6-1-1959

A descriptive study of the family court's treatment procedures for juvenile offenders

James Horace Sills
Atlanta University

Follow this and additional works at: http://digitalcommons.auctr.edu/dissertations
Part of the Social Work Commons

Recommended Citation

This Thesis is brought to you for free and open access by DigitalCommons@Robert W. Woodruff Library, Atlanta University Center. It has been accepted for inclusion in ETD Collection for AUC Robert W. Woodruff Library by an authorized administrator of DigitalCommons@Robert W. Woodruff Library, Atlanta University Center. For more information, please contact cwiseman@auctr.edu.
A DESCRIPTIVE STUDY OF THE
FAMILY COURT'S TREATMENT
PROCEDURES FOR JUVENILE OFFENDERS

A THESIS
SUBMITTED TO THE FACULTY OF ATLANTA UNIVERSITY
IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR THE DEGREE OF
MASTER OF SOCIAL WORK

BY
JAMES HORACE SILLS

SCHOOL OF SOCIAL WORK

ATLANTA, GEORGIA
JUNE 1959
ACKNOWLEDGMENTS

The writer is indebted to all those who have contributed to the preparation of this thesis.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>ACKNOWLEDGMENT</th>
<th>ii</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter I. INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>1. Significance of Study</td>
<td>1</td>
</tr>
<tr>
<td>2. Purpose of Study</td>
<td>4</td>
</tr>
<tr>
<td>3. Scope and Limitations</td>
<td>5</td>
</tr>
<tr>
<td>Chapter II. AGENCY SETTING</td>
<td>9</td>
</tr>
<tr>
<td>1. Purpose</td>
<td>9</td>
</tr>
<tr>
<td>2. Structure</td>
<td>11</td>
</tr>
<tr>
<td>3. Treatment Procedures</td>
<td>18</td>
</tr>
<tr>
<td>Chapter III. PRESENTATION AND INTERPRETATION OF DATA</td>
<td>23</td>
</tr>
<tr>
<td>1. Nature of Twelve Major Juvenile Offenses and Results of Family Court Treatment Procedures</td>
<td>23</td>
</tr>
<tr>
<td>2. Conclusions</td>
<td>40</td>
</tr>
<tr>
<td>Chapter IV. IMPLICATIONS FOR SOCIAL WORK</td>
<td>43</td>
</tr>
<tr>
<td>1. The Role of the Social Worker in Court</td>
<td>43</td>
</tr>
<tr>
<td>2. Knowledge of Human Behavior</td>
<td>45</td>
</tr>
<tr>
<td>3. Interviewing Skill</td>
<td>46</td>
</tr>
<tr>
<td>4. Conclusions</td>
<td>47</td>
</tr>
<tr>
<td>APPENDIX</td>
<td></td>
</tr>
<tr>
<td>Schedule</td>
<td>49</td>
</tr>
<tr>
<td>BIBLIOGRAPHY</td>
<td>50</td>
</tr>
</tbody>
</table>
CHAPTER I
INTRODUCTION

Significance of Study

Recidivism or persistence in crime has come to be a crucial problem in the control of delinquency and the rehabilitation of the juvenile offender. Delinquency itself is a product of the total social existence, and is therefore difficult to prevent. However, since treatment procedures of most correctional agencies are basically geared toward preventing recidivism, it is conceivable to think of recidivism as being within administrative control to a great degree. Yet most of the correctional agencies specializing in treating juveniles have made only a minimum amount of success. Minimum, that is, when one compares the success rate to the over-all number of juvenile offenders who receive treatment and who subsequently become recidivists, Facts and statistics derived from criminal studies are plentiful and overwhelmingly support this view.

In analyzing the "why" of recidivism, the field of corrections has put forth much effort toward studying defects of the individual personality that are highly susceptible to crime. An abundance of material has been carefully gathered and distributed to the layman, describing and pointing up undesirable social elements in the community that are responsible for the failure of the juvenile to

1Paul W. Tappan, Juvenile Delinquency. (New York, 1949), pp. 113-120.
readjust to his environment. Without a doubt, these efforts analyzing the individual personality and his community are needed and surely have proven to be beneficial. But, it is significant to note that very few correctional agencies have chosen to analyze and evaluate their own treatment procedures, in an effort to determine how well they are meeting the needs of juvenile offenders. There has been a definite tendency on the part of some correctional agencies to look for factors outside of themselves that are responsible for the high rate of recidivism.

Perhaps this reluctance of some correctional agencies to conduct impartial evaluations of their own treatment procedures stems from fear and uncertainty over their position in the community. The agencies themselves are created and maintained by a society that still possesses a punitive attitude against most offenders of the law. This society, unfortunately, is also suspicious and distrustful of most correctional agencies who strive to meet the needs of the offender, rather than seeking revenge for the offense committed. Thus, some agencies already plagued by an undue amount of community criticism, tend to shy away from making public any information about their policies which would further antagonize the community. Some of these agencies who do attempt to evaluate their own treatment procedures do so in a distorted and deceiving manner. Milton G. Rector, Assistant Director, National Probation and Parole Association, reports the following: "The lack of staff time to report on the results of their work and of technicians to
collect and evaluate the data (as was cited in a few reports) and the understandable reluctance of Public Officials to admit to failure, probably account for the shortage of realistic interpretations and for the abundance of statistical exaggerations of successes in the reports).

Recidivism by itself is a negative and mechanical approach to evaluating results in correctional work, but agencies cannot report accurately on their successes unless they can also point out their failures. By doing so, I believe our knowledge of the juvenile recidivist can be broadened; our understanding of the nature of the offenses committed by the recidivist can be enlarged, and our helping techniques can be made more effective.

Now how will the social work profession benefit from such knowledge? Here the writer must point out that there seems to be a gulf between the correctional field and the field of social work. This is true primarily because of the nature of the authority inherent in correctional work. While it is also true that the gulf has narrowed between the two fields in recent years, it is still present. Nevertheless knowledge of treatment procedures involving juvenile offenders should give all social workers, who contemplate entering the correctional field, a deeper understanding of some of the methods and skills employed in helping the delinquent to become a useful member of the community.

Using the Family Court of The State of Delaware as a setting, this thesis will entail assembling, classifying, and processing a limited and defined number of case records. The over-all purpose will be to describe and evaluate the treatment procedures offered by the Family Court in attempting to meet the needs of the juvenile offender. The Family Court is a court of law which relies heavily upon authority and social casework techniques in helping clients who are in conflict with the law. The Family Court was established in 1945 by the Delaware State Legislature and was given exclusive and original jurisdiction in all matters pertaining to domestic relations and juvenile offenses within the defined area of New Castle County, Delaware.

PURPOSES OF THE STUDY

The major purpose of this study is to describe and evaluate the treatment procedures of the Family Court that are used to bring about social or emotional change in juvenile first offenders and juvenile recidivists. By treatment procedures, this writer is referring to the six defined services offered by the Family Court in treating the needs of juvenile offenders who come under its jurisdiction. Relative to the juvenile first offender, the ultimate aim of these treatment procedures is to help the offender deal with difficulties in social and psychological functioning, and hopefully prevent him from becoming a recidivist. In brief, the treatment procedures offered by the Family Court are: (1) Official Probation; (2) Continuance, with an investigation of social and psychological circumstances; (3) Court Hearing and Reprimand; (4) Court Fine;
Commitment and Referral. In attempting to describe and evaluate the effectiveness of these treatment procedures, it is important that one keep in mind the multiple personality defects and adverse social factors of the offender, which can and do determine whether or not he will be a recidivist.

A juvenile first offender, coming under the jurisdiction of the Family Court, is any child under the age of 16 who commits an unlawful act. Such an offender has to be a resident of New Castle County, Delaware and a violator of County, municipal or state law. This study of juvenile first offenders and juvenile recidivists will be of two different groups of persons, all who have legally become involved with Family Court treatment procedures.

The three sub-purposes of this study are as follows:

I. To define the purpose, structure and treatment procedures of the Family Court.

II. To determine, with the aid of twelve statistical tables, what percentage of juvenile first offenders become recidivists.

III. To describe the nature of delinquent acts committed by the juvenile male and female first offenders, and the juvenile male and female recidivists.

IV. To interpret the data derived from the statistical tables with respect to treatment procedures, delinquent offenses, and social work implications involved.

The data for the aforementioned purposes will be obtained from juvenile case records, compiled by the Family Court of the State of Delaware, Wilmington, Delaware.

SCOPE AND LIMITATIONS

In attempting to assemble, classify, and process data from a random sample of Family Court case records, this research
project is limited in four significant ways: (1) First of all, it must be kept in mind that, "Social psychologists steadily remind us case records are open to errors of perception, memory, judgment, and unconscious bias with a special tendency to overemphasize unusual events." In recent years, there has been a tremendous improvement in the techniques of case study. Yet, these techniques are difficult to apply when attempting to study a record that has been compiled by some social case-workers who often tend to regard specific case situations as a sufficient basis for understanding human behavior; (2) Secondly, this study is limited by the fact that it is impossible to determine with accuracy the amount of crime in any given jurisdiction. Obviously a large proportion of the crimes go undetected, others are detected but not reported, still others are reported but not officially recorded. These facts are consistently brought to light by criminologists and social researchers who attempt to gather valid statistics on criminal behavior. Thorstein Sellin reveals that crimes which are reported and recorded by the police are the best general index of the crime rate. He further reports that the value of a crime rate for index purposes decreases as the distance from the crime rate itself, in terms of procedure increases.

1 Pauline V. Young, Scientific Social Surveys and Research (New Jersey: 1956), p. 236.
Thus this study of juvenile first offenders and juvenile recidivists is limited by the fact that police records and arrest statistics have proceeded any court action; (3)

Thirdly, this study is limited by the manner in which the Court maintains its case records. Court records are not filed in terms of juveniles, adults, first offenders, and recidivists. So in order to obtain data on the first offender and the recidivist, I will necessarily have to scrutinize many juvenile cases which will be unrelated to this research project; (4) Lastly, this study is limited by my own personal inexperience and lack of skill in utilizing the statistical and case study methods. It is hoped that my determination will, in some manner, compensate for the lack of these factors.

**METHOD OF PROCEDURE**

My objective in studying a limited and defined number of juvenile case records is to secure specified data relative to the juvenile first offender and the juvenile recidivist within a given period of time. I will only be concerned with case data which will enable me to carry out the purposes of this study. Family Court case records are not filed in terms of juveniles, adults, first offenders, and recidivists. Moreover, court statistics of the number of juveniles treated on a yearly basis are not broken down into first offenders and recidivists. Juvenile statistical cards will, however, give me the name and legal case number of every juvenile served by the Family Court for a given year. With the aid of these legal numbers, I can pull from the files only
juvenile records and from these determine whether the individual was a first offender and whether he became a recidivist or not.

Rather than make a study of the universe, which would be the total number of all juveniles ever served by the Family Court, I propose instead to limit my study to a random sample of the universe. This study will cover all juvenile first offenses originating between January 1, 1954 and January 1, 1956, and all repeated offenses, ending with the last offense committed within three years of the original or first offense. Thus, this study will cover a period of five years, January 1, 1955 to January 1, 1959. These five years, I will present as my universe, selecting a random sample of same. Prepared statistical tables will enable me to secure and classify the necessary data obtained from juvenile case records. The desired information to be gathered will be of the following nature: The official charge lodged against the first offender and the recidivist? The treatment procedures of the Family Court? What offenses were committed by males and by female? What number of first offenders became second offenders?
CHAPTER II
AGENCY SETTING

(A) Purpose

The Family Court for New Castle County, Delaware was created by an act of the General Assembly in 1945.

It has exclusive and original jurisdiction over all dependent, neglected and delinquent children and, generally speaking, over all offenses or complaints, excepting felonies, by one member of a family against another member of the same family. The act further provides that the Family Court shall provide such services as may remove the necessity for committing persons to the corrective institutions of the State, to the end that the home shall, if possible, remain unbroken and the legal duty existing between man and wife, and parent and child shall be recognized.¹

The Family Court is a court of law which relies heavily upon both authority and skilled social casework in helping offenders to satisfy their social and emotional needs while also complying with the law. The ordinary criminal court differs greatly in philosophy from the Family Court. Generally speaking, the function of a criminal court is a direct reflection of society's attitude toward those who break the law. The major question before the Criminal Court is "Who is the guilty party?" and not "Why is he guilty?" Upon discovering this answer, most of the Criminal Courts proceed, in their efforts to protect society, on the theory of revenge and retribution for the offense committed.

¹Revised Code of Delaware, X (January, 1953), Chapter 9.
The Family Court, on the other hand, in so far as juvenile delinquencies and misdemeanors committed by one member of the family group against another are concerned, conceives that the paramount question to be resolved is 'why' this offense was committed. To answer this perplexing question, the Family Court undertakes to discover through its powers of investigation. Having discovered what it believes to be the underlying reasons and factors which have produced the commission of the crime, or of the delinquency, the Family Court undertakes through the method of enlightened social casework to eliminate, or at least to alleviate, those underlying reasons and factors, believing that the best method of assuring a non-recurrence of the offense is assiduously to direct its efforts toward the adjustment of the family group, including the offender, in their social relations, each with the other and with society generally.

The growth of Family Courts as a budding part of our judicial process is indicative of society's changing attitude toward the importance of family life. We are gradually beginning to regard the family as not simply a collection of individuals, but rather a major unit of our total social system. Within the family group, the individual initiates a process of socialization. He inculcates parental attitudes and cultural values which will greatly affect his adjustment as he begins to penetrate the world outside the home. Once the individual makes contact with society, our democratic way of life compels him to adopt and execute a defined system of roles. It is within the family group that one becomes aware of many of his future roles and what responsibility he has toward putting these into practice. Thus it is indeed gratifying to see

---


2 Carl Harm, "The Importance of Role Planning," (Lecture delivered to class in Human growth and Development 105, Atlanta University School of Social Work, Atlanta, Georgia, November 30, 1957).
the emergence of a social institution, such as the Family Court, which is orientated towards rehabilitating and keeping united the family circle. Not only does the family unit benefit from such efforts, but so does our democratic way of life.

(B) Structure

The structure of the Family Court of the state of Delaware is composed of: (A) Judges who determine both law and fact, make judicial decisions, and establish general policy; (B) An administrator who establishes and directs process; (C) Completely integrated Probation, Support and Legal Departments. All of these facets operate independently within their defined areas. Yet they also work interdependently and unitedly in the overall objective of the court. Now let us explore in detail these various facets or arms of the court.

I. JUDGES

The Family Court of the State of Delaware is presided over by two Judges, of equal rank and authority, who may hold court separately, jointly or concurrently. The Judges are appointed by the Governor of the State of Delaware, with the consent of the Senate. Acting jointly, the judges select and appoint a director and such supervisors, probation officers, and other employees as they deem necessary. Both Judges are professional lawyers, but are not entitled to practice while serving their terms in the Family Court.

The importance of the work of the Family Court Judges cannot be overemphasized. Theirs is the role which sets much of the Court's tone, and they carry the delegated responsibility to promote both community protection and individual welfare. "They embody power and prestige which can be used in the Court per se and in the community to protect, to help, and to rehabilitate. In short, they are the leaders of the court team. For the majority of parents and children, the significance of the entire court is largely decided on the bench." Thus to hear, determine the facts and render a decision which is in the best interest of both the community and the individual, the Judges must be highly sensitive to the problems of family and child welfare, along with being skilled in the legal procedures involved.

The Judges must understand what the court hearing means to the defendant and complainant, see it as an integral part of a total helping service, and contribute to it in terms of this understanding and their position of final authority. To act in this capacity, the Judges of the Family Court must have trained and competent staff which they can trust and upon which they can rely. If the Judges were to take on the task of handling the whole of each case coming before them in every instance, there would be no need for staff. But with the help of Probation officers who have had specialized

1 Alfred J. Kahn, A Court for Children (New York, 1942), p. 98.
training and experience, the judges are better equipped to meet the obligations imposed upon them by the community.

II. THE DIRECTOR

The Family Court Director has the task of integrating and harmonizing the court's authority and treatment processes. Responsible only to the Judges, he is the chief administrative officer of the court, and has charge of probation and all other social services of the court. He advises the Judges in formulation of court policy, process, procedure, rules and regulations. He initiates the employment process, determines needs of the court, qualification of applicants and submits them to the Judges. He also has equal veto power with the Judges, regarding the hiring and releasing of all court personnel. With the Judges, he outlines and approves expenditures of all moneys within budget allocation. Finally, the Director has the all important job of representing the court in its relations with other community social agencies and of interpreting the work of the court to the community at large. This type of activity has taken the form of speeches and discussions with groups of individuals representing all levels and areas of the community served by the court.


III. PROBATION DEPARTMENT

Because of its significant role, the probation department is often referred to as the "arms" and "hands" of the court. Such words seem quite appropriate, inasmuch as the helping process of the Family Court is, for the most part, directly dependent upon the contributions of the probation officers. This department is staffed with Social Workers, who are professionally trained to help people with emotional and social problems. These officers possess a keen understanding of human behavior, being well grounded in psychology, sociology, economics, and related fields. Using sound case-work methods, while under competent supervision, they attempt to help the offender comply with the law by:

(A) Trying to understand the offender;
(B) Probing the causes behind his anti-social attitude and conduct;
(C) Helping the offender to face his problems and those he creates and to handle them in a manner acceptable to his family and to the law; by:

1. Undertaking to establish a subjective relationship with the offender;
2. Undertaking to help the offender produce subjective favorable change within himself by stimulation and inspiration;
3. Accepting the offender while also rejecting the offense;
4. Helping the offender to effect his own transformation of attitude and consequently of his conduct;
5. Applying such authority as is necessary to compel those who either cannot or will not change their attitude, to conduct themselves properly and to assume proper responsibility toward the members of their family and the community.¹

The probation department is composed of both a Field Service Unit and an Intake Unit. The staff in the Field Service Unit is responsible for conducting studies and investigations and offering treatment services to cases continued for this purpose. These periods of study are usually for two or three months. They do not take the place of judicial action. They are not instead of punishment. Rather they are to aid the court in understanding the offender and the offender in understanding his problems. They furnish the best way the court knows to help a person learn to live with his problem in an acceptable manner, from the point of view of his family, the community, and for his own well being. Sometimes people are not ready to learn. However, the process through which they work with the probation officer, enables the court to make a thoughtful disposition based on individual needs.² The Field Service staff also supervises adults and juveniles placed on official probation. They make summaries to other community agencies, where referrals are appropriated; prepare reports to the Judges, and keep statistical records of all activities for references and research purposes.

²Ibid., p. 12.
The Intake Unit is primarily responsible for working with voluntary applications for court's assistance concerning adults and juveniles. The staff holds preliminary hearings on juveniles arrested and prepares reports and recommendations for the Judges. They refer to other agencies where appropriate; hold counselling interviews for appointments set up by the Receptionist and keep statistical records for references and research purposes. The importance of the Intake Unit lies in the fact that any person can voluntarily come in and discuss with a Probation Officer whether or not the Family Court can help with his problem and, if not, where he can go for help. Many people get enough from this one interview with a skilled counsellor to solve for themselves how to go on responsibly. This keeps to a minimum blown up charges and unnecessary arrests, and also gives the person an opportunity to look at the various sources at which he can possibly obtain help. If further action is needed, the matter is usually referred to the Judge with a recommendation that a complete study be made.

IV. SUPPORT DEPARTMENT

An area of service that makes a most specific contribution toward the welfare of children is the service of collection and disbursement of moneys received for support of children. Approximately 3,840 children were, on December 31, 1956, dependent on money received through the Family Court.

1 Ibid. p. 13.
At the same time, approximately 840 children were receiving aid from the Department of Public Welfare. The meaning of this service can be considered more fully when one realizes that many of these children could possibly be totally dependent on the state, were it for this service.

In recent years the Support Department has grown rapidly. In 1954, a total of 1,630 support orders were handled through the Family Court. In 1956, this total was increased to 1,908. Financially, the increase was from $762,379 collected and disbursed in 1954 to $934,288 handled in 1956.

The Support Department had a unique responsibility in its service to the clients. The emotional ramifications of divorce or separation are intense and long enduring. A husband whose wife had chosen to leave him has numerous problems to cope with: If he wants her back what shall he do? If she won't return, how can he handle his hurt? Can he punish her by not supporting her? Often delaying support payments, not fully paying, or skipping payments are avenues that persons employ in their need to seek revenge on a former loved one. The Family Court has two full-time support officers. Under the guidance of a supervisor, the department directs its efforts to help men meet their responsibility of support. The support officers issue requests for charges to be brought before the Judge, request warrants to be issued, give credits

for just cause, and write reports for changes in support orders to the Judge. The efforts of the Support Department are directed to have payers fall in one of four categories:

1. Orders paid up to date, paying regularly.
2. Paying on arrears.
3. Reporting regularly, and is receiving credit for just cause.

V. THE LEGAL RECORD DEPARTMENT

The Family Court Legal Department is headed by the Clerk of the Court who is responsible for the issuance of legal writs, their preparations and processing. The Clerk also takes cases before the Judges and initiates process for the enforcement of the Judges dispositions. Under the Clerk's supervision, the Legal Department keeps the Court's official records, collects all fines and costs, holds bail and pays the sheriff's office for cost of their service.

(C) Treatment Procedures of the Juvenile Offenders

By treatment procedures this writer is referring to the six defined services offered by the Family Court in treating the needs of juvenile offenders who come under its jurisdiction. The over-all purpose of these treatment procedures is to effect social or emotional change in the juvenile offender. To initiate this helping process every child, with the exception of the more serious traffic violators, is seen

\[1\text{Ibid, p. 10.}\]
by a member of the social work staff for a pre-hearing interview. This process is carried on before the child appears in the Judge's chambers. The purpose of this interview is to get background information pertaining to the nature of the offense, family background, child's attitude, parent's attitude, school progress, plus any pertinent data that might help the Judge have a clearer understanding of the needs of the child. In the court room, the Judge then proceeds to enact one of the Family Court's six defined treatment procedures. He may order one of the following plans:

I. COURT HEARING AND RETIREMENT OF CHARGES

Circumstances of the offense, or the nature of the charge may be such that the Judge does not believe the court has any service to offer, other than the giving of a stern reprimand. Moreover, the mere appearance before the court's authority is, in many cases, enough to remind the offender of his social responsibilities and deter further delinquencies. With the help of a skilled probation officer, the court can frequently determine whether or not the offender has sufficient insight, motivation, and environmental help to cope with his problem without additional help from the court.

II. CONTINUANCE

Out of its experience the Family Court has learned that a continuous period of two to three months prior to a final disposition is much more effective than probation in most cases. If the situation seems to warrant continued service at the time of the initial Court hearing, it is the Court's
practice to order the case "continued for study, investigation, and recommendation". This provides a period wherein the juvenile offender and his immediate family may be helped by the probation officer in the face of their need to take some constructive action prior to the Judge's final disposition. The Family Court has used this period of intensive study in the greatest percentage of cases, involving juvenile offenders. The individual is given a chance to change his behavior within the limits imposed upon him by the authority of the court and the atmosphere of acceptance and understanding created by the probation officer.

(C) Probation

If adequate information is available to the Judge, and it is felt that a child needs a long-time period of supervision, the Judge may order probation. This status provides the offender with an opportunity to work with his probation officer over a longer period of time. The purpose of this is to enable the child to involve himself in his own process at court, and to show by his behavior and attitude his own readiness for release from probation. It is truly an opportunity to demonstrate change.

(D) Commitment

The Judge may commit an offender to a training school for delinquents. The court has a very definite philosophy on the commitment of offenders to training schools. Usually

commitments are made after a period of study indicates that such action is needed, or after the offender indicates by his behavior and attitude that he could not respond to the court's services. In making commitments, the court is always guided by the needs of the offender and the protection of the community. In most instances, commitment is used only as a last resort in attempting to effect change in the offender.

(E) Fines

The imposition of a fine can often serve to remind the offender of his need to adopt more acceptable behavior, or of a parent's need to exercise more supervision over his child. Juveniles are not often fined in the Family Court and, when they are, the fine is always based on their economic ability. Many juvenile offenders have full or part time jobs, and the court has ordered them to pay fines on an installment basis. Such a practice keeps the offender in contact with the court's authority and can possibly increase his respect for law and order.

(F) Referrals

The court has developed working relations with numerous community resources, who aid the court in treating the needs of certain types of offenders. Children whose delinquencies can be attributed to some emotional disturbance are referred to the Mental Hygiene Clinic, the Governor Bacon Health Center, or the State Mentally Retarded Hospital. All of these resources are state operated and are staffed with skilled personnel who are trained to help the offender cope with his emotional
problems. The court also utilizes the services of the Welfare Department and private social agencies in placing children in homes which can properly meet their physical and emotional needs. This step is only taken after the court is fully convinced that the real parents cannot provide the care and supervision needed for a neglected or problem child.
CHAPTER III
INTERPRETATION AND CLASSIFICATION OF DATA

In the preceding chapter, the nature of the Family Court's treatment procedures was discussed in detail. In this chapter, the writer shall endeavor to describe the twelve major offenses; interpret the data derived from a study of the treatment procedures used on 518 juvenile first offenders, and study the nature of offenses committed by the juvenile first offender and the juvenile recidivist.

As a basis for this study, the writer selected a random sample of 518 juvenile first offenders. These offenders, including both males and females, were involved in the following delinquent acts: Burglary; Malicious Mischief; Larceny; Auto theft; Uncontrolled Behavior; Trespassing; Sex Offense; Carrying concealed deadly weapon; Assault and Battery, and Curfew Violation. It should be emphasized that juveniles do commit delinquencies other than the ones mentioned above. However, to carry out the purposes of this research project this writer is confining himself to a study of the 12 major frequently committed offenses. Each of these offenses shall be discussed separately.

Malicious Mischief:

This offense consists of general wanton injury to the property of an individual or of the Public, or reckless disregard for the rights of others or of the public in property. Wantonness or malice may be inferred from the nature of the
offense. In connection with private property there must be
1 direct injury done, not merely removal. Illustrations of
malicious mischief are defacing the natural scenery; injuries
to public highways, telephone wires, bridges, etc; throwing
of railroad and fire alarm switches; tearing down of public
posters; destruction of fences and shrubbery; etc. Malicious
mischief as a first offense is considered a minor juvenile
delinquency. The offense may or may not be indicative of any
serious emotional or social disturbance. It is frequently
done impulsively, with excitement or adventure being the
motive, rather than any intent to reap material gains. It
should be emphasized that some malicious acts can reveal a
gross lack of social values and an inability to maintain
self-control.

The 41 acts of Malicious Mischief constitute 7.9% of the
total 518 first offenses. The 41 first offenders were
treated as follows: 14 (or 34.1%) were put on continuance;
20 (or 48.7%) were given court hearings only; 6 (or 14.6%)
were fined, and one offender was referred. All of the offen-
ders were males. Of the 41 first offenders, 19 (or 46.3%)
returned as second offenders. Of the 14 who had received
continuance, 6 (or 42.8%) came back. Of the 20 who received

---

1 Harry Best, Crime and the Criminal Law (New York,
court hearings only, 13 (or 65%) returned as second offenders. The second offenses were distributed as follows:

Larceny ......................... 3  
Burglary ......................... 3  
Auto-theft ....................... 1  
Assault & Battery .............. 1  
Disorderly Conduct ............ 7  
Violation of Curfew .......... 1  
Truancy ......................... 1  
Uncontrolled .................... 2  

Total - 19

None of the second offenders committed acts of mischief. Instead the offenses were progressively worse, with most of the delinquency being centered around stealing and disorderly conduct.

Violation of Curfew:

Because of the rise of juvenile delinquency, many metropolitan cities have set up curfew limitations for children under a certain age group. The curfew is a means of combating the rise in delinquent acts, since it was discovered that most delinquency is committed during the late evening hours. It is also a means of exercising some control over the social activities of teenage groups. The curfew and its conditions vary from city to city, with most cities having arrived at a

---

time between 9:00 p.m. and 11:00 p.m. In Wilmington, Delaware, a city within the jurisdiction of the Family Court, a curfew of 10:00 p.m. has been imposed for all children under age 16 who are not with their parents or other reliable adults. This means that all children under age 16, and without adult supervision, have to be off the streets before 10:00 p.m. A large percentage of the juveniles charged with this offense are females. There were 19 first offenders who were charged with violating curfew. This constituted 3.6% of the total sample of 518 first offenders. The 19 first offenders were treated as follows: 7 (or 36.8%) were put on continuance and 12 (or 63.1%) were given court hearings only. Six (or 31%) of the first offenders were females. Of the 19 first offenders, 10 (or 52.6%) returned as second offenders. Of the 10 second offenders, five had previously been on continuance, and five had previously received court hearings only. They committed the following second offenses:

- Violation of Curfew .................. 2
- Larceny .................................. 1
- Burglary ................................. 1
- Assault & Battery ......................... 1
- Disorderly conduct ....................... 3
- C. C. D. W. .............................. 1
- Sex Offenses ............................ 1

Total - 10

Two of the second offenders were females. One was again charged with violation of curfew, and one was charged with disorderly conduct. While all of the second offenses appear
to be varied in nature, most of the offenses tended to be progressively worse than the first offenses.

**Larceny:**

The carrying away, or removal of an article in question from its original position with intent to steal or to keep wrongful possession is referred to as larceny. Stealing of automobiles, picking of pockets, shoplifting, etc., are special forms of larceny. Grand larceny and petit larceny are frequently attached to the charge, depending in general upon the value of the article taken. There is an impulsive quality inherent in most forms of larceny which can be indicative of a personality or character disorder if the juvenile continues to reveal the same pattern of behavior.

There were 76 first offenders who committed larceny, which equals 14.6% of the total number of 518 first offenders. These 76 first offenders were treated as follows; 43 (or 56.5%) were put on continuance; 28 (or 36.8%) were given court hearings only; one offender was fined, and four were referred. Five of the first offenders were girls.

Of the 76 first offenders, 30 (or 39.4%) returned as second offenders. Fifteen (or 34.8%) of the 43 who had received continuance came back. Thirteen (or 46.4%) of the 28 who had received court hearings only became second offenders. The single first offender who had been fined and one of the four who had been referred returned as second offenders. The second offenses were distributed as follows:

- Larceny: 2
- Burglary: 4
Auto Theft..................... 4
Assault & Battery............ 2
Disorderly Conduct.......... 3
Acts of Mischief............ 3
Uncontrolled................ 1
C.C.D.W....................... 3
Trespassing.................. 2
Truancy....................... 3
Sex Offense................... 1

Total - 30

All of the second offenses were varied in their distribution, with all of the major delinquent acts being committed except violation of curfew. However, the above figures point out that the highest number of offenders (6) again committed larceny. And 14 of the 30 second offenders were again involved in some form of theft. The four burglaries and the four auto thefts might indicate that the basic problem causing the delinquency had become more intense since the first offense was committed.

Assault & Battery:

Assault is any physical violence, involving actual contact with the person of another, however slight, and regardless of any injury or pain inflicted, perpetrated with malice or evil intent, by use of hands or weapon. Physical force is permitted by the law in resisting assault. However, to justify a defense, there must be some movement involving a threat. Not mere preparation or words but an overt, physical
motion causing apprehension of bodily harm or of the use of violent measures. The assault is, strictly speaking, an attempt at battery; the battery is the accomplishment of assault. The two terms are now used synonymously.

The 24 offenders who committed assault & battery made up 4.6% of the total 518 first offenders used for this study. The 24 first offenders were treated as follows: 6 (or 25%) were put on continuance; 16 (or 67.5%) were given court hearings only; one was fined, and one offender was referred. Twenty of the offenders were males. Four were females. Of the 24 first offenders, 7 (or 29%) returned as second offenders. All of the 7 second offenders had previously received court hearings only. The seven second offenses were distributed as follows:

<table>
<thead>
<tr>
<th>Offense</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assault &amp; Battery</td>
<td>2</td>
</tr>
<tr>
<td>Larceny</td>
<td>1</td>
</tr>
<tr>
<td>Disorderly conduct</td>
<td>3</td>
</tr>
<tr>
<td>C.C.D.W.</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>7</strong></td>
</tr>
</tbody>
</table>

One of the second offenders was a female, who returned on a charge of disorderly conduct. All of the second offenses, except larceny, would seem to indicate that the offenders were still retaining extreme feelings of hostility and aggression.

---

Disorderly Conduct:

Disorderly conduct covers a broad variety of offenses that are committed against public peace, policy or morals. These offenses are for the most part, acts or practices deemed detrimental to the well being, virtue, rectitude, decency, honesty, equity, or dignity of the public or of the state. Frequently what constitutes disorderly conduct is governed by public opinion at a particular time or in a particular community. Some of the juvenile acts characterized as being disorderly conduct are gambling; drunken behavior or the drinking of alcoholic beverages; fighting or creating loud disturbance; indecent conduct in public places; public profanity or blasphemy; etc. Disorderly conduct has been found to be quite prevalent among street gangs.

The 69 first offenders who committed disorderly conduct, constituted 13.3% of the total 518 first offenders. They were treated as follows: 16 (or 23.2%) were given continuance; 45 (or 65.2%) were given court hearings only; 7 offenders (or 10.1%) were fined and one was referred. There were seven female first offenders.

Of the 69 first offenders, 22 (or 31.8%) returned as second offenders. Six (or 37.5%) of the 16 who had received continuance came back. And 16 (or 35.5%) of the 45 who had received court hearings only returned as second offenders. The offenses were distributed as follows:

Disorderly conduct .................. 6
Burglary .............................. 2
Larceny ............................... 3
Auto theft ............................ 1
Assault & Battery .................... 4
Acts of Mischief ..................... 1
Uncontrolled .......................... 4
Truancy ............................... 1

Total - 22

Three of the 22 second offenders were females. The three females were involved in disorderly conduct, assault and battery and uncontrolled behavior. Six second offenders again committed acts of disorderly conduct. Yet a significant number committed acts against property, and against persons. This would indicate that the pattern of behavior had become progressively worse.

The fact that only 16 out of 69 first offenders received continuance would also seem to indicate that the court felt the other 53 first offenders had sufficient insight, motivation or environmental help to solve their own problems without additional contact.

Burglary:

Burglary is defined as the unlawful act of breaking into or entering a house or other building with the intention of stealing. It is considered a very serious offense because it involves violating the sanctity of the home or private property. And in our society tremendous value is placed upon both privacy and property. In most cases burglary is premeditated, and lacks the impulsive nature that is inherent in many delinquent offenses.
In a total sample of 518 there were 90 offenses of burglary, which constituted a percentage of 17.3. The 90 first offenders were treated in the following manner: 51 were put on continuance; 34 were given court hearings only; one was committed; three were referred, and one was granted probation. No females were charged with this offense.

Out of the 90 first offenders who were treated by the court, 40 (or 44.4%) returned as second offenders. Of the 51 who had received court continuance, 23 (or 45%) became recidivists. Of the 34 who received court hearings, 16 (or 47%) also returned as second offenders. The forty second offenders were distributed as follows:

<table>
<thead>
<tr>
<th>Offense</th>
<th>Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burglary</td>
<td>14</td>
</tr>
<tr>
<td>Larceny</td>
<td>7</td>
</tr>
<tr>
<td>Assault &amp; Battery</td>
<td>2</td>
</tr>
<tr>
<td>Disorderly Conduct</td>
<td>8</td>
</tr>
<tr>
<td>Acts of Mischief</td>
<td>2</td>
</tr>
<tr>
<td>Uncontrolled</td>
<td>2</td>
</tr>
<tr>
<td>C.C.D.W.</td>
<td>1</td>
</tr>
<tr>
<td>Violation of Curfew</td>
<td>2</td>
</tr>
<tr>
<td>Sex offenses</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>40</strong></td>
</tr>
</tbody>
</table>

The second offenses appear to be varied in nature. Yet 21 (or 52.5%) of the offenders were involved in thievery. Of the 14 who committed burglary a second time, 10 had previously been on a court continuance. Of the seven who committed larceny, three had previously been on a court continuance. In short, 21 of the 40 second offenders continued to reveal
the same pattern of criminal behavior for which they had previously been treated. And 23 of the 40 second offenders returned after having received intense casework counseling for three months. However, it should be kept in mind that generally speaking, the continued cases are more disturbed and need more help than the cases receiving court hearings. This may account for the "weighted statistics" of the continuance cases who become recidivists.

**Uncontrolled Behavior:**

This offense can be mistaken for disorderly conduct because it often involves disturbing the public peace or manifesting immoral behavior. Specifically, it refers to the juvenile's disregard for parental supervision or his belligerent and incorrigible attitude toward police authority or authority in general. His uncontrolled behavior may lead to his running away from home; keeping late hours beyond his curfew; participating in immoral or anti-social activities in the community; and his playing truancy from school. Many children are referred to the court by bitter and frustrated parents who have encountered difficulty in getting them to accept discipline and supervision. Most of the offenders are girls who tend to act out their delinquency by becoming uncontrolled in the home, school or community.

The 76 first offenders charged with uncontrolled behavior make up 14.6% of the total 518 first offenders. These 76 first offenders were treated as follows: 55 (or 72.3%) were given continuance; 14 (or 18.4%) were given court hearings only.
Three offenders were referred, and four were committed. Of the 76 first offenders, 28 (or 36.8%) were males and 48 (or 63.1%) were females.

Twenty-nine (or 38.1%) returned as second offenders. Of the 55 who had received court continuance, 24 (or 43.6%) returned as second offenders. And five (or 35.7%) returned as second offenders. The second offenses were distributed as follows:

<table>
<thead>
<tr>
<th>Offense</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uncontrolled</td>
<td>19</td>
</tr>
<tr>
<td>Larceny</td>
<td>4</td>
</tr>
<tr>
<td>Disorderly Conduct</td>
<td>3</td>
</tr>
<tr>
<td>Acts of Mischief</td>
<td>1</td>
</tr>
<tr>
<td>Violation of Curfew</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>29</strong></td>
</tr>
</tbody>
</table>

Of the 29 second offenders, 17 (or 58.6%) were females, who committed the following acts: 16 were again charged with uncontrolled behavior; one was charged with disorderly conduct. These figures might suggest that the problem of uncontrolled behavior in females is on a deeper psychological and social level than males charged with the same offense. The court has discovered that many offenses of uncontrolled behavior can be traced to some disturbed interpersonal relationship within the family structure. This may partially account for the large percentage (72.3%) of first offenders being placed on continuance. Using this treatment procedure, the offender's immediate family members can become involved.
Carrying Concealed or Deadly Weapon:

This offense simply refers to the act of carrying and concealing a weapon that could create public disorder or inflict injury upon a fellow citizen. Such a weapon may be any kind of firearm; any kind of knife with a blade over three inches; brass-knuckles, or a blackjack. The carrying of concealed weapons is quite popular among members of metropolitan gangs, who have to defend their territory or section of town against rival gangs.

Of the 19 first offenders four were put on continuance, while 11 (or 57.8%) were given court hearings only. Four were fined. Of the 19 first offenders, three (or 15.7%) became second offenders. All of the first offenders were males. The three second offenders committed the following acts:

- Disorderly Conduct ................. 1
- Violation of Curfew .................. 1
- Truancy ............................. 1

Total - 3

Of the three second offenders, one had been on a continuance as a first offender, and two had previously received court hearings. None of the three acted out their delinquencies upon persons or property.

Sex Offenses:

Sexual delinquency refers to such acts as prostitution, indecent exposure, lewdness, sodomy, molesting and homosexual activities. Sexual behavior is a very sensitive and over-conscious area in our socio-cultural life. And there is a
definite tendency to overrate and misinterpret sexual behavior in juveniles. It is true that sexual delinquency can be indicative of a disturbed or pathological constitution, but this is not always the case. Often what appears to be unnatural perverse, or abnormal in the sex conduct of children, mostly finds its full explanation in the very nature of their sexual immaturity, and their natural curiosity. We should become alarmed when the juvenile fails to abandon this immature, infantile level and begins to incorporate the perverse tendencies as an integral part of his personality.

The 26 first offenders were all males and were treated as follows: 20 (or 76%) were put on continuance; four were given court hearings; one was fined and one was committed. Eight (or 30%) of the 26 first offenders returned as second offenders. Of the eight second offenders, six had received continuance and two had received court hearings as first offenders. They committed the following acts:

- Sex Offenses .......... 4
- Larceny ................. 1
- Assault & Battery .......... 2
- Disorderly Conduct ............ 1

Total = 8

The fact that 20 (or 76%) of the 26 first offenders were given continuances would seem to indicate that the court is quite sensitive to sex offenses and feels that they are in

need of intensive counseling. It is also significant to note that 4 (or 50%) of the second offenders again were involved in sexual delinquency.

Truancy:

   Truancy refers to the continual absence from school, without just cause. In the state of Delaware, all children are compelled by law to attend school until they are age 16. The individual child or his parents may be prosecuted by the court for failure to comply with this law. Because of the importance of education in our social system, and because truancy itself tends to facilitate the commitment of other delinquent acts, the court in most cases attempts to discover and correct the underlying causes for the child's truancy.

   Of 21 first offenders, 16 (or 76.1%) were put on continuance, while only 5 (or 23.8%) were given court hearings. Of the 16 who received continuance, 4 (or 24.1%) returned as second offenders. And of the five who received court hearings, only one returned. Thus, of the total 21 first offenders, five (or 23.8%) returned as second offenders. The five truancy second offenders committed the following acts.

   Truancy ....................... 1
   Larceny ........................ 1
   Auto theft ...................... 1
   Uncontrolled ................... 2

   Total = 5

   There were 15 male first offenders and six female first offenders. Of the 15 males, only one returned. And of the
six females, four returned as second offenders. It is significant to note that three of the four female second offenders returned as truant and uncontrolled.

Trespassing:

Trespassing is similar to burglary in that it involves entering or invading private property. Unlike burglary, there is usually no intention of stealing. Trespassing is often considered a minor juvenile offense by most courts, especially if it is a first offense. Frequently a juvenile will enter and explore private property out of natural curiosity or out of a desire to reach a certain destination by taking a short cut. On the other hand, many juveniles who possess sincere intentions of pilfering will quickly maintain, when apprehended, that they were just looking around. Thus it is left up to the police to determine if there was any "intent" involved.

There were 23 first offenders of trespassing, who were treated as follows: two were put on continuance, 19 were given court hearings; one was fined, and one was referred. Of the 23 first offenders, 8 (or 34.7%) returned as second offenders. Six of those who had received court hearings, and both (2) of those who had received continuance returned as second offenders. The eight second offenders committed the following acts:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Trespassing</td>
<td>1</td>
</tr>
<tr>
<td>Larceny</td>
<td>1</td>
</tr>
<tr>
<td>Burglary</td>
<td>1</td>
</tr>
<tr>
<td>Auto-theft</td>
<td>1</td>
</tr>
</tbody>
</table>
Disorderly Conduct .................. 1
Acts of Mischief .................... 1
Uncontrolled ........................ 1
Truancy .............................. 1

Total - 8

None of the second offenses were concentrated around any particular delinquency. Only one female was charged with trespassing.

Auto theft:

This offense refers to the taking or driving off with an automobile without the consent of the owner; it is largely confined to the older delinquent boys. In a recent study by William W. Wattenburg and James Bolistrieri, it was pointed out that auto theft is usually associated with boys who are better developed physically; who are of high school age, and who are likely to be members of an organized gang. The study also revealed that most of the boys involved in auto-thefts came from homes classed as having "adequate" incomes and from neighborhoods rated as "above average". Coming from such an environment, the boys are early exposed to automobiles and find them readily available to facilitate the releasing of their delinquent feelings.

In this study, there were 34 first offenses of auto theft. This constituted 6.5% of the total sample of 518. The 34 first offenders were treated as follows: Nineteen were put on court

continuance; ten were given court hearings only; one was fined; two were committed, and two were put on probation. One of the first offenders was a female. Of the 34 first offenders, 16 (or 47 per cent) returned as second offenders. Twelve (or 63 per cent) of the 19 who received continuance returned as second offenders. Out of the ten who received court hearings, 2 (or 20 per cent) returned. The one offender who was fined and one of the two who received probation also returned as second offenders. The 16 second offenders were involved in the following acts:

- Larceny: 7
- Burglary: 1
- Assault & Battery: 1
- Disorderly Conduct: 4
- Acts of Mischief: 1
- Trespassing: 2

Total = 16

None of 16 second offenders committed auto theft. Yet seven of the 16 revealed a similar behavior pattern by becoming involved in larceny. Five of these seven had received continuance as treatment for their first offenses. Of the four second offenders who were charged with disorderly conduct, three had received continuance as first offenders.

Conclusions:

Looking at the twelve delinquent offenses as a group, we see that 253 first offenders were put on continuance, with 104 (or 41.1 per cent) returning as second offenders. Of the 218
who were given court hearings only, 88 (or 40.3%) returned as second offenders. Of the 22 who were fined, two returned as second offenders. None of the eight who were committed came back. Two of the 14 who were referred and one of the three who was put on probation returned as second offenders. There were 78 female first offenders; of this group 27 (or 34.6%) returned as second offenders. Of the total 518 first offenders treated by the Family Court, 197 (or 38%) returned as second offenders.

Only eight (or 1.5%) of the 518 first offenders were committed to a correctional institution. These figures would indeed seem to indicate that the court does not look upon incarceration as an immediate solution for delinquent behavior. Instead these statistics are in keeping with the basic philosophy of the Family Court: The maintenance and strengthening of family structure, and the responsibility of helping the offender to cope with his problem rather than to punish him for it.

It is also interesting to note that only 3 (or .58%) of 518 first offenders were put on probation. These figures could reflect a tendency in the court toward cutting down on the amount of time involved in giving court service. Yet this writer wonders if the court has so restricted the definition and the use of probation as to preclude its benefits to some juveniles who might otherwise be able to make an effective use of it. In short, is there not a larger number of juveniles among the court's caseload who could profit from a longer
period of contact with the court than is usually allotted during the continuance span of two or three months? The high percentage of male offenders who commit some form of theft for a second time, and the high percentage of female offenders who become involved in uncontrolled behavior for a second time indicates a need for more exploration in this area.
CHAPTER IV

IMPLICATIONS FOR SOCIAL WORK

The Role of the Social Worker in Court

The effectiveness of the Family Court's treatment procedures depends preponderantly upon the contributions of the probation officer, who is a professionally trained social worker. The probation officer's authority is derived from the Delaware State Code which states:

Probation Officers shall endeavor to aid persons within the jurisdiction of the Family Court to conduct themselves in a manner legally and socially acceptable, and in these endeavors shall use such methods and techniques as are approved by the Director. They have the powers of Conservators of the Peace and the authority to serve and return writs or process issued by the Court.

Under this law the director has broad powers of defining and approving the techniques employed by the probation officers. Most of the specific duties and responsibilities of the probation officers have been previously discussed in Chapter II, under the heading of the Probation Department.

Working as an all important arm of the court, the social worker's title becomes that of a probation officer and a strong element of authority becomes incorporated in his professional services. However, his basic social work function remains the same: That of helping the client to realize his capacities and to adapt his individual needs to the demands of his environment. His professional skill and knowledge are not abandoned in favor of the authoritative aspect of the court.

Instead, authority and social case work are united in an effort to help the offender develop more acceptable behavior patterns and comply with the law. The importance of the probation officer's role is emphasized by the fact that he, representing both the authority of the court and the social work discipline, actually initiates the helping process for all juvenile offenders. For it is his duty to hold a preliminary hearing with the offender prior to the offender's appearance before the judge.

At these preliminary hearings, the probation officer relies upon his social work knowledge to evaluate the following: The offender's motive for committing the offense; his feelings around becoming delinquent; what strengths and weaknesses are manifested by the offender in relation to his anti-social behavior; the offender's previous conduct in the home, school and community; what adverse or constructive attitudes are revealed by the offender's parents, and, finally, what potential does the offender possess for accepting help from the court. On the basis of this material, the probation officer's duty is to make an analytic diagnosis of the factors involved with a view to aiding the judge in determining what kind of treatment procedure is most likely to secure the delinquent's social readjustment.

This social investigation aspect of probation calls for the use of case work skill because in the procedure of

---

1The Family Court Personnel, Op. Cit., p. 3.
2Ibid., p. 4.
collecting data, many opportunities are presented for helping the children and their parents put the court's service to effective use. Working in a legal framework where authority plays an integral part of the treatment procedures, the probation officer himself must feel comfortable in the use of authority. He must realize that authority permeates all of social reality and have trust in its process in helping to effect a change in the delinquent pattern. As a leader in the court's helping process, he must be skilled in interviewing and in his understanding of human behavior and its relation to delinquency. Knowledge and interviewing skill thus become the primary tools of the probation officer.

KNOWLEDGE OF HUMAN BEHAVIOR

Modern psycho-analytic theory purports that all behavior becomes significant and meaningful to the personality no matter how absurd or contradictory it may seem. In a sense, all behavior is purposive. If it is not the direct expression of the purposes of the conscious ego, then it must be understood as the substitute or symbolic expression of those elements of the personality that have been repressed. Criminal and delinquent behavior under this theoretical orientation is to be understood, simply and directly, as a substitute response, some form of symbolic release of repressed complexes. The offense is viewed as "making sense" or as necessary substitute behavior for something else that is basic to the deep-seated conflicts of each personality. Unless the offender can be

changed deep down inside, he will continue his life as a criminal because only through substitute behavior can he get some relief from the inner torments that beset him.

Using the above mentioned form of reference, the probation officer must seek to relate the needs of the offender to the treatment procedures of the Family Court. He may feel that the offense is a direct expression of the juvenile's conscious ego and that the juvenile has enough insight and motivation to curb his delinquent tendencies with the aid of continuance or of a court hearing only. He may feel that the offender's behavior and attitude are indicative of an organic or disturbed unconscious conflict, which could possibly benefit from a referral to a psychiatrist or to an institution rendering specialized services. On the other hand, the probation officer might feel that the conflict, conscious or unconscious, is related to some immediate social problem or to some disturbed interpersonal relationship. In such a case, continuance might be recommended if it is felt that the problem and its cause can be corrected with intensive counseling from the probation officer. The offender and his family would then become involved in regular court contacts.

**INTERVIEWING SKILL**

The effective worker will accept the individual as he finds him; he will accept the individual with warmth and sympathy, with understanding and without reproach, and with a willingness to help. He will attempt to assist the probationer to clarify his experience and his attitudes toward himself and society.

---

toward the behavior for which he was adjudicated. Without the moral condemnation which can only produce hostility, but objectively and very definitely, the worker should help the offender to see that violation of the law entails certain consequences both from the state and the community in the way others will look upon him and how he must look upon himself. The alternatives should be seen by the offender as the inevitable aspects of authority with which he must come to grips and from which only he can make choices. The probationer must be brought to see that he is himself the active element who must choose to conform or defy the realities that confront him. To many a juvenile offender, this clear focusing of authority is a new experience and it, with the clarification of his personal responsibility in the shaping of his conduct, may provide a powerful motive in his movement toward socialized adjustment. ¹

Conclusions:

This study has revealed that 197 (or 38%) of 518 juvenile first offenders became recidivists within a three year period of their first offenses. There are a multiplicity of physiological, psychological, and social factors that could have accounted for the return of these 197. And this writer realizes that Family Court treatment procedures alone cannot prevent recidivism. Nevertheless, it should be pointed out that 104 (or 41.1%) of the 253 first offenders who were placed on continuance, returned as second offenders after having received intensive social casework counseling.

This writer is of the opinion that social workers in the correctional field should put forth more effort to evaluate their own techniques and principles while attempting to help rehabilitate the juvenile offender, as well as continuing to explore the juvenile's personality defects and his adverse environmental circumstances. By doing so, social work can increase its effectiveness in rendering service to the juvenile offender, and add to its own professional growth.
<table>
<thead>
<tr>
<th>Offense</th>
<th>Continuance</th>
<th>Court Hearing</th>
<th>Fined</th>
<th>Committed</th>
<th>Probation</th>
<th>Referred</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trespassing First Offenders</td>
<td>23</td>
<td>2</td>
<td>19</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Returning Second Offenders</td>
<td>8</td>
<td>2</td>
<td>6</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trespassing</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Larceny</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burglary</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auto-theft</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disorderly Conduct</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Acts of Mischief</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uncontrolled</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carrying Concealed Weapons</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Curfew Violation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Truancy</td>
<td></td>
<td>1</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sex Offenders</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assault &amp; Battery</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
BIBLIOGRAPHY

BOOKS


REPORTS


ARTICLES


-50-


UNPUBLISHED MATERIAL

Harm, Carl. "The Importance of Role Playing." Lectured to class in Human Growth and Development 105, Atlanta University School of Social Work, Atlanta, Georgia, November 30, 1957.