

The Commonwealth of Massachusetts

REPORT

OF THE

YOUTH SERVICE BOARD ON DETENTION
IN THE COMMONWEALTH

UNDER CHAPTER 86 OF THE RESOLVES OF 1954

DECEMBER 1, 1954

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REPORT OF THE YOUTH SERVICE BOARD ON DETENTION IN THE COMMONWEALTH.

BASIS FOR THE REPORT.

The division of Youth Service, having been directed by the 1954 session of the General Court to study the laws and practices of Massachusetts relative to the detention of juveniles, herewith submits the following report.

The study was conducted pursuant to chapter 86 of the Acts and Resolves of 1954, the text of which is as follows:

Resolved, That the youth service board is hereby authorized to make an investigation and study of the laws of the commonwealth relative to the custody of wayward and delinquent children and juvenile offenders while awaiting arraignment or disposition of their cases. Said board shall report to the general court the results of its investigation and study and its recommendations, if any, together with such drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the senate not later than the first Wednesday of December in the current year.

This resolve was passed as a result of a petition introduced into the 1954 session, which reflected the desire of residents in the western and central part of the State for facilities for juvenile detention similar to that now provided in the Metropolitan Boston area. While the original petition called for the creation of a special recess commission appointed by the Governor, the matter was finally referred by the foregoing resolve to the Division of Youth Service because of its familiarity with and experience in the field of juvenile detention.

BACKGROUND INFORMATION ON DETENTION.

Until 1949, juvenile delinquents awaiting hearings in the Boston Juvenile Court or the several district courts were either released to their parents, placed in the care of proba-

tion officers, or confined in jail from which they might be released on bail.

In 1948 the General Court enacted the youth service law (chapter 310, 1948), which was a far-reaching revision of the State's law affecting juvenile delinquency, and had as its heart the Youth Authority idea. Feeling that improved facilities for the detention of juvenile delinquents pending court adjudication were needed, the newly created Youth Service Board was directed (by General Laws, chapter 120, section 11) to "establish and operate places for detention and diagnosis of all persons committed to it" and (by chapter 119, section 68) to "provide special foster homes for the care, maintenance and safe-keeping of such children between fourteen and seventeen years of age, who may be committed to the Youth Service Board" (while awaiting court appearance), the capacity of such homes being limited to a maximum of five children each. Under this law the Youth Service Board did utilize private foster homes for individual and group placements of temporary wards.

By another law enacted in the same year (chapter 542, 1948), the Youth Service Board was directed, upon its organization, to establish "forthwith" in Boston a detention center or centers "completely separate from any lockup, police station or house of detention, which shall be used solely for the temporary care, custody, and study of delinquent and wayward children between the time of their arrest or taking into custody and the final disposition of their case." This center was to be used until the Youth Service Board had developed a program for the care of such children, but in no event later than 1950 (later extended until 1954); one half of the cost of the center was to be borne by the city of Boston.

Under Chapter 542 the Youth Service Board (now the Division of Youth Service) did establish and still maintains the present Detention Center for boys at South Huntington Avenue in Boston. In 1951 and 1953, at the request of the Division, the General Court did appropriate a sum of money totaling \$950,000 for a new combined reception-detention center for boys at Mattapan, now under construc-

tion and due to be completed on July 1, 1955. At that time the present Detention Center will become a combined reception-detention center for girls, replacing the present facilities at the Industrial School for Girls in Lancaster.

It should be remembered that the aforementioned facilities and special foster homes maintained by the Division of Youth Service are only part of the over-all juvenile detention picture; as will be pointed out hereinafter, children may still be lawfully detained in lockups by police or in jails by court order.

Although the detention unit in Boston has admitted children from central and western Massachusetts, the long distances have made this service to these areas negligible. Areas within a forty-mile radius of Boston find the service effective and convenient.

The western and central sections of the State have requested that additional detention units be located more conveniently for their use. The recognition of these areas for the need of special facilities for juveniles is encouraging, and every effort should be made to provide adequate detention service on a state-wide plan.

Every one can remember his own first experience away from home. Detention is such an experience for many of the children held. They are abnormal, sensitive to all that happens to them — frightened and apprehensive. The impersonal treatment accorded an adult appears to a child as evidence of callous indifference — an attitude with which he is often already too familiar. His response may be further withdrawal and distrust of adults or the common human manner of warding off fear — open aggression and defiance. If, on the other hand, in detention he is dealt with by adults who understand his feelings and are both kind and firm in meeting his needs, he can begin at once to learn to accept authority, and the corrective aspects of treatment may begin at once.

Detention is frequently the first step in an institutional stay. It follows that the way he is treated there will color his feelings about further institutionalization. It has been noted that children who have had positive detention ex-

perience adjust better and show more improvement earlier than those who have not.

It is fair to say that the rehabilitation of a delinquent child may begin with detention, if this program is directed toward this, rather than being seen as nothing more than custody.

It needs to be emphasized that many children in detention will not be found guilty of any delinquency, and for them we have a heavy responsibility to prevent emotional damage during detention which may affect the rest of their lives.

On the other hand, it is imperative to provide secure custody for the child who has violated the law and who must be detained, not only for the protection of society, but also, in some cases, for his own or her own protection.

We must make clear, at this time, that many children do not need detention care. Whenever possible, a child should remain in his own home. Removal from home should be considered only when there is need for secure custody or shelter care. We must guard against the practice of unnecessary and indiscriminate detention.

STATEMENT OF THE PROBLEM.

At the present time, the Youth Service Board maintains a detention home for boys in Boston. The services of this home are available to all parts of the State. Realistically, the western and central sections of the State, however, receive little or no service because of the long distances to travel. Consequently, children who need secure custody are necessarily detained in the county jails or police lockups. Recognition that these experiences are damaging and make rehabilitation more difficult has directed our efforts to plan for a state-wide system of custodial and diagnostic services.

The increasing demand of the courts for diagnostic study of children referred for delinquent behavior has high lighted the need for additional, prompt and adequate services of this type. Diagnostic studies are important in understanding the child and his needs, and in planning an appropriate and desirable program of rehabilitation.

The study of the problem developed as follows: (1) A preliminary survey of detention services as they now exist throughout the State; (2) determination of current detention practices and facilities; (3) analysis of attitudes of those concerned with detention; and (4) recommendations for a scheme of operation in providing detention and diagnostic services throughout the State.

In the study, no emphasis has been placed on shelter care inasmuch as the present laws enable the Youth Service Board to provide for it by use of private institutions and foster homes. Proper shelter care for children in trouble who do not need secure custody, but whose own homes are unsuitable or unavailable, will continue to be an important part of our total detention program, using as far as possible community resources, without the necessity of building state units.

ESSENTIAL INFORMATION.

1. *Procedure.*

Data gathered through questionnaires and personal visits formed the basis of the study. In order to report on all areas of the State, the use of the questionnaires appeared to be the best method. In addition, visits were made to key areas for follow-up on questionnaire and for personal observations of detention facilities.

Questionnaires prepared were of three types, designed to secure information from the police, courts and county jails.

Questionnaires were sent to the police departments of the 351 cities and towns of the Commonwealth. Information requested included the number of juveniles officially arrested, number detained in secure custody, and description of facilities used for detention. Massachusetts State Police and the Metropolitan District Police were also included in this part of the survey.

Questionnaires were sent to the 73 courts of the Commonwealth. Information requested included the number of juveniles referred because of delinquency, number detained

in secure custody and description of facility used, and number of children requiring diagnostic study before disposition was made.

Questionnaires were sent to the 15 county jails of the Commonwealth. Information requested included the number of juveniles detained per order of the court and a description of the facility and program available for juveniles.

A follow-up plan was carried out in which key areas of the State were visited. In each of these cities and towns, a Youth Service Board representative interviewed court personnel, met with the police chief, and examined local police lockups used for detention, and visited the county jail, observing the facilities and program for juveniles. The 73 courts and 15 county jails of the Commonwealth were visited and police lockups in more than 75 cities and towns were examined.

Information, recorded and classified on a county basis, was reported for each year of the five-year period 1949 to 1953. County and municipal authorities were most cooperative, both in replying to the questionnaires and in discussing their problems and situations with field representatives of the Division. Of the 15 jails in the Commonwealth, 14 replied to the questionnaire. Of the 73 courts having original juvenile jurisdiction, 60 responded to the questionnaire, and many of these contributed much valuable and detailed information to the study. Most of the 13 courts which did not reply were regrettably those which have the heaviest juvenile caseloads. One hundred and forty-two police departments replied to the questionnaire; those not replying were mostly the smaller communities.

2. *Tables.*

The accompanying tables (pages 24-35) contain the essential data gathered from the various localities of the State. Table I summarizes the detention of juvenile girls for the five-year period from 1949-1953, and includes the individual tables for each year. Similarly, Table II relates to detention of juvenile boys for those years.

3. *Detention Practice — Girls.*

In the five-year period, 1949 to 1953, according to court records, 3,517 girls (7 to 17) appeared in court. Of these, 13.9 per cent (492) were detained, 2.8 per cent (101) were held in county jails, 11.1 per cent (391) were cared for by the Division of Youth Service in special foster homes, private institutions, and a separate unit located at the Industrial School for Girls in Lancaster, 9.8 per cent (343) were held by the Division for custody only, and 1.3 per cent (48) were held with a request for diagnostic study.

Statistics reveal that the number of girls detained increased in this five-year period from 5.4 per cent of total court appearances in 1949 to 20.4 per cent of total court appearances in 1953. Figures show an increase in jail detention and Division detention in 1950, but a decrease in jail detention and increase in Division care in 1951. The next two years, 1952 and 1953, show a constant figure for jail detention — approximately 2.5 per cent of court appearances — and during these two years Division care has increased substantially to 16.6 per cent (115) in 1952 and 17.5 per cent (135) in 1953. Also during the five-year period, 1949 to 1953, the number of diagnostic studies made available by the Division increased gradually from .4 per cent (3) in 1949 to 3.9 per cent (30) in 1953.

The trend in detention care of girls is similar to the trend displayed in detention of boys. We see that court appearances increased 13.3 per cent (680 to 771) from 1949 to 1953, and that a much greater increase in detention — 324.3 per cent (37 to 157) — takes place in 1953. Unquestionably, the increase in detention is due in part to availability and awareness of new resources provided by the Division. The tremendous increase in detention, however, raises the question here whether detention care is being used indiscriminately as we indicated in the care of boys.

Girls committed for temporary care to the Division are placed according to needs of the child and the request of the court. Special foster homes and private institutions, for example, House of Good Shepherd, are utilized. When

diagnostic study is requested, private clinics, for example, New England Home for Little Wanderers, Judge Baker Guidance Center, Massachusetts Memorial, are utilized. Present procedure provides that girls scheduled for diagnostic study are admitted to the diagnostic unit at Lancaster where complete facilities are available for physical and psychiatric evaluation.

4. *Detention Practice — Boys.*

In the five-year period, 1949 to 1953, according to court records, 24,140 boys (7 to 17) appeared in court. Of these, 13.3 per cent (3,211) were held in secure custody, 5.5 per cent (1,335) were detained in county jails, 7.8 per cent (1,876) were detained by the Division of Youth Service in special foster homes and its detention center, 6 per cent (1,432) were detained for custody only, 1.8 per cent (444) were detained with a request for diagnostic study. The Division of Youth Service made available diagnostic studies in 1951. Previous to this time all studies were made by private clinics. At the present time, diagnostic services are provided by local private agencies and the Division. The figure of 444 studies refers to studies made by the Division, and does not include other resources utilized in the community.

Statistics reveal that the number of boys detained increases gradually in this five-year period, from 8.4 per cent of total court appearances in 1949 to 17.4 per cent of total court appearances in 1953. We see in 1949 that 6.6 per cent of court appearances were detained in jail and that the Division cared for 1.8 per cent. In 1950 the number detained in jail and by the Division increased. With the opening of the Division's detention center in 1951, the number detained in jail is decreased and the number detained by the Division increases. The next two years continue this trend, and in 1953 we see that 3.9 per cent of court appearances are detained in jail and 13.5 per cent are cared for by the Division.

Significant note here is that while court appearances increased 26 per cent from 1949 to 1953, detention during

this same period increased 160 per cent. The trend as indicated in the survey is that jail detention has been reduced significantly, and this can be directly attributed to the detention program of the Division. On the other hand, we see that another problem is developing, that is, the indiscriminate detention of greater numbers of children. The attitude prevailing seems to be that juveniles should not go to jail, but there is nothing wrong with placing a child in a detention home. The Division's detention home in Boston reports new highs in police and court admissions. Removal from home is to be avoided and the decision to detain must come only after careful consideration and effort have been given to the child's remaining at home. Our concern at this time is with wholesale detention being practiced without deliberate attempt to evaluate each situation to determine a decision for a child to remain at home, be placed in a shelter, or placed in secure custody.

DETENTION OF JUVENILES BY THE POLICE.

A. **General Laws, Chapter 119, Sections 66 and 67.**

B. *Commentary on Law.*

While the whole body of Massachusetts law dealing with juvenile detention makes it clear that juveniles are not to be detained in the usual places of adult confinement, except in unusual cases, an especial effort has been made, in the foregoing, to limit the amount and type of "police-arrest" detention cases. Consistent with the best expert opinion in the matter, the law obviously attempts to eliminate juvenile detention in its entirety. It provides for the immediate summoning of the child's parents and the local probation officer — no doubt, in order to get the most readily available expert opinion as to the child's character and background. It absolutely forbids the detention of boys under twelve and girls under fourteen. It permits detention, in a police lockup or detention center, of boys between twelve and seventeen and girls between fourteen and seventeen, *only* if the arresting officer formally requests such detention in writing (or if the court issuing the warrant has

directed that the child be detained); it will be noted that jail-detention, in "police-arrest" cases, is not authorized. If there is no detention, the child must be released in the custody of his parents (if they agree in writing to produce him in court at the proper time) or in the custody of the probation officer (if he requests the release of the child to him). The law is not clear as to disposition, if detention is not requested by the police and custody is not accepted by either parents or probation officer; presumably, in every such case the probation officer would finally agree to accept the child. Under chapter 120, section 12 (now section 13), escapees from training schools and parole violations may be held in jail, even though juveniles.

C. *Considerations involved in "Police-Arrest" Detention.*

Certain special problems arise in this phase of detention:

1. *Short-term Detention.* — In almost every case a child detained on police arrest will be brought before the district court for arraignment the following morning. As the district courts sit six days a week, the pre-arraignment detention period will not exceed twenty-four hours unless the child is arrested after noon on Saturday. Because of this relatively short period of detention, it is impracticable to transport a youngster for any considerable distance in order to detain him in a special facility such as the Youth Service Board Detention Center in Boston.

2. *Availability of Probation Officers and Parents.* — While the immediate summoning of probation officer and parents may be theoretically a sound procedure, there are many practical difficulties. The parents may be away from home, beyond the jurisdiction, or otherwise inaccessible; the boy may be a runaway and his home at considerable distance. The probation officer may have some knowledge of the child and his background; however, the child may also be a first offender or a stranger to the area. Furthermore, in many parts of the Commonwealth, several courts share the service of a single juvenile probation officer, who may reside at some distance from the locus of the arrest, and thus may have practical difficulties in investigating the case.

D. *“Police-Arrest” Detention Practice.*

The following general statements may be made:

1. The various state police and municipal police departments are fully aware of and comply fully with the provisions of law relating to juvenile detention.

2. The police are extremely reluctant to hold juveniles in secure custody and seldom request such action. In the main they submit the matter to the probation officer and leave the decision as to detention entirely up to him, as well as the place of detention. In some cases where the child is expected to default, the police will pick him up at his home early in the morning rather than hold him over-night.

3. Generally speaking, within a radius from Boston of thirty to forty miles, the police (or probation officer) will transport the child to the Detention Center at Boston rather than hold him in the lockup. Beyond that distance, the police lockup must sometimes be used.

4. With few exceptions, police lockups have no facilities particularly reserved for juveniles. If the detention period is short, that is, a few hours waiting for court appearance or the arrival of parents, the child is usually allowed to remain at liberty in the guardroom of the police station. Most stations, however, have separate cell-blocks for women, and in the larger and newer stations these are specially equipped with real beds and extra furniture; these women's facilities are also used for juveniles who are detained overnight, and the matron is often summoned to look after the younger children of either sex. A problem is presented when women and juveniles are simultaneously detained. In the smaller and older police stations, the women's facilities are often identical with those for men; in such places the juvenile, if he is to be detained at all, must perforce be kept in a cell. Some stations have special juvenile rooms with facilities for supervision.

5. It is apparent that while police officers are reluctant to detain children in lockups, this reluctance seems to disappear if a detention home is available. The availability of a detention home pushes the rate of detention in that area

much higher than would be normally expected considering the number of court appearances. This, again, is a reminder that we must guard against unnecessary and indiscriminate detention.

6. The principal reason advanced by police departments for detaining juveniles are as follows:

(a) The child, if released, will probably fail to appear in juvenile court in response to a summons, either because he is or has been a runaway, or because his parents are unreliable guarantors of his appearance in court.

(b) The child is too drunk to be released safely, and his parents refuse to receipt for him.

(c) The child would be dangerous to the community if released and might commit further offences or get into more difficulty before court appearance.

(d) The child is charged with a serious offence, such as aggravated assault, repeated thefts, arson or sex crimes.

E. *Recommendations.*

It is recommended that —

1. The law relating to "police arrest" detention be amended in the following respects:

(a) By expressly providing in section 67 that a child who is not receipted for by his parents, or who is not detained by request of the police, be placed definitely in the custody of the probation officer, thus eliminating a possible twilight-zone where police, probation officers and parents alike declined to act.

(b) By requiring in section 67 the approval of the probation officer before any child can be detained on police request. The probation officer should assume responsibility in the early stages of taking a child into custody and preparing for court action.

2. A series of small regional detention homes be provided to serve the sections of the Commonwealth other than greater Boston, to be used by the police as well as by the courts.

3. The various municipal police departments which cannot adequately be served by such regional homes be en-

couraged to provide adequate juvenile detention facilities in their respective stations, according to standards set by the Division of Youth Service.

4. Communities be authorized to enter into agreements with each other for joint use of adequate juvenile facilities in police stations or other suitable buildings.

5. After a certain future date, the detention of juveniles by police be prohibited except in the Boston Detention Center, a regional center referred to in paragraph 2 above, or in adequate juvenile detention rooms inspected and approved by the Division under paragraph 3 above.

DETENTION OF JUVENILES BY ORDER OF COURT.

A. General Laws, Chapter 119, Sections, 66 and 68.

B. *Commentary on Law.*

The law, with respect to detention of the child pending final court disposition, once again indicates that detention of children is to be avoided if at all possible, especially detention in the company of adults. It provides that all children between the ages of seven and fourteen shall be released on bail, placed in the care of a probation officer, or, if detention is necessary, detained in the Youth Service Board Detention Center.

Children between fourteen and seventeen may, likewise, be released on bail, or if unable to provide bail, may be placed in the care of a probation officer; recognizing, however, that serious behavior problems exist at these ages, such children may not be placed in the Youth Service Board Detention Center without the consent of the Director, and, likewise, the court may order the child to be confined in jail, segregated from the adult population.

To ensure that children are given a speedy hearing, children in the detention center or jail must be returned to court within fifteen days for a hearing.

Furthermore, the court is then free to make a final disposition or may continue the case, returning the child to the detention center or the jail. The law at this point is very unclear as to how long such continuance may last, or

whether the consent of the Division of Youth Service is required for such additional detention; this lack of clarity at this point has given rise to many varying and undesirable procedures.

In cases where the child is being given a clinical study, the fifteen-day return is an unnecessary interruption.

Another unsettled point of law is whether a child, in whose case delinquency proceedings have been dismissed and against whom criminal proceedings are instituted under sections 61 and 73-83 of chapter 119, can be held in the detention center, or whether he must be held in jail. Section 68 does not expressly authorize the use of a detention home for children held for the grand jury, and expressly mentions only those who are appealing a delinquency adjudication in the Superior Court. It would appear that, legally, a child who is held for criminal proceedings should be treated as an adult throughout; on the other hand, under section 83 such a child may be committed to the Youth Service Board by the Superior Court as a final disposition of the criminal proceedings.

C. *Considerations involved in "Court-Ordered" Detention.*

1. The time-and-distance factors are not such pressing problems, as the detention period will normally be for a period of several days, from one to fifteen. Except in the case of the Boston Juvenile Court, which sits every day, juvenile cases are heard normally once a week. Therefore the child, if arrested and detained by the police, is brought before the district court pre-arraignment. The court then may (a) hold a special juvenile session on the spot, or (b) detain the child in detention center or jail until the regular juvenile day. At the juvenile session the court will often continue the case for one or two weeks in order to get more information. The court may also arrange for a clinical study. In any case, the period of detention and continuance is sufficiently long to justify extended traveling in order to ensure proper detention facilities.

2. The court may have varying reasons for detention:

(a) The child may require secure custody for his own protection and that of the community — the typical “detention” case.

(b) The child may act like an adult, may be vicious and dangerous in association with other juveniles, requiring special treatment — the typical “jail” case.

(c) The child may require clinical study, which may or may not necessitate detention — the diagnosis may be obtainable on an out-patient basis.

(d) The child may merely require a place to stay while awaiting a foster home placement — the typical “shelter” case.

To meet these varying causes of detentions, several types of detention facilities may be needed.

D. *“Court-Ordered” Detention Practice.*

The following general statements may be made:

1. In the main, the courts are reluctant to hold juveniles in secure custody if they can be safely released to their parents. This is in accord with the best practice and the opinions of experts.

2. Nevertheless, there are many cases in which children are detained unnecessarily and for improper reasons, such as:

(a) Using the detention center or jail, often for extended periods of time, as a shelter pending foster home placement, rather than making a temporary placement.

(b) Using the detention center as a means of short-term punishment and as a “taste” of what will happen to a probation violator. To punish a child before adjudicating him delinquent is completely illegal and certainly violates the non-punitive spirit of the law. Furthermore, the responsibility for treatment is that of the Division of Youth Service, and not of the courts. The court should make a finding and either place the child on probation or commit him outright to the care of the Youth Service Board.

(c) Using the detention center or jail in cases when the child could safely be returned to the care of his family. While most courts have a distaste for detention in jail, this

feeling does not carry over to the detention center; and therefore the courts in and near Boston show a greater tendency to detain children in the Boston detention center than in the courts in outlying districts.

3. There are still a large number of children (between 200 and 350) each year who are detained in jail, due to —

(a) The feeling on the part of the court that these children are adults, require the same treatment as adults, and should not be associated with other children in an institution.

(b) The fact that such children are being held for the grand jury, and therefore must necessarily be treated as adults, though they may eventually be committed by the Superior Court to the care of the Youth Service Board.

(c) The fact that the Boston Detention Center is too far distant for use by the outlying courts.

4. Children detained in jail, though regarded as adults by the court, are kept segregated from adult prisoners in accordance with law. As there are only a few such children in any jail at any one time, it is naturally impossible to plan or carry on any adequate program; nor do the jails, with their limited staffs, have any specially trained personnel to work with these youngsters. Thus, jail detention, in addition to oftentimes being a shocking experience and possibly a corrupting influence, provides nothing constructive or helpful in this most important period of time.

5. While not required by law, the detention center provides clinical and diagnostic studies for the courts. Due to lack of trained personnel and plant facilities, it is impossible to offer this service except by appointments made well in advance, a situation that is often aggravated by the excessive number of children detained for custody only. Furthermore, the unavoidable intermingling of custody cases and study cases may be undesirable and confusing to the children involved. Also many children are unnecessarily sent to the detention center for study, when adequate study could be accomplished on an out-patient basis with the child in his own home, provided that an adequate system of out-patient clinics were available. Some courts that have

committed children for study will nevertheless require the children returned to court every fifteen days, which is an unnecessary and disturbing interruption to the diagnostic program. In some cases, children sent to the detention center for study have been bailed by their parents, thus oftentimes defeating the object of the committal.

E. *Recommendations.*

It is recommended that —

1. The law relating to “court-ordered” detention be amended in the following respects:

(a) By providing in section 68 that after a certain future date all children between seven and seventeen, who are held by the court for further action, shall be committed either to a probation officer or to the Youth Service Board, and expressly forbidding the detention of children under seventeen in a jail under any circumstances whatsoever.

(b) Also by expressly providing in section 68 that all children under 17 held for criminal proceedings and for the grand jury under sections 73–83 should be committed either to a probation officer or to the Youth Service Board, in the same manner as children held for delinquency proceedings.

(c) Also by providing in section 68 that detained children (except those held for criminal proceedings, for the grand jury or for trial or appeal in Superior Court) shall be returned to court after fifteen days; and if thereupon recommitted to the care of the Youth Service Board for detention shall be returned to court at fifteen-day intervals thereafter; and that each recommittal to detention center shall require approval of the director.

(d) Also by providing in section 68 that any child under seventeen may be placed in the care of the Youth Service Board for a period not to exceed thirty-five days, provided the Director consents.

2. The Division of Youth Service establish and maintain diagnostic services in the areas outside Metropolitan Boston.

PROPOSED PLAN FOR STATE-WIDE DETENTION SERVICE.

Custodial and diagnostic services for children in Massachusetts, pending court arraignment and disposition, are inadequate; with the exception of the area served by the Division of Youth Service Detention Center in Boston, these services are minimal or non-existent.

Any plan for state-wide improvement of these services for children will be directly influenced by two factors: (1) the volume of juvenile court business, and (2) the geographic area to be covered.

As indicated in this report, an adequate program for children referred to court involves three essentials. (1) Secure custody for those children who cannot be released to their home because they are regarded as a menace to themselves or to the community, including those who are runaways wanted by other jurisdictions and those needing security measures to assure court appearance. (2) Open custody (shelter care) for those children whose home is undesirable, whose parents are irresponsible, and runaways ready to return home. (3) Diagnostic services to court referrals on an out-patient or in-patient basis. This service is planned to assist in treatment plans, referral and utilization of community services, and will be available at the request of the court.

To offer this program on a state-wide basis presents a problem of geographic convenience to all areas of the Commonwealth. Based on statistics drawn from each area, namely, arrests, court appearances, number detained in secure custody, and number of diagnostics required, the detention home must be located to serve the greatest need.

From the point of view of physical plant, the basic units needed in this program are (1) detention homes for secure custody; (2) shelter homes for temporary, open custody; and (3) adequate teams which will function as a diagnostic service at the request of the court.

The program is based on the fundamental plan that children should not be removed from their home unless there is sufficient and good reason. Under our present sys-

tem it is felt that many children are detained unnecessarily, and in some cases children are released who need detention. Sometimes the court will order detention for diagnostic purposes when there is no need for removal from home, the removal being made solely for the study. Moreover, children in need of shelter care are detained in secure custody because it is easier to commit to secure custody than to set in motion the machinery required to obtain shelter care.

Essentially, the proposed system will provide all the basic services that have been lacking. Diagnostic service will be available to the courts on both residence or home study bases. This will make it possible to request diagnostic service without removal from home. The detention home will admit only those children needing secure custody. If diagnostic service is requested also, this will be completed in the detention center. At the present time, children who do not need secure custody are generally placed in the detention center with those who need secure custody. With a state-wide system of shelter homes and secure custody homes, the court may place the child in the home suited to his needs and the existing situation.

The important points in this system are in clarifying and defining this service to children so that the police, courts and the Youth Service Board will work together as a team for the welfare and protection of juveniles, as well as society. The delinquent or wayward child may need either secure custody or open custody. Secure custody will be the criterion of intake at the detention home. Open custody will be provided at a shelter home. Diagnostic service will be available for all children, whether in a detention home, shelter home or the child's own home.

Secure custody pending arraignment presents a greater problem in the western part of the State, where the distance is great and population small. The detention home will be available to police for overnight detention. The difficulty here is that logically, the detention center will be located near the areas of heavy population. Consequently, it is unreasonable to expect police to travel long mileage for only several hours of detention. On the other hand,

we must be concerned with children and the effect of being locked up in police cell regardless of length of stay.

For overnight detention, therefore, where the distance to the secure custody unit is too great, particularly during inclement weather, the best plan appears to be to have local police provide a special room for juveniles detained, with near-by communities co-operating, if necessary, and with the facilities provided being subject to approval by the Youth Service Board.

The responsibility of the local communities for their own children must not be ignored. For this reason, it is recommended that regional advisory committees be approved to participate in the operation of the proposed regional units. These committees would be composed of representatives from the regions served, including the courts, police, Youth Service Board representatives, and other citizens.

The preventive aspects of the proposed program must also be noted. Many of the children arrested or detained may not be actually delinquent, but the circumstances of their lives and the nature of their behavior may be such as to cause grave concern for the future. The development of the proposed detention system offers the services and the facilities to begin to do something far more positive than is now available in the way of prevention.

NUMBER OF UNITS. LOCATION AND COSTS.

The most significant new features in the recommendations are the development of the regional secure units and the extension of the diagnostic services to the whole State.

Specifically, four units are recommended in addition to the main unit now building in Boston, which will continue to serve the Greater Boston area.

These units would be located to serve the following areas: (1) The four western counties; (2) Essex County and Northern Middlesex; (3) the Greater Worcester area; and (4) the counties of Bristol, Barnstable, Nantucket, Dukes and Plymouth.

Cost of building these four units is estimated at \$50,000, or a total of \$200,000.

Maintenance and operation cost is estimated at \$65,000 for each unit as follows:—

1. Diagnostic services	\$22,500
2. Matron and masters	25,000
3. Clerical	2,500
4. Heat, food, fuel, etc.	15,000

Appended to this report are tentative drafts of proposed legislation with relation to the recommendations made.

In addition to this legislation, it is recommended that the Legislature include in Capital Outlay the appropriation as estimated above for the construction of the proposed new units.

Attention is called to the fact that this plan avoids the necessity for building another large building in any one section of the State at a cost of half a million or more dollars. At the same time, it provides adequate detention services for all sections.

Respectfully submitted,

JOHN D. COUGHLAN,
Chairman,
THOMAS J. TURLEY,
ALICE H. COLLINS,
Youth Service Board.

TABLE I.
Summary of Juvenile Detention (Girls Only), 1949-1953.
By County.

COUNTY.	Number of Court Appeals.	Number Detained.	Per Cent Detained.	Number in Jail.	Per Cent in Jail.	Number in Detention Center.	Per Cent in Detention Center.	Number in Custody.	Per Cent in Custody.	Number in Study.	Per Cent in Study.
Barnstable	18	-	-	-	-	-	-	-	-	-	-
Berkshire	117	12	7.0	11	6.4	1	.6	1	.6	-	-
Bristol	140	10	7.1	10	7.1	-	-	-	-	-	-
Essex	242	6	2.5	-	-	6	2.5	5	2.1	1	.4
Franklin	28	3	10.7	3	10.7	-	-	-	-	-	-
Hampden	259	6	2.3	5	1.9	-	-	-	-	1	.4
Hampshire	12	3	25.0	3	25.0	-	-	-	-	-	-
Middlesex	390	76	19.5	12	3.1	64	16.4	58	14.9	6	1.5
Norfolk	119	24	20.2	-	-	24	20.2	21	17.6	3	2.6
Plymouth	111	22	20.0	1	.9	21	19.1	11	10.0	10	9.1
Suffolk	1,788	311	17.4	46	2.6	295	14.8	239	13.4	26	1.4
Worcester	293	19	6.5	10	3.4	9	3.1	8	2.7	1	.4
Massachusetts	3,517	492	13.9	101	2.8	391	11.1	343	9.8	48	1.3

TABLE I. — *Continued.*
Girls Detained, 1953.
By County.

County.	Number of Court Appeals.	Number Detained.	Per Cent Detained.	Number in Jail.	Per Cent in Jail.	Number in Detention Center.	Per Cent in Detention Center.	Number in Custody.	Per Cent in Custody.	Number in Study.	Per Cent in Study.
Barnstable	6	-	-	-	-	-	-	-	-	-	-
Berkshire	33	7	21.3	7	21.3	-	-	-	-	-	-
Bristol	33	-	-	-	-	-	-	-	-	-	-
Essex	55	1	1.8	-	-	1	1.8	1	1.8	-	-
Franklin	4	1	25.0	1	25.0	-	-	-	-	-	-
Hampden	79	1	1.3	1	1.3	-	-	-	-	-	-
Hampshire	1	-	-	-	-	-	-	-	-	-	-
Middlesex	90	20	22.2	4	4.5	16	17.8	10	11.1	6	6.7
Norfolk	32	8	25.0	-	-	8	25.0	8	25.0	-	-
Plymouth	31	15	48.4	-	-	15	48.4	6	19.4	9	29.0
Suffolk	354	102	28.8	9	2.5	93	26.3	79	22.3	14	4.0
Worcester	53	2	3.8	-	-	2	3.8	1	1.9	1	1.9
Massachusetts	771	157	20.4	22	2.8	135	17.5	105	13.6	30	3.9

TABLE I. — *Continued.*
Girls Detained, 1952.
By County.

Country.	Number of Court Appeals.	Number Detained.	Per Cent Detained.	Number in Jail.	Per Cent in Jail.	Number in Detention Center.	Per Cent in Detention Center.	Number in Custody.	Per Cent in Custody.	Number in Study.	Per Cent in Study.
Barnstable	2	-	-	-	-	-	-	-	-	-	-
Berkshire	22	3	13.6	2	9.1	1	4.5	1	4.5	-	-
Bristol	27	3	11.1	3	11.1	-	-	-	-	-	-
Essex	54	3	5.5	-	-	3	5.5	2	3.7	1	1.8
Franklin	12	-	-	-	-	-	-	-	-	-	-
Hampden	52	1	1.9	1	1.9	-	-	-	-	-	-
Hampshire	6	-	-	-	-	-	-	-	-	-	-
Middlesex	96	20	20.9	1	1.0	19	19.8	19	19.8	-	-
Norfolk	31	4	12.9	-	-	4	12.9	4	12.9	-	-
Plymouth	16	4	25.0	-	-	4	25.0	4	25.0	-	-
Suffolk	314	89	28.3	5	1.6	84	26.8	80	25.5	4	1.3
Worcester	62	3	4.8	3	4.8	-	-	-	-	-	-
Massachusetts	694	130	18.8	15	2.2	115	16.6	110	15.9	5	0.7

TABLE I. — *Continued.**Girls Detained, 1951.**By County.*

County.	Number of Court Appeals.	Number Detained.	Per Cent Detained.	Number in Jail.	Per Cent in Jail.	Number in Detention Center.	Per Cent in Detention Center.	Number in Custody.	Per Cent in Custody.	Number in Study.	Per Cent in Study.
Barnstable	4	-	-	-	-	-	-	-	-	-	-
Berkshire	33	2	6.1	2	6.1	-	-	-	-	-	-
Bristol	25	3	12.0	3	12.0	-	-	-	-	-	-
Essex	61	-	-	-	-	-	-	-	-	-	-
Franklin	3	-	-	-	-	-	-	-	-	-	-
Hampden	52	1	1.9	1	1.9	-	-	-	-	-	-
Hampshire	3	2	66.6	2	66.6	-	-	-	-	-	-
Middlesex	70	23	32.8	-	-	23	32.8	23	32.8	-	-
Norfolk	20	5	25.0	-	-	5	25.0	4	20.0	1	5.0
Plymouth	24	1	4.2	-	-	1	4.2	1	4.2	-	-
Suffolk	340	47	13.8	4	1.2	43	12.6	38	11.2	5	1.5
Worcester	61	3	4.9	2	3.3	1	1.6	1	1.6	-	-
Massachusetts	696	87	12.5	14	2.0	73	10.5	67	9.6	6	0.9

TABLE I. — *Continued.*
Girls Detained, 1950.
By County.

County.	Number of Court Appeals.	Number Detained.	Per Cent Detained.	Number in Jail.	Per Cent in Jail.	Number in Detention Center.	Per Cent in Detention Center.	Number in Custody.	Per Cent in Custody.	Number in Study.	Per Cent in Study.
Barnstable	5	-	-	-	-	-	-	-	-	-	-
Berkshire	15	-	-	-	-	-	-	-	-	-	-
Bristol	29	3	10.3	3	10.3	-	-	-	-	-	-
Essex	36	2	5.5	-	-	2	5.5	2	5.5	-	-
Franklin	1	1	100.0	1	100.0	-	-	-	-	-	-
Hampden	35	1	2.9	-	-	1	2.9	-	-	1	2.9
Hampshire	1	-	-	-	-	-	-	-	-	-	-
Middlesex	80	11	12.8	5	5.8	6	7.0	6	7.0	-	-
Norfolk	21	2	9.5	-	-	2	9.5	2	9.5	-	-
Plymouth	15	-	-	-	-	-	-	-	-	-	-
Suffolk	372	53	14.3	17	4.0	36	9.7	33	8.9	3	0.9
Worcester	60	8	13.3	3	5.0	5	8.3	5	8.3	-	-
Massachusetts	676	81	12.0	29	4.3	52	7.7	48	7.1	4	0.6

TABLE I. — *Concluded.*
Girls Detained, 1949.
By County.

County.	Number of Court Appeals.	Number Detained.	Per Cent Detained.	Number in Jail.	Per Cent in Jail.	Number in Detention Center.	Per Cent in Detention Center.	Number in Custody.	Per Cent in Custody.	Number in Study.	Per Cent in Study.
Barnstable	1	-	-	-	-	-	-	-	-	-	-
Berkshire	14	-	-	-	-	-	-	-	-	-	-
Bristol	26	1	3.8	1	3.8	-	-	-	-	-	-
Essex	36	-	-	-	-	-	-	-	-	-	-
Franklin	8	1	12.5	1	12.5	-	-	-	-	-	-
Hampden	41	2	4.9	2	4.9	-	-	-	-	-	-
Hampshire	1	1	100.0	1	100.0	-	-	-	-	-	-
Middlesex	48	2	4.2	2	4.2	-	-	-	-	-	-
Norfolk	15	5	33.3	-	-	5	33.3	3	20.0	2	13.3
Plymouth	25	2	8.0	1	4.0	1	4.0	-	-	1	4.0
Suffolk	408	20	4.9	11	2.7	9	2.2	9	2.2	-	-
Worcester	57	3	5.3	2	3.5	1	1.8	1	1.8	-	-
Massachusetts	680	37	5.4	21	3.1	16	2.3	13	1.9	3	0.4

TABLE II.
Summary of Juvenile Detention (Boys Only), 1949-1953.
By County.

COUNTY.	Number of Court Appeals.	Number Detained.	Per Cent Detained.	Number in Jail.	Per Cent in Jail.	Number in Detention Center.	Per Cent in Detention Center.	Number in Custody.	Per Cent in Custody.	Number in Study.	Per Cent in Study.
Barnstable	264	39	14.7	11	4.2	28	10.5	-	-	28	10.5
Berkshire	936	59	6.3	59	6.3	-	-	-	-	-	-
Bristol	1,664	54	3.2	47	2.8	7	.4	7	.4	-	-
Essex	1,869	83	4.4	47	2.5	36	1.9	26	1.4	10	.5
Franklin	214	13	6.1	13	6.1	-	-	-	-	-	-
Hampden	2,075	153	7.4	147	7.1	6	.3	2	.1	4	.2
Hampshire	173	15	8.7	14	8.1	1	.6	-	-	1	.6
Middlesex	4,170	824	19.8	428	10.3	396	9.5	310	7.4	86	2.1
Norfolk	1,103	269	24.4	67	6.1	202	18.3	172	15.6	30	2.7
Plymouth	1,042	120	11.5	37	3.6	83	7.9	46	4.3	37	3.6
Suffolk	8,512	1,430	16.8	343	4.0	1,087	12.8	847	10.0	240	2.8
Worcester	2,118	152	7.1	122	5.7	30	1.4	22	1.0	8	0.4
Massachusetts	24,140	3,211	13.3	1,335	5.5	1,876	7.8	1,432	6.0	444	1.8

TABLE II. — *Continued.*
Boys Detained, 1953.
By County.

COUNTY.	Number of Court Appeals.	Number Detained.	Per Cent Detained.	Number in Jail.	Per Cent in Jail.	Number in Detention Center.	Per Cent in Detention Center.	Number in Custody.	Per Cent in Custody.	Number in Study.	Per Cent in Study.
Barnstable	57	21	36.9	2	3.5	19	33.4	-	-	19	33.4
Berkshire	210	19	9.5	19	9.5	-	-	-	-	-	-
Bristol	403	12	3.0	7	1.8	5	1.2	5	1.2	-	-
Essex	413	23	5.5	8	1.9	15	3.6	8	1.9	7	1.7
Franklin	53	2	3.7	2	3.7	-	-	-	-	-	-
Hampden	553	33	6.0	28	5.1	5	.9	1	.2	4	.7
Hampshire	- ¹	5	- ¹	4	- ¹	1	- ¹	-	- ¹	1	- ¹
Middlesex	993	192	19.3	29	2.9	163	16.4	123	12.4	40	4.0
Norfolk	278	63	22.6	7	2.5	56	20.1	39	14.0	17	6.1
Plymouth	274	52	19.0	11	4.0	41	15.0	21	7.7	20	7.3
Suffolk	1,724	507	29.4	75	4.3	432	25.1	323	18.8	109	6.3
Worcester	576	33	5.7	23	4.0	10	1.7	6	1.0	4	.7
Massachusetts	5,534	962	17.4	215	3.9	747	13.5	526	9.5	221	4.0

¹ Incomplete.

TABLE II. — *Continued.*
Boys Detained, 1952.
By County.

COUNTY.	Number of Court Appeals.	Number Detained.	Per Cent Detained.	Number in Jail.	Per Cent in Jail.	Number in Detention Center.	Per Cent in Detention Center.	Number in Custody.	Per Cent in Custody.	Number in Study.	Per Cent in Study.
Barnstable	62	12	19.4	3	5.0	9	-	-	-	9	14.4
Berkshire	196	11	5.6	11	5.6	-	-	-	-	-	-
Bristol	305	4	1.3	4	1.3	-	-	-	-	-	-
Essex	384	14	3.6	5	1.3	9	2.3	6	1.5	3	.8
Franklin	39	4	10.5	4	10.5	-	-	-	-	-	-
Hampden	473	39	8.1	39	8.1	-	-	-	-	-	-
Hampshire	43	3	7.0	3	7.0	-	-	-	-	-	-
Middlesex	879	184	20.9	65	7.4	119	13.5	73	8.3	46	5.2
Norfolk	304	70	23.1	9	3.0	61	20.1	48	15.8	13	4.3
Plymouth	167	40	24.0	5	3.0	35	21.0	18	10.8	17	10.2
Suffolk	2,040	482	23.6	81	4.0	401	19.6	270	13.2	131	6.4
Worcester	455	30	6.6	23	5.1	7	1.5	3	.7	4	.8
Massachusetts	5,347	893	16.7	252	4.7	641	12.0	418	7.8	223	4.2

TABLE II. — *Continued.*
Boys Detained, 1951.
By County.

COUNTY.	Number of Court Appeals.	Number Detained.	Per Cent Detained.	Number in Jail.	Per Cent in Jail.	Number in Detention Center.	Per Cent in Detention Center.	Number in Custody.	Per Cent in Custody.	Number in Study.	Per Cent in Study.
Barnstable	58	1	1.7	1	1.7	-	-	-	-	-	-
Berkshire	183	22	12.0	22	12.0	-	-	-	-	-	-
Bristol	337	13	3.9	12	3.6	1	.3	1	.3	-	-
Essex	324	18	5.5	14	4.3	4	1.2	4	1.2	-	-
Franklin	43	2	4.6	2	4.6	-	-	-	-	-	-
Hampden	386	26	6.7	25	6.5	1	.2	1	.2	-	-
Hampshire	34	2	5.9	2	5.9	-	-	-	-	-	-
Middlesex	772	155	20.1	79	10.3	76	9.8	76	9.8	-	-
Norfolk	206	61	29.6	22	10.7	39	18.9	39	18.9	-	-
Plymouth	199	9	4.5	6	3.0	3	3.0	3	3.0	-	-
Suffolk	1,563	132	8.4	48	3.1	84	5.3	84	5.3	-	-
Worcester	409	39	9.5	32	7.8	7	1.7	7	1.7	-	-
Massachusetts	4,514	480	10.7	265	5.9	215	4.8	215	4.8	-	-

TABLE II. — *Continued.*
Boys Detained, 1950.
By County.

COUNTY.	Number of Court Appeals.	Number Detained.	Per Cent Detained.	Number in Jail.	Per Cent in Jail.	Number in Detention Center.	Per Cent in Detention Center.	Number in Custody.	Per Cent in Custody.	Number in Study.	Per Cent in Study.
Barnstable	57	4	7.0	4	7.0	-	-	-	-	-	-
Berkshire	180	5	2.8	5	2.8	-	-	-	-	-	-
Bristol	322	9	2.8	9	2.8	-	-	-	-	-	-
Essex	325	15	4.6	11	3.4	4	1.2	4	1.2	-	-
Franklin	37	-	-	-	-	-	-	-	-	-	-
Hampden	354	24	6.8	24	6.8	-	-	-	-	-	-
Hampshire	45	4	8.9	4	8.9	-	-	-	-	-	-
Middlesex	804	151	18.8	138	17.2	13	1.6	13	1.6	-	-
Norfolk	167	57	34.3	22	13.3	35	21.1	35	21.1	-	-
Plymouth	219	11	5.0	10	4.6	1	.4	1	.4	-	-
Suffolk	1,543	200	13.0	64	4.1	136	8.9	136	8.9	-	-
Worcester	318	29	9.1	23	7.2	6	1.9	6	1.9	-	-
Massachusetts	4,365	509	11.7	314	7.2	195	4.5	195	4.5	-	-

TABLE II. — *Concluded.*
Boys Detained, 1949.
By County.

COUNTY.	Number of Court Appeals.	Number Detained.	Per Cent Detained.	Number in Jail.	Per Cent in Jail.	Number in Detention Center.	Per Cent in Detention Center.	Number in Custody.	Per Cent in Custody.	Number in Study.	Per Cent in Study.
Barnstable	36	1	2.8	1	2.8	-	-	-	-	-	-
Berkshire	197	2	1.2	2	1.2	-	-	-	-	-	-
Bristol	297	16	5.4	15	5.1	1	.3	1	.3	-	-
Essex	423	13	3.1	9	2.1	4	1.0	4	1.0	-	-
Franklin	42	5	8.4	5	8.4	-	-	-	-	-	-
Hampden	309	31	10.0	31	10.0	-	-	-	-	-	-
Hampshire	51	1	2.0	1	2.0	-	-	-	-	-	-
Middlesex	722	142	19.7	117	16.2	25	3.5	25	3.5	-	-
Norfolk	148	18	12.1	7	4.7	11	7.4	11	7.4	-	-
Plymouth	183	8	4.4	5	2.8	3	1.6	3	1.6	-	-
Suffolk	1,642	109	6.6	75	4.6	34	2.0	34	2.0	-	-
Worcester	360	21	5.8	21	5.8	-	-	-	-	-	-
Massachusetts	4,380	367	8.4	289	6.6	78	1.8	78	1.8	-	-

APPENDIX A.

PROPOSED LEGISLATION.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Five.

AN ACT RELATING TO THE DETENTION OF WAYWARD AND
DELINQUENT CHILDREN AND JUVENILE OFFENDERS.

*Be it enacted by the Senate and House of Representatives in
General Court assembled, and by the authority of the same,
as follows:*

1 SECTION 1. Section 66 of chapter 119 of the General
2 Laws, as amended by section 201, chapter 244 of the
3 acts of 1943, is hereby amended by adding at the end
4 the following sentence:— On and after January first,
5 nineteen hundred and fifty-seven, no child under seven-
6 teen years of age shall, under any circumstances what-
7 ever, be committed by the court to a jail or house of
8 correction or to the state farm, pending further exami-
9 nation or trial by the court, or pending any continuance
10 of his case, or pending the prosecution of an appeal to
11 the superior court, or upon adjudication as a delinquent
12 child, or pending indictment and trial under sections
13 seventy-three to eighty-three of this chapter.

1 SECTION 2. Chapter 119 of the General Laws is
2 hereby further amended by striking out section 67
3 thereof, as amended by section 2 of chapter 244 of the
4 acts of 1943, and inserting in place thereof the following
5 section:—

6 *Section 67.* Whenever a child between seven and
7 seventeen years of age is arrested with or without a war-
8 rant, as provided by law, the officer in charge of the
9 place of custody to which the child has been taken shall

10 immediately notify the probation officer of the district
11 court within whose judicial district such child was ar-
12 rested and at least one of the child's parents, or, if there
13 is no parent, the guardian or person with whom it is
14 stated that such child resides, and shall inquire into the
15 case. Pending such notice and inquiry, such child shall
16 be detained. Upon the acceptance by the officer in
17 charge of said place of custody of the written promise
18 by said parent, guardian or any other reputable person
19 to be responsible for the presence of such child in court
20 at the time and place when such child is to appear, or
21 upon the receipt by such officer in charge from said pro-
22 bation officer of a written request for the release of such
23 child to him, such child shall be released to said person
24 giving such promise or to said probation officer making
25 such request; provided, that if the arresting officer re-
26 quests in writing, and if the probation officer approves
27 such request, that a boy between twelve and seventeen
28 years of age, or a girl between fourteen and seventeen
29 years of age, be detained, or if the court or trial justice
30 issuing a warrant for the arrest of a boy between twelve
31 and seventeen years of age or a girl between fourteen
32 and seventeen years of age directs in the warrant that
33 such child shall be held in safekeeping pending his
34 appearance in court, such child shall be detained in a
35 police station or detention home of the youth service
36 board pending his appearance in court; and provided,
37 further, that nothing contained in this section shall pre-
38 vent the admitting of such child to bail in accordance
39 with law. Said probation officer shall notify such child
40 of the time and place of the hearing of his case. On and
41 after January first, nineteen hundred and fifty-seven, no
42 child shall be detained in a police station or lockup, at
43 the request of the arresting officer with the approval of
44 the probation officer, unless the detention facilities for
45 children at such police station have received the approval
46 of the director of the division of youth service, as evi-
47 denced by a letter in writing to the officer in charge of
48 such police station or lockup; and if the detention facili-

49 ties in the police station or lockup of any police depart-
50 ment have not received such approval in writing, said
51 department may detain children, in lieu of a detention
52 home of the youth service board, in the approved deten-
53 tion facilities of another police department with the con-
54 sent of the officer in charge of said approved detention
55 facilities and at the expense of the detaining police
56 department.

1 SECTION 3. Chapter 119 of the General Laws is
2 hereby further amended by striking out section 68
3 thereof, as amended by section 8 of chapter 310 of the
4 acts of 1948, and inserting in place thereof the follow-
5 ing section: --

6 *Section 68.* A child between seven and seventeen
7 years of age, held by the court for further examination,
8 trial or continuance, or for indictment and trial under
9 the provisions of sections seventy-three to eighty-three
10 of this chapter, or to prosecute an appeal to the superior
11 court, if unable to furnish bail shall be committed by
12 the court to the care of the youth service board or of a
13 probation officer, who shall provide for his safekeeping
14 and for his appearance at such examination or trial, or
15 at the prosecution of his appeal.

16 Except as provided in section sixty-eight A, a child
17 between seven and seventeen years of age so committed
18 by the court to the youth service board to await further
19 examination or trial by any court shall be returned
20 thereto within fifteen days after the date of the order of
21 such commitment, and final disposition of the case shall
22 thereupon be made by adjudication or otherwise, unless,
23 in the opinion of the court, the interests of the child and
24 the public otherwise require; provided, that no child
25 who is returned to court shall be recommitted by the
26 court to the youth service board to await further exami-
27 nation or trial or disposition, except with the approval
28 of the director of the division of youth service and under
29 such conditions and limitations as he may prescribe.

30 Said probation officer shall have all the authority,
31 rights and powers in relation to a child committed to his

32 care under this section, and in relation to a child released
33 to him as provided in section sixty-seven, which he would
34 have if he were surety on the recognizance of such child.

1 SECTION 4. Said chapter 119 is hereby further
2 amended by inserting after section 68, as amended, the
3 following four sections:—

4 *Section 68A.* A child between seven and seventeen
5 years of age, held by the court for further examination,
6 trial or continuance, or for indictment and trial under
7 the provisions of sections seventy-three to eighty-three
8 of this chapter, or to prosecute an appeal to the superior
9 court, may at the discretion of the court be referred to
10 the youth service board, with its consent, for diagnostic
11 study on an outpatient basis; and upon completion of
12 such study, the board shall forward a report and recom-
13 mendations to the referring court, which shall then make
14 final disposition by adjudication or otherwise as provided
15 in the foregoing section. Any such child may in the dis-
16 cretion of the court be committed to the youth service
17 board with its consent for a period not to exceed thirty-
18 five days for custody while undergoing diagnostic study;
19 at the expiration of such period, such child shall be re-
20 turned to the court, together with the report and recom-
21 mendations of the youth service board, and final dis-
22 position shall thereupon be made by adjudication or
23 otherwise, as provided in the foregoing section. No child
24 committed to the care of the youth service board for
25 diagnostic study under this section may be admitted to
26 bail during such period of thirty-five days.

27 *Section 68B.* The youth service board may use or
28 provide special foster homes, and shall establish and
29 maintain at various places in the commonwealth, deten-
30 tion homes which shall be completely separate from any
31 lockup, police station or jail, and which shall be used
32 solely for the temporary care, custody and study of
33 children committed to the care of the board under sec-
34 tions sixty-six, sixty-seven, sixty-eight and sixty-eight A
35 of this chapter, and the director of the division of youth
36 service may at his discretion transfer any child thus

37 committed from any such foster home or detention
38 home to another foster home or detention home.

39 *Section 68C.* The youth service board shall maintain
40 and provide diagnostic services for the purpose of pro-
41 viding the diagnostic studies and making the reports
42 and recommendations provided for under section sixty-
43 eight A; and the board may provide offices and facilities
44 for such diagnostic services, both at the detention homes
45 and at such other places in the commonwealth as will
46 best serve the needs of the several courts.

47 *Section 68D.* Up to and including December thirty-
48 first, nineteen hundred and fifty-six, a child between
49 fourteen and seventeen years of age held by the court
50 for further examination, trial or continuance, or for in-
51 dictment and trial under section seventy-three or eighty-
52 three of this chapter, or to prosecute an appeal to the
53 superior court, may be committed to jail if the court on
54 immediate inquiry shall be of opinion that such child
55 should be committed to jail. A child so committed to
56 jail to await further examination or trial by any court
57 shall be returned thereto within fifteen days of the order
58 of such commitment, and final disposition of the case
59 shall thereupon be made by adjudication or otherwise;
60 unless in the opinion of the court the interests of the
61 child and the public otherwise require.

62 Any child committed to jail under this section shall,
63 while so confined, be kept in a place separate and apart
64 from all other persons committed thereto who are seven-
65 teen years of age or over, and shall not at any time be
66 permitted to associate or communicate with any other
67 such persons committed as aforesaid, except when at-
68 tending religious exercises or receiving medical attention
69 or treatment.

70 The provisions of section twenty-four of chapter two
71 hundred and twelve relative to the precedence of cases
72 of persons actually confined in prison and awaiting trial
73 shall apply to children held in jail under this section to
74 prosecute appeals to the superior court.