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Report of a Study Requested By Govenor Calvin L. Rampton of the Utah Juvenile Justice System

Youth Development and Delinquency Prevention Administration

Social and Rehabilitation Service

U.S. Department of Health, Education, and Welfare

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Report of a Study
Requested By

GOVERNOR CALVIN L. RAMPTON



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of the

UTAH JUVENILE JUSTICE SYSTEM

Conducted By

YOUTH DEVELOPMENT AND DELINQUENCY PREVENTION ADMINISTRATION
SOCIAL AND REHABILITATION SERVICE
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Washington, D. C.
December 16, 1971



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
SOCIAL AND REHABILITATION SERVICE
WASHINGTON, D.C. 20201

DEC 2 1967

Honorable Calvin L. Rampton
Governor, State of Utah
Salt Lake City, Utah

Dear Governor Rampton:

I am transmitting herewith a report of the study of the Utah Juvenile Justice System which you requested.

From a standpoint of a national effort to prevent juvenile delinquency and to divert juveniles away from the juvenile justice system, some of the recommendations contained in this report break new ground. In adopting them the State of Utah will be providing national leadership in carrying out the recommendations in this area of the President's Commission on Law Enforcement and the Administration of Justice.

After you and your staff have had an opportunity to review this study report, if you so desire, we can arrange for a meeting with as many of the consultants as necessary to discuss the recommendations.

Assistance in drafting appropriate legislation to carry out recommendations of this study report can also be made available by this office if you so desire.

Please do not hesitate to call upon us for any future assistance.

Sincerely yours,

R. J. Gemignani
Robert J. Gemignani
Commissioner
Youth Development and
Delinquency Prevention
Administration

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A. INTRODUCTION.

This study originated in a request by Governor Calvin A. Rampton to Mr. Robert J. Gemignani, Commissioner, Youth Development and Delinquency Prevention Administration, Social and Rehabilitation Service, Department of Health, Education, and Welfare on June 17, 1971 for an "objective evaluation" of the Utah State Industrial School. This request was in keeping with the Governor's policy of requesting outside evaluations of various State programs.

After a series of meetings, it was determined that it would be appropriate to assess at the same time the related parts of the Utah youth correctional machinery.

Specifically, the Governor's request was for a study of the Utah juvenile justice system to include:

1. The current and future role of our State Industrial School
2. Alternatives to Industrial School commitment.
3. The appropriate limits of Juvenile Court jurisdiction
4. Alternatives to Juvenile Court jurisdiction for those cases deemed inappropriate for Court intervention.

This request was finalized at a meeting called by the Governor and held on September 1, 1971 at Salt Lake City. In attendance were over 50 representatives from all three

branches of the Utah Government, the Department of Health, Education, and Welfare, voluntary agencies, as well as others interested in the Utah juvenile justice system.

B. PARTICIPANTS, SCOPE, METHODOLOGY, AND LIMITATIONS.

To carry out the study, the Youth Development and Delinquency Prevention Administration selected the following study participants, assigning them the areas of study indicated:

<u>Herbert W. Beaser,</u> Private consultant, Maryland. Formerly Chief Counsel, U.S. Children's Bureau and U.S. Senate Juvenile Delinquency Subcommittee	<u>Study coordinator and Editor of Study Report</u>
<u>Mr. Jay Olson,</u> Deputy Director, Division of Program Development, YDDPA, Washington, D. C.	<u>YDDPA Staff Coordinator</u>
<u>Mr. James Carmany,</u> Director of Juvenile Services, Juvenile Court, Las Vegas, Nevada	<u>Juvenile Courts, Pro- bation</u>
<u>Mr. John Downey,</u> Juvenile Delinquency Specialist, Social and Rehabilitation Service, DHEW Regional Office, Seattle, Washington	<u>Detention and Shelter Care</u>
<u>Miss Elizabeth Gorlich,</u> Juvenile Delinquency Specialist, Social and Rehabilitation Service, DHEW Regional Office, San Francisco, California	<u>Institutions and Aftercare</u>

Mr. E. W. Halbrook,
Juvenile Delinquency Specialist,
Social and Rehabilitation
Service, DHEW Regional Office,
Denver, Colorado

Regional Office Liason

Mr. James Rowland,
Regional Supervisor, Community
Services Division, California
Youth Authority, Sacramento,
California

Police Services

Mr. William H. Sheridan,
Assistant to the Commissioner
on Legislation, YDDPA, Washington,
D.C.

Legislation

Miss Anne Sundwall,
Regional Representative Family
and Child Services, Social and
Rehabilitation Service, DHEW
Regional Office, Denver, Colorado

Family and Child Services

Other staff members of YDDPA were available as needed for consultation.

Governor Rampton designated Mr. Richard Lindsay, Executive Director, Department of Social Services, as his liason with the Study Group. Both Mr. Lindsay and his staff were extremely helpful in expediting the work of the Study Group.

Scope and Methodology of this Study.

Within the limits of available resources and time, not every facet of every factor having an important bearing upon the functioning of the Utah juvenile justice system

and the four specific charges in the Governor's mandate to the Study Group could be studied in the depth which all the members would have desired.

After the selection of the Study Group, six of its members held an organizational meeting in Salt Lake City on October 7. They met with Mr. Lindsay and other State officials for preliminary briefings and for a general discussion of the mechanics of conducting the study and of its necessarily limited scope. The members also met separately to map out the course of the study. Two members, Miss Gorlich and Mr. Downey, had already spent many days in field work even before that initial meeting.

Each Study Group member with respect to the assigned study area reviewed available written material, conducted innumerable interviews, drafted and submitted for completion detailed questionnaires, attended relevant meetings, etc.

Especially helpful to the Study Group was the fact that there was made available to each member copies, while still in draft form, of the report entitled "Youth Services Planning Project 1972"--a study funded by the Youth Development and Delinquency Prevention Administration. This enabled the members of the Study Group to obtain quickly an overview of the status of the availability of youth services in Utah.

While the members of the Study Group conducted many interviews with persons knowledgeable in their individual areas of study, they are well aware of the fact that there are many other equally knowledgeable individuals who could have made an equally valuable contribution.

All the members of the Study Group desire to express their deep appreciation for the many courtesies extended to them, for the friendliness with which they were met, for the frankness with which their inquiries were answered, and for the consistently high degree of cooperation they received, without exception, from all whom they approached, whether public officials, employees of voluntary agencies, or private citizens engaged in the arduous, worthwhile, sometimes frustrating, but always inwardly rewarding task of helping youngsters.

Within imposed deadlines, each of the members of the Study Group completed a report on the assigned area of study responsibility and circulated that report to the other members of the Study Group for written or telephoned comments by each member, both to the author and to the Study Coordinator. Those reports, taking into account the comments by each of the other members of the Study Group, were then put together by the Study Coordinator into a draft Study Report, which was considered at length

at a meeting in Washington, D. C. on December 8, 1971 by most of the consultants (comments from the others having previously been received), the draft revised in the light of those discussions and comments, and this Study Report prepared.

Limitations of this Study.

Putting together a knowledgeable, multi-disciplined study group on short notice meant that many of the members had to juggle time already committed to fulfilling other assignments so that they could participate in this study. Assembling such a group quickly was greatly facilitated by the wholehearted cooperation of the three Regional Commissioners of the Social Rehabilitation Administration-- Commissioner James R. Burress, Denver, Commissioner Philip R. Schafer, San Francisco, and Commissioner Richard A. Grant, Seattle--of the Department of Health, Education, and Welfare, each of whom freed members of his already hard pressed staff from other urgent duties so they could participate in this study.

The Study Group believes that the following subjects, which do affect the Utah Juvenile Justice System, warrant further study:

1. Drug Abuse: This problem is growing in Utah. According to the 1970 Annual Report of the Juvenile Court, referrals for this cause increased from 24 to 627 juveniles in a

period of four years--from less than 1.2% of total offenses in 1967 to 3.1% in 1970. There has been a 21.4% increase in glue, gas and paint sniffing offenses in the same period.

2. The Law Enforcement Planning Agency: This is a relatively new, but potentially a very important State agency since it is charged with the task of stimulating the development of innovative methods for the prevention and treatment of juvenile delinquency, acting as a conduit through which Federal funds are channeled into the State of Utah from the Department of Justice. Here it would be most important to evaluate the efficacy of the decision making processes and procedures of the Law Enforcement Planning Council and its staff in seeking to meet the urgent needs of the State of Utah.

3. Jurisdiction: Of concern would be the effects upon the juvenile justice system of the practice in Utah of both a municipal police department and the county sheriff providing law enforcement services within an incorporated city.

4. Age of delinquency referrals: There appears to be an increasing tendency to utilize the Juvenile Court for the handling of young children:

	<u>1969</u>	<u>1970</u>
Ages 0 - 5, incl.	20	41
Ages 6 - 11, incl.	577	653

This would certainly appear to be an area for further study.

5. Problems of Minorities: Throughout the study comments were made by numerous individuals regarding the problems faced by the minorities in Utah in relationship to the juvenile justice system and other youth-serving agencies. While some of the recommendations in this Study Report are designed to answer some of these problems there, nevertheless, are still many unanswered questions to which further study should address itself:

What are the attitudes and problems of children from such minorities vis-a-vis the police--and vice versa? How many police officers are from such ethnic minorities in relationship to the population served? What attempts are being made to recruit new police officers from such minorities?

Why the disproportionate numbers of children from such ethnic minorities coming before the Juvenile Court being committed to the State Industrial School?

Is there a tendency to over-refer juveniles from such ethnic minorities as delinquents to the juvenile justice system rather than as neglected children?

Are the ethnic differences of these children properly understood and compensated for by the schools, the police, the social agencies, the courts, probation staffs, etc.?

To what extent is the truancy rate among Spanish-American children higher because of unremedied language barriers in the schools? How much of the unrest at the Utah State Industrial School is attributable to such language difficulties--how much to continued inattention to repeated requests for ethnic foods?

These are only some of the questions in this area raised during the course of this study. They obviously require immediate in-depth exploration and remedial action if needed.

6. Needed additional facilities and services: There is great need in Utah for strengthened protective services, for many kinds of foster and group homes, for short term residential facilities based in the community designed to phase children back into community living just as soon as possible. Many of these needs are cited by Judge Larson in his letter of July 21, 1971 to Mr. Lindsay.

However, if the recommendations contained in this Report with respect to the diversion of children from the juvenile justice system are followed, then the need for such additional facilities and services becomes acute, as does

the necessity for an immediate study of the types, costs, etc. of the additional facilities and services needed.

If we are serious about the need to divert young people away from the "juvenile justice system" we must establish necessary and viable alternatives.

Those alternatives must be specifically designed to meet each youngster's needs and must also be adequate in quantity and quality to accomplish the objective. But most importantly, they must be available when the youngster needs them. Another matter should be stressed at this point. It concerns the educational system. The "Youth Services Planning Project 1972" points out the following:

"Many students are failing in our public school system. This failure seems to relate to delinquency in that the delinquent usually does poor to failing work in school. At the State Industrial School, 74 per cent of the students were one or more grades behind. One of the contributing factors appears to be curriculum content and/or delivery that is not relevant to students, especially for those who are doing poorly in school. Minority groups often find a language barrier prevents them from successful school experiences. Others find that the college preparatory curriculum limits their educational choice." (p. 96)

"Members of minority groups are more likely to drop out (of school) and are more likely to become delinquent. Minority groups are more likely to be in a lower economic level of income and therefore this, as well as other common social economic characteristics of minority groups, may affect both the drop out and the delinquency rate..." (P. 99)

"Many teachers are unable to work with 'problem students,' (those who do not conform to expected behavior). This is often due to the fact that the teacher's attitudes are not always conducive to students' learning. Teacher preparation does not stress expertise in working with children's behavior..." (p. 99)

It is hoped that this Report, and the Recommendations it contains, will be helpful to the State of Utah and useful not only in improving its Juvenile Justice System but also in diverting ever increasing numbers of juveniles from that system.

C. MAJOR RECOMMENDATIONS.

While this Study contains many recommendations set forth in detail under the appropriate topics, the following -- very briefly -- are some of the major recommendations.

Recommendations requiring legislative changes:

- (1) Statutory revisions needed to eliminate jailing juveniles. (E-3-a)
- (2) Need to strengthen and revise, by legislation if necessary, detention practices and procedures. (E-3-b)
- (3) An appropriate State agency should be given the responsibility to establish a state-wide system of detention facilities for all children who require detention pending court disposition. (E-3-c)
- (4) Need for the establishment of a network of shelter care facilities. (E-3-d)
- (5) Juveniles adjudged delinquent should be committed to an appropriate State agency for the provision of treatment services. (F-3-a)
- (6) Probation services should be administered on a state-wide basis by an appropriate State Agency in the Executive Branch of the State Government. (F-3-b)
- (7) Jurisdiction over many types of traffic offenses should be removed from the Juvenile Court. (F-3-d)
- (8) There is need for a Family Court of which the Juvenile Court would be a Division. (F-3-e)

- (9) Juvenile Court judges should hold office as do other District Court judges. (F-3-e)
- (10) The statutes dealing with the State Industrial School should be revised so as to bring them up to date and to protect the rights of juveniles confined there. (G-3-c)
- (11) Major construction at the State Industrial School should be postponed. (G-3-b)
- (12) The State Industrial School's Advisory Committee should be given a statutory base and made more representative of diverse groups. (G-3-p)
- (13) If recommendation #4, Supra is implemented, after care services should be administered through that same State Agency rather than through the School. (G-3-q)
- (14) The jurisdiction of the Juvenile Court should be changed by removing its jurisdiction over status offenses--acts which would not be crimes if committed by adults. A law should be enacted requiring an appropriate State agency to provide, under clearly defined safeguards, needed services for juveniles committing such offenses and limiting the action which may be taken by the Juvenile Court, with respect to such juveniles, to legal proceedings in which it is sought to change the legal status of such juveniles. (H)

Recommendations requiring administrative actions:

- (1) Police Departments need increased training opportunities. (D-2-a-d,g)
- (2) Police referrals to social and rehabilitation agencies should be increased. (D-2-i)
- (3) Greater screening by police of referrals to court. (D-2-h)
- (4) P.O.S.T. should provide police consultation. (D-2-3)
- (5) Salaries of probation staffs should be reviewed and raised to make them competitive. (F-3-b)
- (6) The use of volunteers in the non-judicial handling of juveniles should be reviewed and their overuse discontinued. (F-3-b)
- (7) There is need for much greater probation staff development and for the development of a Probation Manual.
- (8) All County Attorneys should become involved in juvenile proceedings. (F-3-f)
- (9) Legal counsel should be used much more frequently in Juvenile Court proceedings. (F-3-g)
- (10) Short-term commitments to the State Industrial School should be stopped. (G-3-a)
- (11) Decisive action by Superintendent of State Industrial School needed in many areas to bring about a cohesive, dynamic administration of the School. (G-3-d,f,h,o)

(12) The 1969 study of the educational system at the State Industrial School should be implemented.

(G-3-e)

(13) Social work staff at State Industrial School should be increased. (G-3-g)

(14) More representation of ethnic minorities needed on staff of State Industrial School.

(15) Student Council at State Industrial School should be strengthened.

(D) Police Services.

1. Study Findings.

- (a) General background.
- (b) Inservice Training - P.O.S.T.
- (c) Technical Assistance.
- (d) Interagency relationships.
- (e) Juvenile Bureaus.
 - i. Salt Lake Police Department.
 - ii. Salt Lake County Sheriff's Department.
 - iii. Ogden Police Department.
 - iv. Model Youth Division.
- (f) Referral and Detention Practices.
- (g) Delinquency Prevention.

2. Study Recommendations.

- (a) Training needed in small law enforcement departments.
- (b) Training needed in medium sized law enforcement departments.
- (c) Increased juvenile training for recruits.
- (d) Supervisory and executive training.
- (e) Full-time consultation by P.O.S.T.
- (f) Scheduled meetings of law enforcement, probation, court and detention personnel.
- (g) Increased Inservice Training.
- (h) Screening of referrals to probation.
- (i) Police referrals to other agencies.
- (j) Notice of dispositions from probation.
- (k) Law enforcement delinquency prevention activities.

(D). Police Services.

(1) Study Findings.

(a) General background.

Law enforcement agencies in Utah, as elsewhere in the nation, are faced with the multi-dimension challenge of providing progressive law enforcement services designed to make communities better and safer places to live while, at the same time, continued energy must be invested in the upgrading and professionalization of law enforcement. These two tasks are inseparable and complementary.

These inseparable missions of "protection" and "professionalization" must be met in the face of changing roles, role redefinition and, in some cases, community turmoil. Utah's law enforcement agencies seem to be making real strides to meet the challenges of modern law enforcement. Efforts are being made to provide new and upgraded services through the State Planning Agency and continued efforts aimed at professionalization are being aided through the Peace Officers' Standards and Training Commission. Both of these agencies are primarily designed to be resources for local law enforcement.

There are 186 law enforcement agencies in Utah. There are 1,770 law enforcement officers with "general arrest" powers. Throughout Utah there is an average of one officer per 1,000 population as contrasted to a national average of over two officers per one thousand population.

It is unlikely that there will be an increase in the amount of specialization for juvenile control until the ratio of total personnel to population is increased, particularly since the administrators interviewed during this study feel that additional manpower is the most critical problem facing law enforcement. The ratio in the cities of Salt Lake and Ogden is approximately 1.4 officers per one thousand population. The ratio in Weber County is approximately 3 officers per one thousand population. However, in Weber County approximately 50% of the sheriff's personnel is assigned to the jail division.

Of Utah's 186 law enforcement agencies, 166 have ten men or less. A department with only ten personnel probably cannot support a full-time juvenile specialist.

(b) Inservice Training - P.O.S.T.

Most law enforcement training in Utah is provided through the Peace Officers' Standards and Training Commission (P.O.S.T.). Through this State agency, which was organized in 1967, basic and advanced training is provided. Most agencies participate in the 280 hour basic course that is designed as recruit training.

Additional training opportunities through P.O.S.T. include:

Administrative Training - This is an 80-hour program for sergeant of first-line supervisory personnel.

Command Supervision - This is also an 80-hour course for lieutenants and captains.

Executive Development Course - An 80-hour course for chiefs and police and sheriffs.

A variety of "technical development courses" can also be provided through the P.O.S.T. program.

Forty hours of inservice and advanced training can also be provided through P.O.S.T. on an annual basis. P.O.S.T. will provide the appropriate instructors. Regional advisory groups can determine the subjects to be covered in the 40-hour inservice training. However, P.O.S.T. will specify the curriculum for those officers working toward an advanced certificate.

The recruit program for 280 hours covers a variety of topics and issues related to professional law enforcement. Unfortunately only 6 hours of the basic training pertain to juvenile procedures. Most law enforcement administrators throughout the nation agree that a good basic training program is only the first phase in preparing the new officer to assume his many responsibilities as a professional law enforcement officer. A basic course can only go so far and there is considerable knowledge, important to the officer which cannot be covered at the basic level. The P.O.S.T. 40-hour annual training program may or may not cover the needs of a good departmental inservice training program, depending on course content, which should have the following aims:

Review and discussion of material covered at the basic level.

Instruction and clarification of existing and new departmental policies and procedures.

Instruction on special law enforcement techniques.

Instruction and interpretation of new laws and case decisions.

The more experienced officers within the department and instructors from outside agencies can usually be utilized in the departmental inservice training program.

A need for the development of a continuous inservice training program aimed at providing advanced training for uniformed officers is particularly important in Utah in view of the wide discretion that has been given to uniformed officers.

Uniformed personnel and juvenile specialists have the same discretion in referring juvenile cases to the probation department or the detention center. This discretion and accompanying responsibility should make the development of departmental inservice training problems doubly important.

The need for advanced training on juvenile procedures for uniformed personnel is strongly stressed by the International Association of Chiefs of Police.

"Juveniles are more often initially contacted by patrolmen performing general police functions than they are initially by juvenile specialists. The important principles and approved practices must be a part of the operational armament of all patrolmen for this reason. In the past, most of our training emphasis has been directed toward the juvenile officer and the training of the patrolmen for this area has been neglected. This trend must be reversed... Clearly, every police officer must be well trained in the principles and practices which are peculiar to police relations with juveniles as specified by laws and police regulations... The magnitude and importance of juvenile delinquency demands superior training at all levels of the police department."

Personnel assigned to the juvenile division should also receive advanced training on specialized topics. Such topics can include juvenile court law, special law enforcement techniques with juveniles, interviewing techniques, behavior problems of teenagers, delinquency prevention techniques and interagency coordination.

(c) Technical Assistance

Training is one important vehicle for upgrading and improving services. A second and equally effective method is to study and evaluate existing policies, procedures, programs and services. This evaluation process is difficult and can be very time consuming; however, it is an extremely important process, particularly in light of Utah's manpower needs.

The time and energy of most law enforcement administrators and managers is consumed by the day-to-day operations and they seldom, if ever, have the time to engage in a lengthy study and survey process. Such a process is critical in light of minimum resources to perform the difficult tasks related to protection and prevention.

Technical assistance to an individual department from an outside resource can make a significant contribution in improving and/or expanding existing services and programs. Such technical assistance should have the following aims:

Review and evaluation of existing services, policies and programs.

A review of the current organizational structure.

Review and evaluation of the existing allotment of resources.

Improve administrative and management practices.

Improve and increase the utilization of community resources.

Law enforcement agencies are particularly receptive to outside consultation and assistance. Most law enforcement administrators and managers are especially concerned about improving services and many have been isolated from new administrative and management practices that would help upgrade services. A technical assistance staff person can bring new ideas, concepts and program ideas to receptive departments. Planning and technical assistance are currently available from the law enforcement planning agency. However, such assistance is usually rendered in connection with a specific proposal for grant funds. This is a needed service, but the long range goals and objectives basic to law enforcement and prevention is not at all related to the financing of special projects.

(d) Interagency Relationships

Law enforcement officials described the working relationships between law enforcement and probation as "good", "very good" or "satisfactory." As can be expected, some law enforcement agencies seem to have a closer working relationship with probation personnel than other departments enjoy. While the general working relationships were described as satisfactory, the following concerns were expressed by law enforcement officials:

The lack of feedback on dispositional information on juvenile cases. (This varies between jurisdictions.)
The lack of an established vehicle for joint planning and/or exchange of information between law enforcement, probation and detention personnel.

The lack of law enforcement involvement in some training opportunities presented under the sponsorship of probation and court personnel. An example of this was the recent workshop presented in Salt Lake on neglected and battered children. Law enforcement agencies apparently were not involved either in the planning or participating in this significant training opportunity.

It is important that, while law enforcement and probation personnel must continue to fulfill their individual responsibilities and maintain their legal identities, these agencies meet on a scheduled basis to keep the lines of communication open and to discuss mutual concerns and problems.

None of the jurisdictions seem to have established county-wide vehicles or structures which would enable middle management personnel from the various agencies to meet on a scheduled, planned basis.

(e) Juvenile Bureaus

The Salt Lake Police Department, the Salt Lake County Sheriff's office, and the Ogden Police Department all have juvenile bureaus; the Weber County Sheriff's office does not.

Personnel for the juvenile bureau are selected by the bureau captain. His primary criteria for selection include demonstrated ability and success as a patrolman and an interest in juvenile work. There is no additional testing process or procedure. Personnel selected for the juvenile bureau do not receive any pay differential. They are paid at the same level as patrolmen. This is also true of detectives in the detective division.

Functions of the Salt Lake Police Department's Juvenile Bureau include:

- Investigation of runaway cases involving young people under age 18;

- Investigation and disposition of abandoned, abused and neglected children;

- Investigation of bicycle thefts;

- Investigation of auto thefts, car strips, car prowls, abandoned cars, impounded cars and vandalism of cars;

- Investigation of all cases concerning the schools except safe burglaries.

- Investigation of cases customarily involving juveniles including vandalism and B-B guns.

The captain of the bureau also supervises four school resource officers; the captain indicated that the policies and procedures for this particular program are established by the various schools and this service is attached to the bureau for administrative purposes only.

This study included a review of the functions and practices of the former three agencies.

While the functions appear to be rather ambitious, it was frankly admitted that they do not have adequate manpower trained to carry out the functions as listed. As an example, there is very little opportunity to spend a great deal of time on prevention or counseling activities. This was true with all three juvenile bureaus.

1. Salt Lake Police Department

The juvenile bureau of the Salt Lake Police Department has a total strength of 18 positions. The division is headed by a captain and is staffed with one lieutenant, one sergeant, 12 detectives and two stenographers. The lieutenant is responsible for the auto theft detail. In addition to clerical duties, the stenographers are responsible for case assignments.

The juvenile bureau is on an equal level organizationally with the detective division. The captain of the juvenile bureau and the captain of the detective bureau both enjoy equal status and both report directly to the assistant chief responsible for field services. The assistant chief is also responsible for traffic, patrol, and special investigations. All of these bureaus are headed by captains.

The following functions have been assigned to the juvenile division:

Acting as clearing agency for all referrals with respect to juveniles handled by the department;

Maintaining records and statistics on all juvenile offenders, the number of referrals, sex, type of crime, age group, and location of resident on spot map;

Acting as liaison and referral agency between the department, the juvenile court, other police agencies, schools, family and the community;

Handling speaking assignments in most areas except traffic safety and civil defense;

Providing assistance and counseling to parents and others upon their request;

Informing and guiding officers of the department on the laws, techniques and methods of controlling and preventing delinquency;

Following up all juvenile cases referred to the division and not specifically assigned to other divisions;

Working in all areas toward the prevention of delinquency.

iii. Ogden Police Department

The juvenile bureau of the Ogden Police Department consists of one sergeant and two detectives. The sergeant heads the bureau and he reports to the captain of the detective division. The captain reports directly to the chief of police.

The sergeant has headed this bureau for quite some time. However, the detectives are assigned to the bureau on a rotating basis for training and staff development. The chief of police reports that he hopes to increase the manpower assigned to the juvenile bureau as soon as possible. He hopes to obtain additional personnel through the PEP

program and if this is possible, some of the personnel will be assigned to the youth bureau. At the same time, the juvenile bureau will be given additional responsibilities in the area of drug and school problems.

Functions assigned to the juvenile bureau include:

All sex investigations including sex offenses involving adult offenders and victims;

Follow-up investigations involving juveniles under 18;

Runaway cases;

School problems;

Investigation and disposition of neglect, abuse and contributing;

Escapees from the state industrial school;

The Ogden Police Department has 96 officer personnel to serve a population of 68,000. This means there is a ratio of approximately 1.4 officers per 1,000 population. Approximately 3% of the department's personnel are assigned to the juvenile bureau.

iv. Model Youth Division

The juvenile division personnel who were interviewed during the process of This Study seemed genuinely concerned about the role of law enforcement in controlling and preventing juvenile delinquency. Most expressed good ideas for new programs or ways of improving existing programs; however, without exception, they expressed the opinion that either

new personnel or a reassignment of existing responsibilities would be necessary before the juvenile bureaus could provide new services or significantly expand existing ones.

The functions recommended for a law enforcement youth division outlined in the Youth Services Planning Project prepared by the Utah's Law Enforcement Planning Agency are:

1. Assisting the chief administrator in forming and implementing policies for dealing with juveniles;
2. Promoting community relations with agencies dealing with children contacted by the police, such as the Juvenile Court, schools, welfare agencies and private organizations;
3. Follow-up investigation on specific types of offenses that children have been involved in, such as run-away and sex offenses;
4. Reviewing reports of all police contact with children;
5. Working with the patrol division in controlling delinquency;
6. Helping patrol areas of the community that are particularly prone to certain kinds of delinquency, such as gang fights;
7. Assuming primary responsibility for all referrals to the Juvenile Court, regardless of which division originally investigated the alleged delinquency.

The adoption of the above functions by the juvenile bureaus included in this study would require either the addition of new personnel, or a reassignment of existing functions.

The Ogden and Salt Lake Police Departments have assigned considerable responsibility for certain adult offenses to the juvenile divisions.

One possibility would be to reassign those responsibilities or to add additional personnel to the juvenile divisions.

(f) Referral and Detention Practices

The criteria for either detention or referral do not seem to be well established in the department studied. In terms of criteria for detention, most of the officers interviewed simply refer to the code section in reference to protecting the juvenile or community. The criteria were even vague in terms of types of cases that should be referred to probation and juvenile court.

From a review of the statistics provided by the departments, the following findings can be made:

It is difficult to determine the actual number of cases referred for detention or to juvenile court;

It is unclear the number of cases that are handled informally; that is, closed at the departmental level or referred to a private agency;

The statistical terminology is different for each department studied and there is no statewide reporting system;

It does appear, however, from the statistics provided that a significant number of young people are being referred for court action for relatively minor offenses. Many of these minor offenses should be closed at the departmental level.

One procedure which would possibly help in this regard would be for each department to institute some type of referral screening within the juvenile bureau before the case actually leaves the department.

The lack of sufficient discussions between law enforcement personnel and court and detention personnel as to the development of criteria for referral to both detention and the court was noted. While the primary responsibility for the determination of such policies must rest with the law enforcement agencies, those policies should be set in close cooperation with detention and court authorities.

This Study found considerable hesitation on the part of the law enforcement officials interviewed to refer cases needing services outside the juvenile justice system to other agencies, both public and private, having responsibility to provide such services. The adoption of appropriate, explicit joint policy statements would encourage such referrals.

(g) Delinquency Prevention

Most law enforcement administrators are anxious to expand law enforcement's role in delinquency prevention activities. This is particularly true in Utah. However, there are very few law enforcement based delinquency prevention programs in Utah.

The Salt Lake County Sheriff's Office is making earnest efforts to move in this program area. Personnel in the Sheriff's Office are active in a variety of activities which could eventually lead to good prevention programs. The coordinating council, sponsored by the Sheriff's Office, could very well prove to be an excellent vehicle for delinquency prevention efforts. The police department in Ogden is attempting to provide a variety of drug education programs. These programs demonstrate law enforcement's interest in expanding services.

It is felt that there will not be additional activities in delinquency prevention until there are new financial resources and personnel which can be specifically assigned delinquency prevention responsibilities.

The following principle might serve as a guide in the development of law enforcement activities in the field of the prevention of juvenile delinquency:

Police should provide initiative and leadership in the formation of needed youth-serving organizations within the community where none exist, but should encourage non-police leaders to take over and carry on the activities rather than expending official department time and funds.

2. Study Recommendations

(a) Training needed in small law enforcement department.

In small law enforcement departments (with under 15 officers) at least one officer should receive additional training on juvenile problems and serve as a resource for the remainder of the department.

(b) Training needed in medium sized law enforcement departments.

In law enforcement departments with 15-20 officers (approximately 20 departments throughout Utah), there should be a juvenile specialist, fully trained, on a full-time basis.

(c) Increased juvenile training for recruits.

The number of hours allotted for recruit training should be increased from 280 to 320 hours and that a significant amount of the increased hours be allotted to juvenile problems and delinquency prevention.

(d) Supervisory and executive training.

P.O.S.T. should incorporate appropriate juvenile control and delinquency prevention topics in the supervisory, command and executive development training courses.

(e) Full-time consultation by P.O.S.T.

P.O.S.T. should provide full-time consultation services to law enforcement agencies throughout Utah, since there is such a close relationship between training services and technical assistance.

(f) Scheduled meetings of law enforcement, probation, court and detention personnel.

Law enforcement, probation, detention and juvenile court personnel should meet on a scheduled basis to discuss mutual problems and concerns.

(g) Increased in-service training.

Law enforcement administrators should increase the amount of departmental inservice training pertaining to juvenile procedures and juvenile programs, in cooperation with or independent of P.O.S.T.

(h) Screening of referrals to probation.

Referrals to probation by law enforcement agencies should be screened by personnel in the juvenile division, in accordance with standards worked out in consultation with probation, court and detention personnel, before the juvenile leaves the agency.

(i) Police referrals to other agencies.

Appropriate procedures and policies should be developed to provide for police referrals to public and private agencies providing services to children and youth, in addition to probation and the juvenile court.

(j) Notice of dispositions from probation.

Probation should provide the referring law enforcement agency with appropriate dispositional information regarding the type of disposition and why.

(k) Law enforcement delinquency prevention activities.

Law enforcement agencies and juvenile bureaus should provide initiative and leadership in the formation of needed youth-serving organizations within the community where none exist, but should encourage non-police leaders to take over and carry on the activities rather than expending official department time and money.

E. DETENTION AND SHELTER CARE.

1. Pertinent Statutory Provisions.

- a. Definitions
- b. Who may take child into custody
- c. Placement of Child in Detention Facility
- d. Children in jail
- e. Special places of detention to be provided
- f. County Responsibilities for detention care
- g. Detention contracts between counties
- h. Assistance by state in establishment and administration of detention centers.
- i. State financial assistance for detention centers.
- j. State financial assistance for housing for detention centers.

2. Study Findings.

- a. Juveniles jailed in Utah despite the law
- b. Large numbers of juveniles being detained needlessly
- c. Regional Detention
- d. Shelter care of allegedly delinquent children

3. Study Recommendations

- a. Statutory revisions needed to eliminate jailing juveniles
- b. Need to strengthen and revise, by legislation, if necessary, detention practices and procedures.
- c. An appropriate State agency should be given the responsibility to establish a state-wide system of detention facilities for all children who require detention pending court disposition.
- d. Establishment of network of shelter care facilities

E. DETENTION AND SHELTER CARE.

1. Pertinent Statutory Provisions.

(a) Definitions: 55-10-64 Utah Code Annotated:
" (5) "Detention" means the temporary care of children who require secure custody in physically restricting facilities pending court disposition or transfer to another jurisdiction.
(6) "Shelter" means the temporary care of children in physically unrestricted facilities pending court disposition or transfer to another jurisdiction."

(b) Who may take child into custody: U.C.A. 55-10-90 provides: "a child may be taken into custody by a peace officer without order of the court (a) when in the presence of the officer the child has violated a state law, federal law or local law or municipal ordinance; (b) when there are reasonable grounds to believe that he has committed an act which if committed by an adult would be a felony; (c) when he is seriously endangered in his surroundings, or for his protection or the protection of others; (d) when there are reasonable grounds to believe that he has run away or escaped from his parents, guardian, or custodian.

"A private citizen or a probation officer may take a child into custody if the circumstances are such that he could make a citizen's arrest if an adult were involved. A probation officer may also take a child into custody under the circumstances set out in the preceding paragraph, or if the child has violated the conditions of probation, provided that the child is under the continuing jurisdiction of the juvenile court or in emergency situations in which a peace officer is not immediately available.

"When an officer or other person takes a child into custody, he shall without unnecessary delay notify the parents, guardian, or custodian. The child shall then be released to the care of his parent or other responsible adult unless his immediate welfare or the protection of the community requires that he be detained. Before the child is released, the parent or other person to whom the child is released may be required to sign a written promise, on forms supplied by the court, to bring the child to the court at a time set or to be set by the court.

"A child shall not be detained by the police any longer than is reasonably necessary to obtain his name, age, residence and other necessary information, and to contact his parents, guardian or custodian. If he is not thereupon released as provided in the preceding paragraph, he must be taken to the court or to the place of detention or shelter designated by the court without unnecessary delay.

"The officer or other person who takes a child to a

detention shelter facility must notify the court at the earliest opportunity that the child has been taken into custody and where he was taken; he shall also promptly file with the court a brief written report stating the facts which appear to bring the child within the jurisdiction of the juvenile court and giving the reason why the child was not released."

(c) Placement of Child in Detention Facility: U.C.A. 55-10-91 provides: "(1) No child should be placed or kept in a detention or shelter facility pending court proceedings unless it is unsafe for the child or the public to leave him with his parents, guardian or custodian. A child who must be taken from his home but who does not require physical restriction shall be given temporary care in a shelter facility and shall not be placed in detention, as defined herein.

"When a child is placed in a detention or shelter facility, the person in charge of the facility shall immediately notify his parents, guardian or custodian, and shall also promptly give notice to the court that the child is being held at the facility.

"After immediate investigation by a duly authorized officer of the court, the judge or such officer shall order the release of the child to his parents, guardian or custodian if it is found that he can be safely left in their care, either upon written promise to bring the child to the court at a time set, or without restriction; if it is found that it is not safe to release the child, the judge or authorized officer may order that the child be held in the facility or be placed in another appropriate facility, subject to further order of the court.

"When a child is detained in a detention or shelter facility, the parents or guardian shall be informed by the person in charge of the facility that they have the right to a prompt hearing in court to determine whether the child is to be further detained or released. Detention hearings are to be held by the judge or by a referee. The court may at any time order the release of the child, whether a detention hearing is held or not.

"(2) No child shall be held in detention or shelter longer than forty-eight hours, excluding Sundays and holidays, unless an order for continued detention or shelter has been made by the court.

"(3) No child under the age of sixteen may be confined in a jail, lockup or other place for adult detention. The provisions of section 55-10-49, Utah Code Annotated 1953, as amended by chapter 127, Laws of Utah 1961, relating to detention facilities for children, remain in full force and effect. A child sixteen years of age or older whose conduct or condition endangers the safety or welfare of others in the detention facility for children may, on order of the court which shall specify the reasons therefore, be detained in another place of confinement considered appropriate by the court, including a jail or other place of confinement for adults.

"(4) A child for criminal proceedings pursuant to section 55-10-86 may be detained in a jail or other place of detention used for adults charged with crime.

"(5) Provisions of law regarding bail shall not be applicable to children detained or taken into custody under this act, except that bail may be allowed when a child who need not be detained lives outside this state.

(d) Children in jail: U.C.A. 55-10-92 requires any official in charge of a jail to notify juvenile court immediately whenever a child "who is or appears to be under eighteen years of age is received at the facility" and to transfer such child to an approved detention facility, unless child is held there on order of juvenile court or child is

being held for criminal proceedings.

(e) Special Places of Detention to be provided:

U.C.A. 55-10-49 states: "Children under the age of sixteen years, who are apprehended by any officer or are brought before any court for examination under any of the provisions of this chapter, shall not be confined in the jails, lockups or police cells used for ordinary criminals or persons charged with crime. It shall be the duty of counties, with the assistance of the division of family services to make provision for the custody and detention of such children and other children under the age of eighteen years who shall be in need of detention care prior to their trial or examination or while awaiting assignment to a home or facility in such places as shall meet minimum standards of detention care to be established by the division of family services either by arrangement with some person or society willing to undertake the responsibility of such temporary custody or detention on such terms as may be agreed upon, or by providing suitable premises entirely distinct and separate from the ordinary jails, lockups or police cells."

(f) County Responsibilities for Detention Care:

55-10-49 U.C.A. provides: "County commissioners of each county shall provide or arrange for detention facilities and services in accordance with the provisions of this act. They may choose three or more citizens with broad child-welfare interests to serve as an advisory board on detention."

(g) Detention contracts between counties: 55-10-49.2

provides: "A county choosing not to maintain detention facilities of its own may contract with another county to render the required detention service. The county so contracting shall pay for each day or fraction thereof that each child from any such county may be retained in detention from the general fund of the county an amount up to fifty percent of the average per capita daily cost of the detention facility operation as shown by the cost records approved and audited by the division of family services for the fiscal period. Where counties contract with each other, the division of family services will supplement the payment in a like amount."

(h) Assistance by State in establishment and

administration of detention centers: 55-10-49.3 U.C.A.

provides: "The division of family services is empowered and directed to give guidance and direction to counties in the establishment and administration of detention centers where counties qualify or desire to qualify hereunder for state financial assistance.

"The division of family services is further empowered and directed to initiate, encourage and assist the formation of detention centers in areas including Salt Lake and Weber counties and in other counties of this state where adequate detention facilities do not exist on the effective date of this act, or where the counties do not themselves undertake to provide adequate detention facilities as contemplated by this act. But nothing herein shall relieve such counties from the responsibilities as set forth in section 55-10-49.

(i) State financial assistance for detention

centers: 55-10-49.4 U.C.A. provides: "State financial assistance up to fifty percent of the total net expenditure for capital improvements and operation and maintenance of detention facilities by the counties shall be paid by the state, conditioned upon:

(a) approval by the division of family services of the county

- (b) areas to be served by the detention center.
approval by the division of family services of a specific work program to be performed by the detention center for the fiscal year.
- (c) approval by the state department of public welfare of facilities and programs providing for adequate security.

"Such approval to be determined by reasonable rules to be established by the commissioners of the state department of public welfare, which reasonable rules may vary between detention centers according to local conditions, and which shall first receive the approval and consent of the governor.

"If a county provides, or has provided by purchase or construction, or otherwise the physical plant required for detention, an equitable figure in lieu of rental may be agreed to by the public welfare department and this may be used in determining the county's costs in which the state shall share."

(j) State financial assistance for housing for detention centers: 55-10-49.5 U.C.A. provides: "The state department of public welfare may, with the aid of the state building board, assist counties in developing plans intended to provide suitable housing and other physical facilities to meet the detention requirements of any county or group of counties.

"nothing in this act shall preclude the state department of public welfare from contracting with a county or group of counties for the use of existing state-owned properties for detention purposes on a fair and reasonable cost basis."

(k) Comments:

The statutes are confusing as to who determines whether the child shall be placed in detention. The last sentence of 55-10-90 seems to place that responsibility in the officer or other person who took the child into custody. Presumably, the "other Person" mentioned in 55-10-90 might include a citizen making a citizen's arrest of a juvenile. On the other hand, 55-10-91 seems to indicate that this decision is one to be made by the judge or a duly authorized officer of the court.

While the statutes make specific provision for State financial assistance for the establishment and administration of detention centers, there does not appear to be a similar

provision with respect to shelter care facilities. This disparity could provide a financial incentive for placing juveniles in detention facilities despite the clear wording of the statute that only juveniles requiring secure custody should be placed in detention facilities and that other juveniles alleged to come within the jurisdiction of the juvenile court should be placed in shelter care facilities if they must be taken out of their homes.

It should be noted that the statutes provide that a child may be held in detention or shelter no longer than 48 hours "excluding Sundays and holidays", unless an order for continued detention or shelter has been made by the court." This would mean that a juvenile could be detained for 4 days without any action by the court reviewing the case. The SFJCA recommends that, with respect to a child who is detained, a petition be filed within 24 hours (excluding Sundays and legal holidays) and that a detention or shelter care hearing be held within 24 hours, excluding Sundays and legal holidays. The Utah statutes only speak of a "prompt" detention hearing, although giving the court authority to release the child from detention or shelter care without a hearing.

2. Study Findings.

(a) Juveniles jailed in Utah despite law.

U.C.A. 55-10-49 clearly sets forth the determination of the Utah Legislature the "...children under the age of sixteen years...shall not be confined in the jails, lockups or police cells used for ordinary criminals or persons charged with crime". The statutes then impose the duty on the counties "with the assistance of the division of family services (of the Department of Social Services) to make provision for the custody and detention of such children and other children under the age of eighteen years...in need of detention".

This Study of the Utah Juvenile Justice

System showed clearly that the provision of this section of the Utah Code is not being carried out.

At the time when the jailing of alleged juvenile delinquents especially before they have been found to have committed delinquent acts has been nationally condemned, Utah still detains many juveniles in common jails in many parts of the State.

During the year 1970, the Study disclosed that about 516 juveniles were confined in Utah jails for approximately 1,000 days - almost 3 juvenile jail years - most of them for less than two days, and over 100 for over 3 days. (See Table I, Appendix).

In other words, approximately 10% of all the juveniles detained in Utah in 1970 on complaints of juvenile delinquency were held in jail. Many of these were for alleged status offenses - actions such as truancy and beyond parental control which, if committed by adults, would not be criminal offenses.

In a State as enlightened as Utah, there should be no reluctance to take the necessary legislative steps to bring to an end the archaic system of jailing children alleged to be delinquent.

(b) Large numbers of Juveniles being detained needlessly.

(i) Short Stays

Table E-II shows that of 4696 cases of children held in 1970, in all places visited during the study, 3879 were "local", that is, the child was detained in his home county or jurisdiction. Of these children 2177 or 56% were released to go back to their homes after two days or less in detention. If these children could be released after such a short stay in detention, it is difficult to understand how it could have been considered "unsafe" to leave them with their parents or guardians. In all probability they did not need detention at all.

(ii) Status Offenses

Youngsters are often arrested for acts such as running away from home (locally), ungovernable behavior, truancy, curfew violation, etc.-- acts which would not be violations of law if committed by adults. These children are not a danger to a community. If they need temporary care at all, they more likely require shelter care rather than detention in secure custody.

Further, every effort should be made to keep these children out of the juvenile justice system. For these reasons, it is important to avoid placing these children in detention if it is at all possible to do so safely. Yet, according to Table E-I, 1973 (almost 50%) of the 3879 local children held in detention in 1970, were detained for status offenses.

(iii) Detention Admission Practices

The Utah Juvenile Court Act directs the law enforcement officer who has taken the child into custody to release the child to his parent, guardian or custodian, "unless it is unsafe...". It further directs the law enforcement officer to take a child, not released, to the court or place of detention "without unnecessary delay". When the child is taken to a place of detention, the court is to be notified "at the earliest opportunity". The law then calls for an "immediate investigation by a duly authorized officer of the court" to determine the necessity for a detention or shelter.

Adequate admission practices to assure the proper use of detention are possible under this Juvenile Court Act. Actual practice

however, leaves much to be desired.

Outside the Second District

When the law enforcement officer takes a child in custody, if he does not release him, he takes him to the place of detention. The person in charge of detention must accept the child if the law enforcement officer has notified, or made a reasonable effort to notify, the parent and he is still of the opinion that the child needs detention. After the child is accepted in detention, the court is notified. Practice varies from court to court as to just when the probation officer conducts his "immediate investigation". In some instances it may not be until the morning of the next work day. On weekends, it could be two or three days later.

A reading of the statute would give the impression that when a child cannot be released, the use of shelter is considered as an alternative to detention. In actual practice, however, this is not so. Shelter is rarely used. When it is considered for a child, it is usually after he has been in detention possibly for several days.

Outside the Second District, then, little emphasis is placed on detention admission control. The resultant unnecessary detentions of juveniles reflected in Table E-II, becomes unavoidable.

Second District (Salt Lake County)

Practices in Salt Lake County differ from those elsewhere in the state in that some screening takes place before the child is placed in the detention program. The Detention Desk Officer has been authorized by the court to effect some releases. Further, he is backed up by the court intake system which, since October 10, 1971, has been operating practically on a 24 hour basis. During court hours (8a.m. to 4p.m., Monday to Friday) the Detention Desk Officer may refer questionable cases to the Court Duty Officer. From 4p.m. to 2a.m. on weekdays, and around the clock on weekends, a court intake officer is stationed at the detention home. This setup provides good but not complete intake coverage. This intake system, along with the emphasis on shelter care that began at about the same time (during the fall of 1969), brought about a reduction in average daily population at the Salt Lake County Detention Home from 57 in 1969 to 45 in 1970. The system, however, has not reached its full potential in effectiveness because of two factors:

Neither the Detention Desk Officer nor the Intake Officer has the authority to release or divert to shelter care any youngster who is on probation or under the supervision of another agency without the approval of the appropriate probation officer or other agency worker or his supervisor.

The agencies whose services are appropriate for youngsters with behavioral problems are not available after work hours. The intake officer often finds himself dealing with serious family crisis situations without the appropriate alternatives. It is understandable that he may tend to detain a youngster in the hope that more appropriate service may later become available. This deficiency is costly both in terms of money and the resulting harmful effects on juveniles unnecessarily detained in secure custody.

(iv) Lack of Appreciation of the Dangers of Detention

Also contributing to unnecessary detention is what seems to be a lack of appreciation of the dangers of detention on the part of law enforcement officers and/or court personnel. This seems to be especially true, where the detention facility is an adequate physical plant.

During 1970 Morgan, Davis and Weber Counties were using the old detention in Ogden. Nobody was pleased with this physical facility.

From September 27, 1970 to October 31, 1970, approximately 105 children were admitted to the old detention facility.

On September 27, 1971, the new detention home, Moweda, in Roy opened. This physical plant is most adequate. During the period September 27, 1971, to October 31, 1971, 237 youngsters were admitted to detention. This is more than double the number admitted during the same period the previous year.

It should be noted (Table E-II), that the percentage of local youngsters detained in county jails in 1970 for status offenses was 34%, as compared to almost 50% for the seven detention homes. Apparently, the interpretation given to the criteria "...unsafe...to leave him with his parents..." is somewhat dependent on the adequacy of the physical plant in which the child would be detained. This is in accord with observations throughout the country that as more detention facilities become available there is a decided tendency

to overuse those facilities by detaining youngsters who do not need secure custody. Utah seems to be no exception to this general practice. However, unnecessary detentions of juvenile are just that - unnecessary.

(c) Regional Detention

(i) Detention Needs in the First District

In a state-wide plan for detention, it is assumed that Moweda, the new detention home in Roy, would serve the First District. Up until September 27, 1971, the old Weber County Detention Home (along with the Type "C" home in Logan) served the same population. On the basis of an analysis of a 20% sample of the 965 admissions to detention to the Weber County Detention Home in 1970, (see Table III) the average daily population was 8.4 children. If 21 days care are allowed for each of 11 youngsters sent to SIS for evaluation during a year, it would increase the average daily population to 9 children. No further analysis is necessary to establish that Moweda, with a capacity of 22, can adequately meet the regional detention needs of the First District.

(ii) Detention Needs in the Second District

It is assumed that in a state-wide plan for detention, the Salt Lake County Detention Home will continue to serve the Second District. To determine the detention needs of the District, the use of the Salt Lake Detention Home in 1970 was studied. Table E-IV concerns length of stay and destination upon release of a 20% sample of the children admitted to detention in 1970.

The period of time the child is kept in detention and his destination upon his release from detention may indicate the extent to which the court considers the child's behavior a danger to himself or the community. Table E-IV may then give some indication of the necessity for the admissions to detention. Table E-V, developed from Table E-IV shows this necessity for detention.

Destination:

"Home", "Foster Home" or "Shelter"

Note in Table E-IV that 463 youngsters went home, into a foster home or shelter upon release from detention.

Stays of two days or less

two hundred and ninety-three of the children

who went home, etc., did so after two days or less in detention. As pointed out earlier, youngsters who can be released after such short stays in detention, in all probability, did not need detention at all. The 347 days care given to these children are considered "apparently unnecessary" detentions in Table E-V.

Stays of from three to twenty-one days

It is difficult to say whether children who stay three or more-up to twenty-one days--and then go home, into foster care or shelter, needed detention. Because of the large proportion of children detained for status offenses, it can be presumed that these children did not need detention. For the purposes of this study, however, this detention, up to twenty-one days, amounting to 1430 days care will be considered "need for detention questionable" in Table E-V.

Stays beyond twenty-one days

National Standards state: "Detention should not normally exceed two weeks...a longer period - up to three weeks--may be necessary to make special clinical studies and to

observe the child in detention." Care beyond twenty-one days was given to 17 youngsters who later went home, into foster care or shelter. It amounted to 167 days care which are considered "detention apparently needed" in Table E-V.

Destination:

SIS and Other Group Care

Fifty-six of the 638 youngsters in the sample went to the State Industrial School, a State Hospital or some other group care facility upon release from the detention home. Although one should not conclude that all such youngsters, because they are to be removed from the community, require detention. However, they are the ones most likely to need detention. Their detention up to twenty-one days amounted to 618 days care which are considered "detention apparently needed" in Table E-V.

Destination:

Other Jurisdictions and Institutions

Children under this heading include out of county and out of state runaways, violators of the conditions of after care being returned to SIS, children returned to other

institutions, etc. Up to two days care to each of these 119 youngsters, amounting to 156 days care are considered "apparently valid." The other 49 days care, given in excess of two days to sixteen of these youngsters are considered "detention apparently needed" in Table E-V.

Summary of Need for Detention in Second District

Table E-V summarizes the above analysis and divides the volume of care given to the youngsters in the sample according to the validity of detention. Twenty-five percent of the care is considered "detention apparently needed"; 46%, "need for detention questionable" and; 29%, "need for detention apparently unnecessary". From Table E-IV, the average daily detention population is computed to be 42.2 children.

$$\text{Aver. Da. Pop.} = \frac{\text{Volume of Care}}{365 \text{ day}^{\text{S}}} = (5) \frac{(\text{Vol of 20\% Sample})}{365}$$

$$\text{Aver. Da. Pop.} = \frac{(5) (3076)}{365} = \frac{15380}{365} = 42.2$$

Applying the percentages taken from Table E-V, we can conclude that of this average daily population of 42.2 children, the detention of 10.2 children was "apparently

needed" while another 19.2 children's detention was "apparently questionable." This would mean that we can expect an average daily population of from eleven to thirty children. These figures should then be adjusted to eleven to thirty-one to allow twenty-one days for each of the fifteen youngsters who were sent from the Second District to SIS for "evaluation."

The Salt Lake County Detention Home with a capacity of forty is large enough to accommodate the detention needs of the Second District. In a state-wide system of detention, if the population did peak over forty on a few days, the other facilities in Roy and Ogden could be used to provide detention for the overflow.

(iii) Detention Needs in the Third, Fourth and Fifth Districts

In a state-wide plan of detention, the Utah County Detention Home would serve regional detention needs of the Third, Fourth, and Fifth Districts. Table E-VI shows the length of stay and the destination upon release of a 20% sample of children admitted to detention in 1970. Table E-VII was developed from Table E-VI in the same

manner as was discussed above with respect to the Second District. It was found that the "apparently needed", was 30%, the "apparently questionable" was 43%, and the "apparently unneeded" was 27%.

Applying the above percentage to the average daily population in the Utah Detention Home in 1970 of 9.6 children, we would expect, with adequate detention admission controls, an average population of three to seven children. To this should be added the eighty-three days care given in these three districts outside of Utah County in other places of detention for three days or more (see Table E-I) and another 462 days care for the twenty-two youngsters sent from these three districts to SIS for evaluation. This would raise the expected average regional detention population to from four to nine children. The Utah County Detention Home with a capacity of twenty-two is sufficiently large to accommodate these needs.

(iv) Summary

No further construction of regional detention homes in Utah is necessary as the three existing facilities in Roy, Salt Lake City and Provo have the capacities to accommodate the regional detention needs of the State, when coupled with the plan for local 48 hour hold-over type detention discussed below. (See E-2-c-vii infra.)

(v) Regional Aspects

All three detention homes are now functioning as regional detention homes in Utah, although not part of a state-wide plan for such homes. They accept children from counties other than the one in which they are located.

Salt Lake County and Utah County detention homes provide service to other counties on a per capita basis.

Moweda was constructed by Morgan, Weber and Davis Counties. All three counties participated in the construction cost and they jointly operate the facility. Box Elder County could have joined these three counties in this endeavor, but it chose not to. There is a feeling now on the part of many of the governing board of Moweda that Box Elder should not be permitted to purchase detention service from Moweda. This illustrates what can happen when a system of regional detention is attempted with county responsibility. Since sharing their detention service is voluntary, it is conceivable that with changes in administration even Salt Lake County and/or Utah County may choose to discontinue its practice of serving other counties. This points up the need for state

responsibility for detention services.

(vi) Quality of the Existing Regional Detention Services

The three detention homes were visited. Although time did not permit the programs to be studied in any depth, some observations were made.

Physical Plants

The physical plants at all three detention homes are adequate. Those at Salt Lake City and Roy, having been constructed more recently, reflect the more advanced thinking in detention design and construction.

Staff

From the standpoint of professional background and experience, the Salt Lake County Detention Home has an excellent detention staff.

In any transfer of responsibility for detention from the county to the state, care should be exercised to preserve the quality of staff that the detention homes now have.

At Roy and Provo, the superintendents are young and enthusiastic and have the appropriate education. Although both are new to the detention field, both bring adequate professional backgrounds to the job. The group care (or counseling) staff in each facility is very promising, but at both places the

staffs are insufficient in numbers. The result in Roy has been that the superintendent, in addition to directing the program and supervising the staff, has had to take his turn as a counselor supervising a group of children, provide casework to children in detention, do the bookkeeping and other record keeping, etc. At Provo, staffing is such that there is no awake supervision at night. This could be a dangerous situation in the event of a suicide attempt or fire.

Activities

The program at the Salt Lake County Detention Home is excellent. The activities in the other detention homes seemed to be adequate with one serious shortcoming. Neither Provo nor Roy has a school program in the detention home.

"A school is an essential part of the detention program. The law requires school attendance, and no sound child-care program can hold a child in suspension mentally any more than it can physically."

Detention Casework

Casework at the Salt Lake Detention Home is described as follows:

Casework services complement the individual counseling given by the group counselors. A full-time social worker (a qualified Master of Social Work) provides the major portion of this service in each of the three groups housed within the facility. The caseworker provides daily casework with each

child, clears children in classification, makes parental contacts and assists staff with behavior problems. The caseworker is responsible for the written report to the court and makes a summation of all detention records in the diagnostic survey provided to the court.

This is the type of detention casework that should be provided at all three detention homes. It permits "observation and study" which is one of the four basic objectives of detention.

At Roy and Provo, there are no caseworkers on the staff.

In this area of program lies one of the strongest cases for state responsibility for detention.

With state financial resources for staffing, etc., and with Salt Lake County Detention Home's leadership, the three facilities could be brought together in an excellent system of regional detention throughout the State.

(vii) Local Forty-eight Hour Hold-over Facilities

(Type C Detention Home)

Definition

A local forty-eight hour hold-over facility (Type C Detention Home) should be one which provides secure custody for apprehended children up to two days to allow the court a reasonable time to dispose of the case, transfer the child to a

regional detention home or make other arrangements for the child. Such a facility should be readily available to every county located at a distance from the regional detention home. It can be in a separate building or in a building used for other purposes but never in a jail.

Need for Such Facilities

A review of Table E-I shows that at least 516 youngsters were held in jail in 1970. As already pointed out, jail is no place for children. This jail detention in Utah took place in communities located from fifty-six to 167 miles from the nearest detention home. Obviously more non-jail hold-over facilities are necessary.

Table E-VIII contains a suggested plan that would provide state-wide coverage of readily accessible detention for up to two days. It should be noted that it calls for twelve new facilities in addition to the four existing ones.

Also it calls for facilities in such small communities as Circleville, Panquitch and Becknell. It is not suggested that specialized facilities such as those in Cedar City or St. George be constructed in these places. Rather, arrangements might be made with a family in each community to

be responsible for holding in a locked room if necessary, the very occasional youngsters who may need to be detained until transportation to another facility could be effected. In such a situation there would need to be assurance that the youngster held would be under constant visual supervision that would in effect amount to "baby sitting." The family accepting this responsibility should, of course, be carefully selected and appropriately compensated.

Need for State Responsibility

Under the present system of county responsibility with partial reimbursement, up to 50% by the state, there is little likelihood that these new needed facilities will be developed. Note in Table E-II that in the five jails visited during the study, 317 out of 417 youngsters (76%) held in 1970 were transients from other counties and other states. It is understandable that county commissioners would be reluctant to spend county money for the care of transient youngsters. It would seem logical that such detention become a state responsibility.

Existing Facilities

Locations

The existing hold-over facilities are located in Logan, Price, Cedar City and Saint George. The

Logan facility serves Cache and Rich counties.

The other three, for the most part, serve only the counties in which they are located.

Physical Plant

All four existing facilities are of recent construction (Cedar City is the oldest, having opened in 1964). They were all especially designed and constructed for the purpose they serve. From the standpoint of physical plant, they are excellent facilities.

Staff

These hold-over facilities are staffed in a variety of ways

(1) The Logan facility is staffed by a resident couple with provision for relief.

(2) The Price facility is operated pretty much by one man, a retiree, who is "on call". He is occasionally relieved by his wife.

(3) In Cedar City, 2 retirees and their wives have taken the job together. One couple is "on call" at all times.

(4) The Saint George facility is operated by the Washington County Sheriff's Department.

These facilities have youngsters in them less than one fifth to one-half of the time. Much of the compensation paid to staff is for their availability. It would be with some reluctance that more staff would be recommended. At the same time, however, when the facility is occupied, staff is often called

upon to be on duty twenty-four hours per day for several days in a stretch. (One such stretch in Price in 1970 extended 23 days). It is understandable that staff has not provided awake supervision at night. As pointed out previously, this can be a dangerous situation. Some better system of providing relief should be found. A pool of college students who might be employed on a per diem basis might be a solution.

Supervision of Local Hold-Over Facilities

There seems to be a lack of clarity as to just who is responsible for the efficient operation of these local hold-over facilities.

Legally, the county government is responsible for maintaining the detention facility. Staff is employed by the county commissioners but is left pretty much on its own with little or no guidance. Staff must accept youngsters from law enforcement officers and court officials. Only the Judge or an office of the court may release a child. The Division of Family Services holds staff to certain standards and requires certain records if the county is to receive reimbursement. But nobody actually supervises this staff and they do need supervision, since all of them are new to the detention field.

This situation points up again the need for state responsibility for these facilities. Supervision of these facilities and staffs should be exercised through the local field offices of the responsible state agency.

(viii) Transportation

An effective state regional detention system calls for the prompt transportation of youngsters between local hold-over facilities and regional detention homes.

At present, although the state will reimburse the county for 50% of the cost of transportation to and from regional detention homes, such transportation has been on a "hit and miss" basis. Most counties have made no budgetary provision for this cost. Youngsters needing to be transferred to a regional detention home often have to wait in a jail or hold-over facility until "someone happens to be going that way."

The state agency that would be responsible for regional detention should also be responsible for transportation. It should make specific arrangements that would assure the prompt transfer of youngsters from hold-over facilities within 48 hours when

necessary. One way of handling this problem might be through the organization of what could be called a "transportation corp." This corp would make regular runs through different parts of the state transporting youngsters as necessary.

ix. Diagnostic Service in Detention.

A child whose delinquency is so serious that he requires secure custody in detention is usually the one who needs a diagnostic service prior to court disposition. A detention home with an adequate program providing 24-hour per day care is an especially good setting for observation and diagnostic study. A diagnostic service then is an essential part of the detention program. No child, however, should be detained for study if he does not otherwise require secure custody; such a child should receive this service on an out-patient basis when it is necessary.

Upon admission to detention, if the child has not been tested within the past six months, he should be given group psychological tests. These tests should be scored by machine or clerical personnel. Their results should be reviewed by the detention psychologist. The psychologist should follow up with further tests and/or referral to a psychiatrist where indicated. The extent of the service to be given to the individual child will be dictated by the child's need for such service as determined by the mental health staff. In cases in which the diagnostic service required is beyond the capability of the detention home, arrangements for the needed service should be made

on an individual basis.

The observations of the child care staff, as well as the interviews of the child by detention case-workers, should be recorded. A report on every child detained should go to the court when the child is returned for his hearing. At this point, the probation officer's social study, along with the detention report and the report of any clinical tests given, should provide sufficient diagnostic material to not only aid the court in its disposition but in the event of commitment to the State Youth Conservation Commission provide the basis for its placement decision. This would, of course, reduce drastically the need for state reception centers.

Much of this type of service is provided at the Salt Lake County Detention Home. Even here, however, there is need for integration between the observation and casework at the detention home and the findings of the psychologist (and, where appropriate, the psychiatrist) at the clinic.

In this area of program lies one of the strongest cases for state responsibility for detention. With state financial resources for staffing, etc., and

with Salt Lake County Detention Home's leadership, the three facilities could be brought together in a system of regional detention that could rank with the best in the country.

(d) Shelter Care of Allegedly Delinquent Children in Utah

There are still far too many youngsters being held in detention who could be cared for in shelter. This situation prevails despite:

Recognition of shelter care in the juvenile court act and the rules of court as a method of temporary care of delinquent youngsters who do not need secure custody;

The Salt Lake County Detention Home's experience in successfully caring for delinquent youngsters in shelter;

The experience elsewhere in the country where it has been found that communities operating adequate shelter care facilities for allegedly delinquent children have substantially reduced the number of children held in detention and;

the acceptance of responsibility by the Division of Family Services to provide shelter to delinquent youngsters.

The crux of the problem seems to be that although shelter care is available, it is not readily available and court personnel are somewhat reluctant to use it.

(i) Description of a Special Shelter Facility

A shelter facility for delinquent children may be

an "agency operated group home" or a "subsidized foster home." An "agency operated group home" is a home owned or leased and operated by the agency. The adults in the home responsible for the children may be paid a salary, a subsidy and/or a per diem board rate per child. A "subsidized foster home" may be defined as a family foster home which is paid a flat monthly amount as a subsidy in addition to a per diem board and shelter rate per child. Such a shelter facility should have no security features such as locked rooms, barred windows, etc. Its capacity should be limited to six children; it should be reserved exclusively for the temporary care of delinquent children awaiting court disposition.

Special features of this type of home include:

It should be open and ready to accept children on a 24-hour basis. Adults in charge should be compensated for keeping the facility available for emergency use.

The cost of operation will be substantially higher than that of the ordinary foster home, because the children to be cared for are usually more difficult to handle, requiring closer supervision. The supervising adults should be carefully chosen. They should be capable of giving understanding and constructive care to difficult and upset delinquent

children; able and ready to give close supervision to the extent, for example, of sitting up with an upset child in an emergency situation and keeping him within sight and sound at all times; and capable of involving children in a variety of constructive activities.

In selecting a home for this purpose, consideration should be given to adequacy of living room and indoor and outdoor space for activities suitable for teenage children, as well as the visual and auditory control permitted by the layout of the building.

Although community recreation may be used, the home should be equipped with appropriate play and craft materials. These should be provided by the agency. Close contact should be maintained by the caseworker with the children placed in shelter care and with the supervising adults.

In some instances, the child should attend the school in the community. If the period of temporary care is too short to justify transfer to the local school, or, if for some other reason it is not feasible for the child to attend school in the community, he should be served by a home teacher. Children should have an opportunity to attend religious services of their own faith in the community.

Appropriate medical and clinical services should be

made available.

3. Study Recommendations.

(a) Statutory revisions needed to eliminate jailing juveniles.

Revision is needed in the Utah laws to make it a crime for juveniles to be detained in jail. While this recommendation may seem drastic, it does seem the only way - all other exhortations for reform seemingly having failed - to end once and for all a practice which is exceedingly harmful to the youth of Utah.

This recommendation should be read in conjunction with the recommendations below for more vigorous action on the part of the Division of Family Services of the Department of Social Services to implement the statutory directive for a state-wide system of adequate detention facilities for juveniles needing secure custody.

(b) Need to strengthen and revise, by legislation if necessary, detention practices and procedures.

Administrative and legislative measures should be taken to assure that:

(i) A youngster's need for detention or shelter is screened carefully prior to his admission to detention or shelter,

(ii) Court personnel carry out the philosophy of the Utah Court Act which states:

No child should be placed or kept in a detention or shelter facility pending court

proceedings unless it is unsafe for the child or the public to leave him with his parents, guardian or custodian.

(iii) When temporary care of a child is necessary, first consideration is to be given to his placement in shelter care rather than detention.

(c) An appropriate state agency should be given the responsibility to establish a state-wide system of detention facilities for all children who require secure custody pending court disposition. This agency should maintain, operate and coordinate into one state-wide system.

1. The three existing (Type A & B detention homes to provide a regional detention service for the state.

2. The four existing local forty-eight hour hold-over facilities (Type C detention homes) plus twelve additional ones so that adequate short term detention (forty-eight hours or less) would be available to every county thereby eliminating the practice of putting children in jail, and

3. A transportation service to facilitate the transfer of youngsters within the system.

(d) Establishment of network of shelter care facilities.

An appropriate state agency should be given responsibility for establishing a network of special shelter care facilities to care for those delinquent children who need temporary care pending court disposition or transfer but who do not require the secure custody of detention.

Children Detained in Utah - 1970: By Juvenile Court District, County, 1970 Population, Type of Place in which detained (detention home or jail), number of admissions and number of days care.

1970 Population	Total - All Stays		Stays of 2 days or less		Stays of 3 days or more	
	No. of admissions	No. of days care	No. of admissions	No. of days care	No. of admissions	No. of days care
Totals	5500	23,595	3,541	4,350	1967	19,245
First District - Subtotals	1037	3,188	658	873	379	2,315
Box Elder 27,812 Ogden						
Cache 42,040 Logan		123	63	68	9	55
Davis 99,073 Ogden						
Morgan 3,935 Ogden						
Rich 1,394 Logan						
Weber 124,035 Ogden	965 ⁽³⁾	3,065	595	805	370	2,260
Second District - Subtotals	3191 ⁽³⁾	15,380	2,065	2,445	1,126	12,935
Salt Lake 446,624 Salt Lake	3191 ⁽⁴⁾	15,380	2,065	2,445	1,126	12,935
Tovele 6,923 Salt Lake	651	3,666	345	445	306	3,221
Third District - Subtotals	651	3,666	345	445	306	3,221
Juab 4,463 Provo	(5)					
Millard 6,793 Jail Fillmore	101	131	95	105	6	26
San Pete 10,435 Jail Manti	10 ⁽⁷⁾	15	10	15	0	0
Summit 5,800 Provo D.H.	(5)					
Utah 137,675 Provo D.H.	540	3,520	240	325	300	3,195
Wasatch 5,703 Provo D.H.	(5)					
Fourth District	160	218	146	161	14	57
Blauer 3,713 Cedar City	(6)					
Garfield 3,076 Jail Panguitch	15	20	15	20	0	0
Iron 11,982 Cedar City D.H.	40	72	31	33	9	39
Kane 2,318 Jail Kanab	5	8	5	8	0	0
Piutz 1,129 Jail Richfield	21					
Sevier 9,771 Jail Richfield	36	50	31	32	5	18
Washington 13,703 St. George	64	68	64	68	0	0
Wayne 1,344 Jail Richfield	31					
Fifth District	469	1,143	327	426	142	717
Carbon 15,261 Price D.H.	120	283	82	99	38	184
Daggett 657 Jail	(9)					
Duchesne 7,026 Jail Duchesne	28	102	17	26	11	76
Emery 5,104 Price D.H.	(10)					
Grand 11,982 Jail Moad	192	418	141	174	51	244
San Juan 9,479 Jail Monticello	70 ⁽¹¹⁾	140	50	80	20	60
Unitah 12,479 Jail Verual	59	200	37	47	22	153

(See Attached Footnotes)

Number of Children Held in 1979 in All Places of Detention
 Visited in Utah during study by residents and local children
 released after 3 days or less in detention and not
 detailed here, except for the following:

FOOTNOTES TO TABLE E-1

- 1) Counted in Weber
- 2) Counted in Cache
- 3) Based on 20% sample
- 4) Counted in Salt Lake
- 5) Counted in Utah
- 6) Counted in Iron
- 7) Counted in Sevier
- 8) Projected from 75% sample
- 9) Counted in Uintah
- 10) Counted in Carbon
- 11) Estimate of sheriff
- 12) Estimate of the court

TABLE E-II

Number of Children Held in 1970 in all Places of Detention Visited in Utah during study by residence and local children released after 2 days or less in detention and local children detained for

Place of Detention	Number of Children				
	Total	Transients	Local		
			Subtotal	Released 2 days or less	Detained for Status Offenses
TOTALS	5409	1522	3879	2177	1903
Great Salt Lake ¹	3191	595	2596	1490	1185
Wasatch County	965	265	700	425	390
Utah County ¹	540	205	335	100	220
Subtotal	4696	1065	3631	2015	1795
State "C" Detention Homes					
Wasatch	72	14	58	46	17
Carbon Co.	120	58	62	34	37
Wasatch Co. ²	40	25	15	12	12
Washington Co.	64	51	13	13	8
Subtotal	296	140	148	105	74
TOTALS					
Wasatch	28	19	9	2	1
Wasatch	192	178	14	10	3
Wasatch	101	73	28	16	8
Wasatch	36	29	7	7	3
Utah	60	18	42	22	19
Subtotal	417	317	100	57	34

Based on 2.20% sample

2) Based on the 30 cases between 11/1/70 and 7/27/71 - these were the only records available.

TABLE E-III

Selected Children Detained at Weber County Detention Home, 1970, -By Destination Upon Release, Length of Stay and Number of Days Care

Length of Stay (Days)	Number of Children				Number of Days Care
	Total	Home, Foster Home (local)	SIS, other Group care	Other Juris. or Institutions	
Total	<u>193</u>	<u>131</u>	<u>9</u>	<u>53</u>	<u>613</u>
two or less	119	85	2	32	161
3 to 7	57	34	4	19	244
8 to 14	14	11	3	0	143
15 to 21	1	1	0	0	15
22 to 28	2	0	0	2	50
Days Care	<u>613</u>	383	172	58	

TABLE E-IV SELECTED^{1/} DELINQUENT CHILDREN DETAINED IN SALT LAKE COUNTY, 1970
BY DESTINATION UPON RELEASE, LENGTH OF STAY AND DAYS CARE

Length of Stay (Days)	NUMBER OF CHILDREN						DAYS CARE	
	Total	Home (Local)	Factor (Home)	Sis. Group	Other Care	Ret. to Other Juris.		Shelter
<u>TOTAL</u>	<u>638</u>	<u>401</u>	<u>51</u>		<u>56</u>	<u>119</u>	<u>11</u>	<u>3076</u>
<u>LESS THAN</u>								
1	166	125	5		2	31	0	166
1	171	106	6		4	51	4	171
2	76	41	6		6	21	2	152
3	44	31	7		2	4	0	132
4	28	14	1		5	7	1	112
5	14	13	0		0	1	0	70
6	17	12	3		1	0	1	102
7	17	13	2		1	0	1	119
8	16	8	2		4	2	0	128
9	8	3	4		1	0	0	72
10	10	5	2		1	2	0	100
11	4	3	0		1	0	0	44
12	3	0	0		3	0	0	36
13	6	3	1		2	0	0	78
14	7	2	2		3	0	0	98
15	1	0	0		1	0	0	15
16	9	5	2		1	0	1	144
17	1	0	0		1	0	0	17
18	4	0	2		2	0	0	72
19	2	0	0		2	0	0	38
20	1	0	1		0	0	0	20
21	3	3	0		0	0	0	63
22	2	1	0		1	0	0	44
23	1	1	0		0	0	0	23
24	1	1	0		0	0	0	24
25	2	1	0		1	0	0	50
26	1	1	0		0	0	0	26
28	6	3	1		2	0	0	168
29	2	0	0		1	0	1	58
30	1	1	0		0	0	0	30
31	1	1	0		0	0	0	31
32	1	1	0		0	0	0	32
33	2	0	1		1	0	0	66
36	2	0	0		2	0	0	72
41	1	0	1		0	0	0	41
44	1	0	0		1	0	0	44
46	1	0	1		0	0	0	46
60	1	0	0		1	0	0	60
61	1	0	1		0	0	0	61
63	1	0	0		1	0	0	63
89	1	0	0		1	0	0	89
99	1	0	0		1	0	0	99
DAYS (Ave.)	3076	1374	490		937	205	70	

TABLE E-V:

SELECTED CHILDREN HELD IN SALT LAKE COUNTY DETENTION HOME, 1970. DAYS CARE BY APPARENT NEED OR LACK OF NEED FOR DETENTION:

	<u>Number of Days care</u>
APPARENT NEED FOR DETENTION:	
TOTAL:3076 (100%)
DETENTION APPARENTLY <u>NOT NEEDED</u> :	
Care given to children sent home after 2 days or less in detention:	347
Care given beyond 2 days to "Returnees":	49
Care given beyond 21 days:	486
Subtotal:	882 (29%)
NEED FOR DETENTION QUESTIONABLE:	
Care up to 21 days given to those who stayed 3 or more days who went home on release:	1420
Subtotal:	1420 (46%)
DETENTION APPARENTLY NEEDED:	
Up to 2 days care to "Returnees"	156
Up to 21 days care to those being sent to SIS State Hospital and other institutions:	618
Subtotal:	774 (25%)

Table E-VI

Selected Delinquent Children Detained in Utah County Detention Home, 1970, By Destination Upon Release, Length of Stay and Days Care

Length of Stay (Days)	NUMBER OF CHILDREN						Days Care
	Totals	Home (Local)	Foster Home	SIS, Other Group Care	Ret. to Other Juris. & Inst.	Shelter	
	<u>108</u>	<u>49</u>	<u>7</u>	<u>10</u>	<u>41</u>	<u>1</u>	<u>704</u>
Less Than							
1	13	5	0	0	8	0	13
1	18	8	0	0	10	0	18
2	17	7	0	0	10	0	34
3	13	8	1	0	4	0	39
4	9	3	0	0	6	0	36
5	7	5	1	0	1	0	35
6	3	3	0	0	0	0	18
7	3	2	0	0	1	0	21
8	2	1	0	1	0	0	16
9	2	1	0	1	0	0	18
10	2	1	0	1	0	0	20
11	4	2	1	1	0	0	44
12	2	1	0	0	1	0	24
13	2	0	1	1	0	0	26

Table E-VI (Continued)

TABLE E-VI

Length of Stay (Days)	Totals	Home (Local)	Foster Home	SIS, Other Group Care	Ret. to Other Juris. & Inst.	Shelter	Days Care
	<u>108</u>	<u>49</u>	<u>7</u>	<u>10</u>	<u>41</u>	<u>1</u>	<u>704</u>
15	2	1	0	1	0	0	30
18	1	0	0	1	0	0	18
21	1	0	1	0	0	0	21
22	1	1	0	0	0	0	22
23	1	0	1	0	0	0	23
34	1	0	0	1	0	0	34
37	1	0	1	0	0	0	37
47	1	0	0	1	0	0	47
51	1	0	0	1	0	0	51
59	1	0	0	0	0	1	59
Days Care	704	218	113	316	98	59	

1 = A 20% Random Sample

TABLE E-VII:

SELECTED CHILDREN HELD IN UTAH COUNTY DETENTION HOME, 1970.
DAY CARE BY APPARENT NEED OR LACK OF NEED FOR DETENTION:

APPARENT NEED FOR DETENTION:	<u>Number of Days Care</u>
TOTAL:	704 (100%)
DETENTION APPARENTLY <u>NOT NEEDED</u> :	
Care given to children sent home after 2 days or less in detention:	27
Care given beyond 2 days to "Returnees":	34
Care given beyond 21 days:	126
Subtotal:	187 (29%)
NEED FOR DETENTION QUESTIONABLE:	
Care up to 21 days given to those who stayed 3 or more days and then went to own foster home or shelter home on release:	306
Subtotal:	306 (46%)
DETENTION APPARENTLY NEEDED:	
Up to 2 days care to "Returnees":	64
Up to 21 days care to those being sent to SIS State Hospital and other institutions:	147
Subtotal:	211 (25%)

TABLE E-VIII

Suggested Plan for Local forty-eight hour Detention Care

<u>County</u>	<u>Facility to be Used</u>
First District	
Cache	Existing Type C Detention house; Logan
Rich	Existing type C Detention house; Logan
Box Elder	Existing Reg. Detention house; Roy
Weber	Existing Reg. Detention house, Roy
Morgan	Existing Reg. Detention house; Roy
Davis	Existing Reg. Detention house; Roy
Second District	
Salt Lake	Existing Reg. Detention house; Salt Lake City
Summit	Existing Reg. Detention house; Salt Lake City
Tovele	Existing Reg. Detention house; Salt Lake City
Third District	
Wasatch	Existing reg. detention house; Provo
Utah	Existing reg. detention house; Provo
Juad	Existing reg. detention house; Provo
Millard	Proposed Type C Detention house Fillmore
San Pete	Proposed Type C Detention house Manor

TABLE E-VIII continued

Fourth District

Beaver	Proposed Type C Detention house; Beaver
Garfield	Proposed Type C Detention House; Pangvitch
Iron	Existing Type C Detention House; Cedar City
Kane	Proposed Type C Detention House; Kawab
Piute	Proposed Type C Detention House; Circleville
Sevier	Proposed Type C Detention House; Richfield
Wayne	Proposed Type C Detention House; Bicknell
Washington	Existing Type C Detention House; Saint George

Fifth District

Daggett	Proposed Type C Detention House; Roosevelt
Duchesne	Proposed Type C Detention House; Roosevelt
Uintah	Proposed Type C Detention House; Roosevelt
Carbon	Existing Type C Detention House; Price
Emery	Proposed Type C Detention House; Green River
Grand	Proposed Type C Detention House; Moab
San Juan	Proposed Type C Detention House; Monticello

F. UTAH JUVENILE COURT SYSTEM.

1. Brief Summary of Applicable Legislative Provisions.

- (a) Organization of Utah Juvenile Court.
- (b) Jurisdiction of Juvenile Court.
- (c) Probation Services.
- (d) Detention and shelter care.
- (e) Juvenile Court's Dispositional Powers.
- (f) Protection of Rights of Parties in Juvenile Court Proceedings.
- (g) Juvenile Court Personnel.
- (h) Waiver to Criminal Courts.
- (i) Comments.

2. Study Findings.

- (a) Rules of Procedures.
- (b) Use of County Attorneys in Juvenile Courts.
- (c) Involvement of attorneys in Juvenile Court proceedings.
- (d) Inordinate delay in processing juvenile cases.
- (e) Probation Services.
- (f) Record keeping.
- (g) Physical facilities.
- (h) Use of Advisory Committees.
- (i) Use of community resources.
- (j) Status offenses.
- (k) Traffic cases in the Juvenile Courts.

3. Study Recommendations

(a) Need for Central Commitment of Juveniles.

(b) Probation Services.

(c) Diversion of Children from the Juvenile Justice System.

(d) Traffic cases.

(e) Status of Juvenile Court Judges - Need for Family Court.

(f) Needed involvement of County Attorneys in Juvenile Proceedings.

(g) Legal Counsel in Juvenile Cases.

F. UTAH JUVENILE COURT SYSTEM.

1. Brief Summary of Applicable Legislative Provisions.

(a) Organization of Utah Juvenile Courts.

Before 1965, the Judges of the Juvenile Court were appointed by and responsible to the Director of the State's Welfare Department.

Since July 1, 1965, the Utah State Juvenile Court has been a separate state judicial agency that is administered by the Board of Juvenile Judges, subject to the supervisory powers of the Utah Supreme Court. The Board of Juvenile Court Judges is composed of all Juvenile Court Judges in the State and is charged with the responsibility of establishing general policies for the operation of the Juvenile Courts and formulating uniform rules and forms necessary to govern the Juvenile Courts' practices and procedures.

The Juvenile Court is a court of record and is of equal status with the District Courts in the State. Juvenile Court Judges receive the same salary and expense payments as do Judges of the District Court, and they are charged by law with meeting the same requirements prior to their appointment.

The primary difference between the organization and structure of the Juvenile Court and that of the District Court is in the manner of the selection and retention of the Judge. District Court Judges are required to seek re-election to their positions the first general election after their appointment to the District Court bench by the Governor. The Juvenile Judge, however, is appointed by the Governor from a list of at least two candidates who are nominated by the Juvenile Court Commission. Juvenile Court Judges are then appointed by the Governor for a term of six years and may be re-appointed every six years thereafter.

The Juvenile Court Commission--which nominates persons for appointment to the Juvenile Court consists of:
(1) Chief Justice of the Utah Supreme Court, (2) Director of the Division of Family Services, (3) President of the Utah State Bar Association, (4) State Superintendent of Public Instruction, and (5) Director of the Division of Health. In all other respects, the qualifications of Juvenile Judges are the same as those of the other judges; and their restriction as to the private practice of law is identical.

55-10-76 of U.C.A. authorizes the establishment of both district and State juvenile court advisory committees:

"The judge or judges of any juvenile court may appoint a juvenile court advisory committee for each district. Each advisory committee shall have no less than five and no more than fifteen members who shall be representative of civic and religious organizations, business groups, professional groups, women's organization, and of other citizens interested in schools, law enforcement, child health, recreation, employment of youth, and other matters relating to the protection and well-being of children and families in the state. Professional persons, if appointed to an advisory committee, shall serve in their capacity as citizens and not as representatives of their professional group, agency, or unit of government. Citizens' service organizations and local health, welfare, and school authorities may recommend citizens for appointment to an advisory committee, and the judges shall, to the extent feasible, give preference to persons so recommended.

"Of those members first appointed, half (or, if the total membership is an uneven number, one more than half) shall serve for a term of two years, and half shall serve for a term of four years. The respective terms of the members first appointed shall be determined by lot. Thereafter appointments shall be for four-year terms, except that vacancies before the expiration of a term shall be filled for the unexpired term. A record of committee appointments shall be kept by the clerk of the court.

"The board of juvenile court judges may appoint a state juvenile court advisory committee which shall include representatives from district advisory committees to the extent feasible and shall have a similar composition of members and be set up in the same manner as district advisory committees. A record of appointments to the state advisory committee shall be kept in the office of the administrator of the juvenile court.

"Juvenile court advisory committees may study and make recommendations concerning the operations of the juvenile courts, including facilities and services used or needed for children under the jurisdiction of the juvenile courts, such as detention and shelter facilities, and may study and make recommendations in connection with community programs and services designed to prevent or correct juvenile delinquency and other children's problems which are apt to come before the juvenile court.

"Advisory committees established under this section shall act in an advisory capacity and shall have no policy-making or administrative functions in connection with the operation of the juvenile courts or of any facilities serving the juvenile courts."

(b) Jurisdiction of Juvenile Court.

55-10-77 of the U.C.A. gives the Juvenile Court exclusive, original jurisdiction, except as may otherwise be provided by law, with respect to the following cases:

- "(1) Concerning any child who was violated any federal, state, or local law or municipal ordinance, or any person under twenty-one years of age who has violated any such law or ordinance before becoming eighteen years of age, regardless of where the violation occurred.
- "(2) Concerning any child:
 - "(a) who is a neglected or dependent child, as defined in section 55-10-64; or
 - "(b) who is beyond the control of his parent, guardian, or other lawful custodian to the point that his behavior or condition is such as to endanger his own welfare or the welfare of others; or
 - "(c) whose behavior or condition is such as to endanger his own welfare or the welfare of others; or
 - "(d) who is a habitual truant from school, or who has run away from his home or who is otherwise beyond the control of his parent, custodian, or school authorities.
- "(3) Concerning any parent or parents of a child committed to the state industrial school, in so far as to order, at the discretion of the court and on the recommendation of the state industrial school, the parent or parents of a child committed to the state industrial school for a custodial term, to undergo group rehabilitation therapy under the direction of the state industrial school therapist, who has supervision of that parent or parents' child, or such other therapist that the court may direct, for a period directed by the court as
- "(4) To determine the custody of any child or appoint a guardian of the person or other guardian of any child who comes within the court's jurisdiction under other provisions of this section.
- "(5) To terminate the legal parent-child relationship, including termination of residual parental rights and duties as defined herein.

- "(6) For judicial consent to the marriage, employment, or enlistment of a child where such consent is required by law.
- "(7) For the treatment or commitment of a mentally defective or mentally ill child who comes within the court's jurisdiction under other provisions of this section.
- "(8) Under the Interstate Compact on Juveniles."

55-10-64 U.C.A. defines a "neglected child" to include:

"A child whose parent, guardian, or custodian has abandoned him or has subjected him to mistreatment or abuse;
"A child who lacks proper parental care by reason of the fault or habits of the parent, guardian, or custodian;
"A child whose parent, guardian, or custodian fails or refuses to provide proper or necessary subsistence, education, or medical care, including surgery or psychiatric services when required, or any other care necessary for his health, morals or well-being."

55-10-64 U.C.A. defines a "dependent child" to include

"a child who is homeless or without proper care through no fault of his parent, guardian, or custodian."

With respect to the continuing, concurrent jurisdiction of the district court over certain cases, 55-10-78 of the U.C.A. provides:

"When a person eighteen years of age or over who is under the continuing jurisdiction of the juvenile court pursuant to section 55-10-100 violates any federal, state or local law or municipal ordinance, the district court or other court exercising jurisdiction over the offense involved shall have concurrent jurisdiction with the juvenile court."

"Nothing contained in this act shall deprive the district courts of jurisdiction in adoption proceedings."

"Nothing contained in this act shall deprive the district courts of jurisdiction to appoint a guardian for a child, nor of jurisdiction to determine the custody of a child upon writ of habeas corpus or when the question of custody is incidental to the determination of a cause in the district court; provided that in case a petition involving

the same child is pending in the juvenile court or the juvenile court has previously acquired continuing jurisdiction over the same child, the district court shall certify the question of custody to the juvenile court for determination.

"A district court may at any time decline to pass upon a question of custody and may certify that question to the juvenile court for determination or recommendation.

"Where a custody award has been made in a district court in a divorce action or in another proceeding and the jurisdiction of the district court in the case is continuing, the juvenile court may nevertheless acquire jurisdiction in a case involving the same child if the child is dependent or neglected or otherwise comes within the jurisdiction of the juvenile court pursuant to section 55-10-77 and may by order change the custody, support and visitation rights previously ordered in the district court under the following conditions:

- "(a) that written notice of the pending juvenile court hearing is given to the parties to the divorce action and the district court at least ten days before the hearing, and
- "(b) that no written objection to the hearing is filed with the juvenile court by either the parties to the divorce action or the district court.

Upon the filing of a copy of the findings and order of the juvenile court with the district court, the findings and order of the juvenile court shall be binding on the parties to the divorce action as though entered in the district court.

"If objection to the juvenile court hearing is filed with the juvenile court within the ten day period, the juvenile court shall refer the entire matter to the district court for disposition. Upon receipt by the juvenile court of written notification that the district court will hear and dispose of the matter, the jurisdiction of the juvenile court will terminate. If the district court determines that despite the objections of the parties the interests of the state and the welfare of the child or children will best be served by the juvenile court hearing the matter and making final disposition, it may refer the matter back to the juvenile court and the findings and order of the juvenile court shall be binding on the parties when filed with the district court as stated above."

The U.C.A. also provides for the transfer to the Juvenile Court of cases involving persons under twenty-one who were under 18 when they committed the offenses with which they are charged (55-10-79) and for the trial by the Juvenile Court of persons eighteen or over for certain offenses against children (55-10-80).

(c) Probation Services.

See Sub-section (g), infra.

(d) Detention and shelter care.

See Section E. supra.

(e) Juvenile Court's Dispositional Powers:

55-10-100 of the U.C.A. provides:

"When a child is found to come within the provisions of section 55-10-77, the court shall so adjudicate, and make a finding of the facts upon which is bases its jurisdiction over the child. Upon such adjudication, the court may make the following dispositions by court order:

- "(1) The court may place the child on probation or under protective supervision (as these terms are defined herein) in his own home, upon conditions determined by the court;
- "(2) The court may place the child in the legal custody of a relative or other suitable person, with or without probation or protective supervision, provided that the juvenile court shall not assume the function of developing foster home services.
- "(3) The court may vest legal custody of the child in the state department of public welfare or other public agency, department, or institution, or in a child placement agency as defined herein, for placement in a foster family home or other facility, not including the State Industrial School or any similar institution, and not including the state hospital or the State Training School or any similar institution.
- "(4) The court may commit the child to the state industrial school or other similar institution that may be available, provided that in the event that a youth correction agency is established for this state, the child be committed to the youth correction agency

- rather than the state industrial school or similar institution. But a child who is found to come under the jurisdiction of the court solely on the ground of neglect or dependency pursuant to section 55-10-77 (2) (a) may not be committed to the state industrial school or any similar institution within or without this state, nor to the state youth correction agency.
- " (5) The court may commit the child to an institution or facility for short-term confinement that may be established in accordance with accepted standards for the care and treatment of delinquent children.
 - " (6) The court may place the child on a ranch, forestry camp, or similar facility, for care and for work if possible, provided that the person, agency, or association operating the facility has been approved or has otherwise complied with all applicable state and local laws. A child placed in a forestry camp or similar facility may be required to work on fire prevention, forestation and reforestation, recreational works, forest roads, and on other works on or off the grounds of such facility, and may be paid wages, all subject to the approval of and under conditions set by the court.
 - " (7) The court may order that the child be required to repair or replace or to otherwise make restitution for damage or loss caused by his wrongful act, and may impose fines in limited amounts.
 - " (8) The court may through its probation department encourage the development of employment or work programs, to enable children to fulfill their obligations under the preceding paragraph of this section, and for other purposes when deemed desirable by the court.
 - " (9) In cases of violations of traffic laws or ordinances, the court may, in addition to any other disposition, restrain the child from driving for such periods of time as the court deems necessary, and may take possession of the child's driver's license.
 - " (10) The court may order that the child be examined or treated by a physician, surgeon, psychiatrist, or psychologist, or that he receive other special care, and for such purposes may place the child in a hospital or other suitable facility.
 - " (11) The court may appoint a guardian for the child where it appears necessary to do so in the interest of the child, and may appoint a public or private institution or agency in which legal custody of the child is vested, as such guardian.
 - " (12) In placing a child under the guardianship or legal custody of an individual or of a private agency or institution, the court shall give primary consideration to the welfare of the child, but whenever practicable, may take into consideration the religious preferences of the child and of his parents.
 - " (13) In support of a decree under section 55-10-77 the court may make an order setting forth reasonable

conditions to be complied with by the parents, the child, his custodian, or any other person who has been made a party to the proceedings, including, but not limited to, restrictions on visitation by the parents or one parent, restrictions on the child's associates, occupation, and other activities, and requirements to be observed by the parents or custodian.

- "(14) With respect to a child within the court's jurisdiction under section 55-10-77, the court may order hospitalization in the Utah State Hospital if the court finds, upon due notice to the parents or guardian and a special hearing conducted in accordance with the provisions of section 64-7-36, Utah Code Annotated 1953, that the child is (1) mentally ill, and (2) because [of] or is in need of custody, care or treatment in a mental hospital. The procedure applicable in the district courts with respect to judicial proceedings for hospitalization in the Utah State Hospital shall be followed by the juvenile court in such cases.
- "(15) The court may make an order committing a child within its jurisdiction to the Utah State Training School if the child has been found retarded or mentally deficient in accordance with the provisions of sections 64-8-16 to 64-8-21, Utah Code Annotated 1953. The procedure applicable in the district courts with respect to judicial commitments to the Utah State Training School shall be followed by the juvenile court in such cases.
- "(16) The court may terminate all parental rights, provided that the provisions of section 55-10-109 are complied with.
- "(17) The court may make any other reasonable orders which are for the best interest of the child or are required for the protection of the public, except that no child may be committed to jail or prison upon adjudication under this act. The court may combine several of the above-listed modes of disposition where they are compatible.
- "(18) Before depriving any parent of the custody of his or her child, the court shall give due consideration to the preferred right of parents to the custody of their children, as expressed in section 55-10-63, and shall not transfer custody to another person, agency, or institution, unless the court finds from all the circumstances in the case that the welfare of the child or the public interest requires that the child be taken from his home.
- "(19) An order under this section for probation or placement of a child with an individual or an agency shall

The county attorney shall represent the state in any proceedings in a children's case.

The board may adopt special rules of procedure to govern proceedings involving violations of traffic laws or ordinances, and violations of fish and game laws and boating laws.

For the purpose of determining proper disposition of the child, and for the purpose of establishing the fact of neglect or dependency, written reports and other material relating to the child's mental, physical and social history and condition, may be received in evidence, and may be considered by the court along with other evidence, but the court may require that the person who wrote the report or prepared the material appear as a witness if he is reasonably available.

g. Juvenile Court Personnel.

(i) Administrator of the Juvenile Court.

55-10-72 of the U.C.A. provides:

"With the approval of the board, the presiding judge shall appoint a chief administrative officer of the board, who shall have the title of administrator of the juvenile court and shall serve at the pleasure of the board. The administrator shall be selected on the basis of professional ability and experience in the field of public administration and shall possess an understanding of court procedures as well as of the nature and significance of probation services and other court services. He shall

devote his full time and attention to the duties of his office, and shall receive a salary determined by the board. Under the general supervision of the presiding judge and within the policies established by the board, the administrator shall prepare the budget for the juvenile court; make recommendations to the presiding judge for improvements in court administration and court services; provide supervision and consultation to district staffs regarding the administration of court services, recruitment of personnel, in-service training, and fiscal management; appoint necessary personnel to assist him in performing his duties, with the approval of the presiding judge; co-ordinate court services with the services of the division of family services and of other agencies, both public and private, who deal with children; compile necessary statistics and statistical studies and prepare the annual report; and perform such other duties as may be assigned by the presiding judge."

(ii) Director of Probation and Clerk of Court.

55-10-73 of the U.C.A. provides:

The judge of each district or the judges where the court has more than one judge, shall appoint, with the approval of the board, a director of probation and a clerk of the court, except where the staff is too small to warrant the appointment of such officers, in which case the judge shall appoint such personnel as may be required.

The director of probation, with the approval of the judge or the judges shall appoint such probation officers and other persons as may be required to carry out the work of the court, and the staff so appointed shall constitute the probation department of the court. Under the general administration of the judge, or the judges where there is more than one judge, the director of probation shall supervise the work of the probation department; serve as administrative officer of the probation department in such matters as personnel and in-service training; make recommendations to the judge and to the state administrator for the improvement of court services; collect statistics and furnish reports requested by the court of the state administrator; and perform such other duties as the judge shall specify.

"The efforts of the probation officer shall be directed toward the discovery and correction of the causes of a child's antisocial behavior and to the development of the child's character and sense of responsibility, with the aid of any available resources in the community.

Every referee appointed after the effective date of this act shall be a graduate of an accredited law school, provided that the board may permit exceptions in emergency situations. The salaries of referees shall be fixed by the board.

The judge may refer any case to a referee, or he may direct that all cases of a certain class or within a certain geographical area in his district shall be heard in the first instance by a referee, in the same manner as cases are initiated and hearings are held by the court. At the conclusion of the hearing before him the referee shall transmit to the judge all papers relating to the case, together with his findings and recommendations in writing."

(h) Waiver to Criminal Court.

The Juvenile Court has exclusive, original jurisdiction in all proceedings concerning any child less than 18 years of age or any person under 21 years of age who has violated a law or ordinance before becoming 18 years of age.

(i) Comments.

No attempt has here been made to set forth or summarize all of the pertinent statutory provisions relating to the Juvenile Court System. In general, the Juvenile Court law follows many of the recommendations of the "Legislative Guide for Drafting Family and Juvenile Court Laws" and the "Standards for Juvenile and Family Court." There are, however, some deviations - some of them major - from the "Guide" and "Standards." Some of these deviations could play an important role in the effectiveness of the Utah Juvenile Court System.

It should be specially noted that the juvenile court has jurisdiction over traffic cases involving persons under

the age of 18, which, of course, increases the work-load of the juvenile court and results in its devoting energies to the handling of cases which could just as easily and effectively be handled by other courts and which do not require the application of the scarce, specialized facilities of the juvenile court.

Specific recommendations for changes in the juvenile court act are made throughout this Study Report.

2. Study Findings.

(a) Rules of Procedure.

The Juvenile Court Rules of Procedure were adopted on January 9, 1970, at a regular meeting of the Board of Juvenile Court Judges and have been distributed to all practicing attorneys in the State. The Rules were designed to provide uniform guidelines in the areas of due process and the flexibility which is necessary to meet the varying needs of juveniles. Procedures have also been established for bifurcated hearings in all juvenile court districts.

(b) Use of County Attorneys in Juvenile Courts.

In the larger metropolitan courts (Districts One and Two), County Attorneys are available to the probation staffs to prepare and review the facts regarding alleged violations and to assist in the filing of petitions. In the other

three (less populated) Districts, however, there exists the problem of securing the services of the County Attorney in these matters, despite the clear injunction contained in 55-10-96 of the U.C.A. that: "The County Attorney shall represent the State in any proceedings in a children's case."

(c) Involvement of attorneys in Juvenile Court proceedings.

Legal Counsel is appointed for a child in the larger juvenile courts when counsel is requested. In all the cases observed in those courts, both the child and his parents were advised of their right to legal counsel. In most of those cases, the adjudicatory and dispositional hearings were held immediately following each other. As soon as the juvenile admitted the allegations of the petition, a dispositional hearing was held with the probation officer reporting orally to the court as to his recommendations. Upon inquiry, it was learned that this procedure was followed in about 95% of the cases. In only 5% of the cases is there a lapse of time between the adjudication that the juvenile is a delinquent and the hearing as to what disposition would be made by the court.

It is apparent that insufficient consideration is being given by the courts to the need for legal counsel to be appointed to represent the juvenile before the juvenile court. The law (55-10-96 of the U.C.A.) seems clear on the point:

include a date certain for a review of the case by the court, with a new date to be set upon each review. In reviewing foster home placements, special attention shall be given to making adoptable children available for adoption without delay."

The jurisdiction of the juvenile court continues until the child becomes twenty-one except that it terminates: (1) upon order of the court; (2) upon commitment to the state industrial school; and (3) upon the commencement of proceedings in adult cases. "The continuing jurisdiction of the court is not terminated by marriage."

(f) Protection of Rights of Parties in Juvenile Court Proceedings.

55-10-87 of the U.C.A. provides:

"(6) A parent or guardian shall be entitled to the issuance of compulsory process for the attendance of witnesses on his own behalf or on behalf of the child. A guardian ad litem or a probation officer shall be entitled to compulsory process for the attendance of witnesses on behalf of the child."

"(7) The court may authorize the payment of necessary travel expenses incurred by persons summoned or otherwise required to appear at the hearing of a case under this act, which payment shall not exceed the amount allowed to witnesses for travel in other courts."

55-10-91 of the U.C.A. provides:

"(1)...When a child is detained in a detention or shelter facility, the parents or guardian shall be informed by

the person in charge of the facility that they have the right to a prompt hearing in court to determine whether the child is to be further detained or released."

55-10-96 of the U.C.A. provides:

"A verbatim record of the proceedings shall be taken, by a court stenographer or by means of a mechanical recording device, in all cases which might result in deprivation of custody, as defined herein. In all other cases a verbatim record shall also be made, unless dispensed with by the court.

"Parents, guardians, the child's custodian, and the child, if old enough, shall be informed that they have the right to be represented by counsel at every stage of the proceedings. They have the right to employ counsel of their own choice; and if any of them requests an attorney and is found by the court to be without sufficient financial means to employ an attorney, counsel shall be appointed by the court. The court may appoint counsel without such request if it deems representation by counsel necessary to protect the interest of the child or of other parties. If the child and other parties were not represented by counsel, the court shall inform them at the conclusion of the proceedings that they have the right to appeal.

"Parents, guardians, the child's custodian, and the child, if old enough, shall be informed that they have the right to be represented by counsel at every stage of the proceedings. They have the right to employ counsel of their own choice, and if any of them requests an attorney and, if found by the court to be without financial means to employ an attorney, counsel shall be appointed by the court. The court may appoint counsel without such request if it deems representation by counsel necessary to protect the interest of the child or of other parties."

Despite this statute, there is still one County Attorney in Utah who does not interpret this Statute as being applicable to juvenile matters and has therefore refused to allow the expenditure of county funds for court appointed attorneys in juvenile case!

In practice only about 5% of the youngsters referred to the juvenile court are represented by attorneys. (This percentage is an estimate based on interviews in each of the Districts.) In observations of court hearings in District One - at which time six cases before a Juvenile Referee were observed - no attorney (neither County Attorney nor Defense Counsel) made an appearance.

(d) Inordinate delay in processing juvenile cases.

The monthly statistics included in the Utah Juvenile Court Operating Reports indicate that it takes approximately 36

days, on the average, to process a case referred to the Juvenile Court, 36 days from the time of referral to the time of final disposition (either judicial or non-judicial). By districts, the average number of days to handle all referrals for 1971 through September, was as follows:

District 1.....	50
District 2.....	63
District 3.....	25
District 4.....	19
District 5.....	37

It should be noted that these figures are averages, which means that many children are in "limbo" status for much longer periods--a situation which can be greatly disruptive to "normal" living for such children.

(e) Probation Services.

i. General

The State's probation services are divided into five districts. State statutes provide for a full-time Juvenile Court Administrator who serves at the pleasure of the Board of Juvenile Judges and his administrative functions include budget, fiscal control, personnel services, in-service training, procurement of supplies and services, statistical reporting, and general business management of all supporting activities for the entire system.

The Administrator of the Utah Juvenile Court is also the Utah Administrator for the Interstate Compact on Juveniles, appointed to that post by the Governor.

In each Judicial District, the Judge (or Judges) appoints-- with the approval of the Board--a Director of Juvenile Court Services and a Clerk of the Court. In those Districts where the staff is not large enough to warrant the appointment of these officers, the Judge appoints such personnel as are required.

The Directors of Juvenile Court Services--with the approval of the Judge or Judges--appoint probation officers and other persons required to carry out the work of the Court. According to the Juvenile Code, he supervises all the probation staff and is basically responsible to the Juvenile Judge who still serves as the chief administrator for the Juvenile Court.

Other than the Administrator of the Juvenile Court (who serves at the pleasure of the Board of Judges and who, by law, has his salary set by the Board of Judges), the employees--including the Director of Juvenile Court Services in the various districts--are selected, promoted, and discharged through the State Merit System, which has been established for the Juvenile Court under the director and regulation of the Utah Merit System Council.

In essence, therefore, the Director of Juvenile Court Services at the local level responds administratively to the policy--and procedural--decisions that are made by the

Board of Juvenile Judges and transmitted through the State Juvenile Court Administrator. At the local level, he also responds to the Juvenile Judge who is responsible for the on-going supervision of the Juvenile Court at the District level. The responsibility of the State Administrator is primarily in the areas of fiscal matters, personnel services, and the collection and distribution of statistics and data on the Juvenile Court process.

The "Legislative Guide for Drafting Family and Juvenile Court Acts" contains the following recommendation with respect to the administration of probation services for juveniles:

"It is strongly recommended that probation services be established on a statewide basis as part of the executive branch of government. Continuity of responsibility and treatment is attained when service and care for delinquent children are in a single agency. Such a system also will provide continuity of administration and will promote a more equitable distribution of services in terms of both quality and quantity, as well as uniformity of procedure. These characteristics are presently lacking in most States because the localities have responsibility for the services and they are often not in a position to provide them adequately.

"Administration of probation services by the executive branch of government will help to clarify the role of the probation officer as a professional without prosecutorial functions or subject to judicial control. Also, for legal as well as ethical reasons, the duties of the judge should not involve the administration of the probation services, the detention home, other foster case facilities or other casework or clinical services necessary for study or treatment. The judicial branch of government is called upon to check or pass upon the legality

of the actions of the executive or administrative system. This calls for an independent and impartial judiciary. When the judge is also the administrator, this is not possible since he is placed in the position of judging his own actions. This does not mean that the agency serving the court should operate completely independent of the judiciary. An effective working relationship must be established. Provision for the involvement of the judiciary in the development of policy and probation practice procedures should be made. This could be accomplished through the use of a policy advisory committee which would include judges as well as representatives of the behavioral sciences. Individual judges should also have a role in the selection of staff assigned to their particular court."

(ii) Non-judicial handling of cases.

According to the 1970 Annual Report of the Utah Juvenile Court, 57 per cent of all referrals to the juvenile court during that year were handled non-judicially, that is, they were disposed of without the filing of a petition of delinquency.

The Board of Juvenile Judges has developed a policy statement regarding non-judicial closures, which became effective on July 1, 1971. In reviewing these standards with various Court personnel, it was disclosed that the appropriateness of certain of these guidelines is not generally agreed upon in all Districts; and it has been suggested that a review of the guidelines be established to see whether or not they are entirely applicable. In essence, the guidelines suggest that the following types of cases shall be processed by petition unless there is specific authoriza-

tion for other handling in the case (and this permission is given by a Judge). There is also a provision that a general authorization for other handling of a case may be granted, in writing, by a Judge. The following cases generally are to be processed by petition:

All felony-type, criminal code offenses involving children 14 years of age or older;

All misdemeanor-type, criminal code offenses where the prior record indicates a felony-type offense or the same offense judicially handled when the new offense is of an aggravated or serious nature;

Behavioral, delinquency, or criminal code offenses where the prior record includes: 3 non-traffic referrals handled judicially OR 5 non-traffic referrals, whether handled judicially or non-judicially OR the child denies having committed the offense.

When a case is handled non-judicially the juvenile undergoes a process known as "preliminary inquiry" a process to determine which referrals are to be processed by Petition and which are to be handled informally.

In the First and Second Districts, the separation of responsibilities between the probation staffs is defined, i.e. intake functions vs. field supervision of juveniles.

In the three less populated Districts, however, there is insufficient manpower to make such a differentiation and one probation officer handles both the intake functions and field supervision functions.

However, in the First and Second Districts, cases to be handled non-judicially may be assigned to and processed either by a probation officer or a volunteer. The use of volunteers in this manner is highly questionable. For example, according to the September 1971 Monthly Report from District II (which is a total of the monthly and cumulative year-to-date referrals) of 7,562 referrals assigned at the point of intake, 2,197 (or about 29%) were handled by volunteers. During that same 9-month period, Intake Officers handled only 1,800 referrals. The remaining referrals were handled by other agencies, such as the Protective Services Division, the State Industrial School, various field probation units, etc.

If the case is handled non-judicially, the Probation Officer has the latitude to hold a case open for a period of sixty (60) days--during which time attempts may be made to work with the family and child to adjust a particular problem. If further time is necessary, it is then required that a Judge order an additional 60 days; but, in no instance, can a case be handled non-judicially for longer than 60 days without judicial action taking place.

(iii) Staff Development.

There is no procedure or policy manual for probation officers in any of the State's judicial districts.

There does exist the Utah Probation Handbook; however, the content is primarily information that has been recorded as the result of in-service training sessions which have been sponsored by the State Administrator of the Juvenile Court. A complete probation officer's manual, which sets forth clearly the definitive guidelines to be used in all areas of probation work, has not yet been developed.

The state Administrative Office has assumed some leadership responsibility with respect to staff development and has held a series of in-service training sessions during the past year (jointly sponsored by the various universities and with the utilization of outside consultants). None of the District offices has developed full-time administrative in-service positions that could be clearly identified in the administrative structure of the Juvenile Court; and, in the two larger Districts especially, a need was expressed for more in-service training. The less-populated judicial districts have indicated that, without help from the State Administrator's Office, they have neither the manpower nor the time to provide this themselves.

(iv) Probation Caseloads.

In each District, the caseloads were found to be well within the accepted standards that have been established nationally. In the highly-populated Districts, probation officers in the field are carrying no more than 25 cases per officer; and in the smaller districts, although some caseloads do rise above 40, none are of such quantity that it is not possible to provide a rather consistent, high-quality approach to supervision of those children on probation.

v. Probation Salary Structure.

One of the major problems facing the Utah Juvenile Court is the very inadequate salary structure for the professional personnel it employs, which is:

<u>Position</u>	<u>Class Range</u>	<u>Salary</u>
Probation Officer-B.A. Degree	15	560-772
Probation Officer-M.A. Degree	21	753-1038
Supervisor	21	753-1038
Division Chief (Supervises a number of units)	23	831-1147
Director of Juvenile Court	25	918-1267

Constant concern was expressed by Judges, Directors and front-line staff with respect to this problem. The salaries of the professional staff of the Juvenile Court are far below the nationally-accepted standards - considerably below those paid in neighboring States. As a result, young professionals are leaving the Utah system to seek employment where the pay is better. Unless this situation is remedied, many well qualified people will continue to be lost to the Juvenile Court System.

vi. Decentralization - Overuse of Volunteers.

The larger Districts - I and II - have developed to near completion an almost total decentralization of their field supervisory staffs. In both districts, there were field offices - rented homes in various neighborhoods - from which a team of probation officers, volunteers, and para-professionals operate in offering what appears to be a "team approach" to the supervision of probationers. During the past year, District I has developed a rather intensive

approach to the use of conjoint family counseling sessions, rather than the use of one-to-one probation supervision. In both Districts I and II, volunteer probation officer programs have been implemented, and both provide training and orientation for the volunteers. In reviewing the use of volunteers in District II, however, it was noted that there was a very extensive use of volunteers in Intake - and a serious question is raised as to whether they are "over-used" in lieu of regular staff. (See ii, supra this part)

(f) Record Keeping

The rather sophisticated data collection system available to the Utah Juvenile Court makes the exact status of a case, at any point in the proceeding, available through computerized data. Further sophistication of this process is being planned so that much of the needed data which is currently not readily available will be "on call" to any of the judicial districts.

(g) Physical Facilities.

All the courts visited had adequate physical facilities, including accommodations which provided standard (or above-standard) comfort for the people waiting for Court. Also, there was a sense of concern expressed through the quality of the offices and the appearance of the waiting rooms in the Juvenile Courts.

(h) Use of Advisory Committees.

There was an opportunity to observe meetings of the State Juvenile Advisory Committee and the Juvenile Court's Advisory Committee in District One. Citizens were observed who expressed a deep concern about the Juvenile Court's problems - citizens who were very willing to give of their time and of themselves to upgrade the entire juvenile justice system in their own communities and throughout the State.

However, it was noted that, with respect to both groups, there was a lack of regularly scheduled meetings. Both groups seemed accustomed to meet on an irregular basis to deal with certain specific problems or projects, rather than as an ongoing citizens' group convening regularly to

plan, implement and evaluate various aspects of the juvenile justice system.

(i) Use of Community Resources.

During the course of the Study, discussions were held with various individuals throughout the State as to the need of involving the total resources of the community in the juvenile justice system. However, such total involvement was observed only in District One which has a Task Force consisting of most social agencies directly involved as well as the police, which meets regularly every two weeks to plan and evaluate the services being provided.

However there does seem to be a pressing need for instituting, especially in the populous areas of the State, a social service exchange which would provide a means of sharing case information among both public and private agencies so as to avoid duplication in the gathering of information and in providing services. Instances were often cited of families being served by several case workers from several agencies, each of whom were unaware of the services being provided by the other. Not only is this kind of approach to the delivery of services wasteful of valuable workers' time but it is highly inefficient.

(j) Status Offenses.

During 1970, 46 per cent of all delinquency cases referred to the juvenile courts were for status offenses - acts

illegal for juveniles only i.e. resident runaways, possession of alcohol, minor in tavern, curfew violations, ungovernable, possession of tobacco, truancy, and non-resident runaways. This figure varied by Districts as follows:

	<u>1969 per cent</u>	<u>1970 per cent</u>
District One	39%	36%
District Two	48%	46%
District Three	50%	54%
District Four	52%	52%
District Five	53%	51%
Statewide	47%	46%

The next largest category of referrals was "acts against property," 34%, "Acts against the public order," 17%, and "acts against persons," 3%.

In each of the Judicial Districts there was a different kind of response to the use made of the Juvenile Courts by the schools. In the smaller (population-wise) Districts, there was a tendency to use the Juvenile Court for acts committed only by children - status offenses - particularly truancy - more frequently than in the larger Districts; thus, in Districts One and Two, only 3% of the children referred were from the school districts; in the other three Districts, the figures were 6, 7 and 9 per cent - indicating almost double the use made by the schools of the Juvenile Courts than in the larger Districts.

It is obvious that if some appropriate, effective means could be devised to divert status offending juveniles from the juvenile justice system while at the same time providing them with the services so many of them need not only for their own protection and betterment but also for the protection of the community not only would the case loads of the juvenile courts and the State Industrial School be reduced significantly but the juveniles themselves would be able to avoid the inevitable and needless stigmatization as "juvenile delinquents" - a label destined in many, many cases to haunt them for all the days of their lives.

Approximately one-third of the inmates of the State Industrial School on September 1, 1971 - 74 inmates - were there because they had committed status offenses. Keeping these 74 status offenders in the State Industrial School is costing the State of Utah approximately \$500,000 per year. Human ingenuity in this day and age should be able to devise more productive ways of spending that half million dollars than using it to keep these youngsters locked up in a State institution. \$500,000 will buy a considerable amount of preventive and rehabilitative services. That is a far, far better way to spend that sum of money.

The problem of what measures should be adopted to divert "status offenders" from the juvenile justice system while providing for them the services they need while safeguarding the community is one that is currently troubling the Nation. Utah is now in the position to play a leadership role in adopting practical measures to handle this problem. The suggestions contained in This Study Report, below, set forth possible methods of achieving these objectives.

(k) Traffic Cases in the Juvenile Courts.

The situation in Utah with respect to the handling judicially of juveniles who commit traffic offenses is confused.

55-10-77 of the U.C.A., as amended in 1971, states specifically that:

"Except as otherwise provided by law, the (Juvenile) Court shall have exclusive original jurisdiction in proceedings (1) Concerning any child who has violated any federal, state, or local law or municipal ordinance..."

With respect to traffic offenses, 55-10-83 of the U.C.A. provides:

"In cases of violations of motor vehicle laws and ordinances, fish and game laws, and boating laws, a preliminary investigation shall not be required unless requested by the court, and in the case of violations of motor vehicle laws or ordinances a petition shall not be required and the issuance of a traffic citation or summons shall be sufficient to invoke the jurisdiction of the court."

55-10-100 of the U.C.A. provides:

"(9) In cases of violations of traffic laws or ordinances, the (Juvenile) Court may, in addition to any other disposition, restrain the child from driving for such periods of time as the court deems necessary, and may take possession of the child's driver's license."

However, notwithstanding these provisions of the Utah Code, the Utah Supreme Court has ruled recently that the City Courts could try juveniles for traffic offenses and even sentence them to jail terms.

Cases involving traffic offenses constitute a significant * portion of the case loads of the Utah Juvenile Court.

In 1969, there were 6,664 traffic cases referred to the Utah Juvenile Courts - an increase of 52% over the preceding year. In 1970, there were 7,384 traffic cases referred to the Utah Juvenile Court, an increase of 10 3/4% over the year 1969.

In 1969, 37.77% of the delinquency referrals to the Juvenile Court in District One were for traffic offenses. In 1970, 37.9% of all delinquency referrals to the Juvenile Court in District One were for traffic offenses. Through September, 1971, traffic referrals had increased 45.2% in District One (2,299 cases as contrasted with 1,587 cases in the comparable period in 1970).

In 1969, 24.04% of all delinquency referrals to the Juvenile Court in District Two were for traffic offenses. In 1970, 24.04% of all delinquency referrals to the Juvenile Court in District Two were for traffic offenses. Through

September, 1971, referrals to the Juvenile Court in District Two for traffic offenses had increased 36% (1657 cases as contrasted with 1218 cases in the comparable period in 1970).

Approximately 50% of all juvenile traffic offenses referred to the Juvenile Court 1969 were for non-moving violations (i.e. mufflers and other mechanical defects, parking, improper registration, etc.).

The "Standards for Juvenile and Family Courts," issued by the Children's Bureau of the Department of Health, Education, and Welfare in 1966, in cooperation with the National Council of Juvenile Court Judges and the National Council on Crime and Delinquency notes that:

"Opinion is divided as to the necessity of placing all traffic offenses under the jurisdiction of the juvenile or family court."

However, that publication continues:

"It has been pointed out that ordinary traffic offenses can hardly be considered as indicative of emotional disturbance or family disunity and, therefore, are not in need of the study and specialized handling considered necessary in other forms of delinquency. The objective of court action in traffic cases should be to improve the driving habits of these juveniles and to deter them from further violations which, it has been contended, can be accomplished in a properly administered, progressive traffic court.

"The legislative trend has been in the direction of removing jurisdiction over ordinary violations from the juvenile or family court. Even if this course is adopted by a State, jurisdiction with respect to certain major

traffic violations should continue to be vested in the court handling children's cases. Manslaughter, unauthorized use of a vehicle, driving without a permit or driving while under the influence of alcohol or narcotics are offenses which are more likely to indicate the existence of serious personal or family problems and which may cause emotional damage to the child. The handling of such cases would likely require the services obtainable through the specialized court and should be processed the same as other cases of delinquency.

"Also, if jurisdiction over juvenile traffic cases is given to a traffic court, certain safeguards should be made, such as requiring the parent or guardian to be present at the hearing. Such a court should not have power to detain a child either before or after a hearing. If the traffic court feels such action is necessary or that continued care and treatment is needed, it should be empowered, after a finding that the offense was committed, to refer the case to the court handling children's cases for disposition.

"If the specialized court retains jurisdiction over all traffic offenses, then different procedures should be developed for handling ordinary traffic violations. It should not be necessary for such cases to be processed through intake or for a social study to be made. In some communities the police in cooperation with the court have developed a juvenile traffic "ticket." A hearing is held on the basis of the "ticket" rather than upon petition. Authorization for such a procedure, however, should be provided for by statute.

"The statute should also provide for a variety of dispositions in cases of this nature. For example, dispositions might include revoking or suspending driving privileges, restricting the right to drive to a specific purpose, or under specific conditions such as only with an adult or only driving certain hours, requiring driving instructions, ordering inspection of vehicle and disposition if found unsafe, or imposing a fine. Juvenile traffic violators should not be permitted to forfeit collateral nor should the statute permit the same action by the court in making disposition as provided for in other types of delinquent acts. For example, a child should not be subject to removal from his home and placed in *legal custody* of someone other than his parents for a traffic violation which, if committed by an adult, would result in a mere fine. In other words, the sanctions imposed upon child traffic violators should be provided for in the statute and should have a reasonable relationship to those placed upon adults for the same offense."

3. Study Recommendations.

(a) Need for Central Commitment of Juveniles.

The Utah Juvenile Court Law specifies in detail the various types of dispositional acts which the Court may take. However, it should be recognized that a Juvenile Court Judge cannot be expected - and should not be expected - to act as a clinician - or a counsellor - or an educator - a psychiatrist - and to be placed in the position of being required to prescribe well into the future the exact type of treatment best suited for the rehabilitation of children in the role the judge should be expected to play. Treatment decisions with respect to children adjudicated delinquent should be made clearly the responsibility judgements required to effectuate the rehabilitation of the child. Determinations with respect to changes in the legal status custody, appointing a guardian for the child, are properly judicial decisions and should remain as such. When legal custody is to be taken from the parents it should be lodged in an appropriate State agency having sufficient know-how and facilities to determine the best course of treatment for such child, i.e. institutional, foster home, or group home care. Such treatment decisions should not be made by the court. The Utah Juvenile Court Act should be changed accordingly.

(b) Probation Services.

i. For the reasons set forth above in the Study Findings, probation services should be administered on a state-wide basis by an appropriate State agency in the Executive Branch of the State Government.

ii. To stop the drain of qualified probation personnel and to attract to the State service new probation officers, the salaries of probation staffs should be reviewed and raised to make them competitive.

iii. The use of volunteers in the non-judicial handling of juveniles should be reviewed and their overuse discontinued.

iv. There is need for much greater staff development and for a Probation Manual.

(c) Diversion of Children from the Juvenile Justice System.

See H, infra.

(d) Traffic cases.

There is no logical reason why a specialized court established to deal with juvenile problems should be burdened with cases involving relatively inconsequential traffic cases which waste the time of highly trained and skilled court personnel, and prevent the Juvenile Court from devoting its special skills to more important matters. It is recommended that the jurisdiction of the Juvenile Court with respect to traffic cases be limited to such major violations as manslaughter, unauthorized use of a vehicle, driving without a permit or under the influence of alcohol or narcotics, since such offenses are more likely to be symptomatic of serious personal or family problems which may cause emotional damage to the juvenile. As recommended in the "Standards for Juvenile And Family Courts," the jurisdiction of the Utah Juvenile Court should be limited as set forth above.

(e) Status of Juvenile Court Judges-Need for Family Court.

Juvenile Court Judges should hold office as do other District Court Judges, with no difference in appointment or retention procedures. The present system apparently is a hold-over from the time before 1965 when the Judges of the Juvenile Court were appointed by the responsible to the Director of the State's Welfare Department.

This Study Report also concurs in recommendation made by the Board of Juvenile Court Judges in its 1970 Annual Report with respect to the need for a statewide Family Court System in Utah. Such a change should be adopted at the earliest possible moment. The literature on the subject is replete with cogent arguments and reasons clearly proving why such a change would be beneficial to the State.

(f) Needed involvement of County Attorneys in Juvenile Proceedings.

County Attorneys should be required to act in juvenile cases at all stages of the proceedings so as to obviate the all too many instances of the Juvenile Court Judge in some Districts serving as both Judge and attorney.

(g) Legal Counsel in Juvenile Cases.

The lack of legal representation of juveniles and their parents appearing before the Juvenile Court should be a matter of grave concern. The requirements of the Gault and other decisions of

the Supreme Court delineating the legal rights of parties to proceedings before juvenile courts cannot be compiled with merely by paying lip service to their precepts. A sincere effort is required on the part of both the Bench and Bar of Utah to fulfill those requirements. Merely reciting them without taking practical steps to fulfill them will not suffice.

G. UTAH STATE INDUSTRIAL SCHOOL.

1. General background.

- (a) Pertinent legislation.
- (b) Statistical background.

2. Study Findings.

- (a) Atmosphere of unrest at State Industrial School.
- (b) Educational program.
- (c) Psychological services.
- (d) Social services.
- (e) Medical-dental services.
- (f) Food services.
- (g) Group living.
- (h) Student Council.
- (i) Recreation services.
- (j) Volunteer program.
- (k) Vocational rehabilitation program.
- (l) Discipline and control.
- (m) Advisory Committee
- (n) Aftercare services.

3. Study Recommendations.

- (a) Stopping short-term "diagnostic" commitments to the School.
- (b) Postponing further major construction at the School.
- (c) Needed changes in legislation governing the School.
- (d) Decisive action by Superintendent needed.
- (e) 1969 study of educational system should be implemented.
- (f) Psychology Department should be integrated with remainder of School's programs.
- (g) Social work staff should be increased.
- (h) The medical staff should become involved.
- (i) Requests for ethnic foods should be given favorable consideration.
- (j) More representation of ethnic minorities needed on staff.
- (k) Student Council should be strengthened.
- (l) A broader concept of recreation needed.
- (m) Volunteer program needs full-time coordinator.
- (n) Vocational rehabilitation program should explore new approaches.
- (o) Staff should be made more fully aware of responsibilities for discipline and control.
- (p) Advisory Board should have legislative base.
- (q) Transfer of aftercare responsibilities.

G. Utah State Industrial School.

1. General Background.

(a) Pertinent Legislation

64-6-1-17, incl. of the U.C.A. provides for the establishment and operation of the Utah State Industrial School in Ogden under the direction of the Division of Family Services. These statutes set forth in general terms the powers and duties of the Division with respect to the school which was established "for the confinement, discipline, education, employment and reformation of juvenile offenders committed to it according to law".

The superintendent is to be appointed by the Division with the approval of the Governor but 64-6-5 of the U.C.A., which so provides, makes no mention of the tenure of the superintendent.

The statutes specifically require the Division to make on-site inspections of the school at least once a month.

64-6-12 of the U.C.A. states that every person committed to the school "shall remain until he shall arrive at the age of twenty-one years, or be legally discharged. The discharge shall be a complete release of all penalties incurred by conviction of the offence for which he was committed.

With respect to the education of the "inmates", 64-6-7 of the U.C.A. provides: "the division of family services shall cause the inmates to be instructed in correct principles of morality, and in such branches of useful

knowledge as shall be adapted to their age and capacity. Each inmate of the school shall, so far as practicable, be taught a trade or some useful occupation to fit him to earn a livelihood upon his release".

As to parole, 64-6-8 of the U.C.A. states: "The board of family services may establish rules and regulations under which any inmate may be allowed to go upon parole outside of the buildings and inclosures, but such inmate shall remain in the legal custody and under the control of the commission and shall be subject at any time to be returned within the inclosure of the institution. Full power to enforce such rules and regulations, and to retake and keep any child so upon parole, is hereby conferred upon the division, whose written order, certified by its director, shall be sufficient warrant to any officer authorized to make arrest to return to actual custody any paroled inmate; and it is made the duty of all such officers to execute any such order".

The statutes make no provision for a work-release program. Instead, they use the term in use years ago of "binding out inmates" and provide (64-6-9- of the U.C.A.): "The division of family services may in its discretion bind out inmates, with their consent or the consent of their parents or guardians, as apprentices or servants during their minority, to such persons and at such places and to learn such proper trades and employments as in its judgment will conduce to their reformation, amendment and future benefit. Such inmates shall remain in the legal custody and under the supervision of the division and shall be subject at any time to be returned to the institution".

Special provisions are contained in 64-6-10 of the U.C.A. for contracting outside of the school with another institution "organized in this State for the reformation of females" and, in 64-6-16 of the U.C.A. for the care of pregnant inmates, with expenses to be paid for from the funds of the country from which she came.

There are also provisions for collecting the cost of caring for persons committed to the School from the parents of the child if they are "of sufficient ability to do so", but this provision may be waived when, in the opinion of the Division, "such collection would not be in the best interest of the child".

66-6-14 of the U.C.A. contains this curious provision with respect to "incorrigibles": "If any person committed to the State Industrial School shall prove unruly or incorrigible, or if his presence shall be manifestly and continually dangerous to the welfare of the school, the division of family services shall have the power to order his removal to the county from which he came. If such person has been convicted of a felony or misdemeanor, and judgment has been suspended, he shall be delivered to the sheriff of the county from which he came, and thereafter proceedings against such person shall be resumed as if no order committing him to the school had been made".

Comments:- 64-6-1-64-6-17, incl. of the U.C.A. dealing with the administration of the Utah State Industrial School leave much to be desired by way of clarity, completeness and conciseness.

They are in many respects out of date. They contain no consideration of the legal rights of the children committed to the School or of the legal rights of their parents or guardians. Some omissions, such as those dealing with who can make major treatment decisions and under what circumstances, could lead to serious legal difficulties.

(b). Statistical Background.

The following statistical background concerning the Utah State Industrial School was taken from a number of sources but principally from "Youth Service Planning Project 1972" and the information furnished by the school to the U.S. Bureau of the Census for the period of July 1, 1970, to June 30, 1971.

The School opened in 1896 -- prior to that time there had been the Utah Territorial Reform School. It is coeducational.

Institutional Cost, 7/1/70-6/30/71.....\$1.6 million

Capacity, without overcrowding...boys: 165 girls: 75

Population of school of 9/30/70: boys: 213 girls: 57

12/31/70: boys: 215 girls: 69

3/31/71: boys: 206 girls: 67

6/30/71: boys: 178 girls: 67

Juveniles by offenses on 6/30/71:

Felony (except drugs) boys: 102 girls: 8

Misdemeanor (ex. drugs) boys: 38 girls: 23

Drug offences boys: 0 girls: 0

Status offences boys: 38 girls: 36

Age of children in School: Youngest boy: 11 yrs
girl: 12 yrs.

Oldest boy: 20 yrs.
girl: 19 yrs.

Ethnic background of children: White (Anglo) 66%
Indian 10%
Spanish 22%
Black 4%

Spanish-American children compose 3.3% of Utah's youth population. Indian children compose 1.2%, and black

children, 0.5% of Utah's youth population.

Staff: 145 full-time; 10 part-time.

Religious background of children:

L.D.S.	57%
Catholic	25%
Baptists	6%
Other	2%
Unaffiliated	10%

Average length of stay: 10.5 months.

66% of the children at the school are three or more grades retarded academically.

On December, 1970, there were 460 students on parole of which 300 were from the Wasatch Front and 2 from Carbon County. Of the 300, 200 were on "inactive placement" -- receiving no services unless they request them: 100 were on "active placement".

Financial Status of Parents:

Receiving public assistance:	33%
\$3,000 or less (not on welfare)	18%
\$3,000 to \$5,000	15%
\$5,000 to \$7,000	20%
Over \$7,000	11%
Undetermined	3%

Marital Status of Parents;

Living with both parents	42%
Living with mother only	20%
Living with father only	1%
Living with other relatives or in a foster home	37%
Have lived at some time in a foster home	28%

COMMITTMENT & REFERRAL COMPARISONS

<u>YEAR</u>	<u>SIS COMMITMENTS</u>	<u>RATE/ 1,000</u>	<u>DELINQUENCY REFERRALS</u>	<u>RATE/ 1,000</u>	<u>TEEN POPULATION 12 THRU 17</u>
1955	154	1.86	4,013	48.47	82,796
1956	160	1.87	5,796	67.87	85,393
1957	175	1.99	6,146	69.99	87,811
1958	167	1.83	6,898	75.55	91,303
1959	144	1.45	6,394	64.47	99,177
1960	182	1.75	7,756	74.65	103,900
1961	208	1.92	8,401	77.63	108,220
1962	233	2.05	8,340	73.42	113,588
1963	250	2.08	10,073	83.87	120,104
1964	230	1.85	11,080	89.23	124,168
1965	219	1.73	10,696	84.29	126,901
1966	202	1.54	13,428	102.66	130,803
1967	171	1.26	13,186	97.52	135,209
1968	170	1.22	13,911	99.51	139,799
1969	155	1.09	15,714	110.62	142,055
1970	176	1.21	17,052	117.40	145,247

2. Study Findings:

(a) Atmosphere of unrest at State Industrial School

A pervasive atmosphere of unrest exists at the School. The very nature of a program which works with involuntary subjects has negativism built into it. However, the unrest and dissatisfactions go beyond the basics of an occupational hazard. Several staff members were outspoken, others made veiled and guarded remarks about atmosphere and morale. Several causes were advanced. They include: Administration's inability to make decisions regarding direction of new programs, administrative decisions being made by other than persons authorized, a downgrading of group living staff, group living staff required to do menial tasks (trash and garbage collection) which were not mentioned at time of hiring, inequities in jobs and pay between men and women and attacks by community groups.

An institution of this nature is most difficult to administer. The difficulties have been magnified by the quickening pace of and the cry for change. All hues of philosophy are represented on the staff. Some staff members are liberal in their philosophy and support a program of a different bent than those who are rigid and want the institution to wield a strong forceful hand. Questionnaires solicited from the staff indicated a broad range of goals for the Institution and its role in reaching goals. Each member of the staff looks to the Superintendent for leadership. Each member, despite his own philosophy, looks to the Superintendent to make the decision on the direction in which the institution will move. He, or

she, may not agree with the decision, but this is secondary to making a decision and informing staff. It would be helpful if a device could be used which would involve all staff in reaching such a decision. However, the practicalities of such an exercise have not been explored.

(c). Educational Program

In May, 1969, the Utah State Board of Education completed a study of the Industrial School prior to awarding full accreditation. The report is extremely well done. Over forty people participated in the study, resulting in a careful, thoughtful analysis of the educational program of the School and how it could be improved.

(d). Psychological Services

The psychology department's primary responsibility lies in administering Title I funds of the ESEA program. This involves the cottages which operates on a different basis than the other living units. This has caused friction among staff. Many feel preferential treatment is given to those working in this program. Others felt students in these cottages are treated in a more permissive manner.

An adapted behavior modification program is in effect in the two boys cottages. The charge of being permissive is difficult to substantiate.

Many others on the staff resent the program and its director because they know little of the program and find it difficult to communicate with the director.

The Psychology Department has built a system for collecting, storing and retrieving data on the behavior of students. The system is an extremely extensive one. However, it does not seem that the system is fully utilized to further the knowledge or competence of staff in dealing with the many problems existing in the program.

The Psychology Department is involved in all diagnostic services. The recent short term placements by Juvenile Courts have placed an additional burden on the department. Students placed for longer periods must often wait for their diagnostic workups to be done until the "emergencies" are dealt with.

(e) Social Services

At the time this study was made the social work staff was below strength. There seemed no evidence that vacancies would be filled. The staff is attempting to fulfill its obligations, but finds it difficult without necessary manpower. The scheduling of staff some nights and weekends is good. This has advantages in working with the students at other than school times. It also allows the social worker the opportunity to observe the student in a natural setting in the cottage. Staff relationships are also better if all staff have the responsibility for working a diversified schedule.

(f) Medical-Dental Services

Present inadequacies in terms of space will no doubt be removed upon the opening of the completed hospital building.

On an overall basis the medical and dental services are adequate

(g) Food Services

The cafeteria presents a bright, relaxed atmosphere. Small tables at which students and staff may sit on a voluntary basis are a vast improvement over the former arrangement. Average daily cost per student for food seems low. Realizing the regional differences in food costs, the food produced at the institution and the availability of surplus foods, the cost might be lower than commercially prepared.

The ever present institutional concern of food services workers tampering with the food was found at the industrial School. It is imperative that staff members supervise students closely for possible tampering and also to assure students that proper supervision has taken place.

(h) Group Living

The problem of group living is certainly one of the most important areas of any institution.

Although looked upon as a substitute for the student's home it must be viewed as a much broader entity. There is a need to view the living unit as a treatment tool and those working in this area as treatment staff. At the Utah State Industrial School, this concept does not exist to the extent that it could or should. There is a tendency to regard the living unit staff as custodial staff. Morale within this group is low. It feels its contributions are minimized and that it is not kept informed of changes or future plans.

(i) Student Council

The practice of creating a student council can only be as

successful as the administration allows it to be. The image of the student council differs greatly among staff and students. Its responsibility and authority are not always understood by those being served or those serving on the council. The student council can be a vehicle through which many experiences are possible. As stated above, these experiences are governed by the administration which cannot afford "mistakes". However, youth must be allowed to make some mistakes as a part of the growth process.

(j) Recreation Services

The recreation program is focused on athletics and quite narrow in concept. The staff member also teaches physical education within the school program.

(k) Volunteer Program

A healthy, active volunteer program can be a tremendous asset. To be healthy and creatively active the program must be administered with full time personnel equipped to recruit, select, train and supervise volunteers in a planned program. Volunteers can bring the outer world into the institution, they can also become the bridge between community and institution. For this bridge to be safe and free from the danger of collapse, the volunteers experience must be a good one. It is hoped the recent law suit involving a volunteer will not jeopardize the program. It will, however, have its effect. It is my opinion extra care will be needed to interpret the incident to potential volunteers.

It is unfortunate that the staff member now responsible for the volunteer program has requested a reduction in working time. The plan to have the responsibility shared by two part time people will not resolve the problem. It is possible this plan can create more problems.

(1) Vocational Rehabilitation

The State Vocational Rehabilitation program maintains an office on institution grounds. Two staff people work in placing students from the State Industrial School. However, they are also responsible for other clients outside the institution. The main focus of the Vocational Laboratory is to introduce all 15 year olds to the field of work. These youth are too young to refer for jobs so the most that can be hoped for is an introduction to various job areas such as metal and welding, construction, clerical, etc.

(m) Discipline and Control

The area of discipline and control is difficult to administer. Students at the Industrial School present problems and are at the institution because of their behavior. When placed in groups, the individual problems becomes more than a sum of the individual problems. The situation includes the various configuration which come into being as the individuals act and react to each other and staff. It is practically impossible to describe this phenomenon to anyone not familiar with institutional living.

This institution has attempted to place restrictions on disciplinary measures to be used. However, despite handbooks, policies and manuals it is possible some staff members will react in a manner clearly forbidden. Unless a guarantee is possible such incidents will occur. This is not meant as condoning such action, but more as a realistic appraisal.

(n) Advisory Committee

The Industrial School is to be commended for having an active advisory committee. The group is very interested in all aspects of the program at the Industrial School.

(o) Aftercare Services

According to the Youth Services Planning Project 1972:

"The staff in Salt Lake City consists of one supervisor, three placement officers, one school teacher, one vocational rehabilitation counselor, and a secretary. It also has an active volunteer program which supplies supportive services to the released youth. The placement officers work closely with the State Industrial School in order to become familiar with the youth they must place in the community. It is their responsibility to help the families of the Industrial School students understand and become involved in the child's treatment program. It is also their responsibility to prepare the family for the child's return. In other words, they are the School's most vital link with the community."

The aftercare program is also divided with Title I funds going into a program involving group F and A. Staff for this part of the program is available more so than those

released from other cottages.

In connection with This Study of the Utah State Industrial School, a long and detailed questionnaire was prepared.

Three replies received with respect to after-care are particularly significant:

1. What factors are present which hamper successful re-entry into the community

"Students are moving back into the community where they still face many of the pressures, rejections, insecurity, and frustration they have felt prior to commitment. While at the institution they are placed on their grade level in school, and return to the public school situation in the regular program is very often a difficult thing for them."

"When the child returns to the home he is faced with the same difficulties he has experienced in the past and this is very frightening to him. Another area which can hamper successful re-entry is the contact made by other students here at the institution who have been or will soon be released. We find that very often this multiplies the problem of adjustment in the community because of the inclination to get into further difficulty."

"Public Schools are a frustration and although the student has done well here (at the Utah State Industrial School), he finds that he is still behind the regular class members in the community and tends to withdraw from this."

2. Describe circumstances which return a student to the institution

1. Law violations which have brought them back to court.
2. Family breakdown and lack of controls.
3. For the welfare of the child and to prevent more self-destructive behavior.
4. Failure in the public school system.
5. Failure to follow through on plans made for them.
6. The need for greater control and supervision."

3. What recommendations would you have to improve the successful rehabilitation of a student in the community

"Two very great obstacles to the success of released youngsters to the community have to do with adjusting to public schools and securing employment. It is my belief that if we could be more successful in helping these youngsters in their schooling and vocational training when they leave the institution, and in securing and holding employment our success rate in rehabilitation would be greatly improved. Perhaps greater resources should be provided through the public schools in helping youngsters released from the Industrial School, as well as other youngsters who have educational deficits, to adjust to the educational programs and to supplement the usual public school program. A great deal of counseling around school is needed, and adjustments may need to be made in their curriculum to insure a greater degree of success to remove some of the conditions that make for failure."

"A great effort needs to be made to provide adequate jobs, both part-time and full-time for youngsters leaving the Industrial School. Jobs should be provided which include training opportunities so that youngsters who begin in low paying jobs have an opportunity to learn new skills and techniques and have the opportunity for advancement."

"Another resource might be in the establishment of a half-way house, although we have not been convinced that this is entirely necessary. More adequate counseling services in helping youngsters to adjust in their own homes, or other placement situations, might be more practical and productive. Broad community support is needed to provide a helpful atmosphere to youngsters returning to the community. A volunteer worker assigned to a youngster might be very helpful."

3. Study Recommendations

(a) Stopping short-term "diagnostic"

commitments to school

Short term commitments to the School for

diagnostic purposes are disruptive of what should be the

School's long term treatment objectives and should be stopped and diagnostic facilities should be used or developed elsewhere either on an in-patient or out-patient basis.

(b) Postponing further major construction at the School

In the light of the preceding recommendation and the recommendations made elsewhere in This Study Report with respect to seeking the maximum diversion of children from the juvenile justice system - especially status offenders who constitute about 25% of the population of the School - which should result in a decrease in the number of children committed to the School, any plans for major building construction at the School should be postponed until the total need for new building can be reassessed in the light of such changed school population as may be brought about by carrying out those recommendations.

(c) Needed revisions in legislation governing School.

The statutes governing the operation of the School and the after-care program need revision to bring them up to date in the light of present conditions and to safeguard the rights of children committed to the School.

and their parents and guardians.

(d) Decisive action by Superintendent needed

The Superintendent should make greater and more decisive efforts to meet with different staff units to solicit their thoughts and ideas so as to bring about a better inter-personal and more cohesive communication system within the school.

(e) Study of Educational System should be implemented

The recommendations made in the 1969 study of the School's educational program by the Utah State Board of Education should be carried out.

(f) Psychology Department should be integrated with remainder of School Programs.

The psychology department should institute an immediate, comprehensive program to inform, on an on-going basis, all other staff members of the program which it is operating in Groups A and F and to integrate fully its services with those provided in the remainder of the School in such a manner as to dissipate the feeling among many of the other staff that the Department has isolated itself.

(g) Social work staff should be increased

Social work staff should be: increased to provide for a worker per cottage; assigned to particular cottages and be provided office space in the cottages rather than in the administration building.

The treatment team concept should be evaluated in terms of composition, authority and responsibility.

~~(h) The medical staff should become involved~~

The medical staff should be involved in cottage treatment teams.

Nurses should be involved in school programs dealing with health problems and with cottage staff in planning and carrying out educational health programs at the cottage level.

A more humanitarian attitude and program is needed for the pregnant girls at the institution for whom plans are often inadequate and late, leaving little time between removal from the institution and delivery.

Nurses should be involved in a special program for pregnant girls dealing with medical, social and psychological problems.

- (i) Requests for ethnic foods should be given favorable consideration

The home economics teacher should be involved in menu planning to insure balanced meals. An advisory board of students should be named to act as advisors to the food service department and to be involved in arranging interesting displays in the cafeteria.

Students requests of ethnic food, in view of the numbers of children with diverse ethnic backgrounds, should be given immediate and favorable consideration, possibly seeking advice with respect to such requests from the student food advisory board.

The food service department should be involved in a vocational training plan for both boys and girls.

The average daily cost of food should be compared with other mass feeding terms, such comparisons also to include quality and quantity of the food served.

- (j) More representation of ethnic minorities needed on staff

More minority representation among the staff should be vigorously recruited for the group living program.

Steps should be taken to keep living unit staff informed of program changes and plans for future changes.

Schedules should be so arranged as to make it possible to have a two person shift in each living unit during those hours and days when students are not in school, bearing in mind that weekends and evenings are crucial times and sufficient staff should be available to allow for program flexibility and voluntary attendance at mass programs.

Staff development programs should be arranged in which each staff member could participate and become involved in some program which would be aimed at increasing his knowledge of the institution population.

A plan to use aides within the group living program should be explored and, if found feasible, put into effect.

The present practice of requiring group living staff to perform tasks of trash and garbage collection should be discontinued.

Bulletin boards should be available to students in their living quarters so that pictures, posters, etc. may be displayed.

(k) Student Council should be strengthened.

Every opportunity should be taken to strengthen the area of responsibility of the student council and to

make certain that both staff and students understand the role of the student council.

The excellent practice of inviting the president of the student council to attend meetings of department heads should be expanded to a scheduled presence.

Extreme care should be taken to insure that staff attendance at student council meetings will be kept to a minimum, since additional staff tends to short circuit deliberations and shift responsibility from the students to the staff.

(1) A broader concept of recreation needed.

A broader concept of recreation should be supported and social recreation, which has a carry-over into the community, should be encouraged, since team sports, although enjoyable, form only a fraction of what should be a total recreation program of maximum value at an institution of this type.

A female recreation staff member should be hired to work with the girls and staff members and small group recreation activities in the cottages should be encouraged.

(m) Volunteer Program needs full-time coordinator.

The volunteer coordinator should assume full time responsibility and should maintain close relationships to all areas in which volunteers might be functioning.

All staff should be involved in deciding areas in which volunteers will act and in selecting those volunteers with whom they will be working.

All volunteers should be involved in a training program consisting of two parts: orientation and on-going, with both the institution and the volunteers having it clearly understood before entering into serious negotiations that either may terminate the relationship at the end of the orientation period.

(n) Vocational Rehabilitation program should explore new approaches

Close ties should be established with unions to work out apprenticeship training for the older boys being released from the institution.

Considerable exploratory work is necessary to uncover other than traditional job fields and the business and educational fields should be tapped to learn of areas which show promise of possible employment.

H. DIVERSION FROM THE JUVENILE JUSTICE SYSTEM.

According to the Utah Juvenile Court Report for 1970, there has been almost a steady rise in juvenile status (non-criminal) offenses since 1930. Those offenses are defined as "those acts or conditions which are illegal for children only such as curfew, possession of alcholo and tobacco, truancy, runaway and ungovernable.

The figures given in that report are as follows:

1930	31%
1935	31%
1940	27%
1945	38%
1950	36%
1955	40%
1960	43%
1965	42%
1970	46%

Even though the 1970 percentage is one per centum lower than that given in the 1969, the comment contained in the 1970 report is substantially correct:

"It should be noted that these figures indicate an increasing use of the Juvenile Court to handle family and disciplinary problems. The trend towards a higher percentage of delinquency being composed of juvenile status offenses is apparent".

In the 1969 Report of the Utah Juvenile Courts the recommendation was made:

"Legislative redefinition of the jurisdiction of the Juvenile Court is needed to eliminate those cases that could more appropriately be handled outside the juvenile justice system. Of special concern are juvenile status offenses, i.e. those offenses illegal only for children and the special dispositions which should apply to them."

Prior to 1971, the jurisdiction of the Juvenile Court included:

Trends in employment should be charted and tracked, with those types of employment showing declines shunned for training and those on the increase being evaluated in terms of the availability of workers - where gaps exist a flexible program could fill the gaps.

- (o) Staff should be made more fully aware of responsibilities for discipline and control.

All staff should be made aware of their responsibilities in the area of discipline and control and periodic refresher meetings should be held as reminders.

Staff should be encouraged to report infractions on a voluntary basis if only as a means of knowing that infractions have occurred and that some action has been taken.

- (p) Advisory Board should have legislative base.

Legislation should be enacted giving the Advisory Board Legal status.

The Advisory Board should be expanded to include representation from the families of children in the School.

In recruiting new members, the Advisory Board should make special efforts to recruit members of minority groups who should, if possible, reflect the composition of the School population and also to recruit at-large community representation.

(g) Transfer of aftercare responsibilities.

If the recommendation above for commitment to an appropriate State Agency offering a multitude of youth services is followed (See F-3-a), then after-care services should be provided by that State Agency through local services, rather than as part of the School.

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Prior to 1971, the jurisdiction of the Juvenile Court included:

"...any child... (b) whose behavior or condition is such as to endanger his own welfare or the welfare of others...(c) who is a habitual truant from school, or who has run away from his home or who is otherwise beyond the control of his parents, custodian, or school authorities".
(55-10-77 U.C.A.)

The Utah Legislature changed these subsections in 1971 to read:

"...any child...(b) who is beyond the control of his parent, guardian, or other lawful custodian to the point that his behavior or condition is such as to endanger his own welfare or the welfare of others...(c) who is habitual truant from school."
(S.B. No. 73, enacted in 1971).

However, runaways are still being referred to the Juvenile Courts as delinquents and being handled as such.

Currently throughout the Nation there is a widespread movement to divert juvenile status offenders from the juvenile justice system. This movement was given great impetus by the Report of the President's Commission on Law Enforcement and the Administration of Justice which recognized the importance of not putting juveniles into the "system" too quickly:

"The formal sanctioning system and pronouncement of delinquency should be used only as a last resort. In place of the formal system, dispositional alternatives to adjudication must be developed for dealing with juveniles, including agencies to provide and coordinate services and procedures to achieve necessary control without unnecessary stigma. Alternatives already available, such as those related to court intake, should be more fully exploited.

"The range of conduct for which court intervention is authorized should be narrowed."

However laudatory the objective of diverting juvenile status offenders from the juvenile justice system may be, it should also be recognized that such diversion should be carefully thought

out and proper measures taken to provide services needed by such juveniles if they are to be diverted from the "system"

. It costs \$6,000 per year to keep a child in the Utah State Industrial School. It costs approximately \$20 per day to keep a child in detention. It would be a mirage to say that merely by removing the jurisdiction of the Juvenile Court over juvenile status offenders there would be a saving of \$5000 times the number of juvenile status offenders committed to the Utah State Industrial school or \$20 times the number of such offenders held in detention facilities times the number of days they were so held.

It would be a mirage because the actions of these juvenile status offenders are often indicative of the fact that they have problems which they need help in solving, whether that ehlp is with the schools they attend not being suited to their needs - the truant who is three or more years behind his class academically, cannot keep up, receives no special assistance, and therefore truants - or the runaway - the child who is running from an intolerable family situation, where both he and his parents need help, etc.

On July 21, 1971, the Honorable John Farr Larson, Presiding Judge of the Utah Juvenile Courts, in a letter to Mr. Richard P. Lindsay Executive Director, Department of Social Services stating the ways in which the various divisions of that Department could be "more relevant to the needs of the Juvenile Court stated:

"The effectiveness of juvenile courts are being seriously curtailed through the application of resources, (primarily staff and time) on children's cases which, at least from a theoretical standpoint, should not be in juvenile court. I'm speaking, of course, of non-criminal behavior illegal only for children. In 1970 9,372 or 46% of all offenses reported to the Juvenile Court were in this category. In totals major areas were: runaways 3,123 and ungovernables 1,147. As you know, one of the major recommendations of the President's Crime Commission was that this child not be involved in the criminal justice system.

"The Division of Mental Health, area 3A, has made a start on this but a relatively few children are receiving service. Without suggesting where such a program should be located administratively, it would appear appropriate from the standpoint of over all state planning that initiative be taken by the Department of Social Services. The Board of Judges will cooperate with you fully in any movement to this end."

Judge Larson's letter, which is made a part of this Section of the Study Report, sums up many of the areas of service which would have to be provided by the appropriate Administrative Agencies of the State of Utah if jurisdiction of the Utah Juvenile Courts were to be changed so as no longer to include jurisdiction over juvenile status offenders.

No State has so far done so.

It is time a beginning were made.

It is therefore recommended that legislation be enacted which would:

1. Amend the jurisdiction of the Juvenile Court by removing its jurisdiction over status offenses, i.e. in Utah, curfew violations, possession of alcohol and tobacco, truancy, running away, and being ungovernable.

2. Require that notifications of all such cases shall be made to a specified, appropriate State agency in the Executive Branch of the State Government.

3. Require that such State agency provide, or arrange to have provided, with the consent of the child and his parents, guardian, or other custodian, such social, health, or educational services, including foster and group home care, as may be required to prevent repetitions of the status offenses.

4. If the parents of the child refused to consent to the provision of needed services, the State agency could petition the Juvenile Court, which would still retain jurisdiction over neglected children, for a change in legal custody so that the child can be removed from his own home and provided with foster or group home care with legal custody vested in the State agency for a limited period of time, subject to review by the Juvenile Court.

5. Where the parents, guardian or custodian of the child consent to the provision of services but the child refuses to cooperate and persists in committing "status offenses," the State Agency would be authorized to petition the Juvenile Court stating that: (a) the child had been referred to the State agency because of the commission of "status offenses"; (b) all necessary services had been offered and provided or refused; (c) the parents, guardian, or custodian had agreed to the provision of such services; and (d) the continuation to commit "status offenses" which seriously endanger or

imminently threaten to endanger the child's own welfare. If, after a hearing, the allegations of the petition are proven, the court should be authorized to place the child under the protective supervision of the State agency or some suitable individual or to transfer legal custody of the child to the State agency for a limited period of time for placement in a foster or group home, half-way house, forestry camp, etc. The Juvenile Court and the State agency should be prohibited from placing or authorizing the placement of the child in any home or other residential institution used for the provision of residential care to juveniles alleged or found to be delinquent.

Diversion of children from the juvenile justice system can only be helpful in the prevention of juvenile delinquency if children are provided the services they need when they need them in the quantity and the quality which best meets their needs. Consideration might therefore be given to writing into the statute a provision that the Juvenile Court would be divested of jurisdiction over all or certain categories of "status offenses" only after: (a) certification by the appropriate State agency to the Juvenile Court, within two years, that such agency had sufficient personnel, funds and appropriate facilities to provide the services needed by all or certain categories

of juvenile status offenders; and (b) the Board of Juvenile Judges, after hearing, if they deem such hearing to be necessary, finds that the certification is correct and that services will in fact be available and provided whenever needed and in the quantity and quality needed.

In the meantime, consideration should be given to an immediate amendment of the Juvenile Court Act to remove the stigma of delinquency from status offenders by designating them as "persons in need of supervision," as is recommended in the "Legislative Guide for Drafting Family and Juvenile Court Acts."

Also, some thought should be given to ameliorating some of the status offenses themselves. For example, for some older children the maximum compulsory school age may be set too high and an examination of the method by which and for whom such maximum age may be waived might prove profitable. The same might be said of the child labor laws.



JUVENILE COURT — STATE OF UTAH

ADMINISTRATIVE OFFICE

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SALT LAKE CITY, UTAH 84115

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ARTHUR G. CHRISTE
Administrator

JOHN FARR LARSON
Presiding Judge

July 21, 1971

Mr. Richard P. Lindsay
Executive Director
Department of Social Services
221 State Capitol
Salt Lake City, Utah 84114

Dear Mr. Lindsay:

This is in response to your letter of May 6, 1971 requesting recommendations on ways in which programs of the divisions of the Department of Social Services can be more relevant to the needs of the Juvenile Court.

The suggestions which follow were generated in the various Districts after many thought provoking discussions. They have been presented to the Board of Judges and I am authorized to submit them to you. Although the Judges have not formally adopted them I believe it represents a consensus of their views.

Attached hereto are letters from the Courts expanding on many of the ideas presented in this letter.

Services for Behavioral Non-criminal Child

The effectiveness of juvenile courts are being seriously curtailed through the application of resources, (primarily staff and time) on children's cases which, at least from a theoretical standpoint, should not be in juvenile court. I'm speaking, of course, of non-criminal behavior illegal only for children. In 1970 9,372 or 46% of all offenses reported to the Juvenile Court were in this category. In totals major areas were: runaways 3,123 and ungovernables 1,147. As you know, one of the major recommendations of the President's Crime Commission was that this child not be involved in the criminal justice system.

The Division of Mental Health, area 3A, has made a start on this but a relatively few children are receiving service. Without suggesting where such a program should be located administratively, it would appear appropriate from the standpoint of over all state planing that initiative be taken by the Department of Social Services. The Board of Judges will cooperate with you fully in any movement to this end.

Foster Care

Several suggestions are made relating to foster care.

1. There is still considerable frustration over delays in foster placements. We recognize that the Court itself contributes to this problem and we are actively working towards the elimination on our part. Some months ago we jointly developed and adopted a policy to facilitate foster placement. This has been incorporated in manual provisions of the Division of Family Services. We believe we should both work towards the full implementation of this policy. Over and above this aspect there appears to be two other factors. First, many placements particularly in group facilities, are delayed for the stated reason of awaiting State approval. Would it not be possible to place the decision making at the service or local level in accordance with state guidelines or standards? The other factor relates to an attitude of defeatism. Many foster care cases are responded to by what can't be done rather than what can be done. This is particularly true of new foster care cases. Existing home finding facilities work tragically slow. Possibly more emphasis or staff might be helpful here. Much of the negativism might be overcome through administrative techniques in spelling out what is expected of workers. The problems mentioned herein seem more urgent along the Wasatch Front than in other areas.
2. More emphasis is needed on the development of specialized foster homes. This was considered last year by a joint committee of Juvenile Court and Child Welfare and policy material was developed by the Division of Family Services. However, I believe only two or three foster homes have been developed. This is a must for many children now are being tabbed for failure in foster homes who are not equipped to deal with the special problems of some children. As a means of rounding out this suggestion, I have attached copy of my letter to Mr. Hutchings dated February 2, 1970.
3. We suggest more flexibility in programming to permit parents to voluntarily place children with the Division of Family Services as an alternative to Court commitments. At one time most foster placements were of this nature while now virtually all are Court commitments.
4. We suggest that the Division of Family Services adopt a policy accepting responsibility for all needs of children for whom they are guardians and custodians. In certain instances this appears to be limited by regulation. For instance, one judge recently was informed of a medical expenditure limitation of \$50 on what was classified as "cosmetic". The child had lost some teeth, needed a bridge correction and had a growth on her eyes that presented a repulsive appearance. Her need was critical from an emotional and social standpoint. We

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believe the Agency had a duty to meet this need. Further details are found in Judge Garff's letter attached.

Group Homes and Short-term Treatment Facilities

Group care facilities are woefully lacking. Also, there are not short-term community-based treatment facilities available. We respectfully request the Department of Social Services to take the lead in these areas. In this connection we suggest these matters be considered as you review detention standards and examine the role of the State Industrial School.

Detention

We note with interest the Law Enforcement Planning Agency has approved a grant for updating Juvenile Detention Standards. Detention standards have not been reviewed for a great many years and they are unrealistic in relation to areas outside the Wasatch Front.

Areas of special concern should include not only the standards but administrative and financial aspects and connected services such as transportation. Consideration should also be given to the possibility of a state-operated program. The Board of Judges have gone on record as favoring the use of detention for short-term treatment and urge that this be given careful consideration. We would very much like to actively participate in your consideration of standards. The concurrence of the Courts in whatever is devised is essential.

Protective Services

1. We recommend that funds or resources be supplied to the protective services program for psychiatric and psychological evaluations. The Protective Service Department of the Division of Family Services has the responsibility for investigating and filing petitions of neglect and dependency. Frequently the allegation includes one of emotional neglect, which implies and requires the necessity of expert testimony either from a psychologist or a psychiatrist. Sometimes these evaluations are already available. In other cases, the evaluations may have been done but because of the doctor-patient privilege are inadmissible. In third situations, there is no evaluation and one must be performed prior to the hearing on the matter. On occasions, this requires a motion to be heard by the Court justifying the Court ordering the parents to have evaluations. In these situations, the Protective Service Department indicates that they have no funds for evaluations. Without such evaluations the petition fails and children continue in the same emotionally neglected situation. It is imperative that this Division have funds for this purpose.

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2. Legal Representation for the State in Neglect Matters.

Adequate legal representation for protective services cases is not available statewide. The result is that neglect situations are not remedied because a case is not established. We believe this should be given early and major consideration by the Department. Conferences might be arranged involving county attorneys throughout the state with special instruction and information in this area. Guides could be prepared for caseworkers involved in neglect cases which would assist them and inform them on working with prosecutors to assure adequate representation in court. Legal services ought to be obtained by the department to provide aids, guides and manuals in this technical area of a social worker's responsibility and a great deal more could be done to bring to public attention that need for greater and more effective representation.

3. We attach herewith a study prepared by the Second District Advisory Committee concerning many aspects of protective services which we commend to your study and consideration.

Mental Health

1. A critical urgent need is for the development of community-based residential psychiatric care facilities. This need has been communicated with the Mental Health Division and as a result Judge Garff has been appointed Chairman of an ad hoc committee by the Mental Health Division. Your strong support of this movement would be most desirable.

2. We strongly oppose the practice of placing juveniles on adult wards at night at the State Hospital. Recently a 15 year old boy was involved in a homosexual experience with an adult patient while on the adult ward. Also, some juveniles are housed in a ward for the criminally insane. These situations have been communicated to the Division of Mental Health and assurance was given that they would be remedied.

3. Existing mental health outpatient services in some rural areas lack the stability desired. This is mainly a problem in the Cedar City area. The psychologists assigned to the Court in this area spend a year or less on the job and then leave to further work. Community acceptance of these services and the individuals served are adversely affected by this rapid turnover of staff.

State Industrial School

Sometime ago we submitted to the Division of Family Services a proposal to re-evaluate the role of the State Industrial School with the hope of

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greater flexibility to expand the range of dispositional alternatives.
The proposal is set forth in detail in one of the attachments.

Respectfully yours,

John Farr Larson, Presiding Judge

JFL:ff

Attachments:

cc: Judges Anderson, Bradford, Garff, Hermansen, Whitmer, Bossard, and Keller

