

An Inside Look at the Juvenile Justice System

An Honors Thesis (HONRS 499)

by

Julie K. Land

Dr. James E. Hendricks
Department of Criminal Justice

A handwritten signature in black ink, appearing to read "J. E. Hendricks", written over a horizontal line.

Ball State University

Muncie, Indiana

December 1995

SpColl
Thesis
L6
2487
.24
1975
.L36

Abstract

The following is a personal account of the juvenile justice system, as experienced through a summer internship with Dubois County Circuit Court Probation. Along with educational and professional knowledge, there were many instances of personal evaluation and individual growth. Keeping a daily journal of activities and personal thoughts helped to record every experience of the internship.

Overstressed juvenile courts across the state battle some of the toughest problems: drugs, disintegrating families, household violence. They have neither the money, the people, or the time to save most of the desperate young souls who pass through their doors. Working in a juvenile probation department allowed me the opportunity to see first-hand the problems with today's young people and the difficulties awaiting those whose job it is to help and protect them.

As a requirement for the Criminal Justice Department, I spent my summer doing an internship with the Dubois County Probation Department. By working in a small agency such as this, I gained familiarity with the local court system, the probationers, and the resources available within the area. Because of the agency's small size, there is only one juvenile probation officer to handle the supervision of juveniles throughout the numerous processes. Due to the limited staff, each person has a wide range of activities and duties that he performs. This allowed the agency to greatly benefit from my services as an intern and allowed me to get a very broad understanding of the court system and the everyday duties of a probation officer.

As I began my internship, I was amazed at the number of people in the court system who questioned my career choice. All of the questions I was forced to answer made me sit back and wonder for myself why I was choosing to work at a job with low pay, high skepticism, little funding, high turnover, and very few indicators of success.

Interested in working with the court system, I felt that I would work best with young people. Although it sounds like an old cliché, I was genuinely interested in a profession where I could "help some one." Crime problems are occurring more and more and can best be addressed when juveniles are intervened, hopefully before they get out of control and grow up to be adult offenders. Of course after having had the internship experience, my sympathy towards these young offenders decreased and I lost my desire to fill them with "warm fuzzies."

As a probation officer, there are many responsibilities and requirements. The mission of probation is to provide necessary services to the offender toward reducing delinquent behavior while balancing the needs and insuring the safety of the community. Probation is a profession which requires fundamental knowledge of the law, sentencing alternatives, human services, and community protection. The internship helped me realize that this is not a simple task. Although I had completed all of the core requirements of the criminal justice department and felt adequately prepared to perform as a probation officer, nothing could have been more educational than to spend three months in an actual agency while learning from my mistakes. There are no textbooks to explain how each individual agency operates or how the informal communication works within the court system.

Not knowing what to expect or how I would be received by others in the probation department, I nervously reported for my first day on the job. Completely overwhelmed and subjected to more information than I ever thought I could comprehend, I was

welcomed by everyone in the agency. Other probation officers and courtroom officials gave me much advise and offered to let me "tag along" to experience many new opportunities. On the very first day I was called into the judges chambers to talk about what I could benefit from and contribute to the agency. While I was still a student in every respect, I felt so professional and respected that I wanted to develop every relationship I could within the courthouse and learn all that I could in the short time that I was there. The informal atmosphere and the acceptance and support of all my co-workers allowed me to quickly be a comfortable part of the agency.

During the first few weeks of the internship, I could only observe interviews and do "busy work" until I had a grasp of how interviews are conducted and how cases are routinely handled in the department. Even though I spent most of the time observing, I was still given the opportunity to help make recommendations and write reports. After every interview and every step of the way, my supervisor explained and discussed all of the processes I was involved in.

After observing many interviews, I had a pretty good grasp of how they are conducted. It wasn't until I conducted my first interview on my own that I realized how little I knew. Caught off-guard, I was given the opportunity to try my first interview just two minutes before the client walked into the office. Not wanting to disappoint my supervisor, I willingly accepted the challenge and frantically tried to remember what it was I was supposed to say and exactly what questions to ask. Because my

supervisor has been doing these interviews for almost twenty years, everything seems to come naturally to him and he seems to go on automatic pilot which makes the interview look easier than it really is. Even more stressful than trying to remember the structure of the interview, was the presence of my supervisor who I felt was scrutinizing my every move. Suddenly I was put on the spot and couldn't remember a single thing. Although I managed to muddle through the interview, it wasn't pretty at all. Despite my horror and disappointment, my supervisor assured me that my first interview went better than the first dozen he conducted. It was only after making such a complete fool of myself and becoming completely panicked that I could learn from my mistakes and learn how to interview. I realized that all of the hours of observation I had done didn't provide nearly the experience as actually doing the interviews and making mistakes. As much as I hated feeling like I had failed, I needed a bad interviewing experience to make me realize how much is involved and how much I have left to learn.

The interview itself is usually the first contact the probation officer has with the juvenile. This is a process that is much more difficult than it seems. The juvenile is asked to appear with his parents to discuss why they are being charged. At the start of the interview, the charges are reviewed and explained, Miranda rights are read, statutes are recited, and the juvenile is asked to admit his guilt or innocence. If the juvenile denies the charges, then the probation officer obtains the juvenile's account of what happened so that that information

can be passed along to the prosecutor. Most of the kids, however, know they've been caught and they simply admit their guilt. In this case, the juvenile is interviewed without his parents, the parents are interviewed without the juvenile present, and then everyone is present as the probation officer explains what role the court is going to play next. The juvenile tends to get rather defensive when his parents are asked to leave the room. They often feel like the probation officer is going to trick them or con them into saying things they shouldn't. In actuality, I have found that a juvenile will be much more truthful when the parents aren't in the room. As part of the interviewing process, the probation officer inquires about the juvenile's prior criminal activity, peer group, social life, alcohol and drug use, and family life, issues which most juveniles feel uncomfortable discussing with their parents present. After the probation officer gathers information from the juvenile, the parents are interviewed alone so they can share their information about their child. It is often funny to compare the juvenile's version to the version the juvenile must have told the parents. Talking with the parents also helps the probation officer determine if the juvenile is experiencing other problems that they might not want to discuss with the probation officer. After the probation officer has listened to the various versions of the story, everyone is invited back into the office to hear what is going to happen to the juvenile and what role the court is going to play in the life of the child.

When deciding to work with juveniles, my initial motivation

came about because I thought juveniles would be easier to work with than adults. Unfortunately, I neglected to take into account that dealing with juveniles means dealing with their parents as well. Sometimes the parents pose just as much if not more of a problem than their children. When the court steps in to tell them what happens to their child, they feel resentful and are often uncooperative. It is difficult to convince the parents that their child has made a mistake and are now in need of the additional supervision of the court system. I found it especially difficult to convince parents that I was responsible enough to make these important decision, especially when I wasn't very much older than the kids I was working with. Very often the parents feel their child's criminal involvement reflects directly upon them, so the parents tend to make excuses and enable their child by helping them get out of trouble. It became apparent that working with juveniles involves three people at times. This involves three times the work and the patience to handle all of these family members.

After the interview is conducted, the probation officer has to decide what risk the juvenile is to society and the likelihood of future delinquency. Many times this recommendation is based solely on what information is collected during the hour long interview. If the child and parents present conflicting information, the probation officer must determine the truth. Many times the probation officer will have outside sources of information in order to obtain the real truth about the juvenile. This is where the small agency is at an

advantage. Because it is a small community, a person's reputation is usually well-known and people can share information easily. The probation department frequently works with school officials, counselors, and even other probationers to get a better understanding about the juvenile before making a recommendation.

The probation officer's recommendation is communicated in a pre-disposition report. Writing these reports is much more difficult than I had originally thought. Because the report is submitted to the judge as well as the juvenile and his parents, communicating certain information becomes difficult. The probation officer must find a round-about way to let the judge know important details about the juvenile which might upset the child or the parents. It becomes very difficult to get a point across without offending or insulting the family or the child. Knowing that the report is going to be scrutinized by a number of people, there is great pressure to compose a report gives all of the pertinent information and can easily be defended if challenged.

After the report is submitted to the judge, the child is called before the Court so that sentencing can be determined. The probation officer must state the recommendation on the official court record and the juvenile is allowed to dispute any of the factual information that may have been incorrect. Because the nature of the report calls for the probation officer to make several judgment calls, it is very subjective and is often criticized by the juvenile or his family. They tend to get very

upset if the probation officer makes a disparaging comment about their family or personal life. Because the juvenile is never going to agree with the probation officer's judgment, the juvenile is usually allowed only to correct any factual information that was wrongly presented to the court. After the probation officer delivers the recommendation, the juvenile's lawyer can argue about the sentence that was recommended and can challenge the probation officer to support and defend his position. Ultimately, the judge makes the decision concerning the sentencing of the juvenile, but more often than not the judge will simply stand behind the recommendation presented by the probation officer.

As I became more familiar with the interviewing and report writing, I was given the opportunity to handle entire cases on my own, from the initial interview to the final court presentation and any subsequent supervision. Expecting to simply join the regular probation officer at the table before the judge, I was prepared to give my recommendation. However, just before I was ready to present my position to the judge, my supervisor left the courtroom. Relying on his presence as backup in the event of a dispute, I was more than a little anxious to be going solo. After making my recommendation and feeling great relief, the juvenile's attorney decided to argue my recommendation. Taken off-guard, I had to explain my reasoning and defend my position before a seasoned attorney and the judge. The defense attorney questioned my authority and implied that I was too inexperienced to be making this recommendation. Fortunately, my arguments were

strong enough to have the judge stand behind my recommendation. After this victory was behind me, I felt the greatest sense of accomplishment that I was to feel during the entire internship experience. I was not only proud of my courtroom victory, but impressed that my supervisor had enough faith in my ability to leave me to make the entire presentation on my own.

Dealing with the same problems with juveniles day after day tends to become depressing and monotonous. It is the rare success story that keeps the interest of the probation officer and helps motivate to work towards a successful intervention. Although they are few and far between, there are some juveniles who actually come out of the probation experience completely reformed and never return to the system. During my internship I was fortunate enough to work with one such success story. "Lisa" was a 15 year old girl who was on a one-way journey towards certain destruction. She had run away from home, rebelled by getting homemade tattoos on the streets, was sexually active without any precaution, using all sorts of drugs and alcohol, and appeared in the probation office always clad in black clothing. During one of the first interviews, Lisa had to be physically restrained from hitting her mother. This girl was approaching a very difficult period of adolescence and thought she deserved to be treated as an adult. She was in a hurry to grow up and felt she was invincible. Unfortunately Lisa had to hit bottom and listen to a lot of people who she could care less about before she started making a change. Sparing no truth, I sat down with Lisa during one of our probation meetings and explained to her

what kind of mistakes she was making and forced her to think about her future. After convincing Lisa that I got no pleasure out of making her life miserable and was genuinely concerned about her well-being, she began to open up. Within six weeks Lisa had enrolled in summer school, distanced herself from her destructive peers, let her jet black hair return to its natural color, moved back in with her mother, and made the most significant change of all. Lisa showed up to our appointment wearing a bright red blouse and make-up. It was the first time I had ever encountered her when she wasn't dressed head to toe in black. She saw where she was headed and made a choice. If only there were more juveniles who could have the same success as Lisa. I realized that I can't help everyone and solve all of the problems, but sometimes the things I say actually get through to them and make a difference. Despite all else, this is why I want to work with juvenile probation.

Looking back over the internship experience, I realize how I changed both personally and professionally. I learned to be comfortable in social situations with very powerful people and I fought to prove my abilities. Those who didn't work with me regularly didn't understand how much responsibility I had taken on and how much success I was achieving. To these people I was simply an annoying college kid who just got in the way. As the internship progressed and I was doing everything that a regular probation officer would do, I realized that not everyone trusted me and many doubted my professional capabilities. Persistence helped me to prove myself to others and at the same time increase

my self-esteem. I enjoyed making important decisions and defending my position, especially when I was successful.

In addition to dealing with courtroom officials and authority figures, I also learned to appropriately handle the general public, which had just as many doubts about my ability. Some of the juveniles and parents I regularly encountered were extremely uneducated and were socially inept. Despite this I learned how to communicate with them without making them feel stupid or insulting them. Unfortunately, although I hate to admit it, I carried prejudice against the lower-class people that I dealt with. Through the internship experience, I discovered that these people are just as worthy of my respect and have just as much of a chance for success. Because I didn't let my power and authority go to my head, I found it easier to treat these people like they deserved to be treated which made communicating with them much more productive. I learned to deal with very touchy personal situations and developed great interpersonal skills that helped me to have successful interviews.

Although many people didn't feel I was old enough to make the decisions I was making, my age worked to my advantage. Compared to the 47 year old male who I was working with, I had much more success getting juveniles to open up to me. Their general response to Jeff, my supervisor, was hostility and resentment. Because I was so close to their age, the kids I worked with felt more comfortable being honest with me and gave me much more information than Jeff could ever get out of them. Originally thinking that being female would help people feel more

comfortable, I found out the opposite. Most of the people I dealt with were male and most of them seemed hostile towards women in general. In this respect, Jeff got more acceptance with these hostile juveniles. Overall, however, I could easily gain the trust of most all individuals and was at an advantage for getting people to open up to me.

As a hopeful optimist, I did have to change my feelings towards the results I could accomplish as a probation officer. Because I want too much to help people, I had difficulty seeing through those who initially lied to me and convinced me to feel sorry for them. During the internship, I realized that people are extremely complex and I became more distrusting and suspicious. While the internship didn't necessarily callous me to sensitive issues, I did learn to separate my deep personal values from my professional decision making. I learned that not everyone is going to benefit from probation and I learned not to take things at face value. For the first time in my life I started looking for the bad in people instead of the good. Because I was exposed to delinquents that show no signs of rehabilitation or behavior changes, I grew much less hopeful about the futures of some of these juveniles and far more critical of their criminal activity. In the short time I spent working with juvenile delinquents, I learned that some of these kids have little or no chance of straightening out their lives. After seeing so many kids return to delinquent behavior, my optimism and confidence have faded.

The internship experience helped me to examine my own values

and ethics. It was sometimes difficult to keep personal feelings from interfering. Trying to help people who have no morality or conscience often becomes frustrating and disheartening. It was amazing to see the number of children who had absolutely no morals or respect for their fellow man. It should have come to no surprise that they aren't going to have any respect for others when they don't even respect themselves. Many of these kids have absolutely no authority in their lives so they don't feel the need to respect anyone. Many of the juveniles that passed through the system just don't understand why they are being punished. Cause and effect means nothing to them. For some kids, their battle with the court is the first time they aren't in complete control. Some of the family structures are so weak that a fifteen year old is calling all of the shots and setting his own rules. When kids like this come into the system, they are put back in their place and often become extremely rebellious. The vast array of personal and family system problems encountered when dealing with these juveniles made me appreciate my own lifestyle and family situation. Maybe because I don't think like a criminal, but I just could not comprehend how some of the juveniles can live the lifestyles they do and not be affected by their criminal activity.

Many parents call upon the probation officer to help them manage their own children, even if no criminal offense has taken place. They parents feel out of control and want someone else to take over the responsibility of determining how to handle their children. Because the probation officer really has no authority

to deal with juveniles who are not delinquent, these cases are difficult to deal with. Many parents will call and want to set up an appointment immediately because they just can't stand to live with their kids another day. In order to weed out the real problems from the huge number of families who claim to be in "crisis", the probation officer often grants these families an appointment, but sets it at least a week down the calendar. It was amazing to see the number of parents whose emergencies were no longer in the crisis stage and who had called back to cancel their appointments within the following week. While the probation officer has no legal authority over these kids, the parents often have no one else to turn to for help. The probation officer is in the same situation when kids come to him because they can't stand living in their house and they want to be placed elsewhere. Legally, the child will be considered a runaway if he just leaves home, so the only other options are emancipation or out of the home placement. Emancipation is granted only by the judge, and only if the child has the means for independent living. This is rarely the case, so for most children it isn't even an option. Out of the home placement is paid for by the state and can only be used for kids who commit non-status offenses. Many of the kids who seek the probation officer's help aren't delinquents, but rather kids who have unbearable home lives and no other options. In either of these situations, the probation officer can only present the facts and give them their options. It is some times difficult to explain to parents and juveniles alike, that the probation officer is in

no position to rescue them or perform social service.

The internship experience allowed me to see another side of the criminal justice system that was never explained in any textbook. In reality, the system is far from textbook description. As I encountered the problems of a probation officer, I began to realize how many difficulties there are with the current criminal justice system. The biggest problem in my particular county when it comes to juveniles is lack of concern. Some of the kids are in trouble so often that local authorities tend to give up on them and ignore them because they are just too much work. Also, the small community tends to label certain families who are always in trouble as worthless troublemakers. Unfortunately, the children born into these families are faced with the stigma of their relatives and aren't even given a chance. Officials are so tired of dealing with the same old family problems that they don't even know where to start. As a result, the family keeps producing kids who already have their fate decided for them and the number of criminals increases. It is also a regular occurrence for juveniles to get "lost" in the system and in turn get off probation having had no supervision or intervention of any sort. Because the standard length of probation is six months, these kids cancel and reschedule enough to get by without ever meeting with their probation officer. With the ever increasing caseload of the average probation officer it is impossible to keep track of every young person who comes through the door and some do slip by without meeting any of the conditions of their probation. Those juveniles who are

within six months of turning 18 face the same possibility. If their crime was committed as a juvenile, they must be handled through the juvenile court. However, if their probationary term goes beyond their eighteenth birthday and they fail to meet the conditions of their probation, they cannot be detained in a juvenile facility. In the same respect, no adult detention center can hold an individual for a crime committed while a juvenile. In essence, some of the juveniles who are just about to turn 18 can get away with criminal behavior and are granted a "freebie" because they don't fit in anyone's jurisdiction.

Probation could be a much more efficient service if there was a centralized system of monitoring the juveniles. Because each county probation department is operated differently, it is difficult to supervise delinquents whose probation is transferred from another area. When the juveniles are moving from place to place, it is often difficult to continue probation supervision, and almost impossible to complete any therapeutic treatments or counseling sessions. In order to make probation more effective and to efficiently supervise juveniles, there needs to be a centralized computer record to keep track of everyone as they go between counties. Not only would this help to keep track of probationers and successfully monitor them, but it would make the job of the probation officer much less work. If a juvenile moves to the county and enters the juvenile justice system, the probation officer in the county could have up to date, valuable information about the juvenile's prior record and probation status. Without the time to do extensive background

investigations or the combined records of other counties, a probation officer has no way of knowing anything about the juvenile's past other than that which is self-reported.

Despite all of the difficulties and stresses of probation work, the internship proved to be an invaluable teaching tool. I had the opportunity to become familiar with my own limitations and capabilities while understanding how the agency operates. Because of the agency's small size, I was involved in a variety of duties and provided several different services. I realized the benefits of supervision and used this opportunity to facilitate my professional growth. In addition to much positive feedback, I received constructive criticism which helped develop my skills and perfect my technique.

A major function of the internship was to acquire knowledge and develop basic skills of criminal justice intervention through the rendering of services. I feel that the internship helped me to develop adequate skills required to intervene and handle situations appropriately. I also learned to successfully utilize the resources available. Establishing and maintaining good relationships with police and court officials proved to be valuable to gather the appropriate information and provide successful recommendations and supervisions.

Integrating theoretical learning and practical experiences proved to be a difficult task. All theoretical possibilities do not constitute practical possibilities in the field. By analyzing the factors involved, I learned to determine the level of intervention necessary, make recommendations, and motivate

offenders. I feel I developed both professionally and personally throughout the internship experience. It was possible to develop relationships with other co-workers and clients as well as gain professional knowledge about the duties of my chosen profession. Personally, I learned to detach myself from stressful situations and the problems that I was forced to deal with on a daily basis. The internship helped me to become empathetic and open-minded, while not becoming too emotionally involved.

While my initial interest in juvenile probation was because it appeared to be easier than handling adults, I found out this was not the case. I have chosen, however, to continue my interest in juvenile probation, now not because it is easy, but because I enjoy the diversity and challenge of dealing with these individuals. Although it is a thankless job with more than its share of disadvantages, probation work still appeals to me and will be the focus of my employment search. More beneficial than could have ever been imagined, the internship experience was full of useful experiences and knowledge that prepared me to jump in with both feet and enter the workforce.