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THE RELATION OF JUVENILE COURTS TO OTHER AGENCIES

William G. Long

(Too little, far too little attention has been directed to the need for *coordinated* enforcement. Where many agencies are devoted to the task of preserving the peace, ultimate needs are difficult of accomplishment unless the fullest measure of cooperation exists between and among them. How *understanding and knowledge* can aid in furthering cooperation and in coordinating efforts is the subject of this timely article by Judge Long of King County Superior Court, Seattle, Washington, on "The Relation of Juvenile Courts to other Agencies." Dealing as it does with a problem which casts a sombering shadow over the entire enforcement process, the article is one of deep interest to the police, to the courts, and in fact, to all engaged or interested in maintenance of the public security. This was an address delivered before the Fifth Pacific Northwest Law Conference held at Pullman, Washington, January 25, 1944.—Editor.)

Ten years' experience in the Juvenile Court of King County, Seattle, Washington, has convinced me that no juvenile judge can effectively discharge his responsibility unless he is sufficiently interested in his job to have: (1) a clear understanding of the basic problems of delinquency and crime; (2) a clear conception of the basic philosophy of juvenile court law; (3) a clear understanding of the functions and responsibilities of other related agencies; and, (4) a wholehearted willingness to gear the court operation into that of every related agency or office. I am also convinced that every other law enforcement officer will find himself handicapped in his own job unless he has a comparable conception of his position in its relation to every other agency or office in the law enforcement field.

Accordingly, it is my purpose to make a few observations in the hope that possibly all of us may be brought a little closer to each other and obtain a little better understanding of each other's work and troubles—to the end that together we will all do a better job.

What is the role of the Juvenile Court in the Law Enforcement Field?

The Juvenile Court Code and Supreme Court decisions interpreting it, clearly indicate that such court is *not* a criminal court, although it deals with children who have violated the law.

“ * * * An order of court adjudging a child dependent or delinquent under the provisions of this act shall in *no case* be deemed a conviction of crime. * * * (Juvenile Court Code)

I understand the basic purpose and philosophy of the law to be that children under the age of eighteen years shall be dealt with as persons of immature judgment, needing guidance and discipline rather than the sterner treatment meted out to adults. In a sense, the judge is charged with the responsibilities of substituted parenthood.

As a matter of fact, the code practically says just that in so many words:

“This act shall be liberally construed to the end that its purpose may be carried out, to wit: that the care, custody and discipline of a dependent or delinquent child as defined in this act shall approximate as nearly as may be that which *should be given by its parents.* * * * ”

Another significant provision of the law relative to its basic philosophy, and indicating that the juvenile court is not a criminal court, is the very first section defining its scope:

“This act * * * shall apply to all minor children under the age of eighteen years who are delinquent or *dependent.*”

“Dependency” is generally thought of as relating to financial need. But it is defined in the act as covering eighteen different kinds of unwholesome situations in which a child may be found. Without entering into a discussion of all the legal specifications, suffice it to say that a “dependent” child is one that is not receiving proper care and discipline or “for any cause, is in danger of growing up to lead an idle, dissolute or immoral life.”

Still another section emphasizes the legislative intent that minors shall not be dealt with as adult violators. It provides that whenever *any* child under eighteen years of age is arrested and brought before a justice of the peace or police magistrate, “* * * it shall be the duty of such justice of the peace or police magistrate to transfer the case to such [juvenile] court, * * *” This provision is absolutely mandatory.

From the foregoing citations, I hope that other law enforcement officers will gain a little clearer understanding of the legal responsibilities of juvenile court judges and will have a little clearer insight as to what a judge in a particular case is endeavoring to do. At times I have felt that officers have been disappointed over some judicial disposition of a troublesome “bad actor” and have even voiced the question: “How in — — — does the judge get that way? Possibly the law itself helps to answer such question.

From my study of the law I am convinced that, boiled down to its simplest terms, the role of a juvenile court is to provide for every delinquent or dependent child “that care, custody and discipline which *should be given by its parents.*”

*What is the Judges'
Conception of Law-enforcement Problems?*

I conceive this whole vast field as closely comparable to the field of public health. As a matter of fact my every act is on a basis of pretense. I pretend that I am a doctor dealing with sick kids and sick parents. Delinquent children are those infected with the germ of bad conduct and bad thinking. The court building is a conduct-health center or clinic. Probation officers are internes or staff doctors. Detention home is an emergency orthopedic hospital and the attendants are nurses. The county jail is my hospital where parents are given a rest cure to correct their diseased mental attitudes toward their parental responsibilities. Police officers are public health officers bringing in the afflicted who endanger the public health. Patrol cars are ambulances. Juvenile sections in jail are isolation wards. Training schools are hospitals for cases requiring more extended treatment. These are merely examples of my parallels of pretense.

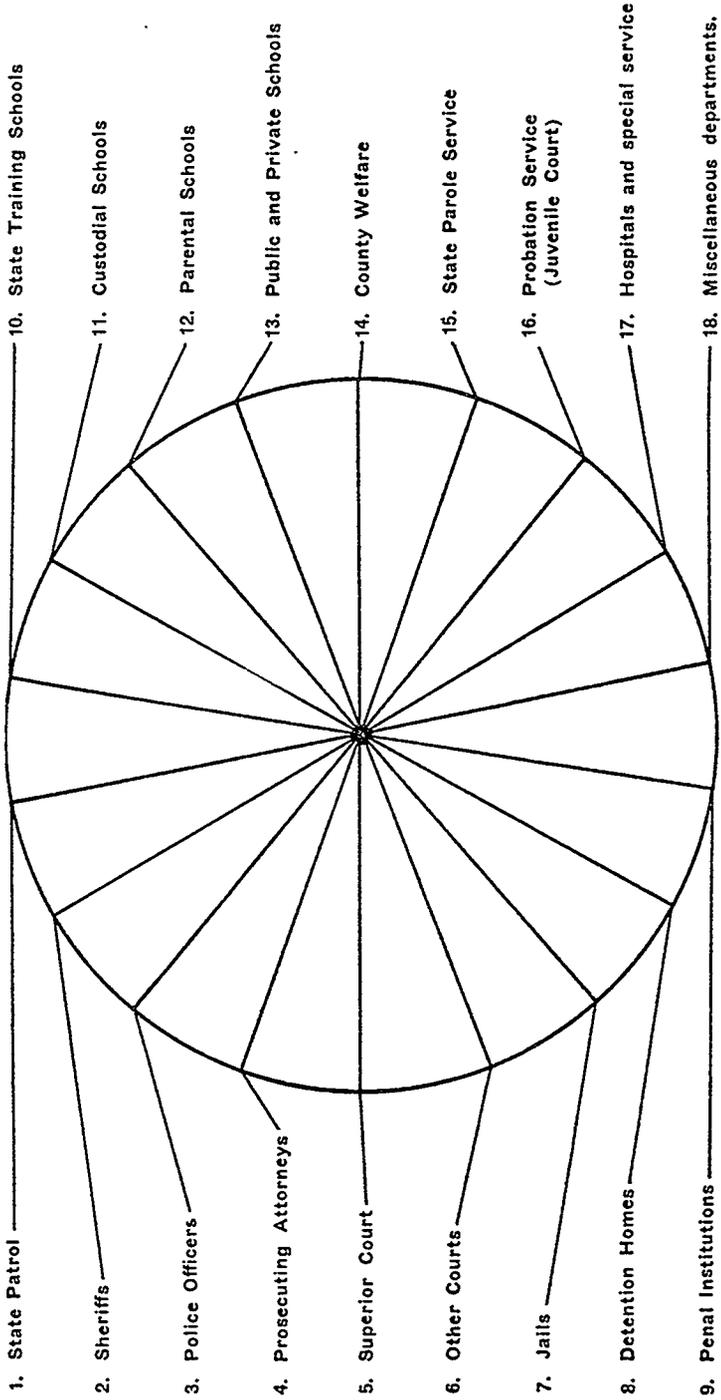
But this concept must not be construed as being an emotional or sentimental approach. There is nothing very emotional or sentimental in a good doctor. A child afflicted with diphtheria or leprosy is indeed sick; but he is also dangerous to others and must be isolated. A gangrenous limb is also an illness, but it also may require amputation. Accordingly, if the child's condition requires isolation, we isolate; and if the condition requires amputation from the family, we just cut it off. Like the doctor, we try to ease the pain as much as possible; but, like the doctor, we *must* administer the treatment required. There is neither vengeance nor "sob-sister" sentimentality involved in the process.

On this basis of pretense, then, my conception of this law enforcement problem is that we are all engaged in one vast enterprise of public health in the field of conduct. Each of us has a specialized part to perform. The problem of any one of us is, in part, a problem of all. The success of any one is, in part, the success of all. No one of us alone can bring about public well-being, but all together, we can raise its level.

The Community Wheel of Law Enforcement

In order that we may possibly get a clearer picture of this concept of our inter-dependence in promoting public health in the field of conduct, I submit a wheel. This wheel might be called "the wheel of law enforcement."

For purposes of illustration, we suggest 18 spokes in the wheel: (1) State Patrol, (2) Sheriffs, (3) Police Officers, (4) Prosecuting Attorneys, (5) Superior Court, (6) Other courts, (7) Jails, (8) Detention Homes, (9) Penal institutions, (10) State Training Schools, (11) Custodial Schools, (12) Parental Schools, (13) Pub-



lic and Private Schools, (14) County Welfare, (15) State Parole Service, (16) Probation Service (juvenile court), (17) Hospitals and special service, (18) Miscellaneous departments. ("Miscellaneous departments" would include various offices such as Fish, Game, Taxation, etc.)

No single one of these spokes carries the law enforcement load, but altogether they constitute the wheel that does. And, it should be remembered, that no single one of these spokes can lay claim to being the "hub" around which all others revolve.

Again, let us do a little pretending. Let us pretend that this wheel is only one of several wheels of a great vehicle that carries the load of government in the State of Washington. If it is a weak wheel, then the vehicle itself is weakened and its load-carrying capacity is impaired. If you and I make this wheel strong, then we have contributed to the over-all strength and durability of government.

The Juvenile Court in the Wheel of Enforcement

It would fill a book if one were to analyze in detail the relation of each to the other agencies in the law-enforcement field. It would also be presumptuous on my part to even attempt to do so. Therefore, I shall merely point out a few examples of how the juvenile court is inextricably tied in to a very considerable number of the other spokes of the wheel. I believe that a little imagination and a few minutes' deliberation on the part of the responsible head of any other office or department will likewise disclose that he too, is also tied in to many others.

Before giving practical examples, it might be appropriate to explain in general the court procedure. Still pretending that I am a doctor, I assume that the first step in handling a sick person is to make a careful diagnosis. To you and me, that means "investigation."

No doctor can hope to prescribe proper treatment unless he has first made an accurate diagnosis. I believe that no judge can make a proper disposition of a case unless he, too, has the most complete diagnosis possible. This is no simple matter. In fact, I am inclined to believe that in the field of sick conduct it is possibly more difficult than in the field of sick bodies. In our field there are many intangible factors involved that cannot be detected by blood tests, X-ray or cardiographs.

For example, a boy was brought into my court afflicted with four auto thefts. On the surface it looked simple—he admittedly had stolen four cars, and standard treatment indicated parental or training school. But careful diagnosis disclosed the following more favorable health factors: Splendid intelligent parents; previous spotless conduct record; good intelligence; excellent school

record in attendance, accomplishment and citizenship; sincere remorse for acts; desire to make restitution for car damage. *Diagnosis*: red-blooded, reckless, adventuresome kid with no vicious intent, but with too much energy and too little outlet for working it off. *Treatment prescribed*: Probation under supervision, restitution from earnings from part-time job, coupled with the condition that there be no further misconduct. *Results*: Two years later, damage paid; no further trouble. Five years later, First Lieutenant 8th Air Force, twenty-five completed missions over Europe as bombardier; furloughed back with decorations for distinguished service and assigned to instruction duty.

Complete diagnosis in this case led to an entirely different treatment than was indicated by a superficial view of the situation first presented.

Another example: Boy merely rode in stolen car. On the surface the ailment was not serious, and standard treatment of probation was indicated. But investigation disclosed the following: parents utterly incompetent; long school record of poor citizenship, persistent truancy, and finally, expulsion; numerous previously undetected thefts and misdemeanors; surly attitude and resentful of any discipline. *Diagnosis*: Normal boy physically and mentally, with good possibilities, but utterly out of control, untrained, undisciplined and dangerous to himself and community. *Treatment prescribed*: State training school. *Results*: One year later returned as a competent cook and baker; got part-time job in this line of work; completed high school; came to me and thanked me for sending him to training school, stating, "Judge, I am now independent and on my own. I can cook a meal for one or a thousand."

Here again, careful diagnosis called for far different treatment than was indicated by surface appearance of the case.

A further example of the necessity for careful diagnosis, and also some of the difficulties thereof, is another actual case. This boy has been a chronic truant and troublemaker; rebellious toward all authority; involved in theft. Public schools refused to accept his return. On the surface it looked like a clear case for the training school. But the mother insisted that there was something physically wrong with him, although their family doctor could not detect it. School physician likewise did not find sufficient symptoms to warrant nonattendance. We continued the case for an examination by an orthopedic specialist. The report from this outstanding specialist reads in part:

"The x-rays show the epiphyses of the vertebrae just developing and some fragmentation of the epiphyses in the region of the anterior portion of the bodies of the vertebrae, this being especially marked in the lower dorsal region.

"This boy presents a rather typical picture of an epiphysitis from a clinical standpoint, also from an x-ray standpoint. This condition usually develops at this age, around the adolescent period or just past this period.

"For treatment, I should suggest that he be placed in the hospital, on a Whitman frame, for a period of several weeks and during that time should be given Vitamin A, and thyroid, with some calcium through a high calcium diet, or calcium given, such as Calcium Gluconate.

"I believe this boy should make good progress with treatment of this sort. If he does not seem to be developing properly, I would consider some other glandular therapy in the nature of pituitary G, later. He should have follow-up treatment of a Cunningham brace and exercises."

On the basis of *complete* diagnosis this boy did *not* go to the training school. Instead he went to a hospital for treatment recommended by the specialist. Would it not have been an unspeakable tragedy had I committed this boy on the basis of the incomplete diagnosis?

This matter of careful diagnosis is the first responsibility of the court, and probably the most important, because, without it, all further procedure is largely guesswork.

A mistake made by the judge may possibly be more disastrous than an incorrect medical diagnosis. It has been said that "a doctor buries his mistakes." A judge is not so fortunate. We have to *live* with our mistakes; and they may come back to burn our homes, rape our daughters, or cut our throats.

The task is so difficult and important that we must not rely upon our own resources alone. Right here is where our relation with other agencies comes into play.

FROM WHAT SOURCES COME THE FACTS FOR DIAGNOSIS?

Policing Agencies

The first facts usually come from the arresting officers. If those officers present no facts except those merely incident to the event of arrest, we do not have enough to go on. The examples above cited surely testify eloquently that the mere incident of arrest may well be the least important element in the case. The court needs all possible information concerning the background and surrounding circumstances of the child and his family.

The arresting officers quite often have access to a wealth of vitally important information not available to court investigators going in "cold" on a case. We need that information.

Bear in mind that the court is *not* a policing agency. It is not our function to go out and "drum up" business. It is our job to diagnose and provide treatment for cases brought to us, and most of those cases come from policing agencies.

Therefore, we appeal to state patrol, sheriffs and police to bring with the "patient" every possible bit of information that may be material in assisting us to make the diagnosis upon which treatment is to be prescribed. We are all equally concerned in restoring sick kids to healthy citizenship.

Schools

Probably the most valuable single source of information for diagnostic purposes is school records and school teachers. There we have the day by day record of child-performance, not only in academic progress but also in daily living as a citizen in his own community. In school, the child himself comes to the surface for all to see. There, he is "being himself."

Generally speaking (although there are important exceptions) teachers are better able to form an objective impartial appraisal of a child than even many parents themselves. Their judgment is less likely to be colored by emotionalism than is that of parents.

Therefore we would not even consider the making of a diagnosis without a complete report from the schools. Our records prove absolutely beyond *all* question that in a majority of cases of serious child delinquency, the incident of arrest was preceded by a school record from which one could have reasonably predicted that something serious was likely to happen.

Messrs. State Patrolmen, Sheriffs and Policemen, do you want to meet personally the young burglars and auto thieves that you probably will be chasing six months or a year hence? If you do, go to the schools and look at the records that show the following information: "Chronic tardiness, persistent truancy, scholastic progress below mental ability, poor citizenship, unwillingness to accept correction, lack of interest." These records are red-flag warning signals of delinquency and they will point you almost unerringly to your "man".

Mr. and Mrs. Schoolteacher, would you like to do something for the public health of your community in the field of conduct? Then heed your records. Under your very eyes are developing the symptoms of infection that later will develop into the ruptured appendix or organic collapse of good citizenship. The attendance record alone, is enough to put us all on guard.

Many school authorities already have sensed their responsibility in this regard and are vigorously attacking the problem of attendance and the other items above mentioned. As an example, in West Seattle Highschool, if one of our own children fails to appear on time, we receive a phone call from the school office by 11:30 A. M. of that very day requesting an explanation.

I firmly believe that this kind of alertness and aggressive follow-up in the schools will possibly accomplish more in the prevention of delinquency than any other one official act might do. If it does nothing more, it will, at least, lead to early discovery of delinquency before it becomes chronic. This makes possible an earlier diagnosis and treatment and increases the probability of recovery.

If the schools would do *more* diagnosis now, the court will have *less* to do later on.

County Welfare Department

Probably the county welfare department, division for children, is not generally considered very closely related to law enforcement. But they quite often are able to furnish us valuable information that helps us diagnose a delinquent case, and I consider that department in our field.

At this point I wish to stress the close connection between delinquency and dependency. The dividing line between the two is so hazy as to almost baffle delineation. It is quite natural that a child in unwholesome surroundings and without proper supervision may become delinquent.

More than one-third of our juvenile court cases are classified as dependents and we consider them just as seriously as potential criminals as the delinquents themselves.

Therefore, we look to the children's division for any information they may have obtained from any previous contact they may have had with a dependent child that we have up for disposition as a delinquent. But there is one phase of their work which, in my mind, definitely places them in the law enforcement field and makes them a vital spoke of the community wheel. They provide care and supervision for hundreds of dependent children, and in the fulfillment of that responsibility they are engaged officially in a great crime-prevention service.

There are, of course, other departments of government as well as non-official agencies that we call upon to help us make a diagnosis. But we mention the policing agencies, schools and welfare merely to illustrate how the court must depend on other sources for assistance. In other words, we are but one spoke in the community wheel.

UPON WHOM DO WE CALL IN ADMINISTERING TREATMENT?

Probation department (juvenile court)

Probation officers not only perform an indispensable service in assembling the facts for diagnosis and suggesting plans for treatment, but they also in many cases actually administer the treatment prescribed by the court.

The probation department is, in a sense, our "out-patient" department. When a case is assigned to a probation officer for supervision, that officer then and there becomes in effect the personal physician of that child and his family. He is charged with the responsibility of doing anything and everything possible to bring his patient back to healthy citizenship.

Most cases of bodily illness do not require hospitalization if caught in time and given careful follow-up attention. Likewise,

most cases of ill conduct respond to the skillful attention of a competent officer without resort to commitment to a correctional institution.

Therefore, I firmly believe that the juvenile court judge should consider the probation department as his most important resource in the treatment of ill-conduct.

Parental Schools

There are some cases, however, that require more constant or specialized treatment than can be rendered in the child's own home under the direction of the probation officer. Unwholesome habits of long standing, inadequacy of parents, or other factors may call for twenty-four hours a day supervision available only in a specialized school, not necessarily a correctional school in the ordinary sense.

This is the field of the parental school. If the court has such a resource available in or near the child's home community, many of the serious, though less aggravated, cases can be satisfactorily treated without resort to the more drastic programs of state training schools. I consider the Luther Burbank School for boys and the Martha Washington School for girls, conducted by Seattle Public School District, as absolutely indispensable resources in discharging my responsibility in King County.

State Training Schools

In cases where the child is quite mature, and his ailment quite aggravated or chronic; and when we believe he would not successfully fit into the program of the intermediate or parental school, we commit him to the state training schools. We do so, however, only as a last resort, after we have ruled out probationary supervision or parental school care as offering little hope of success.

But I consider it unsound and indefensible to commit to such school a child who might well have responded to competent probationary supervision or parental school care.

Other Resources

In addition to the three agencies above mentioned, we call upon many other resources of the community whenever our diagnosis indicates that some particular person, school, social agency, public office, or institution can best render the particular treatment that the patient needs. A partial list is as follows: Custodial school, hospitals, psychiatrists, psychologists, social agencies, scout masters, ministers, U. S. Armed Services, Army Transport, jails, prosecuting attorneys, etc.

Incidentally, we have a working arrangement with the county school superintendent, Seattle schools, prosecuting attorney, and the court, whereby the prosecutor will file criminal charges against

any parent which school and court believe to be clearly contributing to a child's dependency or delinquency. In other words, instead of giving the child the treatment, strong medicine is administered to the parent. I admit that this may be a somewhat novel procedure in the field of therapeutics, but it may produce wholesome results.

Now by way of summary, the one point I have been trying to make is this: Both in diagnosis and treatment, the juvenile court judge is virtually impotent and helpless unless he has available on call (and actually calls) a considerable number of resources outside of the court itself. And this means that you and I are inextricably tied together in this field of law enforcement. We cannot escape the conclusion that strength in any one of us adds to the strength of all; and weakness in any one of us weakens all.

WHERE ARE WE WEAK?

It would be presumptuous for me to pose as an expert covering the entire law enforcement field telling everyone what they should or should not do. But perhaps it might be appropriate to suggest consideration of a few matters that particularly concern juvenile court administration.

Custodial Schools

A mentally subnormal child is a potential menace not only to himself but also to the community. Custodial school care for such children is standard treatment. But at present a court order of commitment is virtually an idle act simply because those schools are filled beyond capacity.

There are at this moment almost three hundred such futile orders on file in Washington (over one hundred in King County) and the unaccepted children are still at large.

Appropriations and plans for new construction are available, but some federal agency has decreed that many other things are more important than caring for these children. An outraged public opinion should blast that bottleneck.

Detention Homes

Lodging delinquent children in common jails or permitting them to run at large pending diagnosis and plans for treatment are the only alternatives in several counties. This is an unsound and deplorable practice. If judges and other officers are to be expected to function effectively, adequate and humane detention facilities must be provided in every county or center of population. But I doubt that there is any such in the entire state.

Parental Schools

In every county or district of counties there should be school facilities providing treatment for those cases unable to be adjusted in the regular public school system but which are not sufficiently

aggravated to warrant commitment to state training schools.

Only in King County are there any such facilities. In times past, other judges have been able to utilize these schools; but now they are available only for local children. This means that the courts of all other counties must either commit to the state training schools against their better judgment or imperil the community by releasing cases needing parental school treatment.

This situation demands immediate legislative action enabling counties or districts of counties to provide such schools locally in a manner similar to that for cities. The act permitting counties to combine in building tuberculosis hospitals might be considered as a precedent or guide to follow.

State Training Schools

How the people of this state expect any reasonably satisfactory treatment to be administered by the present training school facilities is utterly beyond my comprehension.

Every time I commit a child to those schools I feel a sense of shame. Time does not permit me to enumerate the details of an indictment that I am positive could be sustained against the ill-planned and obsolete structures and the inadequacy of program now being used. But I am satisfied that any intelligent inquiry would sustain my opinion that the situation is disgraceful.

The encouraging part of the picture is that the authorities responsible for the administration of these schools are deeply concerned over the whole setup and have prepared comprehensive plans for complete reconstruction of the entire system. I have carefully examined those plans and consider them the number one project for post war construction. It is my studied opinion that a million dollars spent on this project would be one of the best investments we ever made.

Trained Personnel (of the right type)

Juvenile court codes and other statutes are not self-executing. They must be translated into action by men and women, and our success as law-enforcement officers will be measured largely by the type of officers we employ.

I firmly believe that probably our greatest weakness is the lack of *trained* personnel. Oh yes, I know what is running through the minds of many of you who have had some disappointing experiences with so-called "trained personnel". I, too, have encountered educated blockheads, who, notwithstanding their university degrees, were mere Charlie McCarthys mouthing overwhelming vocabularies, but were still blockheads. I have also met doctors whom I would not trust to treat a cat, and lawyers I would not permit to shovel humus in my garden.

The type of personnel I am calling for is the level-headed person, not over seven feet tall, who has been really educated for his job. My reason for height limitation is that I have observed that any one whose head is more than seven feet in the air can't keep his feet on the ground. These "cloud bumpers" are not much help to me in meeting these earth-bound problems of delinquency. But when we find combined in one person: even temperament, real character, and sound judgment, together with a good technical education in the law enforcement field, we really have a "honey".

This is no "pick and shovel" job we are engaged in, and for myself I do not want any "pick-and-shovel-stiffs" in our probation department. We are dealing with the lives and souls of children.

But how can we expect competent young men and women to spend four to six years in college preparing themselves for a job that only pays a salary comparable to that of a good stenographer? At the present general salary levels in our specialized field we can never create an adequate pool of trained personnel of the type our job demands.

If we are really serious in our desire to strengthen each spoke in our wheel of law enforcement, we will set high standards of technically-trained personnel. Let us call upon our colleges and university to train these people for us. We are spending millions of dollars on those institutions. Let us "cash in" on that investment. But at the same time, we must also set such standards of compensation that will attract and hold the highest type of personnel in our profession. We demand the highest skill of those who treat the sick bodies of our children. We should expect no less of those who treat sick minds.

How Can We Overcome Our Weakness?

Law enforcement officers themselves can, by self-criticism and earnest effort, do much to strengthen their own departments. But there are some weaknesses in our system that are utterly beyond our individual or collective official power to overcome. For example, we, as officers cannot build custodial, parental, or training schools. We cannot legislate or make appropriations. In these matters we can only point out needs and make recommendations. Other departments of government are the only ones that can actually do anything about it.

At this point our relationship with a host of community forces comes into play. Although entirely outside our official field, these forces can make or break us. They can put us in or kick us out of office as they choose. They can grant or withhold at will the tools and personnel we need to do our job.

Who are these forces? They are the religious organizations, parent-teachers' associations, veterans' groups, Lions, Kiwanis,

Rotary, fraternal orders, women's clubs, character-building agencies, teachers, community clubs, service organizations, and various other groups. Every one of them is committed to some phase of child welfare and community service. In their collective membership they have enlisted virtually all the powerful leaders in constructive thinking in every community of the state. And what is more, they control enough votes collectively to elect or remove any officer in the state. Collectively, they virtually control every legislator and every county commissioner, and every judge on policies involving the welfare of children.

If they collectively decide that they really want adequate and humane detention homes, parental schools, and training schools, those facilities will be built. If they collectively decide that you and I shall set high standards of personnel, you and I will set them. If they collectively decide that our officers be paid salaries commensurate to the professional services rendered, those salaries will be paid. In short, they collectively can determine precisely the standard of law enforcement they desire.

But if they are indolent, or apathetic, or disunited, and do not exercise their power, the chances are that you and I shall continue to be handicapped with inadequate programs, facilities, and personnel.

I believe we can overcome many of our weaknesses by taking these community forces into our confidence and advising them frankly of our deficiencies. If we give them a true picture of our problems they will then have a more intelligent basis on which to act. I have found them ever willing to do their part if they know the facts. We can strengthen our own departments by taking them into partnership with us.

Finally, let us be brutally frank with ourselves. Intellectual honesty must force us to admit that notwithstanding all our vast law enforcement machinery and the high-sounding programs of the various community groups, the fact is that this thing called delinquency and crime still remains an ever-growing monstrous cancer that may in time destroy us all. Our basic instinct of self-survival itself demands that we mobilize *all* our forces into one united command if we are ever to expect victory over this common foe.