

Between Juvenile and Adult Courts: A No Man's Land for the Youthful Offender

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In the great majority of states all persons who have not reached their 16th birthday are within the original, exclusive jurisdiction of the juvenile courts. All those who have reached their eighteenth birthday are within the exclusive jurisdiction of the adult criminal courts. It is the remaining category—16 and 17 year olds—with which this paper is concerned. Most states have some provision for transferring 16-or 17 year old defendants between juvenile and adult courts. Usually the responsibility for the transfer rests with the juvenile court—a youth's case is considered first by a juvenile judge who decides whether to transfer it to the adult court. Transfer statutes typically require certain basic findings by the court, such as the nature of the offense and amenability of the accused to rehabilitation. Yet, while most codes now require an investigation prior to the decision as to transfer, few (with the model exception of Texas) indicate what specific criteria are to guide the judge in deciding whether to transfer the youth.¹

In the case of Connecticut, which we will discuss in detail, the statute provides no guidelines as to the procedure or criteria for determining whether the case of a youth shall be handled in the juvenile court. Where criteria (other than age²) do exist, they are most often based on classes of offenses. Fourteen states and the District of Columbia, for example, transfer to the adult court only if a felony is alleged.³ A typical statute is that of Tennessee which permits transfer to adult court (1) if the defendant is accused of a felony and there is a

finding that he is unamenable to rehabilitation or (2) if there is probable cause that the youth is guilty of rape, first degree murder or robbery with a deadly weapon.

Beyond that, the statutes give little direction to the courts. Several states require a finding that adjudication in a juvenile court would be contrary to the best interests of the child or the community.⁴ Maine allows adult court trial when there is probable cause to believe that the accused is a menace to the community; Pennsylvania has a similarly vague provision. In Alabama, trial in the adult court is permitted if a judge is convinced that a juvenile cannot be made to lead a correct life; but an appeals court has reversed a transfer in a murder case, saying that the Juvenile Court could not disregard evidence of seventeen witnesses as to the good reputation of the accused.⁵

Texas is one of few states to provide statutory guidelines for the court considering transfer. Its law requires the judge to consider whether the crime was one against the person; whether it was committed aggressively and with premeditation; whether there is evidence upon which a grand jury may be expected to indict; the sophistication and maturity of the accused; his or her record and previous history, and the likelihood that the public will be protected and the accused rehabilitated by juvenile institution methods.⁶

Surveys indicate that, in the absence of statutory criteria, judges improvise. The response to one such survey indicated judicial consideration of the probable length of the adjudicatory process, the seriousness of the offense and any prior failure by the accused to respond to treatment, the "hopelessness" of the case, the attitude of the accused and the resources of the correctional institutions. Commenting on the results of the survey, the Advisory Council of Judges (of the National Council on Crime and Delinquency) noted that "all except the last of these criteria are in conflict with juvenile court philosophy." More recently, a Presidential commission found the following to be the most frequently considered factors: seriousness of the alleged offense; the aggressive, violent, premeditated, or willful manner in which the offense was committed; the sophistication, maturity and emotional attitude of the child; his prior record, and the proximity of the juvenile's age to the maximum age of juvenile court jurisdiction.⁸

In its survey of fifty juvenile courts in the late 1950's, the National Council on Crime and Delinquency reported that every juvenile court questioned conducts some sort of investigation or hearing prior to making a decision to transfer. In some states where the statute requires a full hearing, the probation officer's investigation by itself has been ruled an insufficient basis for transfer.⁹ The Standard Juvenile Court Act contemplates transfer only on the findings produced by a hearing and with a certification by the court that certain criteria have been met.¹⁰

The right to a hearing was raised to quasi-Constitutional status in the decision of the United States Supreme Court in *Kent v. U.S.*¹¹ The Court was construing a District of Columbia statute permitting transfer from juvenile to adult court after investigation. Yet the Court spoke in broader due process terms, requiring a

hearing although none was provided for in the statute and indicating that the transfer process in any state may involve Constitutional questions. In *Kent*, the Supreme Court was concerned with the lack of any genuine hearing in the transfer of a 16 year old accused of house-breaking, robbery and rape. The Court underscored its concern with the Constitutional right to due process and to counsel in the following passages:

"It is clear beyond dispute that the waiver [transfer] of jurisdiction is a 'critically important' action determining vitally important statutory rights of the juvenile.

. . . [T] here is no place in our system of law for reaching a result of such tremendous consequences without ceremony—without hearing, without effective assistance of counsel, without a statement of reasons.

. . . An opportunity for a hearing, which may be informal, must be given the child prior to entry of a waiver order. . . Appointment of counsel without affording an opportunity for hearing on a 'critically important' decision is tantamount to denial of counsel."¹²

In addition to requiring a hearing, the *Kent* case required access by defense counsel to the social records presumably considered by the court in making its transfer decision and a statement by the court of the reasons for its decision with "sufficient specificity to permit meaningful review."¹³ The case, however, did not reach the question of what criteria should be the basis for waiver of jurisdiction.¹⁴

Transfers in Connecticut

In the State of Connecticut, 16 or 17 year olds accused of crimes are not brought first to the juvenile court. With the exception of those who are arraigned pursuant to a bench warrant by the Superior Court, youthful accused are always brought first to the Circuit Court. Connecticut General Statute 54-1a authorizes the Circuit Court to transfer 16 and 17 year old offenders to the Juvenile Court at the discretion of the Circuit Court judge. If the accused has no previous juvenile or criminal court record, the Juvenile Court must accept his case when referred by the Circuit Court. If, however, the accused has previously been convicted of a crime or been adjudged delinquent, the Juvenile Court has the option of refusing jurisdiction.¹⁵ *The current statute provides no guidelines for determining whether a youth shall be transferred to the Juvenile Court.*

A prime consequence of the broad mandate of the transfer statute is wide variation in the transfer procedures followed by Circuit Courts throughout the State of Connecticut. For example, with respect to the motion to transfer one Circuit Court judge asserted that he will consider transferring a case to the Juvenile Court only upon motion by the prosecution or by defense counsel. Another judge stated that he has set in motion the transfer mechanism on his own initiative in order to "avoid the stigma of a criminal record" for the offender.

A further consequence of the nonspecificity of the transfer statute is that there may or may not be an effort to investigate the social history of the youth to discover whether he will be amenable to rehabilitation by the

juvenile system. There is no such requirement in the statute and thus the practice varies from court to court. An investigation may be undertaken by the Family Relations Board of the Circuit Court. One prosecutor informed us that he himself often handles this matter. Such an investigation may entail conversations with parent and child and an inquiry into previous juvenile or adult court records. Investigation may be initiated by the prosecutor before the case comes before the judge; it may be requested by the judge, or it may not be undertaken at all, since the court is empowered to make the transfer decision without it. Our impression from talking to lawyers is that as often as not there will be no investigation at all.

As with the other aspects of the transfer procedure, the grounds for the decision to transfer a case to juvenile authorities vary throughout the state. One prosecutor commented that he virtually never opposes a motion to transfer an accused who has no prior record. He indicated that until recently judges transferred first offenders almost automatically. He suggested that judges are currently being more discriminating and are making an effort to exercise the broad discretion which the statute grants them. This prosecutor felt, however, that judges usually followed his recommendations as to transfer. Conversations with circuit judges throughout the state indicated that most of them base their transfer decisions on the seriousness of the offense and their assessment of the defendant's chances for rehabilitation. Judges considered narcotics cases to be too serious to transfer; indeed they generally expressed reluctance to transfer any felony, especially those such as mugging or robbery which involve violence. At the other end of the behavioral spectrum, judges generally did not consider traffic violations to be serious enough to warrant invoking the transfer mechanism. One judge expressed reluctance to transfer any case to the Juvenile Court, stating that in his experience nine out of 10 cases were so-called "companion cases" in which at least one of the parties involved was over 18 and he considered it unfair to handle the offenders—who presumably were equally culpable—on a different basis solely because of a slight age difference. The prior record of the accused, the chances for supervision at home and parental attitudes were other factors mentioned as affecting the likelihood of transfer.

The pattern of transfers is also strongly affected by the attitude of the Juvenile Courts. First offenders transferred by the Circuit Court must by statute be accepted by the Juvenile Court. One probation officer informed us of a recent case involving a first offender charged with armed robbery with violence, which was transferred against his recommendation. As to second offenders, however, the Juvenile Court has statutory discretion to reject a transfer. At least two Juvenile Courts seem to reject the recidivist automatically and without a hearing.¹⁶ In weighing whether to accept the transfer of a second offender, the following considerations, noted in a statement by a Juvenile Court judge, may be involved:

"In determining whether to refuse jurisdiction of second offenders referred to us from Circuit Court, we take into consideration the nature of the offense for which the child was adjudicated and his response to any attempt

by the court through probation or otherwise to change his behavior in the past. We may also take into account the length of time elapsing between the adjudication and his present involvement and the type of record he has made for himself in the interim. . . . We try to look at all the factors which would indicate whether or not probation would be successful."

Yet, there seems to be a strong tendency toward automatic rejection of the second offender. The same judge said:

. . . [F] or the most part we would refuse second offenders simply because of the volume of first offenders referred to us [from the Circuit Courts], which is well over twenty per cent of all referrals [from adult courts]. We feel that our efforts with the 16 to 18 year olds take time away from those under whom we feel we have more chance of helping.

One probation officer explained that the reasoning behind rejecting most second offenders is that the youthful offender should be granted one chance to benefit from the Juvenile Court system; if he does not reform, he must be prepared to face normal criminal sanctions on succeeding offenses. The probation officer also noted the crowded docket of the Juvenile Court as a reason for automatically rejecting "repeaters." He said that exceptions are made in such cases only if a probation officer has special reason to believe that the accused will be amenable to probation, or if the defense counsel gives some special reason why the accused should not have to face criminal punishment (imminent enlistment in the army was cited as one such reason).

It would be most interesting to be able to compare the disposition of those in the 16 and 17 year old group who are transferred with disposition of those who are not. Unfortunately, statistics are not available at present.¹⁷ We include the following information, however, to give the best available picture of the results of the transfer process. The statistics which are available confirm our information that most transfers involve minor offenses, and that, overall, the percentage of the age group in question which is finally dealt with by the Juvenile Courts is much lower than in other states.¹⁸ In 1968 the Juvenile Courts disposed of 2,705 cases transferred from the adult courts. (The Juvenile Courts dispose of eight to ten thousand cases of juveniles under age 16 each year). During the period from January 1 to June 30, 1968, out of 2,455 criminal cases involving 16 and 17 year olds which were handled by the Circuit Courts, 1,095 were transferred to the Juvenile Courts. The most frequent offenses transferred were breach of peace (298), breaking and entering with criminal intent (131), theft of goods exposed for sale (98), theft (96), intoxication (77), and using motor vehicle without permission (87). No homicides were transferred, but two cases of statutory rape were, as were four cases of robbery with violence and two cases of holdup. One hundred eighteen cases were bound over from the Circuit Court to the Superior Court.¹⁹ In addition to the 2,455 criminal cases handled by the Circuit Courts in this period, there were 2,618 traffic offenses, only 63 of which were transferred to the Juvenile Courts.

Juvenile Court judges may assign any youth adjudged

delinquent to judicial probation, grant him a dismissal with warning and non-judicial supervision or commit him to the Department of Children and Youth Services. The maximum permissible commitment to the Department is two years (extendable for another two years).²⁰ The Department may commit a 16 or 17 year old who has been referred to it to the Connecticut School for Boys at Meriden or the Long Lane School for Girls. The Department is currently trying to develop other options.

A youth who is not transferred to the Juvenile Court and whose sentence is not suspended will be placed in the custody of the Department of Corrections with either a "straight" sentence with a fixed term or a so-called "indeterminate" sentence with a fixed maximum only. In the case of misdemeanors the maximum term allowable is two years with a parole hearing uniformly granted at nine months. The 1969 revisions to the Criminal Code which will become effective in 1971 specify that one year is the maximum sentence allowable for misdemeanors. In the case of indeterminate sentence felonies the maximum allowable sentence is five years with parole hearings uniformly granted at 15 months. The timing of these parole hearings is apparently the result of department practice, not statute. Those serving jail sentences ranging in duration from 20 days to one year are not eligible for parole but can earn so-called "good time" which automatically accrues in the absence of disciplinary infractions at the rate of five days per thirty of sentence (thus, a one-year sentence may be reduced with good time by 5 days each month. After 10 months, a one year sentence may be reduced by 50 days). We were assured by officials of the Department of Corrections that departmental practice requires that disciplinary infractions resulting in the failure to accumulate good time can be imposed only under the direction of the Commissioner of the Department of Corrections.

The timing of the granting of parole is affected by two principal considerations. First, the purpose of parole is to allow an offender to return to society relatively quickly in order to minimize the psychic and social isolation which imprisonment produces. During the parole period an offender should be given support of a type which will enable him to adjust more successfully than before. This theory of supported re-entry into society is implemented by early releases from confinement and relatively long parole periods. The second factor affecting releases to parole is the severe under-staffing of the Parole Bureau. Currently manned only on a part-time basis, it can administer its caseload only by treating all uniformly, despite the strong arguments in this area for consideration of each case on its individual merits.

All male offenders between the ages of 16 and 20 sentenced by adult courts are sent either to the Connecticut Correctional Institute in Cheshire (a reformatory) or to the Portland Camp (forestry, minimum security institution). Any youngster sent to Portland must have a sentence of not longer than 90 days and a record free of drug dependency, violent crimes and prior escapes.

In one to three per cent of the cases of 16 and 17 year olds committed to the Department of Corrections, a prison sentence of 10 to 15 years has been levied. Even

in these cases the Department of Corrections sends the youthful offender to the reformatory until he reaches majority, at which time he is transferred to prison. Up to now no 17 or 18 year old has ever been transferred from the custody of the Department of Corrections to that of the Department of Children and Youth Services, although in the case of a very immature youth such transfer might conceivably be ordered.

Young women fare less well than men. All female offenders, regardless of age, offense, or length of sentence are sent to the Connecticut Correctional Institute in Niantic, which serves as a combination jail, reformatory and prison. Within this institution there is no segregation of the 16 to 20 year old age group from the older population, nor is there any appreciable age distinction in the range of activities permitted.

Questions of Policy

Considering the high crime rate among persons between the ages of 16 and 25,²¹ together with the different rates of maturation among different people, it is not surprising that the law places 16 and 17 year olds in a limbo status with one foot in the juvenile system and the other in the adult. Drawing the age line on the assignment of youths to courts is bound to be a somewhat arbitrary process, as the President's Task Force Report points out.²² But the Report opposes reducing the maximum age jurisdiction of Juvenile Courts from 18 to 16, noting that the commission of heinous crimes by 16 or 17 year olds is "relatively rare and often involves mental disturbance or some other ground for a totally different disposition"²³ than criminal conviction. Despite the position of the Task Force, one commission of the Connecticut legislature (the Coles Commission) recently rejected a proposal to extend the original and exclusive jurisdiction of the Juvenile Courts to the age of 18. The Commission, which included among its 11 members two judges of the Juvenile Courts and two from the Circuit Courts, said it "heard no convincing, logical reason" to extend the jurisdiction. The report cited testimony by officials of the Connecticut School for Boys and Long Lane School for Girls which recognized the need for rehabilitative treatment but opposed an approach which would commit 16 and 17 year olds to institutions housing younger offenders. The report also noted that the Juvenile Court "is overburdened with transfers from the Circuit Court, constituting one-quarter of the total number of referrals."²⁴

One Juvenile Court judge who approved of limiting the jurisdiction of the Juvenile Court to those not having reached their 16th birthday stated the following to us in a letter:

"I would like the juvenile jurisdiction to cut off at 16 *but only* if some kind of special procedure were made available for minor first offenders between the ages of 16 and 21 (or 25) to prevent the acquisition of a permanent criminal record. Children under 16 have certain characteristics in common:

a) Prohibited by law from most gainful employment (General Statutes Section 31-3 (a))

- b) Required by law to attend school.
- c) Required by law to live within the control of a parent or guardian.
- d) Most child guidance clinics and medical facilities draw a line at 16 for the treatment of young people as 'children'.

At 16 a child may quit school, go to work, live apart from his parents and seek medical or psychiatric help on his own in adult facilities. While still a minor and disabled from the exercise of other rights (voting, marriage, making contracts, etc.) more doors open for the first time at 16 than at 21. For this reason 16 (or possibly 17 for purposes of transition) seems a logical cut-off age for this court. . . . I hope you and the Commission will deliver. . . . a sound Youthful Offender Act and an end to the present unfortunate transfer provision."

Another Juvenile Court judge with similar views noted that the juvenile system's facilities for treating the older offenders are inadequate and with that group one gets into the whole problem of youngsters who are no longer required to attend school and who may drive. . . . I think this would dilute the whole thrust and efficacy of the special handling of juveniles by a specialized court. We would also not have the help of parental authority in dealing with these youngsters since they may, under our law, leave home at 16.

On the other hand, the Subcommittee on Juvenile Delinquency of the Governor's Commission on Criminal Justice recently recommended that the exclusive jurisdiction of the Juvenile Courts be raised to include 16 year olds. That subcommittee was chaired by the chief judge of the Juvenile Courts. Our view is that except where the security interests of society necessitate transfer, the Juvenile Courts should have jurisdiction of 16 and 17 year olds. We feel that in this critical age group an emphasis should be placed on rehabilitation and the avoidance of the criminal record. If the lack of parental support is a problem with the 16 and 17 year olds, this simply makes the duty of the state to provide rehabilitative facilities that much more clear.

In Connecticut the 16 or 17 year old defendant is brought first to the adult court and may be transferred to the Juvenile Court. In most states the process works in the opposite direction. It would apparently be impossible to reverse the process in Connecticut without a change in the juvenile system (which currently reports that it is overburdened, and has only six judges). The Connecticut approach has been criticized by the President's Task Force:

"It is undesirable for the [jurisdictional] decision to be made by the prosecutor or adult court judge, who is less likely to be familiar with institutions and other treatment resources and less accustomed to concentrating on the individual aspects of a given case."²⁵

There are those who oppose the transfer procedure altogether and who would extend Juvenile Court jurisdiction to age 18 or 21. The author of one article in this vein attributes the existence of the transfer statutes to the need to satisfy retributive and scapegoat demands of communities not willing to accept blame for their own failure vis-a-vis youth.²⁶ Another law review article on the matter notes that reasons in conflict with the

philosophy of the Juvenile Court system may lie behind the transfer statutes—outrage of the community, lack of facilities, financial position of parents who cannot afford private commitment.²⁷ Yet the same authors note that a safety valve is probably necessary with regard to the chronic offender.²⁸ Another commentator concludes that the real reason behind the transfer statutes is the fear of giving liberty at age 21 to dangerous criminals.²⁹

It is by no means clear that the criteria used for transfer in the various states are logical or appropriate. For example, home environment is an item frequently considered, and yet it has been noted that most delinquents are not from broken homes.³⁰ Consideration of the seriousness of the offense has been defended on the ground that adult courts are responsible for the security of society and must retain authority in that area.³¹ But this viewpoint has been opposed by the argument that:

It would be more consistent with the purposes of a juvenile code if waiver were based on findings about the child rather than findings about the offense. The amenability of the child to rehabilitation should be more important than the heinousness of the offense.³²

Similar objection may be raised against an emphasis on past record: "What is convenient for the local authorities is not necessarily best for the child."³³

Accepting the need for waiver as a necessary evil, two prime authorities suggest criteria to be used: The President's Task Force recommended that a youth older than 16 not be transferred to adult court unless it is found that he is accused of at least a felony, that his prior record shows repeated serious offenses and that his treatment record is discouraging.³⁴ The National Council on Crime and Delinquency recommended that factors considered should include the background and character of the youth, the viciousness or violent nature of the offense and the comparative capabilities of available facilities of the adult and juvenile systems.

Recommendations

We recommend changes in the Connecticut statutes which will make the Juvenile Court the court of first instance for sixteen and seventeen year olds accused of crime and which will require a full investigation of the background of the youth and a full hearing (following the *Kent* case) before transfer can be made to the adult courts. We also recommend a series of specific criteria be applied by the court in deciding whether to transfer.

Investigation, hearing and specific findings should eliminate the arbitrary element which inheres in the current Connecticut procedure. As to the criteria for transfers, our recommendations are an effort to strike a careful balance between the rehabilitative ideal of the Juvenile Courts and the security interests of society. Under the proposed criteria, the case of a 16 or 17 year old would be adjudicated in the Juvenile Court, unless findings were made that (1) the youth has committed an offense which makes him a grave danger to the community (such as an offense against the person or one

committed in an aggressive manner) and for which an adult court could sentence him for a period extending past his minority, (2) the youth is likely to be unamenable to rehabilitative treatment (such finding to be made primarily on the basis of a discouraging treatment record combined with repeated serious offenders). These provisions allow for the legislative judgment that those convicted of certain crimes may, in the interests of society, need to be incarcerated for a length of time which the ordinary juvenile system does not allow. But the criteria insure that if it is not the case that the individual is accused of an offense for which he could be incarcerated past his minority, the fact that an individual is dangerous should not, by itself, be sufficient to support jurisdiction in the adult court. We suggest that the burden should be placed upon the state to provide separate facilities to keep such youths separated from less aggressive offenders. The state should not be permitted to take lightly the matter of giving a youth a criminal record, nor should it cease giving priority to rehabilitation until the security interests of society are overriding. The recommended criteria for transfer draw on the proposals of the President's Task Force and the National Council on Crime and Delinquency, and statutes of other states.³⁵

As this article goes to print, the legislature in Connecticut is considering a bill which, if well drawn and well administered, would be a valid alternative to the approach suggested in this article: the proposed "Youthful Offender" statute. It would also have to be accompanied by improvements in staff and facilities if the reform is to be more than nominal.

Whatever decision Connecticut eventually makes, a similar situation will still exist in many states throughout the nation. The general policy considerations which are discussed here must be considered by any state interested in reform of its treatment of young offenders.

1. 18 *U. Of Kan. L. Rev.* 55, at 56, 67 *President's Task Force* at 24.
2. Most states specify a minimum age below which children may not be tried in the adult courts. Some states allow transfer to adult court at any age (N.H.). A few allow transfer to adult courts of any serious felony but set a minimum age for other offenses (Tenn.) 18 *U. of Kan. L. Rev.* at 56.
3. Fla., Hawaii, Idaho, Ky., Mich., Miss., Mo., Nev., N.H., Ohio, Tenn., Tex., Utah. 18 *U. Of Kan. L. Rev.* at 57.
4. Ga., Iowa, Mass., N.M., Ore., Tex., Wis. 18 *U. of Kan. L. Rev.* at 63.
5. *Id.*
6. *Texas Revised Civil Statutes*, Art. 2338-1, Sec. 6.
7. *Crime and Delinquency* 3 at 5. (8)
8. *Task Force*, App. B. Table 5.
9. *Tilton v. Commonwealth* 196 Va. 774, 855 SE 2d 368 (1955).
10. 383 U.S. 541 (1966).
11. 383 U.S. 541 at 554.
12. *Id.*
13. 383 U.S. at 561.
14. 114 *U. of Pa. L. Rev.* 1171 at 1206-12.
15. CGS § 54-1a (effective June 1967).
16. There is some question as to whether this may controvert Public Act 794, Sec. 6. (Jan. Session, 1969) which requires that any complaint filed with the Juvenile Court be followed by an investigation to determine, *inter alia*, "whether the interests of the public or the child require that further action be taken."
17. We are informed that the Planning Committee on Criminal Administration will soon have this data.
18. Commission to Study the Connecticut Juvenile Court System and Procedures (the Coles Commission).
19. A 16 or 17 year old is usually brought first before the Circuit Court – he may, however, be brought before the Superior Court in the first instance if there is a bench warrant (as in a homicide case). Or he may be bound over to the Superior Court on the state's initiative.
20. Conn Stat. Anno. § 17-69 (P.A. 664, Sec. 10, Jan. Session (1969).
21. FBI Uniform Crime Reports.
22. *Task Force* at 100.
23. *Task Force* at 25.
24. *Commission to Study the Connecticut Juvenile Court System and Procedures* (the Coles Commission) at 9-10.
25. Commission to Study the Connecticut Juvenile Court System and Procedures (the Coles Commission) at 24, 99.
26. 9 *Crime & Delinquency* 128.
27. 18 *U. of Kan. L. Rev.* 55 at 69.
28. *Id.* at 61.
29. 114 *U. Pa. L. Rev.* 11fl at 1206-12. See also *Task Force Report on Juvenile Delinquency* at 24.
30. *Task Force* at 99.
31. Robert Caldwell, 51, *J. Crim. L. C & PS* 493, 509 cited in 19 *Vanderbilt L. Rev.* 833 at 845.
32. 18 *U. of Kan. L. Rev.* 55 at 62.
33. *Id.* at 59-60.
34. *Id.* at 25.
35. The following law review articles discuss the transfer question at length: 19 *Vanderbilt L. Rev.* 833; 21 *Baylor L. Rev.* 333; 18 *U. of Kan. L. Rev.* 55; 30 *Ohio State L. J.* 132; 9 *Crime & Delinquency* 12; 114 *U. Pa. L. Rev.* 1171 (1206-12); 67 *Col. L. Rev.* 313-320; 54 *Minn.* 389ff. Cf. also *Task Force Report: Juvenile Delinquency and Youth Crime: Task Force of Juvenile Delinquency. The President's Commission of Law Enforcement and the Administration of Justice*, pp. 24-5 and Appendix D.