

The Behavioral Sciences and Juvenile Justice*

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I am particularly honored to be included in this program. In such an uncommonly intellectual atmosphere, it will be necessary that I follow the advice I gave an old man in Court a few days ago, when I sentenced him to 12 months in jail. When I imposed the sentence, the man looked up at me and said, "Judge, I'm an old man and my health is bad. I don't believe I'll live long enough to serve that sentence." I advised him, "Just do the best you can."

If it is possible for me to contribute anything to the deliberations here today, I have concluded that the most promising approach is to emphasize needs, rather than accomplishments, for, in my humble judgment, even this distinguished convocation of scientists, just as you are, is not good enough.

We live in a seriously troubled world, which desperately wants what it hopes you have to offer. From the vantage point of the Juvenile Court bench, I watch a growing parade of lost children. I see a great and disturbing need for knowledge and understanding which the law and the government cannot supply, a need for a new and better understanding of illnesses which cripple the mind, the spirit, the soul. My testimony here would be professionally false and intellectually dishonest if I did not tell you that for the pitiful thousands of children who are emotionally disturbed or mentally ill, that which you have done and are doing is not nearly enough. As I view this tragic picture, I see very little which commands applause. Surely, to say the least, this is no time to stop and rest.

I would hope that you might interpret my presumption to speak here in these critical terms as a compliment to your capacity to understand. I do not say the picture is totally bad. Certainly I commend you for the progress you have made, and I am most grateful for the assistance you have given the Juvenile Courts. But we still desperately need more help

for the thousands of children we must try to serve. Those of us who operate the courts are confronted by a behavioral dilemma, so complex and so far-reaching in its consequences that we are apprehensive and concerned for the very foundations of order. For the guidance and assistance we consider necessary, we must now turn to those whom we regard as masters of the science of human behavior.

I would like particularly to stress the role of the behavioral scientist in the effective operation of the Juvenile Court. Perhaps you are not entirely familiar with the modern Juvenile Court operation. Perhaps you regard it as a simple, one-man operation in which the judge has only to look into his law books and there find the answers to all the problems which come his way. This, I assure you, is not the picture. Every day, every hour, the judge is confronted by problems which defy solution. The Court over which I preside has a physical plant which covers eleven acres of ground, a staff of eighty employees, and an annual budget of approximately one million dollars. Justice, in a juvenile case, is a complicated, expensive, elusive commodity. The primary ingredient of juvenile justice, in each case, is an informed understanding of the emotional and mental infirmities which caused the individual human being to be involved in his problem, upon which is based an analysis of his potential and the application of available therapeutic resources to lift him out of his dilemma and set him on proper course. The ability to supply this basic ingredient of juvenile justice is not provided in law school. The behavioral scientist is our indispensable source of supply.

It should be emphasized here that while the fundamental purpose of adult criminal courts and juvenile courts is the regulation of human behavior, the law directs that entirely different methods be employed to accomplish this common objective. Adult criminal courts are directed by law to deter antisocial conduct by punishment. Juvenile courts are directed to accomplish this objective in children's cases by rehabilitation. The judge of the adult court requires the advice of the behavioral scientist only

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in a small percentage of his cases, those wherein the sanity of the defendant becomes an issue. The judge of the Juvenile Court, on the other hand, must base his decision in every case upon the unique mental and emotional characteristics and limitations of the particular child involved. The statute under which juvenile courts operate, Title 16.1, Chapter 8, Code of Virginia, provides that in each case "the court shall proceed upon the theory that the welfare of the child is the paramount concern of the state" and that these courts shall provide the child "such watchful care, custody, discipline, supervision, guardianship and control as may be conducive to the welfare of the child." We are directed to ignore or, at least, subordinate such practical considerations as the anxiety of the community concerning crime, and do what is best for the child. We must chart a course for him, specifically and advisedly designed to provide the best prospect for his individual success. This is not a simple undertaking.

Each case is different from all others. The characteristics, weakness, and antisocial tendencies which bring the child to the attention of the court in most cases have been developing unattended for many years before he is seen by the judge. How does one trained in the law know what is best for a child who is sick? How does one go about healing wounds of the spirit, the scars of emotional deprivation and mental malnutrition, converting weakness into strength, failure into success? Without going into a discussion of the legal procedures prescribed by law, it is sufficient to say that the broad statutory prescription of "rehabilitation" is a meaningless legislative promise unless the knowledge and expertise of the behavioral scientist is made available for the benefit of children in the juvenile courts. A knowledge of the law alone does not qualify one to diagnose or prescribe. If the judicial diagnosis does by chance embody a scientifically accurate appraisal of the condition and needs of the individual child, it is but a futile gesture if facilities and resources cannot be obtained to fill the prescription.

Our social and governmental machinery are designed to funnel these children, by the thousands, into the juvenile courts. Quite frankly, the burden of my message to you today is that, as the total picture is seen from the bench of the Juvenile Court, you and I, your profession and mine, are doing a pitifully inadequate job for these children.

Let me touch upon a few specific areas of concern in which there seems to be a possibility for a judge to be constructively critical of the behavioral scientist.

First, though not necessarily of primary importance, is the matter of communication. For your professional advice, your report, to be of appreciable benefit to the particular child, it is necessary that you have scientific knowledge or information which is relevant, and, further, that you communicate that knowledge to the judge and other court officials who are to deal with the child. I have read psychiatric and psychological reports in thousands of cases and in many instances have had the frustrating feeling that if the good doctor knew anything that would be useful he did a very poor job of getting the message through to me. At your professional conventions it is to be expected that the reports of your fellow scientists would be in the highly technical and scientific language with which you are comfortable, but your professional brethren are not the ultimate beneficiaries of your labors. They are not the people who really need to hear and understand what you have to say. The judge, the clerk, the probation officer have no medical training. A report written in terms they do not understand might as well be written in Latin or Chinese. We need to know what is wrong with the child, the condition and level of his ability to learn, the type of program we should attempt to structure to develop whatever potential he has. I respectfully suggest that some of the popular skepticism and doubt respecting the effectiveness of the behavioral scientist may be attributed to the fact that your reports are in a language which is difficult for most people to understand. Public confidence and acceptance require understanding.

Another related consideration is the tragic inadequacy of facilities and programs for the care and treatment of the mentally ill and emotionally disturbed. As I appraise existing facilities and resources for these humane purposes in Virginia, notwithstanding some progress and without disparaging the dedicated efforts of a few wonderful people, I register a picture of professional indifference to vast areas of suffering and darkness. I attribute this unhappy picture of human misery, this drama of the living dead, in a large measure, to a lack of a driving professional concern on the part of those who are in a position to recognize the gravity and magnitude of the problem. For too many years those who know the story have left the solution to others who neither know nor care. I fully believe that if the people of Virginia realized and understood the great and growing need for these programs and facilities, they would not abide a situation in which the talents and skills of the behavioral

scientist are unavailable to children who desperately need these services. I hope that I may be permitted to challenge you to tell this story to the people of Virginia, in language which they can understand. If you are not challenged by this assignment, I must say, I know of no other group of citizens who will or can be.

Let me suggest another area of challenge, in which it seems that your analytical and diagnostic skills in matters of human behavior are acutely needed, and apparently lacking. We are witnessing in these difficult times a behavioral explosion which threatens to destroy our system of public education. Informed people are openly predicting that our public school system cannot survive unless there is drastic improvement in the school operation. There are doubtless numerous factors involved, but many of us believe that one of the primary causes is the fact that the system operates on the assumption that every child has the same level of scholastic ability and is interested in the same courses of study. This is sheer folly. No two children are alike or exactly equal. As a consequence, millions of children are exposed to courses in which they neither know nor care what the teacher is trying to teach. They are not challenged or motivated, lose all interest in

the educational process and either drop out or become disruptive behavior problems. I believe that you have much to offer in the solution of this dilemma. I can think of no area of concern in which you could be of greater assistance to the youth of America, or in which you could make a more vital contribution to the strength and survival of this nation.

In closing, I would like to refer, and commend to your consideration, the greatest of all behavioral scientists, one whose influence has been stronger than that of all others combined. His formal education was not impressive. Indeed, he was but a carpenter, born and reared in the most humble situation, and his teaching career was brought to an end by his public execution when he was 33 years of age. That was two thousand years ago, but his teachings are still a source of comfort to troubled hearts and minds. In moments of severe judicial stress I talk to him and, while I don't understand exactly how it works, I know it helps. Somehow, thus far, it has kept me in my institution and out of yours. I commend him to you, because I want you to experience the greatest possible success. The troubled world in which we live needs your success, almost as desperately as it needed his.