systems of various jurisdictions as they adapt to the current, conflicting pressures upon them. I would recommend, as a beginning, including the following on that agenda:

1. Research

A proper understanding of the extent and nature of serious juvenile crime requires development of a new knowledge base. Some areas where research is needed could produce useful information in a relatively short time frame and at a low cost; other

areas would require more time and resources.

a. Data Collection. Basic descriptive information pertaining to the extent of serious juvenile crime and how serious offenders are presently handled by juvenile justice systems often is not available at all, or is fragmented.* Official and self-report delinquency studies are needed to address such issues as: 1) the extent to which serious juvenile crime is concentrated in particular subgroups of juveniles; 2) the characteristics of the different subgroups of juveniles involved in serious crime; 3) the patterns of involvement among the subgroups; 4) the extent to which juveniles whose serious delinquent acts are undetected are different from or similar to juveniles whose acts are detected; 5) changing patterns of serious juvenile crime over time; 6) the types of dispositions and services provided to serious juvenile offenders, and; 7) the impact of these dispositions and services on both self-reported and officially reported delinquency.

* And basic descriptive data of this kind is usually not comparable across jurisdictions. Also, while cohort studies have examined the characteristics and patterns of serious juvenile crime and have provided some valuable information, they are now dated and are not amenable to application of some of the more refined measuring tools that help detect differences between subgroups of offenders. Further, the cohort studies have relied on official statistics, and thus do not indicate in what ways the juveniles studied -- those coming into contact with the juvenile justice system -- differ from those who may also be involved in serious juvenile crime but who escape detection. The majority of self-report delinquency studies are cross-sectional, and thus, unlike the cohort studies, do not provide information on changes in the extent and patterns of serious juvenile delinquency over time.

b. Theory Development. Additional attention could usefully be focused on increasing our understanding of how and why some juveniles become chronic delinquents. The importance of the primary socializing institutions -- the family, the school, the job -- in insulating against delinquency has been noted by many. Yet we still know very little about how these institutions impact on the personality development and behavior of juveniles or how their impact is affected by the impact of the formal agencies of social control or the impact of illegitimate institutions such as gangs or organized crime. Among the questions begging for answers are these: Why do certain juveniles in a high delinquency area resist involvement in crime while others, sometimes from the same family, become chronic offenders? Why do juvenile delinquency rates vary between apparently similar communities? How do chronically delinquent juveniles begin their pattern of delinquency? Does organized crime play any role in launching or fueling these delinquent careers? Field studies at the community and neighborhood level, aimed at enhancing our knowledge in these areas, would need to inquire into the factors that appear to promote non-delinquent patterns as well as those that promote chronic delinquency.

The research agenda ought also to target the possible importance of organic factors. Among the psychological and environmental forces that shape delinquent behavior there may be significant and remediable biological determinants. Pediatric, neurological and psychiatric researchers are trying to relate health and diet to constitutional and developmental impairments, and to relate these, in turn, to anti-social behavior in family, school and community, both directly and through learning

and perceptual disabilities. These lines of inquiry are suggested in part by what we already know about the demography of reported crime and of poverty. The delinquent behavior of poor urban youth can be seen primarily as reactive -- a response to emotional deprivations, psychological stresses and capricious or non-existent guidance from adults and peers. But deficiencies of health, especially in connection with birth and nurture, are as typical of the lives of the poor as are the psychosocial stresses that are already counted among the causes of social pathology. Many of those deficiencies are known to impair children's mental and emotional development. Included among them are: prenatal and early childhood malnutrition; infections and injuries in pregnancy and birth as well as infancy and early childhood; gross uncorrected deficits in vision, hearing and dentition; undernutrition and episodic hunger; and heavy exposure to environmental toxins.

Research on such possible organic determinants of social pathology has been increasing, but has been of greater interest to psychologists, educators and research-oriented pediatricians than to the juvenile justice establishment. Studies that would confirm or deny the usefulness of considering organic factors in delinquent behavior will certainly require a greater commitment of federal funds. I understand that NIMH and LEAA have shown an interest that deserves every encouragement.

c. Research on Deterrence. Insufficient attention seems to have been focused, in the juvenile area, on the specific or general deterrent effects of formal sanctions. Deterrence

theory suggests that individuals calculate the costs and rewards of involvement in crime. The deterrent capability of the juvenile justice system is thought to increase as the certainty of apprehension, prosecution and imprisonment increases. But much more could be known about: 1) the extent to which deterrence -- for juveniles in particular -- is a function of the objective certainty of sanctions or the subjective perception of the certainty of sanctions; 2) how information on objective risks of involvement in crime is transmitted to juveniles; 3) whether external sanctions have an effect which is separate from and independent of the normative prohibitions against involvement in crime, whether and how external sanctions become internalized; 4) how much sanctions have to be increased in order to result in a given reduction in juvenile crime; and 5) whether increasing sanctions can have a deterrent effect on juveniles who do not have access to legitimate opportunities which might, if available, weigh heavily in the balance of costs and benefits of engaging in illegitimate conduct.

d. Evaluation of the Impact of Legislation Aimed at the Serious Juvenile Offender. The impact of lowering the age of juvenile court jurisdiction and of increasing waivers to adult court deserves examination. At a very basic level, we ought to know more about: 1) the types of sanctions imposed on juveniles who are waived into the adult court or who are placed there by a drop in the age for juvenile court jurisdiction (are the sanctions more severe or lenient than those of the juvenile court?); 2) the impact, on the juveniles who remain in the

juvenile court, of increasing waiver and of lowering the age jurisdiction of that court (do the sanctions imposed on the juveniles left behind increase in severity? Is the net effect to bring more juveniles under formal control by the combined adult and juvenile justice systems?); 3) the impact of mixing with the population of adult institutions those juveniles now waived to, or removed as a class to, the adult criminal justice system (do they become more criminalized, through their contact and exposure to adult prisoners in general, and to adult gangs located in prisons, in particular?); and 4) the deterrent effects, if any, that can be shown to have resulted from these changes.

2. Program Development

We are, I think, at a model-building rather than a model-replicating stage when it comes to treatment for chronic delinquents. At this point, attention need to be focused on the development, refinement, and testing of program ideas. Funds would be needed to support these developmental activities, but because dealing with chronic delinquents is difficult and the risk of failure higher than in programs for less serious delinquents, use of such funds would have to be clearly and effectively limited to the target group. There would need to be clear recognition that the effort is exploratory and that the guarantees of successes so often promised by action programs and anticipated by funding agencies would be inappropriate and likely to deflect the programs from their real but unusually challenging purpose. Outlined below are some program ideas:

a. Continuous Case Management. In Vera's Violent Delinquents study, we found that a major irrationality in the present handling of violent delinquents is the lack of continuity between the various agencies that pass along the system's responsibility for these juveniles. The lack of program continuity is compounded by, and in part a function of, the reluctance of most agencies and programs to accept such difficult charges. Juveniles with repeated involvement are likely to be shunted from the police, to detention, to court intake, through adjudication to an extended and unsuccessful effort to find a useful placement in a treatment program, to training schools, and back to the street. The relationships which can develop between the juvenile and the service providers, when there is continuity of attention to a juvenile, are quickly broken for the more serious juvenile delinquents (who may be in greater need of them) as they move from one point in the process to another and out to the street. A continuous case management approach might go some distance toward alleviating these problems and toward permitting the integration and delivery to this group of appropriate institutional and community-based services. A program pursuing these goals would identify early in a case a single locus of responsibility for: assessing the juvenile's treatment needs; developing a treatment plan; assuring that the services suggested in the treatment plan are delivered; maintaining regular contact with the juvenile during the treatment phase and monitoring the service providers to assure that the juvenile's needs are met; and helping the

juvenile to reintegrate into his community if he was removed from it for treatment or incarceration.

b. Intermediate and Multi-Purpose Approaches. The juvenile justice systems seem to suffer from a lack of alternative dispositions, for serious offenders, between the irregular contact of probation and the overwhelming control of training schools. The lack of choice seems to undermine clarity in the purposes attributed to dispositions in these cases -- there is little need to be clear, when the choice is so limited, whether the purpose is rehabilitation, punishment, protection of the community, or some combination. We need experiments with a variety of intermediate approaches which can serve multiple purposes. I have already outlined one approach, which Vera hopes to develop, that should attract wider efforts at actually controlling the behavior of chronic delinquents while they are in a community-based program. The continuity and intensity of contact between the juvenile and the worker in any program seriously reaching for these goals would necessarily be great enough not only to reap any benefits there may be in the continuous case management concept but also, possibly, to provide security to the community at least as great as that of placement in training schools from which it is too often easy to run away.

But is it possible to concentrate a control function and a helping function in one person? At what point would the intensity of continuous involvement between the program worker and the juvenile become counterproductive? Could that point be anticipated and avoided? At what point, if at all, could the

external control function embodied in the program worker be internalized by the youth? Could such an approach be made as secure, from the community's perspective, as institutional placement? What techniques of control work best, if any work? Could a program based on such a direct effort to prevent delinquent acts by its participants survive the commission of a serious crime by one of its charges? I think these questions do not have answers today and that we are going to need answers soon.

Removal of serious juvenile offenders from the community for short periods of time, to participate in wilderness trips, rural work projects, and similar programs, is another intermediate sanction which acknowledges the need for community protection and for offender rehabilitation. A recent evaluation of the Unified Delinquency Intervention Services program in Illinois (UDIS), conducted by the American Institute for Research, indicates that the greatest reduction in recidivism among chronic delinquents occurred for those who were placed in these types of programs.

c. Approaches Permitting Variation in the Level of Intensity of Supervision. The UDIS evaluation indicated that the effect of out-of-town placements was often lost upon the juvenile's return to his community. There have been similar findings from other wilderness approaches to the treatment of delinquency. Since juveniles may benefit more from particular approaches at certain times than at others, and since a particular approach may only have short-term value, it might be useful to test approaches that permit less restrictive program components

to be alternated with more restrictive ones, in order to preserve and reinforce the value there may be in any one.

d. Other Approaches. The program ideas sketched above would serve only as a beginning for an agenda of program development in the area of serious juvenile delinquency. There are equally important and interesting questions deserving attention about what programs are suited to secure institutions, to group homes and -- particularly if one tackles the difficult prevention issues -- to schools. There is a need in this area, as in the criminal justice field generally, for a clearer understanding of specific and general deterrence and what programs might enhance deterrent effects. Is it more important, for example, to help the police to increase the apprehension rate for serious crime by juveniles (which is very low in many jurisdictions today) or to help the courts and the prosecuting authorities secure higher adjudication rates in cases where arrest is made?

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I will end my shopping list, rather abruptly, at this point. There is enough in it, I think, to convey my feeling that our collective need for information and for a focused program development effort in this area is great. But development of a national agenda on serious juvenile delinquency, and its implementation, will require priorities to be set among the items I have mentioned as well as other and quite different ones that I have failed to mention, will require funds to be allocated, and will require that the right mechanism be geared

up for implementation. This Committee will play an important role in these developments, and I am grateful to have had an opportunity to participate in these deliberations.

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