

ASSEMBLY COMMITTEE ON JUDICIARY - 56th SESSION, 1971

MEETING HELD FEBRUARY 25, 1971

The meeting was called to order at 3:15 p.m. Present: Messrs. Fry, Kean, Dreyer, Olsen, Lowman and Torvinen. Absent: Miss Foote, Messrs. McKissick and May.

AB 203 - Establishes probation subsidy program for youthful offenders. Mr. Fry stated this committee is only looking at it from a policy standpoint, whether it would have any effect on criminal law and the criminal element and not concerned at this time with financing of the project.

Speaking as proponents of the measure:

DISTRICT JUDGE JOHN MENDOZA, CLARK COUNTY: The Boys' School at Elko is full. The Girls' School at Caliente has four or five beds available. The procedure now is to have a prior screening for youths to be committed. We don't know what to do with the increase each year. The solution to the problem is probation subsidy. The general concept is rather than placing children in institutions the counties be given money to deal with the child in the community. One third of the children committed could function in the community, with halfway houses and group homes. Judge Mendoza presented a prepared statement to the committee.

In California there are some problems in the program which are explained in the proposal. They have kept 10,500 children out of institutions and have saved 29 million dollars in not having to build additional state institutions. From a savings point of view we feel there would be a savings of \$350,000 in the next biennium through this program. One of the things we know is the Department of Health, Welfare and Rehabilitation expended the cost of \$6,362 to maintain a child in an institution per year. \$4,000 would maintain a child within the community. We would ask that 53 children from Clark County and 75 from throughout the state be brought out of institutions. The Director of the San Francisco Juvenile Probation Office claims the program is outstandingly successful. With a week's notice the directors of the programs in San Francisco and Los Angeles would come to testify. There are some objections and problems but they could be adjusted by any bill we might propose.

Mr. Fry asked if the Department of Health, Welfare and Rehabilitation is the right department to have this under. Judge Mendoza replied that the Department of Parole and Probation only deals with adults and there would be supervisory capacity to establish guidelines. This may be the department.

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Mr. Dreyer asked what is now being done with the children. Judge Mendoza replied that Elko accepted them but from now on before they leave Clark County they have to be screened and they will accept some.

Mr. Fry asked if the county can make some allocation for Federal funds. Judge Mendoza replied they have done some of that, but are competing with other states and don't know if the county will get the money.

FRANK SULLIVAN, CHIEF PROBATION OFFICER, WASHOE COUNTY: Judge Mendoza has gone through the matter that we do need help in dealing with offenders. The subsidy matter has been worked on since last January. Mr. Sullivan gave a statement to the committee.

JAN MCEACHERN, LEAGUE OF WOMEN VOTERS: We endorse what has been presented to you. The league made a study of juvenile probation and we find it is a fine program providing an alternative to incarceration.

Mr. Lowman asked if there are states comparable to the size of Nevada that have been able to afford the program. Mrs. McEachern replied it is about 2/3 of the cost of institutions, and the other states having it save money.

MAURICE MORGAN, JUVENILE DELINQUENCY ADVISORY BOARD, CLARK COUNTY: By analyzing statistics on crime among juveniles in Clark County, the juvenile percentage of crime is lower than the rest of the nation. Some statistics attached to the explanation I am presenting showed we are bothered with petty crimes for which we could use some means of community-based programs.

SHIRLEY WEDOW, SPARKS, STATE CO-ORDINATOR, NEVADA PTA: This is a piece of legislation the PTA has had in their legislative action program for years. She is also Chairman of the Governor's White House Conference on Children and Youth, and the committee has recommended halfway houses and this type of program.

Mr. Olsen stated he had received more mail and telephone calls in favor of this bill than even on the abortion issue and is sure there is popular favor with the bill.

Opponents of the bill:

ROGER TROUNDAY, DIRECTOR, DEPARTMENT OF HEALTH, WELFARE AND REHABILITATION: We have some concern about this bill. We have been in contact with some of the people in California and there are many people who aren't as happy with the program as might seem. The other agencies within the community are concerned because the youngsters aren't being sent off to the institutions and the community is being inundated with these young people, and they want additional money to operate the programs. The police,

sheriff and schools have additional burdens on them. They have also found that many of the communities were sending young people to institutions before they had exhausted all their possibilities in the community.

They are talking about \$4,000 per case and people are feeling if they don't go between six and seven thousand dollars per case they can't take care of it with the demands on the community. This is placed in the department of Health, Welfare and Rehabilitation and would require a considerable amount of setting up standards and we haven't got the staff to set it up. A considerable amount of money will be needed for supervision and we will have considerable amount of state supervision to see how it is to be conducted. We don't feel the bill defines what they mean as to the type of person they will be requesting funds for. Will they be delinquent children, dependent children, emotionally disturbed children? How will it be determined? There is one situation where there is a supplementary appropriation in committee for opening of the other cottage in Elko which will relieve some of the pressure because they will be able to accept more boys.

They have 146 boys at Elko and room for additional boys. There is the quickness of the turnover to take into consideration. This is why the Governor in his message asked for two additional parole counsellors for boys and two for girls, to do a better job of supervising children in their own communities.

Mr. Fry: You don't have any idea of the costs or what organizational steps you would have to take in your department?

Mr. Trounday: No. In order to supervise a program of this nature someone will have to do that supervision from the state level and we don't have the funding in our office to do it, so some other agency would have to take it over.

Mr. Lowman: I assume you are going to testify before Ways and Means?

Mr. Trounday: Yes, but there are problems with the program.

A. A. CAMPOS, DEPARTMENT OF PROBATION AND PAROLE: There has been some talk to the effect that other states have found that the program decreases state commitments. From the reports that are available from California I find they talk out of both sides of their mouths. The non-participating counties are the smaller counties. All of the larger counties were participants and 25% of the decrease was demonstrated in the non-participating small counties. There was a decline in commitments. This is due to better efficiency in the counties and not necessarily to the subsidy. The President's Crime Commission mentioned the subsidy emphasized community based corrections but say they're not necessarily on subsidy.

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Mr. Fry announced that AB 141 in its present form is not what the committee intended, and he is having amendments prepared for it.

AB 233 - Allows 18 year old persons to purchase, consume intoxicating beverages under certain conditions in certain places.

Mr. Fry announced this is an initial consideration of the bill and Mr. Torvinen has some amendments.

Mr. Torvinen stated his amendments limit the sale of beer and wine in places only licensed to sell beer and wine so that in the initial instance persons 18-21 would be allowed only to purchase beer and wine at retail or for consumption on the premises at a place only licensed for beer and wine. Being a great believer in evolution, he felt this may be an evolutionary step.

MR. LES KOFOED, DIRECTOR, GAMING INDUSTRY ASSOCIATION: Stated the association has no objection to the bill but has an objection to subsection (a) on page 1 as it is written, which would bar the 18-21 year olds from any place that had a gaming license. The concern is that any hotel or place with banquet facilities is barred from having these people in their place for their drinking. If the amendment isn't adopted it should read, "they should not be permitted to drink in the room or rooms where gambling is conducted."

Mr. Lowman observed the Legislature is jumping the gun with piecemeal legislation which raises questions as have just been brought up.

AB 255 - Provides special juvenile court procedure for children in need of supervision.

JAMES CARMANY, CLARK COUNTY JUVENILE COURT: Stated the Clark County Juvenile Court supports this legislation. The looking at the manner in which it has been necessary to deal with the child who has run away from home and committed no other offense, or a child who has been brought into the detention home by his parents, as young as eight years of age, they find in the overwhelming majority they are dealing with a total basic family problem and in examining the model juvenile court law they believe these young people should not be confined or carry the label of delinquent and should not be required to be detained in detention centers with children charged with crimes. Defining them as children in need of supervision and laying the problem on the parents, they could have a way of approaching the problems.

Mr. Torvinen stated the use of foster homes even on emergency basis is more widespread, and asked Mr. Carmany if the wording in the bill would suggest the child couldn't be placed in a foster home rather than a detention facility.

Mr. Carmany replied that Section 1 (2) says the court would avoid placing the child in a detention facility whenever possible and would attempt to place him in a family counselling agency. Foster homes are not the answer as much as getting help.

MRS. SHIRLEY WEDOW: The PTA is in favor of the legislation. The White House Conference on Children and youth recommended such children be designated as children in need of supervision.

Mr. Lowman asked if the court would be asking for additional facilities to handle these youngsters. Mr. Carmany replied the children could be handled with the facilities they already have.

Mr. Lowman presumed that since the legislation had to be introduced, it was not felt the present statutes would allow the court to handle them this way. Mr. Carmany stated they are presently handled as delinquents.

JAN McEACHERN: The League of Women Voters is happy to see the amendment, and likes the idea of dividing the children.

FRANK SULLIVAN stated he is not sure if he understands the bill correctly, but assumes it means that jurisdiction of runaways is taken from justice court. He stated he handles over 700 runaways in Washoe County per year, from across the United States, Canada, Mexico and Argentina. He said he would be willing to give these up to the State Welfare Department, but if he didn't handle them, who would?

Mr. Fry asked if he were referring to out of state runaways, and Mr. Sullivan said he was.

Mr. Torvinen asked if Mr. Sullivan thought the act avoids placing out of state runaways in detention facilities. Mr. Sullivan replied it says they would not place them in detention facilities.

Mr. Torvinen further questioned if that is the only alternative available for out of state runaways. Mr. Carmany stated in subsection 2 it is indicated the court can send them back to their jurisdictions, which is usually 48 hours.

MR. BILL LaBODIE, STATE WELFARE DEPARTMENT: The State Welfare Department is not really opposing the bill, but is concerned about what it doesn't say. It talks about a child in need of supervision and not delinquent. This means if the children are in the classification, who defines who the children are and makes the decision? How many juvenile delinquents will fall into the classification? If the term juvenile delinquent is no longer used, every child will be in need of supervision.

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Mr. Fry noted there is still a classification of dependent child and delinquent child and this creates a third classification. Mr. Lowman stated it is mentioned in Section 2 of 201.090.

Mr. LaBODIE stated the Welfare Department is concerned about the wording in part 2 stating the court will attempt to acquaint the child and family with services to render assistance. He said he assumes that means the State Welfare Department since he knows of no other agency with such services. Judge Mendoza stated it would mean state mental health or State Welfare Department through one of the other services.

Mr. Torvinen asked if that is the procedure now. Mr. LaBodie stated that the State Welfare Department doesn't get into it now, but he feels the department will be involved under the new classification. He would prefer the bill to indicate what state department is meant, so the Welfare Department would know if it is involved.

Mr. Torvinen asked if a child is taken into temporary custody by juvenile officers and determined to be delinquent, although he is a chronic runaway, and he is referred under the present law for some mental health counselling, does it make any difference whether or not the State Welfare Department treats him if he is called delinquent or dependent or in need of supervision.

Mr. LaBodie stated the Welfare Department doesn't get into the delinquent area.

Judge Mendoza stated it is the problem of the court, and the Welfare Department says it will not get involved. Mr. LaBodie stated the Welfare Department has no facilities.

Mr. Torvinen asked if he meant outpatient facilities. Mr. Lowman asked if the thrust of the testimony wasn't that Mr. LaBodie is concerned that the Welfare Department will be given the child if he is not delinquent. Mr. Fry asked how the child is treated now.

Judge Mendoza stated the court can make a determination to treat the child as delinquent or dependent as a finding, and said the court can do it under the present statutes at the determination level.

Mr. Torvinen asked if the child gets welfare service if he is a dependent child. Judge Mendoza said that is right. The court has had cases from the state welfare in which the judge said he is dependent and the welfare department disagreed.

Mr. Carmany stated an unmanageable child could now benefit from foster care but he is labeled delinquent. He can't go to a

foster home and he has committed no crime but he has a basic family problem. Where does he go? Judge Mendoza stated that presently he is sent to a delinquent facility.

Mr. Torvinen asked if any determination has been made as to whether this will put an extra cost on the welfare department. Mr. LaBodie said it is bound to.

Mr. Torvinen asked if the Welfare Department takes children into actual custody. Mr. LaBodie stated the department has to put them anyplace it can. Mr. Torvinen asked if the wording "acquaint them with available service" would mean the department might take actual physical custody of the child. Judge Mendoza stated it could.

Mr. LaBodie emphasized the Department wants it spelled out if they have the responsibility.

Mr. Torvinen asked if another area of counselling services would put a load on the people the Welfare Department already has. Mr. LaBodie replied it would depend on the numbers, and the department has workers supervising 110 children now.

Judge Mendoza stated the majority would be supervised by the court's protective services department, and that 95% would be on a probation type situation. The only time the Welfare Department would be involved in the delinquency situation would be if they were in contempt of court. If the only answer the court has for a truant child is Elko, it doesn't give the court any choice at all.

Mr. Torvinen asked if foster homes come under the Welfare Department. Mr. LaBodie stated in foster home placement the counties pay 1/3 and Welfare pays 2/3.

Mr. Torvinen observed a statute can't be drafted to cover every contingency, and the Judge has to make the decision which child should come under the various classifications.

MR. BOB VITKUS, WELFARE DIVISION, LAS VEGAS OFFICE, stated many of the problems would be enlarged if the Welfare Department were charged with handling this. Foster homes are nearly at the point of being placed on the endangered species list. Other service agencies are overtaxed and overloaded. To say Welfare would have the responsibility for unmanageable children would place a large burden on the system.

Mr. Fry noted that it doesn't place obligations on the State Welfare or County Welfare, and the only responsibility is the Court should acquaint the child with the services, whatever they might be. Welfare could still inform the court there isn't a foster home available.

Mr. LaBodie said when the Court gives jurisdiction over children to the Welfare Department, they have to take charge whether or not facilities are available.

Judge Mendoza stated there is nothing in the bill that says the children are automatically under the jurisdiction of the Welfare Department, and that 95% of the children would go under the protective service provision. In the general powers of a judge he has the power to determine what other state facilities are available, with or without the bill.

AB 373 - Provides for parental bond as condition of probation of juvenile offender.

AB 374 - Invests juvenile court with power to fine children, their parents and guardians.

AB 387 - Provides for parental restitution for financial losses inflicted by their children.

AB 394 - Provides criminal sanctions for parental neglect resulting in a habitual delinquent child.

JUDGE MENDOZA stated from the Juvenile Court's point of view, regarding AB 373, there is no objection to the requirement of the posting of bond. It is a worthwhile tool to use in certain cases. However, a good share of the children don't have the money and we are penalizing the poor because they can't post bond. Secondly, the use of bond for non-payment in a detention facility is repugnant to him constitutionally. The bond may induce a parent to at least supervise the child more closely.

Mr. Fry asked if Judge Mendoza would like lines 11-18 left out. Judge Mendoza said he would.

AB 374: Judge Mendoza stated he would order the child and parent to pay a fine, and he basically agrees with this. General jurisdiction is not defined. The court has the power now to fine only in traffic offenses and as a result by court rule the judges do fine. They don't have authority to do so, however, and he has proposed they be granted authority. Possibly the amount of the fine should not exceed \$500, or the same as a misdemeanor. There might be some consideration in the bill for the Court to order the child to do work.

Mr. Kean asked if restitution could be ordered if the child has done property damage. Judge Mendoza answered they take the inherent power to do it but there is a question if they have the power to do so. With the two modifications he mentioned the bill would be good.

AB 375: Judge Mendoza stated he has no basic objection to the work project, but thinks there ought to be another classification giving the court general power to place the child in the custody of the church or a charitable organization.

Mr. Fry asked if the wording in paragraph 6 should be "any other person suitable..". Mr. Torvinen suggested permitting the court to order the child to a public or charitable work project approved by the court.

AB 394: Judge Mendoza stated this bill has problems from an interpretation point of view. The question of the language, "who fails to exercise reasonable parental control", brings up the question of guidelines. There are no standards.

Mr. Fry stated he believes this is already in the law, in 255.

Mr. Lowman noted the bill is based on a city ordinance in Madison Heights, Michigan.

Judge Mendoza stated this bill spells out more than the present law, on page 2, in the dependency area.

Mr. Lowman requested that the chairman hold up a motion on the bill until Judge Mendoza's staff researched the bill and submitted wording providing standards and guidelines for parental control. Judge Mendoza and Mr. Fry agreed, and Judge Mendoza stated he would also include suggestions on procedure of immediately advising the parents.

AB 373: JAMES GUINAN, BOARD OF GOVERNORS, STATE BAR OF NEVADA: Stated the State Bar doesn't think probation of the child should depend on whether a parent can come up with a bond.

Re. AB 374, Mr. Guinan stated they agree with the judge there should be some indication of what the fine should be.

Re. AB 375, Mr. Guinan stated some description of the type of work the child could do should be included so a "chain gang" situation without proper supervision doesn't arise. He stated although he trusted the judges not to do that sort of thing, the statute should set standards.

Re. AB 394, Mr. Guinan feels that is unconstitutionally vague regarding neglect of the child.

Mr. Fry asked if Mr. Guinan had comments as to how to define work. Mr. Guinan said he had none.

Re. AB 374 JAN McEACHERN stated the League of Women Voters concurs with the approach recommended. Re. AB 375, they would hope section 6 would mean placement in a social service setting of some kind where the child would have the benefit of making a social contribution.

Re. AB 387, the League thinks there could be another alternative for the court and would like to see the court have as many choices as possible.

Mr. Fry stated that action on AB 352 will be deferred until a "family court package" of bills is put on the agenda for hearing.

Re. AB 387, Judge Mendoza said he is torn between the approach we have now, an independent civil suit, and one in which there would be hearings before juvenile court. There is a question of two processes here.

Mr. Lowman asked if evidence accepted in criminal court is admissible in a civil case. Judge Mendoza replied it might be used for impeaching purposes.

Mr. Olsen observed the statutes are asking for a parent to have 100% control of a youngster, and model parents have children who may once go out and perform a malicious act, and the parent is held responsible. Judge Mendoza stated it would have that effect, and the parents would not have the right to come into court and defend themselves, unless the parents were on trial too.

Mr. Fry noted there is another section of the statute providing that a parent is liable for acts of the child, up to \$2,000.

AB 504 - Abolishes stepparent immunity from contempt, removes administrative duties of probation committee, and requires restitution, under Juvenile Court Act.

Judge Mendoza stated this would impose upon stepparents the same responsibilities as natural parents with regard to court orders. Nevada is an extremely high divorce rate area and 52% of the people who appear in Juvenile Court fall into the category of stepparent, a reconstituted family situation. Under the common law adopted in Nevada a stepparent cannot be ordered to appear. California has a similar statute.

Mr. Fry noted that he is disturbed by the provisions of Section 3. Judge Mendoza said he had no objection to that section being stricken.

Judge Mendoza stated that on page 2 regarding general jurisdiction over the probation committee, one thing is being added and that is to study and advise the court at the court's request. On page 4 the words "approve or disapprove" are being stricken. They have hired an appointive power deciding who is going to be hired and this is not the best procedure. The court should have their recommendations but not determination since they don't have the responsibility as the court does.

Mr. Torvinen asked if the same language wasn't stricken last session. Judge Mendoza stated the judge was removed from an administrative position, and an administrator was added, and he stated it is a good system. The probation committee will be a recommending body. He further stated that one of the problems with the director of juvenile services is that the judge can fire the director, but can't hire a new one. The probation committee can make recommendations and allow the court to hire.

Mr. Lowman asked if the bill were passed, would the county commissioners be out of the act. Judge Mendoza answered they are in the act because they approve the money. Mr. Lowman asked if they are in because of the power of hiring and firing. Judge Mendoza stated that is in the statute.

Mr. Lowman asked why they aren't taken out. Judge Mendoza stated they are out. Mr. Lowman asked if the intent of the bill is to take them out of the act. Judge Mendoza said yes.

AB 110 - Provides for protection of interests of children in divorce actions.

Judge Mendoza stated the bill authorizing the court to appoint attorneys for the children is beneficial. It is now done occasionally in his court, and he feels it is good, particularly when parents are battling and using the child as a pawn. This would give the court express authority to appoint attorneys, while they now use inherent authority. The court could also award attorney's fees to the child as part of the action.

Mr. Kean asked who pays for the counsel fees for the child, and Mr. Lowman asked who pays for psychiatrists or counsellors.

Judge Mendoza replied they call counsel into chambers and ask a provision be made for payment, particularly where the child needs to be examined psychiatrically. Determination of payment is made in advance. It may be taken as costs or as a necessity of medical expenses.

Mr. Lowman stated he is concerned if it would fall back on the Welfare Department. Judge Mendoza said it wouldn't.

Mr. Torvinen asked if the judge can order the Welfare Department to make an investigation without calling the children dependent children. Judge Mendoza stated his court has hired its own investigator to make independent investigations for the court. A child can be placed in the juvenile facility and be out of the court chain of command. No State Welfare is used for that provision.

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JAMES GUINAN stated the State Bar is opposed to AB 110 because it is impractical. In most cases in which it might be desirable the parties are not going to be able to pay for the attorney, and he also questioned where the money would come from.

He further stated the State Bar is opposed to AB 387 with regard to the \$1,000 restitution provision, for the same reason they oppose Mr. Lowman's bill to extend liability of parents beyond \$2,000.

Re. AB 394 Mr. Guinan stated the neglect should be specifically defined, or the statute is unconstitutionally vague.

There being no further business, the meeting was adjourned at 5:17 p.m.

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PROBATION SUBSIDY FOR NEVADA

Prepared for the Nevada State Legislature by the Washoe County Juvenile Probation Department. This project has been financed by a Federal Department of Health, Education and Welfare Grant to produce a "State Plan for Control and Prevention of Juvenile Delinquency." This project was begun on June 1, 1970 and the total First Year Plan will be completed by August 31, 1971.

Respectfully submitted:

Frank A. Sullivan,
Chief Probation Officer

Michael J. Hoover,
Planning Analyst

PROBATION SUBSIDY FOR NEVADA

INTRODUCTION

This report is an examination of the Probation Subsidy Programs in the states of Washington and California and a proposal for a Probation Subsidy Program for Nevada, based on successful aspects of those programs.

PROBATION SUBSIDY DEFINED

The accepted goal of probation subsidy is to reduce the necessity for commitment of juveniles to state correctional facilities by strengthening and improving the supervision of juveniles placed on probation by the juvenile courts of a state. It is the intent of probation subsidy that a variety of special new programs will emerge for probation supervision. Subsidy encourages the counties to develop a wide range of special new counseling and placement programs, contracts for psychiatric and medical services, special day training programs for juveniles, vocational and educational counseling, conjoint family counseling, assistance in budgeting, tutoring services, job placement and the myriad of other services needed for good probation supervision. All of the above can be woven into the fabric of special supervision programs. The intent of the program is to seek innovation and creativity in developing new ways of doing a better rehabilitation job in the community. The new state-county relationship offers probation the financial resources to provide the kind of supervision that makes probation the community's most effective and economical correctional service.

SPECIFIC GOALS OF PROBATION SUBSIDY

A. Reduce the commitment rates to state juvenile correctional institutions by 25% or more in participating counties.

B. Reduce the overall cost to the state for rehabilitating delinquent youths.

C. Provide higher quality probation services to selected youthful offenders through 1) selectively reducing probation officer case loads, and 2) making funds available for purchasing additional services as needed.

D. Provide increased protection to the community through more consistent, uniform supervision of probationers.

E. Reduce the extent to which youths become involved in repeated offenses.

THE CALIFORNIA SUBSIDY EXPERIENCE

California began its Probation Subsidy Program on July 1, 1966. Thus far the success of the program in reducing commitments to state institutions has exceeded original expectations.¹ During the first year of operation (fiscal year 1966-1967) commitments were reduced by 1,398; during the fiscal year 1967-1968 commitments were reduced by 2,416; in fiscal year 1968-1969, commitments were reduced by 3,317; and during fiscal year 1969-1970 the reduction in commitments was approximately 3,588 cases. This has meant a savings of millions of dollars to the state of California. Institutions are no longer overcrowded and the need for new construction has been eliminated.

HOW THE SYSTEM WORKS

Counties wishing to participate in the program submit a proposal to the California Youth Authority by July 1 of each

1. California Youth Authority Report to the Legislature on Probation Subsidy Program, January 7, 1969.

year conforming to standards established by the Department and the county probation departments. Participating counties operating approved programs and reducing their commitments from a previously established base are paid \$4,000.00 per case for the percentage reduction they achieve in commitments to state correctional institutions. The state buys local service in lieu of state correctional service. The state payment is sufficient to provide enriched service not only for the one new admission the county does not commit, but several eligible cases already under local probation supervision. Experience gained thus far indicates that the county can give improved service to five or six probationers for every new uncommitted case held at the county level.

The benchmark by which a county is measured is its average past commitment performance over the five year period beginning in 1959 and continuing through 1963, or the two years 1962-1963, whichever is higher. This selected average commitment rate per 100,000 population is the base experience rate. It is the permanent standard against which improvements or reductions in commitments are measured. The standard used to measure improved performance is not theoretical or arbitrary since it measures the improved performance of the county's own commitment performance over time and in relation to its population.

Under this plan the state pays a county "x" amount of dollars on the basis of the percentage that it reduces each year's commitment of youth from its past base experience rate. The fiscal soundness of the program is based on the principle

that performance, not promise, permits the state of California to buy service from the county.

During the first two fiscal years of operation (1966-1968) special probation supervision was offered in lieu of state service for 3,814 people who might otherwise come into the state correctional system. These 3,814 people represented a savings of \$15,256,000 for the state. Special supervision for these cases and 17,000 others cost the state \$5,705,227 in reimbursements. The net savings to the state amounted to \$9,793,213 for the first two fiscal years.

In the 1967-1968 fiscal year, the rate of first commitments to the California Youth Authority was lowered to 120 youths per 100,000 population. This is 25.9% below the average commitment rate for the preceding five year period. However, subsidy has not shifted state institutional costs to the city, county or jail farm. In 1965 the rate of local incarceration per 100,000 population was 138.8; it was 123.6 in 1966, down 11% under 1965; and in 1967 the rate was 124.1, down 10.6% under 1965.

Finally, between the years of 1965 and 1967, there was a general increase in the use of probation in California and it is being used more and revoked less. The number of juveniles made wards of the court on initial petitions during 1967 increased by 10.4% over 1965, but as was noted earlier, commitments decreased at the same time by 25.9%, and that is the goal of probation subsidy.

THE WASHINGTON SUBSIDY EXPERIENCE

The Washington subsidy program is modeled closely after

California's. After close study of the California program, the state of Washington passed enabling legislation and the program was begun on July 1, 1969.

SUBSIDY PROGRAM OUTLINED

According to the State of Washington it costs them not less than \$8,213 to supply state correctional services to a child for one year. They felt that if commitments to the Department of Institutions could be reduced by 25% from those projected and expected through 1975 for counties representing 3/4 of the commitments, then 1,378 children would not come into the state rehabilitation system. These 1,378 children who will not need state correctional services, but who would need the services under the old system, would have cost the taxpayers of Washington a minimum of \$10,373,019 between 1969 and 1975. Under the subsidy system the state would share the cost of corrections for this highly selected 25% at the rate of \$4,000 for each uncommitted case and the state would have to spend only \$5,512,000. This means a savings to Washington taxpayers of \$4,861,019 over the five year period, as well as providing sufficient money for greatly improved programs of probation supervision for many cases that previously not have received such supervision.

SMALL COUNTY PROGRAM

Participation in the program by the larger counties requires them to reduce their commitments by 25%. The smaller counties can elect to join this program, or there is an alternate plan tailored especially to their needs. Depending on the amount of juveniles committed during their base

period, the state will pay the salary of one full time or one 167
half time probation officer yearly, provided that the county
does not exceed its base commitment rate, and that the officer
spends the bulk of his time working with children who would
otherwise have been committed.

Washington does not provide us with huge amounts of
statistics similar to California's so this is the deepest
extent to which we can examine subsidy in Washington, but
we feel it will be safe to generalize that if their experience
parallels that of California's, their Probation Subsidy Pro-
gram will succeed beyond their original expectations.

PROBATION SUBSIDY FOR NEVADA

It costs the State of Nevada a minimum of \$6,362² to supply correctional services to one child for one year and if he fails on parole, the cost will be substantially higher.

It is very difficult to figure probation costs accurately, but using Washoe County as a guide, we have determined that the average cost of maintaining a child on probation for one year is about \$600, or 1/10 of the cost of state institutionalization. From these figures, it is very, very clear that probation is easily the communities most economical correctional service.

To present this comparison another way, the Washoe County Probation Department had approximately 400 children under probation supervision last year, and the total cost to the community was approximately \$240,000. The county was forced to commit 42 children to state institutions last year and it cost the state \$267,204 to supply correctional services to those 42 children, or about \$27,204 more than it cost Washoe County to supply probation services to 400 children.

The message of this evidence is unmistakable - probation is the community's soundest, most economical correctional investment. But probation is feeling the strain from rising population and changing social conditions. Most children committed to the State Training Schools are put there because they are behavior problems in the community. They have the kinds of problems that are difficult to work with when there are too few probation officers supervising too many

2. Statistics on Public Institutions for Delinquent Children, 1968, Department of Health, Education and Welfare, p. 13.

children. When probation officers must run from case to case and crisis to crisis every working day, the quality of supervision inevitably goes down and it is not the fault of the officers, but rather, can be traced to the conditions under which they are forced to work.

In the small counties the picture is different. The case loads are not excessively high, but the counties are so vast, and population centers are so widely separated that much of the officers time is spent in travel. Many officers average 2,000 miles per month and when this is combined with court appearances, office and administrative duties and other assorted distractions, little time is left for good, solid probation supervision. A plan to pay for the salary of one full time or part time probation officer, modeled after those parts of California's and Washington's programs would be perfectly suited to the needs of Nevada's small counties and that is a part of our proposal.

However, the bulk of commitments come from Clark and Washoe Counties and this is where a Probation Subsidy Program should concentrate its efforts. Both areas have the necessary community resources to create greatly enriched probation supervision programs and thereby reduce their commitments, but they can only do so with state help. When the program succeeds, it is a bargain for all participants. The total bed space of Nevada juvenile institutions is 295, including 160 at the Boy's School, 100 at the Girls School in Caliente and 35 at the Home of the Good Shepherd in Las Vegas. In actuality, the Boys School has been averaging a daily population of 175,

or 15 over maximum, and the Home of the Good Shepherd has been taking some overflow from Caliente. In a word, the situation for Nevada's juvenile institutions is critical. At the current rate of increase the directors of these institutions will be asking the state for very expensive new facilities at prices the state cannot afford to pay.

Opposed to this situation is probation subsidy. California and Washington have both experienced a better than 25% reduction in their commitment rates under the program and we can realistically expect the same type of reduction in Nevada. Actual population in Nevada juvenile institutions has been averaging 300 children. 25% of that figure is 75 children, and it costs the State of Nevada \$477,150 to supply correctional services to them yearly. Under the subsidy program these 75 children would be kept home in their communities under special supervision programs. When the state reimburses the counties \$4,000 for each of the 75 children, it would cost the state \$300,000 yearly, and when this figure is subtracted from the original cost of institutionalization, the remainder translates into a savings of \$177,150 for the state. This is a state-wide figure, based on participation by every county in the state and not just a chosen one, two or three counties. We realize that due to budget necessities the state institutions may not save quite as much as we have shown on paper, but they will save something because they will have 75 less children to treat and the state will save millions of dollars in postponed correctional construction over the next few years.

Another added benefit is that in addition to the child

who is not committed, another three or four children will receive enriched probation supervision, thus reducing their chances of ever being committed and increasing the probability that they will become productive citizens.

Such a program will not be without its problems, and one of the foremost is the designation of an agency to administer the program. Nevada lacks a really suitable agency to administer the program so we must turn to our patchwork quilt of administrative agencies to find something workable. Both Training Schools are placed administratively under the Director of Health, Welfare and Rehabilitation, so this is where we recommend that administrative direction of the program be located. We further recommend that the program be operated directly out of the Office of the Director and that statutory provision be made for moving the Subsidy Program into an agency designed for administration of all state-level juvenile programs once such an agency is created. The other really thorny problem is money. This is a pay as you go program. At the end of each fiscal year the state will pay the subsidy to the counties from the money it has saved due to the lower level of commitments. This will require the counties to undertake these special supervision programs and maintain them for one year before any money comes back from the state. In the case of Washoe and Clark Counties this would add \$40,000 and \$200,000 respectively to the Probation Department budgets, figures the County Commissioners would be reluctant to meet. Obviously, the counties would need help in getting the special supervision programs started, and one solution would

be to grant to each county, at the beginning of the first year of participation in the subsidy program, a one time payment estimated to be equal to the amount the county would be due at the end of the year. This would assure that the program would always operate "in the black" since at the end of the year the subsidy payment could be figured into the next year's budget for the continuation of the enriched programs and this would repeat itself yearly. The statewide amount of this "one time" appropriation would be \$300,000. Due to the fact that this program was developed under the project to produce a State Plan for Control and Prevention of Juvenile Delinquency, the State Crime Commission has found it possible to obtain assistance from the Law Enforcement Assistance Administration in defraying the first year costs of the project. According to the Director of the Crime Commission in testimony given before the Assembly Judiciary Committee on Tuesday, February 23, 1971, the amount of LEAA assistance will be approximately \$250,000 and the state matching requirement will be approximately \$62,000. This will make a grand total of \$312,000, and should allow the Director of the Department of Health, Welfare and Rehabilitation to add a position in his office to aid in operation of the program if he finds it necessary.

We have copies of this proposal and copies of the Washington Subsidy Law, which we feel would be very satisfactory for Nevada with changes tuned to our needs and these are available for examination. At this time we would like to reiterate the main points of our presentation.

- A. California and Washington have successful, operating Probation Subsidy Programs which have reduced commitments to state institutions by better than 25%, saved the states millions of dollars, and produced improved and enriched probation supervision in both small and large counties.
- B. Our proposal is modeled closely after these two successful programs, with different plans tailored to large and small counties.
- C. It is a fiscally sound program, with the State contracting for county services, at less cost than the State is able to provide them, with the State paying for the services at the end of the fiscal period, on the basis of performance, not promise, through savings realized from that performance.
- D. We differ with Section 8 in that we propose that the State pay the fixed sum of \$4,000 per case. \$4,000 is quite close to two thirds of the regular cost of institutionalization and it is a fixed sum that can be relied upon to remain the same, and thus will be much easier to work with in budget preparation.
- E. We want to make sure that Section 3, sub-parts A and B, contain assurances that County Probation Departments will be consulted in the preparation of any Subsidy Program rules and regulations. Without their cooperation, the Subsidy Program cannot succeed, and they have to live with the rules and regulations.
- F. The Nevada Legislature should create a state subsidy program, the purpose of which would be to increase protection afforded the citizens of Nevada, to permit a more even administration of juvenile justice, to rehabilitate juvenile offenders and to reduce the necessity for commitments of children to state juvenile correctional institutions by strengthening and improving supervision of persons placed on probation by the juvenile courts of this state.
- G. State sharing of cost. From any monies made available to it for such purpose, the State of Nevada, through a designated agency should share in the cost of supervising probationers in "special supervision programs" established by county probation departments to reduce commitments to the state training centers.
- H. Establishment of minimum standards. The State of Nevada, through a designated agency, should adopt and prescribe, with the advice and counsel of the county probation departments, minimum standards for the operation of "Special supervision programs". A "special supervision program"

is one embodying a degree of supervision substantially^{17.1} above the usual, or the use of new techniques in addition to, or instead of routine supervision techniques, which meets the standards prescribed pursuant to this section. Such standards should be sufficiently flexible to foster the development of new and improved supervision practices.

- I. Application for funds. The county or Judicial District should make application for reimbursement for the cost of special supervision programs to the State of Nevada in the manner and form to be developed by the State. Any such application would have to include a plan or plans for providing special supervision and a method of certifying that monies received are spent substantially for the special supervision programs.
- J. A commitment rate for each county and the state as a whole, shall be calculated by the State of Nevada by computing the ratio of new commitments to state and county population, and expressed in a rate per 100,000 population, for each of the calendar years, 1964 through 1969. The average of these rates for a county for the five year period or the average for the last two years of the period, whichever is higher, should be used for the base rate for that county. The number of commitments shall be the total of new commitments to the custody of the superintendents of the Nevada Youth Training Center, Nevada Girls Training Center and the Home of the Good Shepherd in Las Vegas.
- K. An annual commitment rate shall be calculated at the end of each fiscal year for each participating county and for the state as a whole in like manner to that described in the previous section using the population figure of July, included in the year.
- L. The state should reimburse the county on the basis of a valid claim based on actual performance in reducing the commitment rate from its base rate.
- M. The objective of this proposal is "new programs". The State of Nevada is not being asked to finance new construction by the counties under this program; thus funds obtained under this program should not be used to support existing programs or develop or expand new programs in juvenile homes, ranches or camps currently in existence. However, this section should not be misconstrued as preventing State Assistance to the counties or Judicial Districts in developing group homes.
- N. Counties where the average number of commitments in the base period as established in section ~~7~~ is less than twenty would receive from the State of Nevada

the salary of one full time additional probation of-175
ficer; counties with less than ten would receive the
salary of one half-time officer. Such counties would
be eligible for reimbursement only so long as the of-
ficer devoted the bulk of his time in the performance
of probation services to the supervision of persons
eligible for state commitment and persons participating
in special supervision programs. At their option,
counties with twenty or less commitments may combine
with other counties in a Judicial District to make
applications for subsidy funds under the authority of
their Judicial District.

- O. Report to the Legislature. The designated agency should make periodic reports to the Nevada State Legislature on the experiences and results of this program.

Juvenile Delinquency Advisory Committee

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3401 EAST BONANZA ROAD
LAS VEGAS, NEVADA 89109

649-3611
EXT. 25

PROBATION SUBSIDY

The preliminary findings of research into the causes and incidences of delinquency in Clark County would indicate that delinquent children are failures. Such symptoms as low reading levels, low numerical skills, a sense of failure in school, a sense of being ignored, unwanted or abused, or involvement with pre-delinquent peer groups are at least symptomatic of the delinquent or pre-delinquent child.

The recognition of such symptoms indicates the need for effective, involved treatment of the child and his or her family in the community.

An analysis of delinquency in Clark County indicates that while crime among young people in Clark County is well below the national average of crime, the increasing number of children involved in delinquency in Clark County strongly suggests that now is the time for every effort to be made and methods developed for control and prevention of delinquency.

A Probation Subsidy would be a step in this direction. It would establish a flexible means to develop community based programs for the care of certain types of delinquent or pre-delinquent children.

The basic concept for effective use of a Probation Subsidy Program would be the effective use of community resources as an alternative to incarceration.

1. One program could be the development of Child Manager Homes for care and treatment of certain children whose basic problems arise from neglect, abuse or parental incompetence.
2. A Probation Subsidy would make it possible to hire additional probation officers who, with workable case loads, could effectively work with families of children who have been placed in the professional child care homes. They could also help to restore home conditions so that children assigned to Child Manager Homes could be returned to their own homes.
3. Probation officers with smaller case loads would be able to work more closely with probationaries.

and be their advocates in their relations with community resources, such as the School District, Physical Health and Mental Resources, employment services and counseling services.

4. Probation officers with workable case loads could conduct family and child group counseling sessions which would help families work together for the sensible solution of the family problems that had led to the delinquent or pre-delinquent behavior of the children.
5. Smaller case loads would enable probation officers to become effectively involved in the solution of the child's deviant behavior.
6. The analysis of the casualties of delinquency is futile unless constant support to rehabilitation of child and family can be accomplished by probation officers who have the time to do the job properly.

mvm:vbg

1978

TOTAL ARRESTS - CLARK COUNTY

VIOLENT CRIME

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>
Murder	17	17	29	
Rape	38	53	72	
Aggravated Assault	267	267	407	
Robbery	<u>331</u>	<u>420</u>	<u>558</u>	
	+16.1%	+42.9%		
TOTAL	653	757	1060	

CRIMES AGAINST PROPERTY

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>
Burglary	2930	3658	3955	
Larceny	2555	2737	3112	
Auto Theft	<u>1270</u>	<u>1315</u>	<u>1682</u>	
	+13.9%	+13.7%		
TOTAL	6755	7700	8749	

ESTIMATED STUDENT
POPULATION 10-18

			RATE
1967	-	36,887	
1968	-	40,611	+10.0% 1.7
1969	-	42,553	+ 4.7% 3.5
1970	-	44,931	+ 5.8%

In 1969 of 42,553 children between the ages of 10 to 18, 1050 children were arrested for serious crimes. This represents 2.4%.

TOTAL JUVENILE ARRESTS - CLARK COUNTY

VIOLENT CRIME

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>
Murder	0	0	3	7
Rape	10	6	8	22
Aggravated Assault	25	37	47	46
Robbery	<u>27</u>	<u>41</u>	<u>98</u>	<u>140</u>
	+35.4%	+85.7%	+31.4%	
TOTAL	62	84	156	215
Percentage	9.4%	11.1%	14.6%	

CRIMES AGAINST PROPERTY

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>
Burglary	258	341	484	677
Larceny	117	129	132	210
Auto Theft	<u>143</u>	<u>138</u>	<u>278</u>	<u>303</u>
	+15.5%	+30.5%	+33.1%	
TOTAL	518	608	894	1190
Percentage	7.5%	8%	10.2%	

.05
2.2

PETTY CRIMES - BEHAVIORAL

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>
Assault and Assault and Battery	86	76	108	166
Carrying a Concealed and Deadly Weapon	18	30	96	99
Disorderly Conduct	62	29	130	195
Loitering	37	43	148	268
Malicious Mischief	55	57	50	54
Prowling	222	163	218	217
Vandalism	25	28	12	38
Petty Larceny	<u>481</u>	<u>478</u>	<u>670</u>	<u>560</u>
	-8.3%	+58.6%	+11.5%	
	986	904	1432	1597

1967 to 1970 INCREASE - 61.9%

BEHAVIORAL ARRESTS AND REFERRALS
FOR NON-ADULT CRIMES

	<u>1967</u>	<u>1968</u>	<u>1969</u>	<u>1970</u>
Curfew	705	411	961	883
Habitual Truancy	241	221	260	268
Liquor Laws	314	209	468	456
Minor in Casino/Bar	10	11	28	37
Unmanageable	216	297	368	196
Unmanageable in School	6	51	35	12
Runaways:				
Local	209	368	435	479
O. J.	<u>734</u>	<u>629</u>	<u>680</u>	<u>623</u>
	2435	2197	2935	2954

TOTAL: 10,520

NOTE: Local runaways increased by 134.8% from 1967 to 1970.

TO: Chairman MacArthur Fry and Members
Assembly Judiciary Committee

FROM: Honorable John F. Mendoza, Juvenile Judge
James P. Carmany, Director

DATE: 25 February 1971

RE: Testimony Relative to Assembly Bill 203

DESCRIPTION OF PROGRAM AND IMPLEMENTATION

Assembly Bill 203 has been introduced with the specific intent to reduce the number of unnecessary new commitments of certain juveniles to state correctional facilities. Its goal is to provide necessary funds to develop intensive probation services--alternative living programs, contracted psychiatric-medical services, vocational counseling, school tutoring programs, special day care programs for juveniles, and a myriad of other services that we know are needed if we are going to effectively stop delinquent behavior.

AB 203 provides a new concept in state-county relationships--wherein State financial resources are provided to allow County probation departments to do the job for which they are intended.

The function of the well-executed probation program is to help the offender solve his problems in the setting in which those problems exist--by far, the most effective approach. Even in the best of institutions, there is no success unless there is an excellent parole program which addresses itself to the problems the offender faces in the community, in his family, on the job, and in the school structure. An excellent probation program can provide these same corrective measures without the need for commitment to an institution. Yet, many times, juvenile probation supervision fails merely because the young person cannot live in his own home. All that is needed, therefore, is another place within the community for him to live; but the State of Nevada currently has no other alternative living accommodations--aside from its institutions.

Studies coming out of the California community treatment projects (many of which are financed with probation subsidy monies) indicate that community treatment projects produce as good--if not better--results than institutional care ... at less cost to the taxpayer.

For example, a recent report from the U. S. Chamber of Commerce and the California Youth Authority showed that community treatment projects had a recidivism rate that was 20 percent lower than the recidivism rate of young people returning to the community after being institutionalized.

During the past year, we have reviewed many corrections programs instituted across the United States and have come to the conclusion that California's Probation Subsidy Program--even with its problems--offers the most effective vehicle by which a state can begin to execute community-based corrections programs.

It is our thought that AB 203 will provide for the following:

- I. Any County within the State wishing to participate in the Probation Subsidy Program would submit a proposal to the Department of Health, Welfare and Rehabilitation, or other legislatively-designated department, by July 1 of each fiscal year. This program must conform to standards established by the State and the County probation departments.
 - A. The standards established would describe minimum standards for the operation of "special probation supervision programs." A "special supervision program" is one that requires the County to develop areas of programming which provide services that are currently not available to delinquents.
 - B. The objective of this proposal is "new programs;" thus, funds obtained under this program would not be used to support, develop or expand current County operations, "ranches, or camps" currently in existence.
- II. Within the standards for application, there would be a method developed for certifying that monies received under this program were spent only for special supervision programs.
- III. Participating Counties operating approved programs and reducing their commitments to state institutions from a previously-established base would be paid \$4,000 per child only for the number of children by which they actually reduce their rate of new commitments to state institutions.

III. (Continued)

Experience in California has been that the County can give improved probation services to five or six delinquent young people on probation for every new uncommitted case held at the County level.

IV. A new commitment rate for each County and the State as a whole shall be calculated by the State of Nevada. The County would, in its application, project the number of new commitments it would refrain from making in the subsequent fiscal year and would be paid a figure of \$4,000 per child (up to the maximum projection).

V. At the end of each fiscal year, the State would reimburse the County on the basis of a valid claim substantiated by its actual performance in reducing its commitment rate from its base rate.

A. In essence, this means that the Probation Subsidy Program does not provide an open-ended source of revenue to Counties--as has been argued by some opponents to this Program.

B. For example, if Clark County--based on its past experience--projects for next year a new commitment reduction of 53 children, the maximum amount of money that the State would be required to pay to Clark County would be \$4,000 x 53, or \$212,000. However, the State might actually be obligated for less--if the County's reduction in new commitments was less than 53.

VI. For those Counties in which less than 20 children per year are committed, we propose that they be categorized into the existing judicial districts and that a reduced commitment rate be established by these districts and, further, that reimbursement be made to provide for similar small-county programs in this manner.

PROJECTED BUDGET COSTS

In order to establish a projected budget cost for the fiscal years 1971-72 and 1972-73, we have reviewed last year's commitment rate and projected reduction of 25 percent in both Clark and Washoe Counties (and a reduction of approximately 25 percent in each of the other six judicial districts). At this rate, there would be a reduction in new commitments to state institutions during the next two years of 150 children (or 75 fewer per year).

At a rate of \$4,000 per child, per year, the program would cost \$300,000 per year to operate--or a total of \$600,000 for the Biennium.

According to the Statistics on Public Institutions for Delinquent Children, prepared by the U.S. Department of Health, Education and Welfare, it cost the State of Nevada \$6,362 in 1968 to maintain a child in a state youth facility for one year. Using this figure (which would have to be minimum today, as it is three years old), the minimum cost for the State of Nevada to maintain these same 75 children in state institutions would be \$477,150--or a Biennial cost of \$954,300.

Maintaining these 150 children in the community in effective supervision programs, therefore, would result in a projected savings to the State of \$177,150 per year--\$354,300 during the Biennium. This savings does not take into consideration the savings in capital costs which would be incurred in order to build more facilities to house these children in state institutions. Note: Figures released by the Nevada Girls' Training Center indicate the current cost of constructing two new cottages at that facility would be \$536,000.

As will be pointed out later in testimony, analyzing this program on a cost-benefit ratio leaves little doubt that the expense incurred is well below the cost involved in institutionzliation. Furthermore, it is a known fact that excellent probation services cost far less than average institutional services.

One of the most difficult questions before us is that of implementing this program at a time when State dollars available for new programs are at a minimum. To this end, there has been consultation over the past four months with regional and state Law Enforcement Assistance Administration personnel, as well as the Director of the Nevada Crime Commission. As you heard on Tuesday, there is a concentrated effort being made to obtainpartial federal financing for the first two years of this program. According to our current information, the minimum amount of money that we might expect to assist in the

financing of this Program is \$150,000 per year from L.E.A.A. This means that an appropriation of an additional \$150,000 per year would be required from the State. There is, however, the possibility that available federal money could be increased. We are, however, hopeful that the State Legislature will see fit to act favorably upon this legislation, endorse this concept, and budget whatever amount of State funds are necessary to begin Probation Subsidy on July 1, 1971.

SOLUTIONS TO PROBLEMS IN CURRENT PROBATION SUBSIDY PROGRAMS

We see two primary problems faced by the county-level administrators in California: (1) no adjustment in the rate of reimbursement in the past five years; and (2) inclusion of both adults and juveniles in their Probation Subsidy program. (Our proposal includes only juveniles.)

In many California counties, the adult and juvenile programs are run by different administrators; therefore, there is no coordination and control of the programs within the counties. In San Francisco, for example, the Probation Subsidy program was almost lost because the adult commitments this past year were far out of line with what is "normal" and increased rather than decreased. However, in the auditing procedures, this fact is not taken into account in determining the amount of money that San Francisco County will receive; and the juvenile program suffered because of the change in the adult program.

In our examination of the California program, we believe that the fiscal and auditing problems can be avoided in Nevada's program. We also believe that by using the experience of California and Washington and by modifying our Program accordingly, we can overcome these problems.

We have heard from no one that the Program does not produce positive results in changing the behavior of children and in reducing delinquency--which is, of course, the primary goal. The attached re-print from the February 7, 1971, edition of the Los Angeles Times points out rather dramatically how the director of the world's largest juvenile probation department feels about the impact of Probation Subsidy in the reduction of Los Angeles County's delinquency problem.

In conclusion, we note an observation made by the U.S. Chamber of Commerce' Panel on Crime Prevention and Control: "Only 20 percent of the correctional dollar and 25 percent of the correctional manpower are allocated to treat or supervise two-thirds (2/3) of

DIGEST OF REPORT ON STATE AID
FOR PROBATION SERVICES

On July 27, 1970 a Task Force composed of representatives of the State Department of Finance, CYA, and County Probation Departments, was appointed to "review the Probation Subsidy Program to determine if changes should be made in the amount and/or method of payment to counties, and to recommend appropriate action to implement recommended changes". The following is a list of the findings and conclusions, and the recommendations which the Task Force made, and a summary of the information that it gathered. The Report also contains many tables and charts depicting the data which the Task Force gathered.

FINDINGS AND CONCLUSIONS

1. There has been a significant decline in the rate of commitment to state institutions since the Probation Subsidy was started in 1966-67. Probation Subsidy appears to have had a significant impact on this reduction.
2. The Probation Subsidy Program has been in a constant period of growth since its inception; however, many counties are indicating that they must cut back their program to some degree in 1970-71 to live within earnings, and may have to withdraw completely in 1971-72 unless remedial action is taken.
3. There has been a rising incidence in the crime rate and court referrals since the period of the base commitment rate.
4. There have been fluctuations in commitments on a nationwide basis which makes it difficult to interpret the California experience in relation to other states.
5. An independent evaluation by a consulting firm indicates that at least 5,000 of the reduction in commitments can be attributable to the Probation Subsidy Program. This study sets a lower limit for minimum reductions attributable, and it is probable that a greater portion of the reduction in commitments for which the counties are compensated has resulted from the Probation Subsidy Program. A gross estimate of the range of savings to the state is from \$9 to \$51 million.

6. There is no accurate way to determine if an increase in the amount of subsidy payment would create a further drop in the commitment rate.
7. Increasing the amount of money payable under Probation Subsidy will not necessarily solve the operational problems which have been identified in many of the participating counties.
8. There has been no empirical evidence over the last four years to indicate that, overall, the participating counties have experienced undue difficulty in reducing commitments and in operating special supervision programs. However, current circumstances appear to indicate a difficulty on the part of some counties to continue their program at their present level.
9. Of the alternative methods presently available to calculate an increase in the rate of payment, the Consumer Price Index offers the most equitable in terms of its wide acceptance as a measure of the impact of inflation and its ability to move independently of the Probation Subsidy Program and other correctional programs.
10. The Correctional Cost Index, if updated to more accurately reflect the types and magnitude of current state correctional programs, could be used as a means of estimating the needs of the Probation Subsidy Program.
11. While 1963-64 career cost data was used to establish the payment table for Probation Subsidy, the program was initiated in 1966-67 at that support level. Therefore, it is the opinion of the task force that this is the legislatively approved level of program and any adjustment to the payment table must use 1966-67 as its base.
12. It is clear from the review of this program that positive attitudes and program acceptance on the part of boards of supervisors, judges, county administrative officers, law enforcement officials, and chief probation officers is essential to the successful operation of the program.

RECOMMENDATIONS

1. It is recommended that the maximum payment rate be increased from \$4,000 to \$4,560 for the purpose of

formulation of the 1971-72 Governor's Budget. This is based on a 14% increase in the California Consumer Price Index from 1966-67 to 1969-70.

2. It is recommended that administrative action be taken to update and revise the Correctional Cost Index so that it would provide a more reliable measure for the cost increases taking place in state correctional programs with the ultimate goal of using this index to adjust the payment table in future years.
3. It is recommended that the present permissive language of Section 1825 (d) of the Welfare and Institutions Code, relating to annual adjustments to the maximum payment rate, be retained.
4. It is recommended that the state agencies involved recognize and cooperate with other groups and agencies which are undertaking an evaluation of the Probation Subsidy Program in order to share research findings.
5. It is recommended that the information system to be developed by the Bureau of Criminal Statistics be utilized to realize maximum potential for evaluating the program.

SUMMARY OF SUBSIDY PROGRAM INFORMATION

The Task Force did not attempt to evaluate the rehabilitation effectiveness of the Subsidy Program. Since the inception of the program, there has been a total reduction of 10,806 commitments to State Institutions, resulting in Subsidy earnings of \$43,447,510.00.

Although there are many factors contributing to the overall decline in population in state institutions, the Subsidy Program is the only tangible statewide program that is undeniably tied to the reduction.

There has been a reduction in commitments among counties that are not participating in the program, as well as those that are participating, although to a lesser degree.

A projection of potential savings to the State from operation of the subsidy program indicates that from nine to fifty-one million dollars may have been saved since the program started. The actual amount would depend on how much of the total reduction in commitments is directly attributable to the subsidy program.

The Task Force concluded on the basis of the information available, that there had been a definite upward trend in commitments to state institutions which would have continued, perhaps to a lesser degree, without the probation subsidy program.

It is apparent from four year's experience with the program that the reduced levels of commitment can be maintained if the program is properly supported.

From responses to questionnaires and interviews, the Task Force felt that counties tend to place the more difficult cases in special supervision units, staffed by more experienced, better trained probation officers. There has been a general acceptance of these special supervision programs by the community and the courts. Most counties indicated that special supervision programs would operate only with State funds, and they would not invest their own funds. Costs continue to increase and therefore, counties believe that an adjustment should be made in the payment table to compensate for increased costs due to inflationary pressures.

During the 1969-70 fiscal year several counties experienced difficulty in generating sufficient earnings to maintain the same level of programs for the 1970-71 fiscal year. Many counties are therefore experiencing difficulties in maintaining their level of program.

Historical evidence through the first four years of the program does not indicate that probation subsidy is undergoing significant problems with maintaining a reduced commitment rate, however, there are indications that a growing number of counties are beginning to experience difficulties in their programs. Therefore, the Task Force believed it necessary to evaluate the alternatives for adjusting the payment table. The alternatives studied were to use:

- existing level of payment
- Consumer Price Index change rate
- Correctional Cost Index change rate
- Youth Authority Career Costs change rate
- County Operating Costs change rate

The Task Force ultimately decided on the Consumer Price Index because it offers the most equitable indication of the impact of inflation and because of its ability to move independently of the Probation Subsidy Program and other correctional programs.

JUVENILE COURT
CITY AND COUNTY OF SAN FRANCISCO
FRANCIS W. MAYER
JUDGE OF THE SUPERIOR COURT

RECEIVED 191
FEB 22 1971

JUVENILE PROBATION OFFICE
YOUTH GUIDANCE CENTER
375 WOODSIDE AVENUE
SAN FRANCISCO, CALIFORNIA 94127
(415) 731-5740

February 19, 1971

REFERS TO:

Mr. James Carmany
3401 East Bonanza
Las Vegas, Nevada 89101

Dear Mr. Carmany:

I would like to put in writing some of the points we discussed over the telephone regarding the pros and cons of the Probation Subsidy System as used in San Francisco.

Advantages:

1. \$4000.00 a year per child is made available to the County to expend in the hiring of probation staff and auxiliary services computed by designating a set commitment rate averaged when we got into the program, and paying the County the above rate for each child not committed as established from that quota figure.
2. The State designates that additional staff hired must be in units of six, with a supervisor and supporting clerical staff, and caseloads not over 50, to maintain eligibility to be in the subsidy program. This makes possible a lower caseload for some staff to give them more freedom to move into their cases.
3. Subsidy units are expected to develop new innovative and experimental programs in order to resolve the problems of delinquency prevention and treatment.
4. Money is made available on a matching basis for building camps, half-way houses, ranches, and such facilities which a county may wish to experiment with. San Francisco utilized this portion of the subsidy program to build a 100-bed ranch for boys, 11 through 14. The County receives \$95.00 per month reimbursement for every child at the ranch.
5. Subsidy units are expected to be released to attend seminars, conferences, and training opportunities in an effort to develop skill and expertise in handling children referred to the Court. This has resulted in considerable advantage for those persons in the Special Subsidy Units.

6. Youth Authority does allow complete freedom, does not attempt to control any administrative aspect of how the program is developed on a local level. However, there is a monthly audit to make sure that those funds provided by the subsidy are spent for the subsidy units.
7. Subsidy money is available for outside speakers to come to the Court at which time other staff members, as well as subsidy unit probation officers, can become involved and benefit from these sessions.

Disadvantages:

1. Since the subsidy money is based on the number of commitments not made, any sharp influx of commitments can wipe out the money that is made available. This can happen with the arrival of a "tough" judge, or any attempt to clean up criminal case backlogs. This happened in San Francisco this past year but we were allowed to maintain our previous year's income on an emergency basis, as is provided by law.
2. If a community has a sharp rise in population, or a continuing rise in population with a subsequent increase of referrals to the Court and commitments, the subsidy program eventually wipes itself out.
3. The allowance of \$4,000 has not kept pace with the cost of staffing, hence, where 5 years ago one could hire a probation officer for 1-dollar, the same amount of money hires less and less staff, as the years go by. At the present time, a bill is in the legislature to modify the monetary amount and adjust the actual expenditure instead of a set amount of money.
4. There should be more flexibility of how the money is being spent, in order that the benefits could be spread out through all staff and not held so tightly for use of probation officers in subsidy units only. We tend to develop a crew of elite probation officers in contrast to the other staff who may resent this difference and often feel that subsidy units have special privileges and really cannot prove they are doing a better job.

There may be other advantages and disadvantages, as other counties see it, but for San Francisco, at the moment, I feel the advantages strongly out-weigh

disadvantageous and the additional monies have improved staff performance, have added 16 staff persons to our rolls and helped develop an attitude for self-development which is always needed.

I am sure you have the finer details of the subsidy provisions at hand and should you have any further question relating to any specific area, do not hesitate to give me a call. Will be glad to help out.

Sincerely,



Joseph J. Botka
Chief Probation Officer

JJB:b

VII. ADVANTAGES

- A. Proximity to problems: community-based solution
- B. Voids stigma of "label"
- D. Enables treatment of problem as well as child
- D. Stops commitments out of desperation, i.e., proper placements are possible
- E. Stimulates better use of community resources
- F. Has worked in California (1), Washington (2), and New York
 - 1.
 - a. 10,806 fewer commitments than projected
 - b. Saved approximately \$29 million in capital construction costs since 1965
 - 2. 45 percent (400) decrease in commitments in first 11 months of program

CLARK COUNTY JUVENILE COURT SERVICES

MONTHLY REFERRALS

	<u>JAN</u>	<u>FEB</u>	<u>MAR</u>	<u>APR</u>	<u>MAY</u>	<u>JUN</u>	<u>JUL</u>	<u>AUG</u>	<u>SEP</u>	<u>OCT</u>	<u>NOV</u>	<u>DEC</u>	<u>TOTAL</u>	
<u>1961</u>	187	173	209	153	182	251	269	206	135	159	168	188	2270	
<u>1962</u>	228	204	107	248	255	234	173	192	242	293	307	236	2719	+10%
<u>1963</u>	273	279	276	235	273	254	220	245	247	302	332	292	3228	+17%
<u>1964</u>	374	325	314	380	304	342	300	420	417	486	407	500	4569	+41%
<u>1965</u>	440	399	433	375	469	257	361	334	260	460	416	357	4561	-.08%
<u>1966</u>	535	547	513	417	504	343	392	387	450	573	684	565	5910	+29%
<u>1967</u>	529	617	561	600	528	380	338	462	435	693	485	549	6177	+4%
<u>1968</u>	566	599	584	607	639	356	396	389	485	710	559	582	6472	+5%
<u>1969</u>	683	940	696	748	709	636	600	710	769	811	813	760	8875	+37%
<u>1970</u>	827	803	798	848	742	651	648	663	866	828	690	582	8946	+1%
<u>1971</u>	Projected: Based on average percentage increase over last five (5) years.												9840	

January 1971

Arrests of Juveniles Fall Sharply in County

Lighter Case Loads
Almost Unbelievable,
Probation Chief Says

BY JACK JONES
Times Staff Writer

Amid despair on all sides about urban social decay, Los Angeles County Chief Probation Officer Kenneth E. Kirkpatrick can scarcely believe the sudden drop in his juvenile case load.

"We're having some rather dramatic success in reducing the work load of juvenile cases," says Kirkpatrick. "Something's happening. It's exciting. Maybe we've made some terrific headway here."

Although not yet positive, he suspects the reasons lie in an array of innovative programs stressing the rehabilitation of delinquents in their own homes with heavy use of community self-help groups and young aides, frequently ex-offenders themselves.

The evidence of success includes these items:

—Investigations of cases referred to the Probation Department were down 14% during 1970 compared to 1969.

—Cases in which the department had to provide probationary supervision were down 8% during the past year.

—The number of youngsters held in the county's three juvenile halls for offenders (total capacity: 1,282) was down 16%. ("We haven't had a single child sleep on the floor since last July. We used to have an average of 200 on the floor and sometimes as many as 350.")

Other Indications

—The number of county probation camps, with programs including vocational and remedial education and forestry work, is down from 14 to 12.

The drop, says Kirkpatrick, has been abrupt. Until 1970 there had been a 5% per year increase in the number of youths detained by the Probation Department.

Juvenile arrests by the Los Angeles Police Department and the Sheriff's Department were down during 1970, although there are varying views as to why.

The Police Department says total juvenile arrests—which had been increasing steadily until then—were down 7.2% in 1970 from 1969. Juvenile narcotics arrests dropped 18.9%.

Sgt. Ed Grace, police juvenile sta-

ADMISSIONS OF YOUTHFUL LAW VIOLATORS DROP

SACRAMENTO (AP) — Admissions of young lawbreakers to state institutions fell in 1970 for the fifth straight year, Allen F. Breed, director of the California Youth Authority, reports.

A total of 3,746 youngsters were admitted, for the first time, to CYA facilities in 1970. First admissions have dropped each year since 1965, when the high of 6,174 was recorded.

Breed cited several CYA programs for the decline, among them a probation-subsidy program which over four years has cut expected juvenile and adult prison commitments by more than 10,000.

Statistics analyst, says the explanation for the drop may be a combination of several factors—some reflecting Kirkpatrick's optimism and some not.

Radio car officers are getting so many calls, they have less time to look for juvenile offenders, it is suggested. Juvenile narcotics officers have been concentrating more on arresting the pushers. Court rulings pertaining to search and seizure have limited officers' ability to make on-the-spot arrests.

Other Factors

On the other hand, monthly meetings between police and community citizens under the Basic Car Plan may be making many parents more aware of drug-use symptoms in their children, says Grace.

And the Police Department has recently begun a program of referring some youths to community social agencies rather than to the courts. The results are being studied.

But to Kirkpatrick, the indications are strong that rehabilitation programs utilizing the efforts of grass-roots organizations and neighborhood aides—concepts growing out of federal antipoverty programs—are paying off sharply.

"We have brought the whole community into this so the community can help solve its own problems," says Kirkpatrick.

"If you take these kids out of the community and institutionalize them, you might change their attitudes. But then you dump them

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Arrests of Juveniles Fall Sharply in County

Continued from Page B

right back into the old environment and they go right back to their old attitudes. We're trying to keep them there to help change the environment itself."

The most intensive kind of at-home supervision provided by the Probation Department costs about one-fourth what it costs to keep a youngster in a juvenile hall or probation camp, Kirkpatrick estimates. "A tremendous saving to the taxpayers."

Another Program

One of the department's more successful programs is RODEO (Reduction of Delinquency Through Expansion of Opportunity), under which community workers—including young men formerly in trouble themselves—maintain close and constant touch with youths on probation.

Originally launched in 1967 with federal funds with emphasis on the New Careers for the poor concept, RODEO subsequently was financed by the county and has become

the model for other special supervision programs in the community for adults and juveniles who otherwise would be committed to institutions.

Almost 70% of the RODEO probationers have stayed out of further trouble—nearly double the rate for youngsters who have been sent to one sort of reform school or another.

The community workers who ride herd on them under the supervision of regular probation officers are effective, says the Probation Department, because they understand the problems and the neighborhood only as one who has lived the same life can.

If necessary, a RODEO worker may roust his young charge out of bed and get him to school on time, or even stay there with him through the day to make certain he's taking care of business.

The Probation Department began its New Careers phase in 1965, when it took on a number of Neighborhood Adult Participation Project

(NAPP) aides under the federal antipoverty program.

That move helped change the direction of probation programs toward stay-at-home rehabilitation and more than 1,000 New Careerists have since come into the department—many going on to other jobs or going to school and returning as career probation workers.

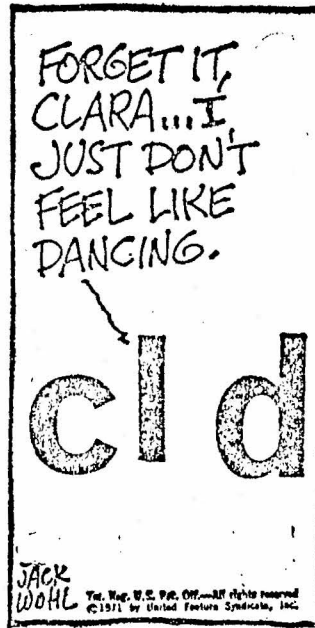
New Careerists have come to probation out of such antipoverty projects as the Neighborhood Youth Corps, the Concentrated Employment Program and the Mexican-American Opportunity Foundation.

Another example of drawing on the community itself is the VISTO (Volunteers in Service to Offenders) program involving about 600 persons who donate an average of 18 hours a month helping a total of about 1,200 probationers, adult and juvenile.

Often, this takes the form of a "big brother" or "big sister" relationship and volunteers help with personal or family problems, tutoring and job finding.

In the meantime, the Probation Department is making referrals to many of the dozens of community self-help programs that have sprung into existence to deal with drug and

PIXies By Wohl



neral delinquency problems.

These include federally financed community action projects and volunteer groups. They range from DARE (Drug Abuse Research and Education) and DAWN TODAY, a 24-hour antidrug counseling service for high school students in West Los Angeles, to the Reach Out Youth Clinic of Mirovia and Teen Challenge, a countrywide program of spiritual counseling and detoxification.

There is also the sudden

set up by numerous groups so that youths in trouble of any kind can reach a friendly voice at any time. "There's a real movement taking place here," says Kirkpatrick. "It's community involvement."

Although Los Angeles County's probation emphasis changed markedly since the influx of New Careerists, indigenous aides with highly sensitized feelings for their own communities, the general shift to a new approach in dealing with juveniles has been aided by new thinking at the state level.

More than five years ago, the legislators came to the conclusion that institutionalizing offenders in a majority of cases was simply compounding the problem. Young people came out of camps and juvenile halls only to graduate to harder crime and prison.

They established the California State Aid to Probation Services Program, providing state funds for intensive community treatment in lieu of commitment to state correctional institutions.

Thus, county probation departments got state mon-

in the number of commitments to the California Youth Authority or to state prisons.

Los Angeles County has reduced by 25% the number of offenders turned over to CYA or to state prisons.

Kirkpatrick recently reported that even though the state subsidy sections of his department handle the most difficult cases (those which would otherwise be in state institutions) they have a higher percentage of "favorable dismissals" than sections providing regular probation supervision.

This, he told the county board of supervisors, was because of the intensive supervision and increased supportive services as well as the use of community workers recruited from the offenders' own neighborhoods.

Noting that it costs \$18,000 per bed to build a prison, Kirkpatrick says, "We're costing the taxpayers less and we're still providing more protection to the community because there is close supervision."

Although some youths may be institutionalized for short periods "to get them reoriented," more and more are being rehabilitated at home, says

period of time... that's for the hard offender, for which the state provides institutionalization."

He is not certain just what is causing the case load figures to drop, but he says the indicators are there.

"The essence is we're bringing together intensive service from kinds of community-based organizations, their programs and community action groups. There are all kinds of forces at work."