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BOOK REVIEWS

Standards for Juvenile Justice: A Summary and Analysis, and ***Standards Relating to Noncriminal Misbehavior***

By The Institute of Judicial Administration and the American Bar Association. Two volumes from a complete set of 23 volumes prepared by the IJA-ABA Joint Commission on Juvenile Justice Standards. Cambridge, MA: Ballinger Publishing Co., 1982. ***Summary and Analysis:*** 336 pp., $29.00 (hardcover); $15.00 (paper).

Noncriminal Misbehavior: 96 pp., $14.50 (hardcover); $7.50 (paper).

Two presidential commissions on crime and criminal justice in 1967 and in 1973 made numerous recommendations pertaining to the establishment of guidelines and standards to achieve a number of goals. These included: (a) to achieve greater uniformity in the administration of law regardless of jurisdiction; (b) to facilitate interorganizational coordination and linkage within the justice system; (c) to reexamine traditional concepts and premises; (d) to codify relevant case law, administrative decisions, and basic principles; (e) to achieve greater accountability among all levels of law enforcement personnel; and (f) to control unbridled discretion. Not surprisingly, there was substantial effort at both the federal and state levels to establish such standards, and these efforts were handsomely funded with federal grant dollars from the U.S. Department of Justice and several foundations. Progress has been quite limited in the adult system except for the work of the American Correctional Association in establishing national accreditation procedures built around detailed standards governing organizational behavior in corrections, but there is very little evidence that positive changes have resulted because of the tremendous increases in incarceration in most states in recent years. As a result of overcrowding, conditions and procedures in most areas have deteriorated below those that existed prior to the establishment of the standards. Thus, without complementary policies in other areas it is unlikely that standards alone will do much to improve the behavior of the justice system.

The juvenile justice system stands in sharp contrast to the adult system—at least as far as effort and resources expended in developing operational standards. Four nationally prominent organizations developed and issued standards for juvenile justice during the late 1970s and early 1980s. They include the:

1. Task Force on Juvenile Justice and Delinquency Prevention of the National Advisory Commission on Correctional Standards and Goals—1973;

2. National Advisory Committee for Juvenile Justice and Delinquency Prevention—1980;
3. American Correctional Association Commission on Accreditation for Corrections—1978–1979; and
4. Institute of Judicial Administration/American Bar Association Juvenile Justice Standards (hereafter IJA–ABA)—1979–1980.

Three of these groups addressed the juvenile justice system comprehensively, albeit in varying degrees of detail. The American Correctional Association standards address only correctional programs. The volumes being reviewed here are 2 of 23 that were prepared by committees composed of jurists, attorneys, and a wide variety of professionals expert in child development and justice system practice. Their work was funded by the Law Enforcement Assistance Administration (LEAA) and the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and by several foundations, and undoubtedly has cost many millions of federal dollars. Given the fact that they have had so little impact at local, state, or federal levels, one inevitably must question whether or not those dollars could have not been spent far more effectively or perhaps even not spent at all in the justice system. The primary benefactors appear to have been judicial and law enforcement personnel and researchers in the various assessment centers established by LEAA and OJJDP. Those persons received substantial resources for personnel, for reduced workloads, and for increasing formalization of processing in the criminal justice system. If such changes had resulted in greater justice, equity, and protection of the citizenry, it might have been money well spent, but certainly that does not appear to have been an outcome. It could well be hypothesized that the existence of all these standards in the juvenile justice system contributed toward increased bureaucratization and punitiveness in the handling of status and minor offenders who do not belong in the justice system, but rather in the youth services and child welfare system.

The two volumes reviewed here are *A Summary and Analysis* authored by Barbara Flicker and *Noncriminal Misbehavior* authored by Judge William S. White, Margaret Rosenheim, and Aidan Gough. The Summary and Analysis volume for which Barbara Flicker was the reporter describes the history and scope of the project, the development of the current juvenile justice system and the deficiencies in that system which the new standards propose to correct, the response of the ABA members to the proposed standards, and the process by which the 20 volumes were approved. It then presents a detailed listing of the standards covering jurisdiction regarding intervention into the lives of children and youth; court rules and procedures; treatment and correctional programs; and administration of the juvenile court, including planning, ongoing operation, monitoring, and information systems. The reader is presented with a formidable list of prescriptions governing the behavior of judges and law enforcement personnel.

This volume is useful as a summary overview, but anyone wishing to utilize it for practice, program evaluation, or research would need to refer to the other 22 volumes and also to supplementary material which pro-

vide the context, rationale, and data support for these standards. Without the understanding that comes from the latter information there is a risk that standards would be rigidly and narrowly enforced by judges and other law enforcement personnel. Justice system personnel need to be continuously trained in the application and monitoring of these standards in actual operation, or else the means could well become the end.

The volume *Noncriminal Misbehavior* is one of three that was not endorsed by the American Bar Association despite long deliberation. The firm opposition of a majority of juvenile court judges appears to have been the main stumbling block that could not be overcome. When one considers that 40% to 50% of all cases referred to the juvenile court are still referred for noncriminal behavior (status offenses, as they are usually termed), it is not surprising that judges resist giving up jurisdiction over these cases. If that were to happen, the work volume of the court would be reduced dramatically.

The authors refer to jurisdiction over noncriminal behavior as a "kind of moral thumbscrew by which we seek to demand of our communities' children a greater and more exacting adherence to desired norms than we are willing to impose upon ourselves" (p. 11). They then go on to point out that there is no empirical evidence to support that status offenders derive any benefit from juvenile court intervention. Nonetheless, it continues in all but a few states. Some states have eliminated status offenses from classification as delinquent behavior, but then they have gone on to establish special categories such as Children in Need of Supervision (CHINS), Persons in Need of Supervision (PINS), Juveniles in Need of Supervision (JINS), and Familes in Need of Supervision (FINS) and continued to intervene and process as they had previously. Recent evidence from the national census of detention facilities indicate that the rate of detention continues to rise as does the average length of stay.

To its credit, the volume on noncriminal behavior presents an unambiguous standard to control court action with respect to this behavior:

> A juvenile's acts of misbehavior, nongovernability, or unruliness which do not violate the criminal law should not constitute a ground for asserting juvenile court jurisdiction over the juvenile committing them.

Obviously such a standard is useful for child welfare and youth serving agencies who serve these youth already and would need to do so in increasing numbers if court jurisdiction were removed. This volume is also of use to policy analysts and researchers because it summarizes the relevant case law of the 1970s both before and after the passage of the Juvenile Justice and Delinquency Prevention Act of 1974. That act had as one of its primary goals the removal of status offenders from formal justice system processing.

In addition to the national commissions, several states also developed standards during this same period or passed legislation built on standards developed for that purpose. A great deal of confusion throughout the country has arisen because of this duplicative effort, and that situation has been aggravated by wide differences among them in stan-

dards that have been formulated. Clearly, there is no national consensus about many aspects of juvenile justice, if this situation is any criteria. The ABA/IJA project has asserted preeminence, partly because of the fact that distinguished juvenile jurists have been so significantly involved and they continue to dominate the system. Whether or not their self-assertion of authority is accepted is an untested empirical question.

The ABA/IJA Standards would never have come into being without the efforts and concern of Judge Irving Kaufman of the U.S. Court of Appeals for the Second Circuit. He guided the effort during the 10-year period in which these standards were developed and shepherded them through the legislative councils of the American Bar Association until 20 of 23 volumes were approved and published. Following that, in 1980 the IJA/ABA project received an additional grant from the OJJDP, and in 1982 the Criminal Justice Section of the ABA established a standards implementation effort in Washington. The latter effort continues today funded now primarily by the Vincent Astor and other foundations.

The ABA/IJA drafting commission was guided by 10 principles they felt reflected the key issues needing resolution in juvenile justice. These included: definition and handling of noncriminal behavior, due process, court administration, sanctions and dispositions, and criteria for transfer of youth to adult court. In one of the numerous handbooks prepared to aid the utilization of these standards, the author, Alaire Reiffel, identified the key target groups for their use: judges, defense attorneys, prosecutors, court administrators, teachers of law, and the news media. Strangely, no mention is made of the largest groups of personnel in the juvenile justice system who also have the most contact with juveniles. These include police, correctional staff, and probation officers. Perhaps this exclusion is a key indicator of what is wrong with the approach that argues for standards as the key to more effective and humane justice systems. They say that the standards require the following:

> Invalid assumptions must be abandoned, a moratorium declared on the construction of new juvenile facilities, the structure and jurisdiction of the court revised, personnel retrained, programs changed, roles reexamined, statement of purposes rewritten, new policies and practices adopted and juvenile funds reallocated . . . A totally new system should be put into effect. (Summary, pp. 288–289)

Few would disagree with such goals, but unfortunately this society needs far more commitment than is represented by the development of justice system standards, if these goals are ever to be attained. Despite the expenditure of vast financial and human resources, we seem to have made little progress since the most recent period of juvenile justice reform began in the mid-1960s.

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