Golembiewski, Robert T., Jerry G. Stevenson, and Michael White (eds). 1997. Cases in Public Management. Fifth Edition. Itasca, IL: F.E. Peacock Publishers.

18

Dilemma in Juvenile Court

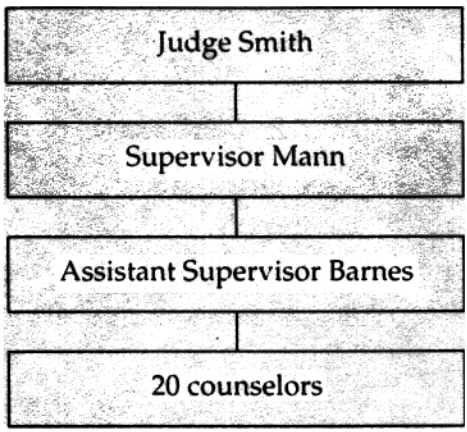
The people of Tidewater County take pride in the fact that their county has ranked very high nationally in population growth for the past 20 years. Over the last three decades, the county has grown approximately eightfold.

The Juvenile Court of Tidewater reflects this growth. Initially the juvenile section was merely a branch of the Tidewater County Criminal Court. It then consisted of one counselor, Ellen Mann, who was responsible for all juvenile cases that were not handled informally by parents or small town police officers. In the last decade, state statutes set up a system of separate juvenile courts. A judge was elected in Tidewater, and Mann was made his sole assistant. Four years later, Mann hired Harry Barnes to assist her in processing the increasing number of juvenile referrals. The court grew steadily with the county and currently employs 20 counselors (see Exhibit 18-1).

Bill Jones comes to work for the court as a counselor after obtaining his degree in criminology and corrections in 1982 at the state university. He is appalled at the backward operation at Tidewater, one of the larger juvenile courts in the state. He finds that almost all other counselors share his evaluation, and he soon becomes their spokesperson. After much griping and complaining among the younger counselors, Jones drafts a recommendation and takes it directly to the judge (see Exhibit 18-2). Jones and his contemporaries are convinced that if the recommendation is adopted, the efficiency of the court will improve markedly.

Judge Smith is shaken when he reads the recommendation in Exhibit 18-2. He is surprised that Jones had brazenly brought the information

Exhibit 18-1. Present Organization of Tidewater County Juvenile Court



directly to him instead of sending it up through Barnes and then Mann, as the structure in Exhibit 18-1 provides.

Judge Smith feels a lot of questions need answers. Is it true that all the new counselors are as upset as Jones claims? Why hadn't someone told the judge that his employees are so unhappy? It seems as if he is always the last to know. If this situation should leak to the press, he might have problems in next year's election. The judge is a lawyer, not a social scientist or an administrator. What had Mann or Barnes been doing to rile up these youngsters so much?

Exhibit 18-3, showing how Jones thought the court was currently running, looks accurate enough. The judge does not get involved in the process until the counselor handling the case brings him the pretrial investigation and discusses it with him. This usually occurs just prior to the hearing. The judge is a little surprised at how complex Jones had made the process seem, but it does appear to be completely accurate.

It appears to the judge that Jones was right in his statement that it will not cost much to institute the proposed change. Moving a few desks and throwing up a few wall partitions in the main office building should do it.

Jones's approach is brash, but his plan does appear to have some merit. If the kid went singing to the press, Smith also muses, he could stir up a lot more trouble than he is worth.

Judge Smith is leaning toward trying the plan but decides to get Mann's view on it before making his move. "Ellen," the judge requests,

Exhibit 18-2. Recommendations from Counselors

Dear Judge Smith:

Your court is unhappy. The procedures followed here were outdated 20 years ago. All of the younger counselors agree with me; vast changes are needed.

The change that is needed most drastically, and could be instituted at very little cost, is a simple reorganization. The current counselor system stinks. As nearly as I can tell from observing it for a year, it works (or is supposed to work!) as I have depicted in the attached chart [see Exhibit 18-3]. The counties around us gave up this system some time ago. It simply places too much work on individual counselors. When counselors have to fool around with the police departments and running down parents for the first time, they let their probation work slip. If counselors concentrate on probation work (as they should!), the incoming cases stack up. This system would be fine if we only had three or four cases each to worry about. My current case load is 47 and growing every day.

I propose the system shown in the next two charts [see Exhibits 18-4 and 5]. This new system provides for a better division of work, specialization of counselors, and a more favorable span of control for the supervisors.

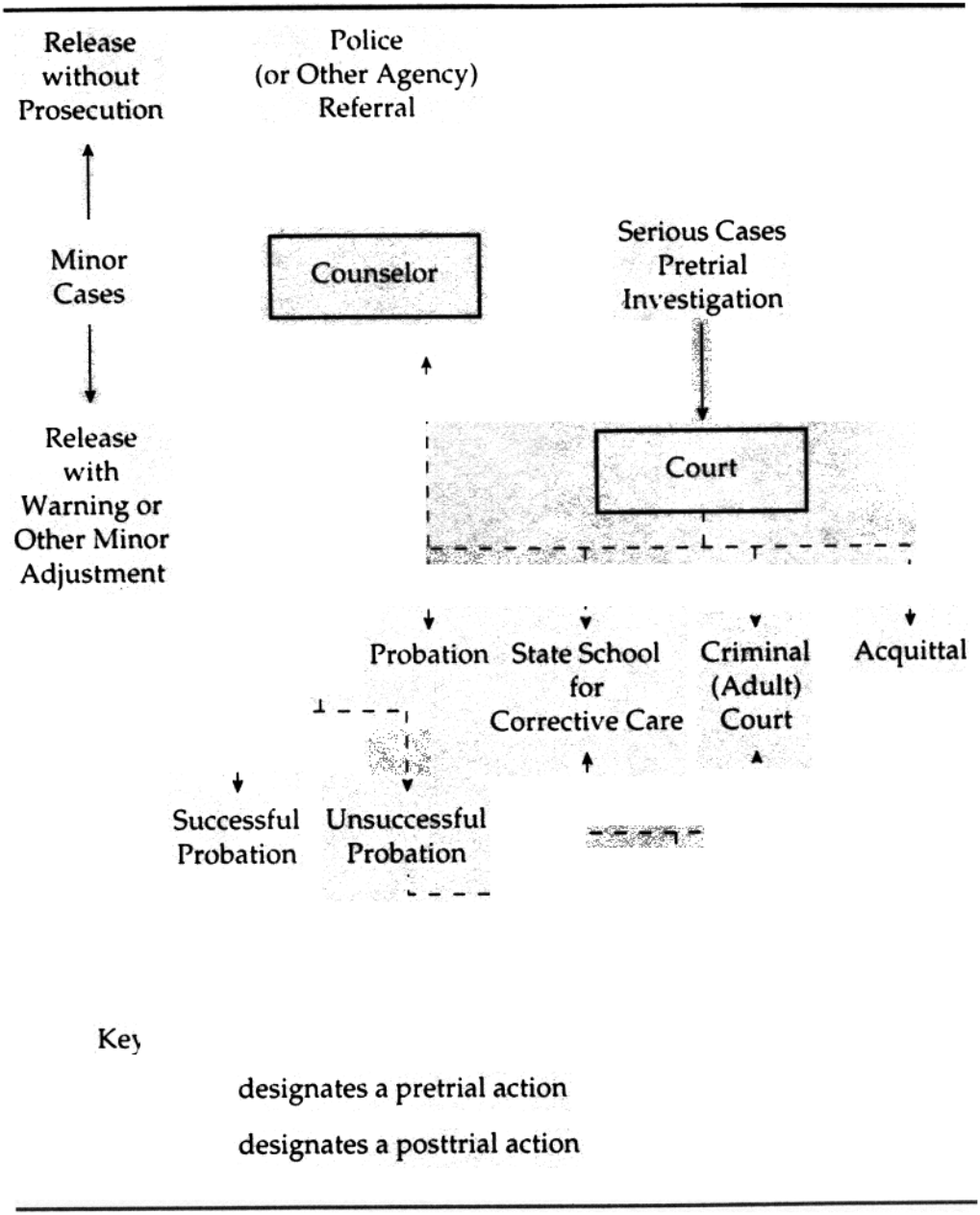
Respectfully yours,

Bill Jones

"I want you to take a look at this recommendation Jones handed me. I think the lad makes some good points, but I want your opinion before I make my decision."

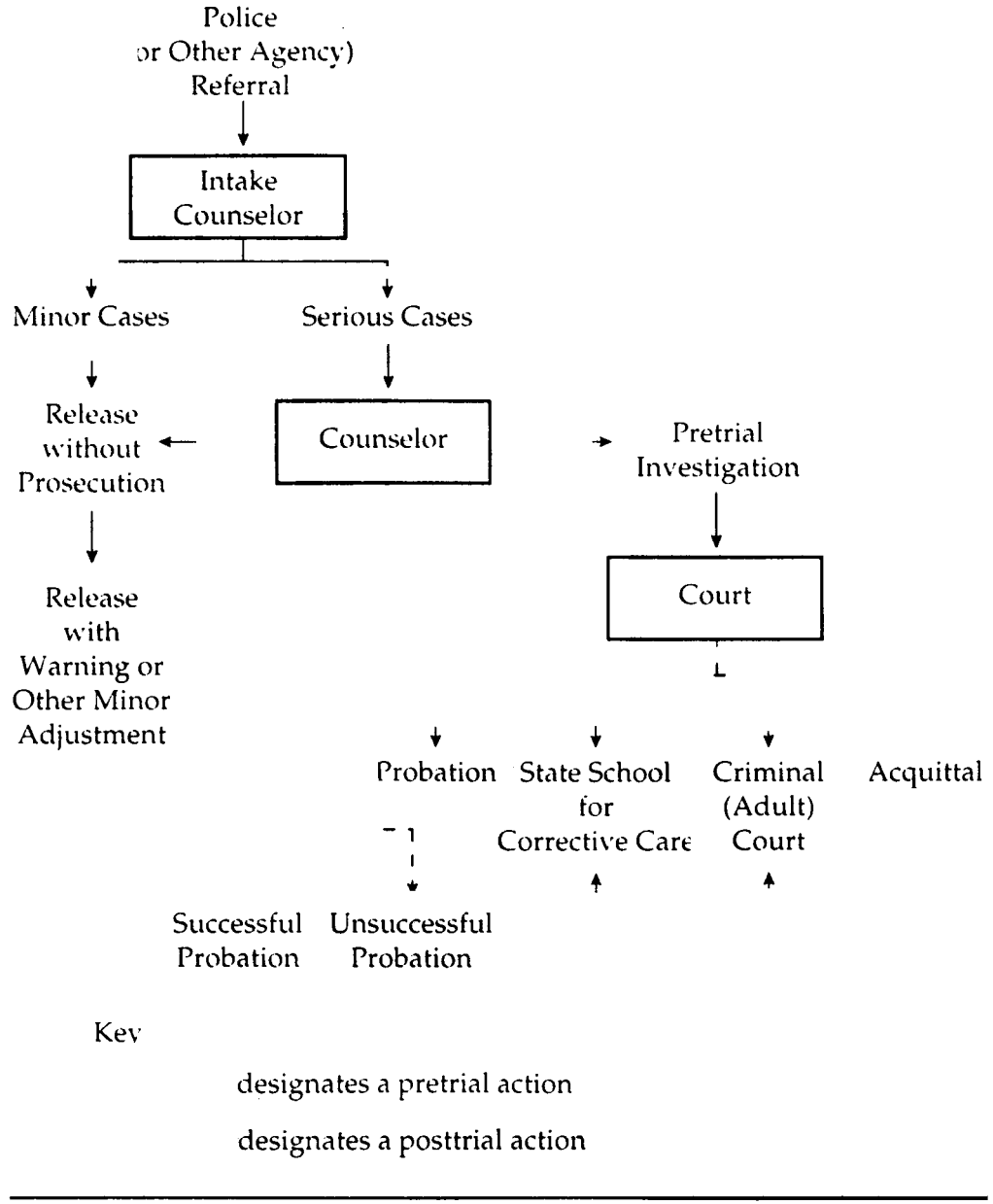
Ellen Mann has her own questions as she scans Jones's recommendation. Why is Jones concerned about "flows" when he has so many cases that demand his time? Why hadn't Jones brought this thing to her in the first place instead of bothering the judge with it? Didn't Jones know that Mann was the supervisor?

Exhibit 18-3. Present Flow of Cases



Mann is certain about two things. First, she knows for a fact that the new counselors are unhappy. The Supreme Court has really messed up the works. Imagine, juveniles now have all the same rights as adults. That isn't right. The delinquents are all getting lawyers and beating the charges against them. Mann has seen the discontent grow among the newer counselors.

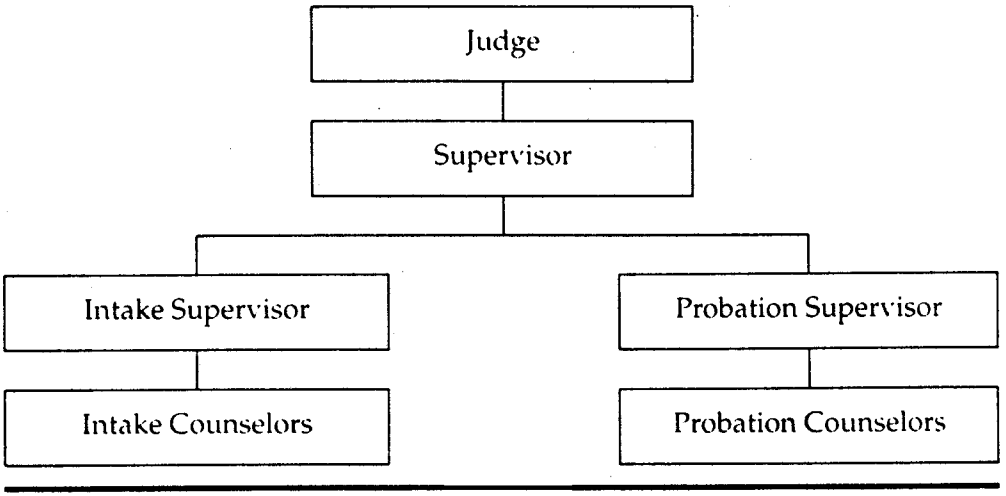
Exhibit 18-4 Proposed Flow of Cases



Second, there is no way Mann's schedule and work habits will allow her to make any reasonable sense of Jones's proposal. She calls on her assistant, Barnes. "This gobbledygook gets worse every year, Harry," she says. "Decipher it, and give me a reading on it in the morning, will you?"

Barnes cannot believe what he reads. The kid has gone and done it. He has submitted an asinine proposal to Judge Smith. Barnes wonders

Exhibit 18-5. Proposed Organization of Tidewater County Juvenile Court



why he had not advised Mann against hiring that smart aleck a year ago. As assistant supervisor, it would have been easy for Barnes to convince Mann not to hire Jones in the first place.

Things had been smooth before Jones started as a counselor, Barnes fumes. Until Jones arrived, there were no radical troublemakers stirring up animosity in the court. The court functioned perfectly well for the 15 years Barnes worked for it. The old system functioned well with two employees, and it was functioning well with 20 counselors. Time had proven its effectiveness. Under this old system, each child referred to the court has a single counselor appointed, depending on the district in the county where the child resides. This one counselor receives the referral from the police, conducts the pretrial investigation (when necessary), and is the child's probation officer if the judge decides on probation.

The beauty of this system is its simplicity, Barnes believes. The same counselor works with the same child from the time of first report to the court until release from probation or confinement. Every counselor has the opportunity to really get to know each child assigned to him or her.

As a former counselor, Barnes does know what a headache the "intake" process is. The police report is usually full of errors. The court records have to be screened to see if the child has ever been before the court. The child's school performance also has to be reviewed. Moreover, letters have to be prepared requesting the parents to bring the child in for an initial interview. Finally, the parents have to be hunted down if

they don't show. No doubt, intake processing is the worst job in the court.

But Barnes knows it can be done. In fact, he is the best intake counselor the court has. He knows the police and school officials, and he knows how to get parents and their children in for initial interviews.

Despite his competence with it, however, Barnes hates the intake process. He hates to have to run all over the county. He does not like to drive, and he does not like being out in the weather. As assistant supervisor, he is able to supervise the secretaries, run the office from inside, check the progress of cases, keep the court docket flowing, and devote a great deal of attention to his favorite area, probation counseling. Barnes is not about to casually threaten this personally comfortable situation.

In any case, Barnes considers the main goal of the court to be straightening out youngsters through probation. The probationers come in twice a month, report their grades and difficulties to the probation counselor, and are on their way. The counselor will make a little note as to what was said, and this will be entered into the child's file. The same counselor processes the intake, trial, and probation phases of each case. What could be more logical?

True enough, the adjacent counties had split their juvenile courts into intake and probation sections in the way Jones recommended. Any fool could see, though, that the rash reorganizations clearly had a disastrous effect on the morale of the personnel who were made intake counselors. Faced with the deluge of all the referrals in their respective counties, the relatively few intake counselors were unable to keep up.

Four of them in other counties left to go to other courts or agencies. It appeared strange to Barnes that, in spite of this, the governor's blue ribbon Committee on Juvenile Delinquency praised the action of these adjacent courts in adopting the newer system.

Barnes takes an early and definite position, as Jones learns when their paths accidentally cross as they are leaving the office on the very afternoon that the memo made the rounds. Jones had never seen Barnes so angry. The words are not merely spoken; Barnes spits them out at Jones. "So you thought things used to be miserable around here? Just wait...."

Several colleagues observe the encounter, and word gets quickly back to Judge Smith.