

# YOUTH SERVICES BUREAUS

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It is the purpose of this paper to examine, briefly, the Crime Commission's proposals for the establishment of youth services bureaus.<sup>1</sup> The aim of this examination is to lay the foundation for a discussion of the nature and role of these bureaus, the type of cases with which they should deal, the bureaus' significance in the pattern of juvenile services, and some of the problems which must be considered by those concerned with the implementation of the scheme.

## **Rationale**

Underlying the Task Force Report's recommendation as to the need for youth services bureaus is an acceptance of the belief that court action in respect of erring juveniles should be avoided wherever possible. It is logical, therefore, to begin any discussion of these bureaus by considering the reasons informal measures should be developed and why a court appearance should be used only as a last resort.

First, there is the desirability of avoiding the stigma which can result from formal adjudication. This is especially important with regard to juveniles, as the Task Force Report makes clear: "The juvenile will wear the label longer, while he is likely to outgrow the conduct that brought him the badge; one who acquires the status of a deviant in his youth faces the prospect of lifelong stigmatization" (President's Commission on Law Enforcement and Administration of Justice [hereinafter President's Commission] 1967a: 16).

To a general awareness of the harmful effects of stigma have been added insights resulting from work done on labeling theory; in particular, attention has been drawn to the impact of the official labeling process on the child's self-concept. If the child comes to see himself as delinquent, he might act in accordance with this new perception of himself. Again, the report spells this out: "Official action may actually help to fix and perpetuate delinquency in the child through a process

in which the individual begins to think of himself as delinquent and organizes his behavior accordingly. That process itself is further reinforced by the effect of the labeling upon the child's family, neighbors, teachers, and peers, whose reactions communicate to the child in subtle ways a kind of expectation of delinquent conduct" (President's Commission, 1967a: 8).

The assumption that informal handling necessarily avoids the harmful effects of stigmatization must, however, be critically examined. Rosenheim points to the need to ask whether knowledge that a youth services bureau has served a youngster will result in attachment of a stigma comparable to that which flows from juvenile court contact today (Rosenheim, 1969: 72). We are faced with a paradox, as Ohlin (1970) makes clear. He refers to the problem of invidious labeling of children, of stigmatizing them and compounding their problems, and he adds: "Many studies have concluded that those agencies treat best that intervene least in the lives of young people. It may be preferable that we just muddle along and meddle less" (Ohlin, 1970: 4).

A much more obvious reason for avoiding court action is that for many minor matters a court appearance and formal disposition represent a societal reaction that is too cumbersome and too severe. This is particularly true for many juvenile offenses—often court action is simply not justified. Linked with this is the practical consideration that the sheer volume of cases involving children in trouble makes it vital to screen out a large number or the official system will not be able to cope. Of necessity, only the most pressing cases can be dealt with by the court. But the process must be seen in broader terms: intelligent use of screening procedures should aid in identifying those who present a serious threat to the community, and should allow the formal agencies to concentrate their efforts on these cases. A more rational use of resources should result. If courts are overloaded, as Rubin points out, this can jeopardize the law's ability to protect society against serious harm (Rubin, 1970: 2); care must be taken not to direct courts' energies away from those matters with which they can and should deal. There is a need to reassess and more narrowly define the function of the criminal courts. The realization that the criminal law is an over-burdened mechanism of control has led to an awareness that we must use more discrimination in determining which types of activity can appropriately be dealt with in the criminal justice system. The need to avoid

“over-criminalization” is slowly being recognized: the use of the criminal law in an attempt to control certain forms of undesirable behavior is unsuitable and ineffective, and reliance on it debases and attenuates the system of criminal justice.

This perspective is particularly relevant in any analysis of our methods for dealing with juveniles. It leads us to examine the basis of official action, to scrutinize the grounds for court intervention in children’s lives, and to question the court’s imposition of coercive measures. Such scrutiny goes beyond an inquiry into the state’s motives—to be well-intentioned is not enough—for the questions raised concern the juvenile court’s function, and seek a definition of the occasions on which court intervention is necessary and appropriate. It is most important to adopt this approach in the context of juvenile delinquency, as so many vaguely defined acts or conditions can form the basis for court action.

Linked with the movement to narrow and define more tightly and more precisely the jurisdiction of the juvenile court is a search for alternatives to formal measures; the proclamation of a policy to deal with as many juveniles as possible informally obviously requires the development of a flexible, pre-judicial system able to cope with a wide range of problem children. Hence the importance of youth services bureaus in the re-shaping of juvenile justice.

The proposal to establish these bureaus must also be viewed against a background of disillusionment with the juvenile court. The Task Force Report states: “[T]he great hopes originally held for the juvenile court have not been fulfilled. It has not succeeded significantly in rehabilitating delinquent youth, in reducing or even stemming the tide of juvenile criminality, or in bringing justice and compassion to the child offender” (President’s Commission, 1967a: 7). To a large extent the bureau seems likely to inherit the idealism which once animated the court. The bureau can, perhaps, be seen as a setting more suitable than the court in which unequivocally to proclaim the protective, rehabilitative ideal. The report seems to view the bureau in this way, for it states that a revised conception of the juvenile court “means channeling the principal rehabilitative effort into community based dispositions that occur prior to assumption of jurisdiction by the court” (President’s Commission, 1967a: 9). We must not, however, expect too much of the youth services bureaus, or the cycle of high hopes followed by disillusionment will repeat itself.

One further general comment is needed to put the services bureau proposal into perspective. We should not over-estimate the extent to which use of informal, pre-court dispositions represents an innovation. Substantial numbers of juveniles are already being dealt with informally, and the Task Force Report comments that "persistent reliance on pre-judicial dispositions is a striking fact of life in the juvenile court, viewed nationally and over a span of years" (President's Commission, 1967a: 14).

### **Target Group**

The Task Force Report refers to the bureau's duty to develop services "for a group now handled, for the most part, either inappropriately or not at all except in time of crisis" (President's Commission, 1967a: 21). What types of juveniles are these?

Clearly the group is a broad and diverse one — it includes delinquents and non-delinquents. The majority would fit Rosenheim's (1969: 69) description of "juvenile nuisances," a term which covers those who commit minor offenses, and those who come within the present jurisdiction of the juvenile court because of non-criminal misbehavior (e.g., because they are promiscuous, found loitering, violate curfews, are ungovernable, run away from home, refuse to attend school, or are disruptive in class), or because they are neglected and in need of care and supervision. Many of these are dealt with by the juvenile justice system because there is no other means of handling them; also, as Ohlin points out, some children are pushed out of the system of services altogether, as untreatable (Ohlin, 1970: 4). This last group must be a prime concern of the bureaus. It will be interesting to observe the extent to which they uncover and deal with difficult or needy children who are not at present making contact with police or social welfare agencies.

In different areas, of course, different groups will emerge as presenting particular problems; a community might, for example, have very limited employment opportunities, and the local bureau might be faced with many juveniles who need help in this respect. Many of the existing bureaus have very quickly developed special drug abuse programs.

It is, however, important to think beyond the juvenile justice framework. The bureaus should make available help to parents and children who request it; the plan provides for the acceptance of "walk-ins." These may or may not fit within the court categories. To date, for example, the experience in

California has been that self-referrals are occurring mainly in bureaus which offer additional facilities, such as recreation services and employment placement (Duxbury, 1970: 10). Giving help as it is needed is basic to the concept of youth services bureaus. Ideally, as Rosenheim points out, they "represent the possibility that society will accept responsibility for offering juvenile nuisances constructive opportunities and help as they call for it (not solely as we deem it necessary)" (Rosenheim, 1969: 74).

One interesting point about the bureaus' possible target group emerges from a report on the work of the San Diego bureau in California (Norman, 1970: 55-56). This bureau handles an unusual percentage of very disturbed children. It is suggested that such children would be attracted since their parents might turn to the bureau when they would be reluctant to go to law enforcement agencies or clinics. This possibility must be borne in mind, even though the bureau is designed for minor problem children.

The Task Force Report (1967a) does not specify the age range to be dealt with by the bureaus. Any rigid rule might be undesirable; if help is needed and the bureau can give it, this should be enough. However, if a rule is found to be necessary it would probably be best to make the jurisdiction of the bureau coextensive with that of the juvenile court.

Finally, mention must be made of the need to consider the extent to which youth services bureaus will work with the whole family. The plan for the bureaus is broadly conceived; one of its major benefits should be the avoidance of the limited focus of court and correctional services. Yet the Task Force Report's section on bureaus does not make it clear how they will fit into the wider pattern of social services for problem families. Canlis (1968: 14) refers to a study of social agencies carried out in Contra Costa County in California. This study found that clients were often served according to the agency function rather than clients' needs, that overlap and gaps in services were apparent, and that services were not directed to more basic problems. Properly implemented, the bureau scheme should avoid such defects. However, the plan might not necessarily avoid the further difficulty identified by the study: services were found to be focused on the individual rather than on the total family, and often several agencies dealt with one problem family. We must ask how the youth

services bureau concept stands in relation to the notion of a unified family service.

Though reference has been made to the bureaus' duty to accept "walk-ins" and to the need to think beyond the juvenile justice framework, it is clear that the great bulk of bureau cases will come from the police and juvenile court intake staff. Such referrals, according to the Task Force Report, should have special status; youth services bureaus would be required to accept them. If bureau staff consider any of these cases unsuitable they must inform the referral source of the reasons for this (President's Commission, 1967a: 20). The aim is to insure that every effort is made to help children received, and thus it is hoped that effect will be given to the basic purpose of diverting as many juveniles as possible from the court system. It is hoped, as Rosenheim points out, "to overcome the understandable tendency of administrative agencies to serve the most tractable population first" (Rosenheim, 1969: 71).

If children handled by police and court intake are allowed to swamp a bureau, this might determine its character, and it might quickly become just another juvenile delinquency agency. Some sort of initial limitation of numbers will be necessary if the bureaus are to cope, but care must be exercised in devising this. Perhaps a policy of accepting cases only from a limited geographical area would achieve this. It is hoped that schools will make extensive use of the bureaus, and it would be unfortunate if school referrals were crowded out by those from the police. The Children's Bureau (1969: 6) suggestion that youth services bureaus might accept referrals from probation departments for a specialized service will need careful consideration. Again it is a question of the character the bureaus will assume. Might it not be preferable to resist any identification with court agencies?

### **Nature of Services**

The Task Force Report makes the following comment on the type of help to be given: "A primary function of the youth services bureau . . . would be individually tailored work with troublemaking youths. The work might include group and individual counseling, placement in group and foster homes, work and recreational programs, employment counseling, and special education (remedial, vocational)" (President's Commission, 1967a: 20).

One matter which this description raises is whether bureaus should be basically counseling agencies. In California, pre-

liminary reports on the first bureaus established there indicate that counseling is the most frequently available service (Breed, 1970: 1). However, Rosenheim is of the opinion that counseling should not be a prime purpose. She emphasizes the need for bureaus to provide services of a kind not now available, in particular, immediate aid in time of crisis: "A Youth Services Bureau would be misconceived, in my judgment, if thought of primarily as a counseling establishment" (Rosenheim, 1969: 73). She gives an example of the way a bureau might plan and obtain services. "It should be able to buy a few hours of tutoring, make arrangements for accomodation in a private home, or, under a long-term contract with a children's agency, buy group home services, arrange with the local manpower agency a special program (or a special emphasis in existing programs) to reach the less disciplined, more inflammable youngsters who strain themselves in the work-a-day world" (Rosenheim, 1969: 73-74). Thus she envisages a sort of brokerage service, quite different from a direct counseling service. Where bureaus do provide counseling, it must be decided whether, ideally, the bulk of this should be provided by bureau staff (either working permanently at the bureaus, or part-time), or by agencies to which youths are referred. Perhaps a bureau can appropriately provide short-term counseling; intensive, long-term assistance of this kind might be sought elsewhere. If extensive use is made of outside counseling services, it might be necessary to consider the implications of this for the bureau's image. If parent and child see a youth services bureau as a helping, non-threatening organization, might not some of this client good-will be lost if they are immediately referred to another organization?

This is one aspect of the difficult problem of defining the bureaus' role. To what extent should bureau staff provide direct services within the bureau? To what extent should they employ, or work through, existing organizations? Clearly the answer to these questions will vary from area to area, and will depend on the nature of the service sought. Nevertheless, these questions are important: if a gap in a community's youth services is discovered, great care must be exercised in determining how best to fill it. For example, if bureau staff find that the local high school is not coping adequately with difficult, disadvantaged children, and the bureau has funds available to deal with this problem, should these funds be used to pay an extra teacher to run special classes in the school, or should these classes be run within the bureau? There are ad-

vantages in keeping such children in the normal school environment, but a program within the bureau might encounter less hostility.

Rosenheim points out another element in the relationship between youth services bureaus and existing agencies. She asks whether bureaus should set up competing programs—in such fields as education and recreation—if those run by existing agencies are inadequate (Rosenheim, 1969: 73). In theory there should be cooperation, not competition, but where does the responsibility lie if existing programs are found to be deficient?

One aspect of the bureau's work requires particular care. Where a bureau's action results in a child living away from home—in a foster home, for example, or a group home—it must be made absolutely plain to parents and child that no compulsion is involved. Also worthy of consideration is whether some bureaus might ultimately become residential. If a "half-way house" model is adopted—with the bureau acting as an evening and week-end center—then a logical development would be that homeless children, or children from unsatisfactory homes, might live in the bureau for a period.

Finally, in examining bureau services, mention should be made of a possible broad educational role. Some California schemes have moved into direct community education (for example, classes for parents on child-rearing), rather than regarding this as a by-product of community involvement. Also, some bureaus train volunteers for community service with youth. Should educational functions be broadened further, so that bureaus become clearing houses for information on youth problems?

When bureau services are being developed, attention should be paid to the need to involve youths as board members, counselors, and general helpers. The Children's Bureau guide stresses this point: "Work with youth should include extensive use of peers in individual and group services" (Children's Bureau, 1969: 5). Efforts should be made to identify areas in which youthful volunteers could be particularly helpful. As an example, student help with school tutoring or organizing recreation could be suggested.

### **Voluntary Cooperation**

Central to the youth services bureau concept is the requirement that the services provided must be voluntarily accepted; the child and his parents must cooperate in the program



suggested. The Task Force Report suggests that the bureau might have a limited power of compulsion, but does not make the exact nature of this power clear. It is stated that: "it may be necessary to vest the youth services bureau with authority to refer to court within a brief time — not more than 60 and preferably not more than 30 days — those with whom it cannot deal effectively" (President's Commission, 1967a: 21). But whether this power should be exercisable *after* bureau staff, the child and his parents have reached agreement, and the bureau has started to work with the child, is a difficult question. Presumably it should not, or else something resembling a breach action in probation would be created. As a matter of general policy the Task Force seems to share this view, for it is stated that: "officials should have no further authority to refer to the court after a voluntary agreement has been worked out with the child or his parents. Once the power of referral ends, continuation in a plan of reparation or rehabilitation should rest on consent rather than authority" (President's Commission, 1967a: 17).

The report on the first youth services bureaus established in California gives slight but encouraging evidence of the importance of voluntariness:

The voluntary, non-punitive principle of the bureaus seems to produce a more open, honest relationship on the part of parents and youth with bureau personnel. Some parents, for example, are more frank about their problems than they might be when they want to "impress" a probation officer. Another example is one where parents are more willing to seek information. In this instance, a bureau and the local police department jointly announced to the public the service of providing identification of unknown drug substances. In the first two weeks, six substances were brought to the bureau; and none to the police department (Duxbury, 1970: 13).

It might be, however, that the desire to impress bureau staff might be present at the first interview, if court referral is a possibility.

### **Community Involvement**

A distinctive feature of the youth services bureau plan, as originally conceived, was that bureaus should be *local* agencies. This is fundamental, for a number of reasons. If a genuinely informal service is to be provided, this can best be done by dealing with the juvenile in his setting, close to his home; those who offer the service should understand his neighborhood and background. This is, of course, a facet of the bureau's non-authoritarian approach — it is hoped that it will not be seen as a remote, official agency. Thus the Task Force Report

stresses as an advantage of community agencies the fact that their use avoids the stigma associated with official bodies (President's Commission, 1967a: 19). Also, it is hoped, such agencies will be "better suited for redirecting conduct" (President's Commission, 1967a: 19) as they will not be coercive, and as their local character will make them better attuned to the needs of the juveniles with whom they deal. Finally, the use of locally based organizations should heighten community awareness and understanding of juveniles' problems, involve local residents, and engender a sense of public responsibility.

Thus the emphasis on the local character of services bureaus is important, and it is in accord with much that has been written on delinquency prevention. Ideally, community involvement should produce more cohesiveness in society, and hence lead to more effective control of behavior. However, it is worth probing a little deeper and inquiring as to the extent to which a bureau can be genuinely local. Will bureaus be local only to the extent that they are situated in the communities which they serve? Will they be run, predominantly, by outsiders? Mention of outside services leads to a related point: Many bureaus will make extensive use of referral, *i.e.*, they will rely on non-indigenous services. All of these matters must be considered in determining how meaningful the neighborhood community agency concept can be. Will community involvement become a reality, and how is this to be achieved? One way to involve local people is at the management level. In California each bureau is controlled by a board, and area residents comprise at least 20% of each board's membership (Duxbury, 1970: 5).

Linked with the informal, local aspect of bureaus is the fact that it is hoped that they will provide an opportunity to make use of the services of volunteers, particularly lay people. There can be dangers in reliance on community volunteers (they should be from the community to avoid the alien, middle-class social worker image) for they might prove enthusiastic but uncommitted. Care must be taken to see that they do provide clients with thorough, consistent, continuing help.

### **Coordination and Innovation**

Any effort to define the role of youth services bureaus raises the question as to the extent to which they will be new and distinctive agencies, providing new and distinctive services, and the extent to which they will coordinate existing measures. No clear-cut answer to this question is possible, for the bureaus

will deal with a broad range of youth problems, and in doing so, will operate pragmatically, developing new services and augmenting, coordinating and relying on existing services. The bureaus' role lacks specificity, so diverse are the problems with which they are expected to deal, and so diverse are the possible methods of dealing with them.

The Task Force Report states that: "the significant feature of the bureau's function would be its mandatory responsibility to develop and monitor a plan of service for a group now handled, for the most part, either inappropriately or not at all except in time of crisis" (President's Commission, 1967a: 21). This might be interpreted as indicating that innovation is the primary aim; however, presumably a bureau could fulfill the purpose indicated both by initiating new programs and by coordinating and making use of existing ones. The Crime Commission's description of youth services bureaus spells out a dual role: "These agencies would act as central coordinators of all community services for young people and would also provide services lacking in the community . . ." (President's Commission, 1967b: 83).

In implementing the youth services bureau proposal, it is most important that a balance be maintained between these two aspects. In particular, care must be taken to avoid over-emphasis on coordination, for this might obscure the fact that in many areas present services are inadequate. Rosenheim expresses concern on this point. She regards it as "troubling" that early bureau proposals stress coordination as "the magic ingredient." Her view is that the concept is conceived of not only too narrowly, but quite falsely, if the bureau is seen as a "delivery system" for existing services for non-conformist youth (Rosenheim, 1969: 72). It could be argued that regarding bureaus primarily as coordinating agencies would reduce their status, and that their development should not be approached this way if they are to have identity and impact. If bureaus are not seen as much more than coordinating bodies, then no real changes will occur; and the result will be no more than mere tinkering with the system.

Obviously there is room for disagreement on this most important aspect of the youth services bureau's role. California policy makers have come down firmly in favor of the view that coordination is the bureau's primary purpose. Thus, s. 1900 of the California Youth Service Bureaus Act, 1968, states, *inter alia*, that: "while sufficient services and resources already exist

in most California communities to wage a highly effective battle against delinquency, such services and resources are badly in need of coordination." The purpose of the Act is described, in a Youth Authority publication, as being "to offer an incentive and opportunity for local agencies . . . to pool their resources and develop innovative programs to divert young people from entering into the juvenile justice system." The bureau's services should reflect "the coordination and integration of important public and private prevention resources existing in the community." The concept, it is stated, "asks those agencies, organizations and individuals in a community who are involved in delinquency prevention to inventory, organize and coordinate their resources in an exploration of new avenues of referral, education and treatment" (California Delinquency Prevention Commission, 1968: 1). Thus the emphasis is on mobilization of *existing* resources. Further, s. 1903 of the Act states that in charge of each bureau will be "a Youth Services Coordinator." His duty is described, in the statement on standards and guidelines, as being "to bring together community public agencies and private organizations interested in delinquency prevention to improve and coordinate services to youths" (California Delinquency Prevention Commission, 1968: 3). The title used for the person in charge of a bureau, and the specification as to his basic duty, are both additional indications as to the nature of California youth services bureaus.

It is interesting that an emphasis on coordination is reflected in the Californian Act and Youth Authority guidelines for, according to Underwood, one of the criteria used by the Authority in evaluating proposals to establish the first bureaus in the state was: "Visibility: Will it be evident that this is a Youth Service Bureau and not a part of an existing program?" (Underwood, 1969: 32). Also, descriptions of the operation of the first nine bureaus opened in California reveal that the policy of emphasizing coordination has not, in fact, prevented the development of direct and original services to youth (Duxbury, 1970: 10-11; Breed, 1970).

On the subject of coordination it should be noted that the Children's Bureau of the Department of Health, Education and Welfare does *not* see youth services bureaus as coordinating agencies. A departmental publication on the subject states:

Because of the number and diversity of agencies responsible for services to youth, the Youth Service Bureau should not coordinate other agencies but should be in a position to join them in providing an integrated, diversified program in which current

gaps in services are filled by the Youth Service Bureau or the other agencies. Experience indicates that an agency is likely to gain more cooperation from other agencies if it operates on the same level of administration with them rather than attempt to coordinate them. Coordination is too often resisted either overtly or covertly (Children's Bureau, 1969: 5).

This approach is borne out by a comment, made in the same publication, on the bureaus' relationship to schools: "Schools should continue however, to develop their own special services to serve youth who present school-related problems" (Children's Bureau, 1969: 6). Thus the Children's Bureau does not regard the youth services bureau as a dominant agency controlling a concentrated, all-embracing attack on youth problems. Although a preference is expressed for "an independent new agency" (Children's Bureau, 1969: 4), it is difficult to see how adoption of the Children's Bureau proposals could lead to the development of youth services bureaus with distinctive identity.

Also it will surely be necessary to come to a decision as to which agency is to have the overall responsibility for a child's welfare. If a youth services bureau "operates on the same level" as the other agencies, where will the responsibility lie for checking that a child in fact receives assistance from an agency to which he is referred? Which agency will keep track of children coming into the system?

One other point should be mentioned in this examination of the bureau's role. The notion that it should be a distinctive agency should not lead its supporters to underestimate the value of coordination. The need for a comprehensive, integrated approach to the problems underlying troublesome juvenile behavior is great. Too many agencies are working in the area in isolation, dealing with fragments only, and having little communication with each other. Fragmentation is an important problem, as Ohlin makes clear: "We still do not conceive of the care of youth as a system. We cannot define system goals and recognize the way in which different functions and inputs by different agencies might reinforce one another" (Ohlin, 1970: 4).

Also, the obtaining of inter-agency cooperation requires effort. Existing organizations must understand, be in sympathy with, and support the bureaus. That support will not always be immediate is indicated in a progress report on the first nine bureaus in California. This points to the fact that only a few of the bureaus have received a substantial number of referrals from law enforcement. The report notes a reluctance

by law enforcement personnel to refer to the bureau until they are reasonably certain that adequate service will be provided (Breed, 1970: 1).

With regard to the general character of youth services bureaus one final comment must be made. The decision as to the government department which should control the bureaus is of key importance. Should they be administered by social welfare, education, mental health, or corrections? A correctional agency might—as in California—be able to offer efficiency, experience in dealing with problem children, and resources. But will locating a bureau in a corrections department mean that we will inevitably fail in our aim of “decriminalizing” procedures for dealing with juvenile nuisances? What would be the advantages of control by an education department, in view of the fact that bureaus must work closely with schools and offer educational assistance?

### **Referral Procedure and Criteria: The Overall Pattern**

Though the bureaus' general aim of diversion from juvenile justice agencies is clear, its implementation depends on the creation of screening mechanisms and the formulation of criteria which will allow for the efficient selection of children who are appropriate subjects for informal action. Perhaps the emphasis should be placed on the other aspect of the system, the need to limit rigorously the number referred to court; the development and utilization of informal measures should follow if this policy is firmly established. Consideration must be given to the methods by which this can be achieved: How can barriers to court entry be erected? Who makes the court referral decision, and how is this made?

It might be possible for the legislature to spell out a preliminary screening procedure which must be followed before a child is referred to court. However, the real value of such directives must be carefully scrutinized. If, for example, a statutory duty is placed on police to consult with child welfare officers before referring a child to court, this will have little value if the police make up their minds that, come what may, a child should go to court. As an alternative procedure, the creation of new bodies such as conference committees or Family Councils (as suggested in the British White Paper “The Child, the Family and the Young Offender”) might be examined. Here it is important to be aware of the danger of simply creating courts under another name when the aim is to avoid adjudication.

The appointment of a local official—to whom all juvenile cases must initially be referred for a decision as to whether court action is necessary—is another method of formalizing screening procedure. In Scotland, officials known as **Reporters** fill this role. Such a solution has the advantage of efficiency, and should lead to the formulation of consistent principles. Also, in a system using this method, there would be no doubt as to where the responsibility for making the referral decision lies.

It is important to clarify the bureau's place in the pattern of pre-adjudication services. It is interesting to note, for example, that the Task Force Report describes juvenile court intake as "a broadly conceived screening and helping process conducted within a judicial tribunal" (President's Commission, 1967a: 15). If we are concerned only with function, exactly the same description could be applied to the youth services bureau. The difference between the two, of course, lies in the fact that the bureau operates outside the court setting, and is therefore, it is hoped, more effective and less damaging. But what is the bureau's relationship to intake procedure? Is it far-fetched to imagine cases in which children will go through three screening processes? The police might investigate a child and pass him on to the bureau, the bureau might try to help and pass him to court intake, court intake might look into the case and decide that court action is necessary. Perhaps this will mean that the maximum possible number of children will be screened out of the court system—three sieving devices having been employed—but it might also mean considerable delay and duplication of effort.

What should be the bureau's relationship to the police department? Worthy of comment is that, though the Task Force recommended a *reduction* of police social work in one area of juvenile delinquency (the field of station adjustment, which the Report did not favor: the police, it was stated, "should not undertake to redirect juveniles" [President's Commission, 1967a: 19],<sup>2</sup> it recommended an *increase* in another, for it favored home visits by police to gain background information. In this the police should be aided or replaced by paid case aides (President's Commission, 1967a: 19). How does the further development of police social inquiry work fit in with the emergence of youth services bureaus? Will bureau staff make their own background reports, or will they frequently rely on the work done by police case aides?

Also in need of examination, and precise definition, are the circumstances in which the police should be able to by-pass the bureau completely, and refer a child directly to the court. The Task Force Report suggests that this power should apply to "specified classes of cases, including those of more serious offenders, repeated offenders for whom other and persistent redirecting efforts have failed, and certain parole and probation violators" (President's Commission, 1967a: 19).

Naturally, if police activity in the juvenile area is to be narrowed to a screening function only—if the police must either discharge a child, or refer him to the bureau or the court—and there is to be no room for continuing supervision, then this will affect the police image. Informal work with juveniles allows the police to change their role to a more positive one. Of course, a little of this positive aspect of their work with youth will be preserved if selected police officers serve on the staffs of bureaus.

The options open to a youth services bureau when it receives a case must be precisely specified if its place in the system is to be clear. The Task Force blueprint states that if, after study, it is found that a child is unlikely to benefit from bureau services, "the bureau should be obliged to transmit notice of the decision and supporting reasons to the referral source" (President's Commission, 1967a: 20). Implied in this, but *not* stated, is a direction that a child, at this stage, should be returned to the referring agency. Certainly the Children's Bureau accepts that this is what should happen—mention is made of the power to refer back to the referring source if no service agreement can be reached (Children's Bureau, 1969: 8) and a chart summarizing the bureau's functions includes an arrow from the bureau back to the initiating agency (Children's Bureau, 1969: 9). If the system does work this way, it will be clear that the responsibility for court referral does not lie with the bureau, and hence that the bureau is not part of a coercive system. However, the chart contained in "The Challenge of Crime in a Free Society" (President's Commission, 1967b: 89) does not have an arrow from the bureau back to the referral source, but there is an arrow from the bureau to the court. Perhaps this can be taken to indicate that, if the child is not a suitable subject for bureau action, then the responsibility for court referral lies with the bureau. Certainly, as has been pointed out, the Task Force Report envisaged the bureau as having a power of court referral, but the precise



limits of this power are not clearly specified. "Nonetheless, it may be necessary to vest the youth services bureau with authority to refer to court within a brief time—not more than 60 and preferably not more than 30 days—those with whom it cannot deal effectively" (President's Commission, 1967a: 21). Is this power to exist from the outset *in addition* to the power to refer back to the initiating agency, or does it arise only *after* the bureau has begun to work with a child and the agreed program has not been followed? As has already been stated, a power of court referral after a bureau program has begun seems undesirable.

One final question which must be asked with regard to the bureau's place in the pattern of pre-adjudication procedures concerns the relationship of bureau supervision to informal probation. Will bureaus take over all those cases at present receiving informal court supervision? If not, what will be the distinction between the two? Ideally, should the bureau become the focus of *all* informal measures?

Related to the question of screening procedure and responsibility is the need to define criteria on which decisions are based. Reference has been made to possible standards to be employed by police in making direct referrals to the court. It is suggested that this power should be narrowly defined, so that only a very limited number of juveniles will be referred to the court in this way. At the other end of the scale—for trivial matters—the police must retain their power of outright release. In between, of course, lies the varied group which should, initially, be referred to the bureau.

Can criteria be formulated which will help bureau staff to determine which children are appropriate subjects for informal action, and which should go to court? The Task Force Report comments on the juvenile justice system's failure to produce such criteria: "Within the official agencies of delinquency control, alternatives to adjudication of delinquents have tended to emerge haphazardly, as unplanned and unofficial aspects of a community's system . . . The laws do not provide affirmative guidelines for screening out of the delinquency control system or for selecting measures of restraint or rehabilitation to apply to those so channeled" (President's Commission, 1967a: 12).

Yet "affirmative guidelines" would be extremely difficult to devise. Obviously certain factors must be taken into account. The nature of the offense is important; the question whether the juvenile represents a threat to the community must be con-

sidered. His history of previous offenses or misbehavior is relevant, as is his status as a probationer or parolee. Is the most recent problem part of a pattern, and how has the juvenile responded to earlier efforts to help or control him? His background circumstances must also be taken into account. The youth's general attitude, and that of his parents, are two other factors. The juvenile's attitude is vitally important to bureau staff, for, if they are to work with him, they will depend on his cooperation. Yet attitude is extremely difficult to assess. "Can the police, or anyone else for that matter, accurately detect the difference between feigned and genuine resolve to mend one's ways, or between genuine indifference to the law's commands and fear-engendered defiance?" (President's Commission, 1967a: 17). The question of a child's right to a court hearing if he denies an offense is referred to elsewhere in this paper, but quite apart from this, denial might indicate that bureau action is inappropriate.

It is worth asking whether the complainant's attitude should be taken into account when informal action is being considered. It is interesting to note that the London Metropolitan Juvenile Bureau will not decide to assume responsibility for a case (a decision which results in either a police caution or court referral) if the complainant does not agree; the complainant can insist on a prosecution. Also the Chicago Police Department's Youth Division manual lists the attitude of the complainant as one of the factors to be taken into account in making the community adjustment/court referral decision (President's Commission, 1967a: 17).

Finally, where the presenting problem is a criminal offense, and more than one offender is involved, consideration should be given to whether the fate of one offender should influence the outcome for another. If two boys are caught shoplifting together, is there anything objectionable in referring one to court and dealing with the other informally?

These, then, are some of the factors which might be taken into account in developing guidelines. The value of precisely stated and regularly reviewed criteria would be great; pre-court services must be built on a firm foundation if consistency and rationality are to be produced. In the past, discretionary judgments made at various points in the pre-judicial stages of the juvenile justice system have not been adequately scrutinized. Careful probing as to the criteria employed will be necessary if an overall tightening of the system is to be achieved.

The bureau's place in the total pattern must be constantly borne in mind. The aim must be ruthlessly to restrict the number of children reaching the court. As a general statement of policy the shrewdly drafted s. 1 (2) of the English Children and Young Persons Act 1969 may be cited.<sup>3</sup> This lists certain categories of children who may be brought before juvenile courts in care proceedings; these include children who are neglected, exposed to moral danger, beyond control, not receiving appropriate education, or who commit an offense, excluding homicide. The subsection then goes on to state that the court may take action in respect of a child if "he is in need of care or control which he is unlikely to receive unless the court makes an order." Thus, before court action is appropriate, a child must not only fit within a specified category, but must also be in need of care or control *which he would not otherwise receive*. The aim is to force the exploration of all possible alternatives before a court referral is made.

### **Dangers and Difficulties**

As has been noted, one of the forces underlying the creation of youth services bureaus was concern about juvenile courts, a concern, which, among other things, focused on the court's failure to protect children's legal rights. It is important to be aware that similar problems might arise with the bureau, problems which stem from its strength—its informality. Informal, well-meant bureau action might nevertheless represent an interference in children's lives. If it is answered that participation in the scheme will be voluntary, it is necessary to ask, bluntly, how voluntary is voluntary. When bureau staff members are negotiating with a child and his parents, all parties will be aware that in the background lies the possibility of referral to court. The Task Force Report recognizes this: "At police, community agency, and court intake stages leverage exists by virtue of the power to file a delinquency petition. Dispositional methods prescribed at any of these stages may therefore be subject to attack as forms of coercion without adjudication" (President's Commission, 1967a: 17). Also the Report reminds us of something which it is very easy to forget—the way the clients perceive the system. It states that, though informal handling appears informal to officials, "to those caught up in the net of the juvenile justice system, it is impressively authoritative and formal" (President's Commission, 1967a: 10).

Clearly, informality can conceal dangers. To quote from the Report again: "The difficult task is to discriminate between

the undesirable uses of informality, benevolent as well as punitive, and the tolerable, desirable modes of guidance" (President's Commission, 1967a: 16). Perhaps guidelines could be established to assist those in the field to make this distinction. Where possible, state intervention in any form should be based on precise definition of standards. Wide powers of discretion can be abused. Inconsistent law enforcement might be the product of discretionary judgment, the more dangerous because the decision-making process is not subject to scrutiny. Yet, demands for consistency might lead to the establishment of mechanical rules of thumb, which might preclude the development, by bureaus, of flexible methods of response.

For those interested in the legal aspect of youth services bureaus one question to be considered is the importance of fact finding procedures. Is it necessary to ascertain the facts of an alleged delinquent act beyond reasonable doubt? If so, will bureau staff scrupulously perform this function? Does it matter if in their zeal to help, they do not? Presumably any child who denies an offense has the right to go to court to have the matter decided one way or the other.<sup>4</sup> Concern about fact finding might seem legalistic in view of the bureaus' broadly conceived role. It is, therefore, interesting to note that the Task Force Report stresses the importance of inquiring into the facts as a preliminary step: "Since the unofficial agencies of the delinquency control system can impose sanctions by referring clients for formal action, the fact finding procedures they employ assume considerable importance" (President's Commission, 1967a: 11).

This leads to the next question: Has the lawyer any place in the pre-judicial phases of the system? To what extent should legal assistance be available at the bureau stage? According to Rubin, lawyers can contribute a great deal by challenging all aspects of the juvenile justice process. The aim should be "to place legal stress on each part of the system to force each component part to better administer itself. This, in turn, could lead to further screening out and diversion, more appropriate disposition and more effective rehabilitative services" (Rubin, 1970: 20). It is, however, difficult to visualize a lawyer's role with regard to the bureau. Should he, on occasions, stand between his client and the bureau, and attack bureau intervention as unjustified and inappropriate? It is easier to imagine the lawyer standing between the child and the court; in particular, if statutory criteria for court referral are established, a lawyer could argue that a particular child did not come within the

legislature's definition, and that he could be better helped by informal action.

Nonetheless, exactly how this would be achieved without a formal preliminary hearing is not clear. And formalization of the pre-court stage is precisely what the bureau scheme seeks to avoid. Perhaps a lawyer could make a valuable contribution at the initial meeting between bureau staff, parents and child; in particular he could interpret the child's situation to the child and parents, so that they would understand and be prepared to accept suggestions as to informal measures. This point is made by Rosenheim and Skoler in their discussion of the lawyer's role at intake (Rosenheim and Skoler, 1965: 170), but seems equally applicable at the bureau stage. They also refer to the lawyer's ability to assist at intake by inquiring into points of law and jurisdiction, and by looking into the sufficiency of the evidence (Rosenheim and Skoler, 1965: 170). The same functions could be performed if bureau intervention is being considered. As a general proposition, Rosenheim and Skoler (1965: 170) accept that: "[T]here is increasing recognition that representation is most effective when it commences as soon as possible in the judicial process." Yet they concede that, where detention is not involved, "there would seem to be a question as to whether lawyer representation before the offender becomes a formal 'case' would, except in situations where the offense is denied, constitute a realistic objective for deployment of limited attorney resources" (Rosenheim and Skoler, 1965: 174). A practical solution to the problem, as they point out, is to provide competent legal advice to workers involved in pre-court proceedings. In this way legal expertise would be made available more efficiently than would be the case if early representation for juveniles were made the goal.

Two other aspects of the need to protect juveniles dealt with by the bureau should be mentioned. These are the need to determine the time within which the referral or service decision must be made and the need to specify the maximum permissible period of bureau supervision. As has been mentioned, the Task Force Report did touch on this point, suggesting that any power of court referral should be exercised, if possible within 30 days, and certainly within 60 days (President's Commission, 1967a: 21). The Children's Bureau guide (1969: 8) favors a 30-day time limit as the period within which referral back to the initiating agency should be made. As for the period of service, the Bureau guide suggests six months, with provision

for extension. The same guide states that a written agreement should be prepared where continuing service is contemplated.

A decision must also be made as to the confidentiality of information secured by a bureau. Should this be available if a child subsequently appears before a juvenile or adult court? The Children's Bureau guide states that it "should be inadmissible in any future juvenile court hearing prior to disposition or any criminal court" (Children's Bureau, 1969: 8). Clearly a child dealt with by the bureau should not have anything resembling a record.

One general comment must be made about concern for legal safeguards. We must be aware of the possibility that, in some cases, insistence on the need for due process might be disguised conservatism. The youth services bureau movement is an attempt to move certain matters out of the legal arena—undue emphasis on legalism might nullify the reform which this represents.

Finally, two further problems must be noted. Care must be used in employing informal dispositions, or serious cases will be overlooked with the result that the community will not be protected, and the more intensive help that is needed will not be given. As the Task Force points out, "Screening . . . suffers from mass production" (President's Commission, 1967a: 18). Also, the dangers of delay must be borne in mind—informal help should come at once. "If the time lapse between apprehension and referral is a matter of days, the subsequent follow-up by a selected community resource may occur at the point when the juvenile and his family have surmounted their initial fear, anger, or regret and concern, and the contact is regarded as an unwelcome reminder of past unpleasantness instead of an avenue of help in a time of crisis" (President's Commission, 1967a: 18).

### **Research**

It is widely accepted by youth services bureau planners and administrators that careful attention must be paid to research. From the earliest stages of the development of a bureau, those responsible must take care to build in provisions for data collection and analysis, the gathering of adequate statistics, and evaluation of programs and techniques.

Ideally a bureau should be built on preliminary research. An effort should be made to identify problems peculiar to an area; the researcher should bear in mind the local character

of a youth services bureau. He should attempt to discover an area's needs, and the ways in which a bureau could provide services to meet those needs. He must ask: What types of youth problems are particularly prevalent? What needs are not being met by existing agencies? What types of cases are being handled inappropriately by these agencies? What untapped resources are available in the community? The services to be provided by a youth bureau cannot be planned or imposed from above; careful research is needed to determine the service appropriate to an area.

Next, once a bureau is operating, planners must ensure that records are kept as to types of cases dealt with, source of referral, and types of service provided. Analysis of this descriptive material should attempt to answer questions such as: What *new* approaches and measures are being adopted? To what extent is the bureau dealing with a population not helped previously? In what ways has it provided more appropriate assistance for youths who previously were dealt with in other ways?

The interrelationship between bureau and court must be explored, the key question being whether the bureau has diverted a significant number of young people from the juvenile justice system. This, of course, demands an analysis of court records—number and nature of cases dealt with, and dispositions—after the bureau has been operating for a sufficient period. When a bureau has been operating for some time, the pattern of court dispositions should provide a clear pointer to its impact. If the purpose intended for the bureau is fulfilled, the court should deal only with serious cases, and those where there has been a refusal to accept bureau assistance. This should be reflected in a reduction in the court's use of minor measures.

Two other aspects of data collection and analysis should be mentioned. Each bureau should accept the responsibility of maintaining records for each child seen, even if he or she is dealt with by another agency. What bureaus will attempt to provide is multi-faceted pre-court treatment. Children will drop out of the system at different stages (because no further action is required), will be referred by one agency to another, or might move beyond the system, into the official juvenile court structure. It is important that bureau staff be able to keep track of all children seen, trace their progress, and check on the measures subsequently employed. Ultimately the aim should be to try to determine whether the various decisions made

were the right ones; if this sort of analysis is to be attempted, the bureau must act as a central record point.

In contrast is the more obvious use of case records. Continuing analysis is necessary if a bureau is to respond to local needs. If it emerges, for example, that a particular bureau is faced with a large number of youths with employment problems, then, clearly, the bureau staff must adapt to this, and provide assistance in this field.

The over-riding purpose of research on youth services bureaus must, of course, be to attempt to evaluate their effectiveness. We want to know how successful the bureaus will prove in helping children to avoid further difficulties. Follow-up studies must be undertaken. But we want to know more than whether a minor troublemaker succeeds in avoiding a court appearance. We want to know *why*, and, if we can establish that subsequent improvement is due to bureau intervention (and not, for example, to maturation), then we also want to know whether bureaus are more or less effective than other agencies. Research into the process of change and making comparisons between various treatment methods are both notoriously difficult. This is not the place to explore the problems involved in studies using control groups or randomized dispositions. An attempt must be made to define and measure success, and in this regard two points are worth stressing. When inquiring into the success of bureau intervention, the researcher should not overlook the importance of asking about the attainment of limited, concrete goals such as improved work or school performance. Also, if it is found that the outcome of bureau action and the results of court action are similar, it must be borne in mind that the bureau's results are achieved more simply, efficiently and more humanely. The significance of maintaining an existing success rate by doing *less* must not be overlooked.

Two specific areas of research are worth mentioning, in view of the original formulation of youth services bureau policy. Careful attention must be focused on the extent of community involvement and the use of volunteers. It is easy to be sentimental about the effectiveness of voluntary, community assistance, and the role of volunteers must be scrutinized in a hard-headed fashion. The researcher must ask: Are they helping? Have they sufficient training? Is their benevolent concern a substitute for professional skill? Do they quickly lose interest? In which areas can they be most useful?



The other matter which merits examination is the effect of informal dispositional methods on the attitudes of those involved. An attempt must be made to throw some light on the difficult problem of stigma, and, therefore, it will be necessary to try to answer such questions as: Does bureau handling reduce the labeling effect? Is informal disposition successful in "playing down" delinquency, both in the eyes of the delinquents themselves, and in the eyes of those associated with them?

### FOOTNOTES

- <sup>1</sup> The proposals are set out in the President's Commission on Law Enforcement and Administration of Justice (1967a: 19-21).
- <sup>2</sup> Cases regarded as suitable for adjustment should be referred to bureaus.
- <sup>3</sup> It should be noted that the operation of this section has been greatly restricted. The original aim of introducing a new procedure for all troublesome children under 14 has not yet been achieved.
- <sup>4</sup> The Task Force Report of the President's Commission on Law Enforcement and Administration of Justice (1967a: 21) states, "In accordance with its basically voluntary character, the youth services bureau should be required to comply with a parent's request that a case be referred to the juvenile court." Rosenheim comments: "I submit that there will be a few cases, where the social danger of the youngster's situation is clear enough but where legally admissible evidence is lacking, in which child or parent (or counsel) would see an advantage to court referral, confident that the case would be dismissed" (1969: 71). Presumably such situations must be accepted if legal safeguards are to be provided.

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