

Spotlight

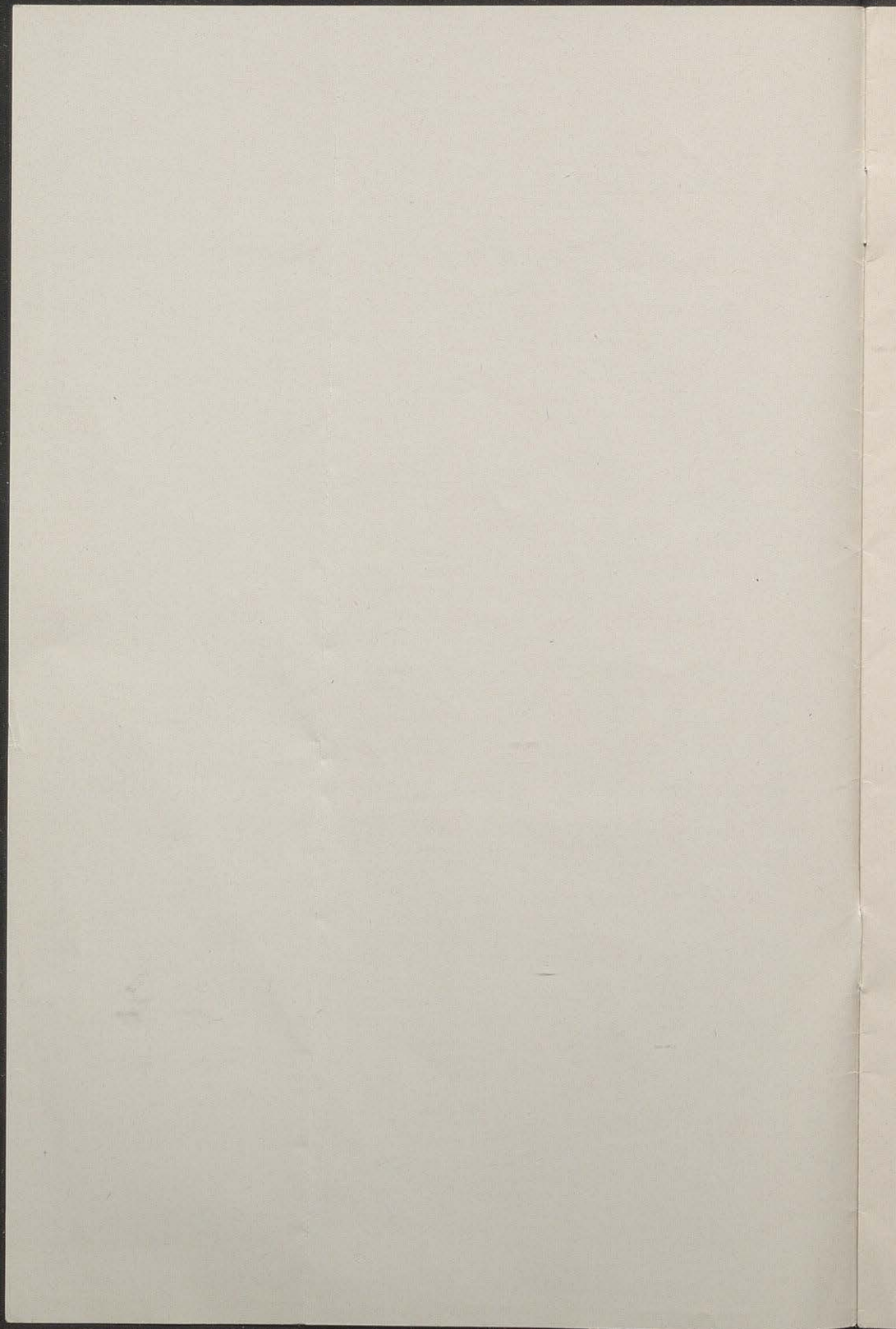
On Youth

A study of the laws, agencies, and facilities
for the youth of Rapid City

Published by

RAPID CITY LEAGUE OF WOMEN VOTERS

May, 1957



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OUR AIM AND METHOD

In May, 1957, the Rapid City League of Women Voters began to study laws and facilities affecting its juveniles. Aware that the national delinquency rate was rising alarmingly, we were alerted to real danger here.

We wanted to know:

Are available facilities being used to prevent delinquency?

Is there a program for rehabilitation?

Do we have trained people to handle our young offenders?

Is there coordination between agencies dealing with youth?

What is needed to bring our best effort into play in behalf of youth?

So we started. A coordinating committee studied to obtain a comprehensive picture of the national juvenile problem.

Interviewing teams were sent, equipped with background data, to find out just what constitutes a juvenile delinquent according to the South Dakota code; and how the state, county and local law-enforcement and social agencies either coincided or were divergent in their policies.

Our recommendations are a result of information gathered locally compared with nationally recognized authorities.

We find these things to be self-evident:

1. There are no general reasons why a specific youngster becomes delinquent—there are only individual reasons, which may be based on the individual himself, his family, his neighborhood, his community, his culture, etc. The LWV made no effort to pin-point the causes of delinquency in Rapid City—this is a subject for professionals.

2. The League of Women Voters is composed of women—voters — and taxpayers. We are aware that many of the recommendations we make call for an expenditure of funds. We firmly believe that such expense saves. It costs less in money, time and effort to prevent a juvenile from becoming an adult criminal than it does to care for him after he becomes that criminal.

RECOMMENDATIONS FOR COMMUNITY ACTION

WHICH ONE CHALLENGES YOU? Call President, LWV, FI 2-6017

1. Revision of the South Dakota Code as it pertains to juveniles, with a view to simplification and clarification. It is our opinion that the standards set forth in the Standard Juvenile Court Act should be used as a basis for such changes. Although the Code defines a delinquent child as one who violates any law of this state or ordinance of any city or town of this state, it also cites 18 moral standards, violation of which constitutes delinquency. Some of these are smoking, eating in a restaurant where liquor is sold, skipping school, swearing, etc. The age limits are 7 to 18. Obviously all of these laws are not enforceable. Confusion results when some laws are to be obeyed and some ignored.
2. Revision of the City Ordinances of Rapid City as they pertain to juveniles with the purpose of creating greater conformity between the State and City Codes.

Rapid City ordinances closely parallel State Code laws, but they are at variance in some areas; for instance: City Ordinance 8.0406 Sale of Liquor Prohibited, sets age at 21; State Code Section 13.3811 for the same law has an age limit of 18 (although another section of the State Code reads under age 21). Curfew Laws of city, under age 16, and State under age 18, are another instance of discrepancy.

3. That a program of instruction, to begin at the seventh grade level, be given juveniles in Rapid City, to make them familiar with laws that affect them, and with the philosophy behind the laws.

Prevention and rehabilitation of juvenile offenses would cost less in money and in community welfare. The philosophy of the Juvenile Court is "The child must be protected, not punished. The child must be protected from himself, from others who would do him harm, from an environment which may be detrimental, and he must be protected from doing harm to others." Familiarity with the law and its philosophy is of benefit to all.

4. That accurate statistical information be kept on record in the offices of the County Judge, the Police Department, the Sheriff's office and other agencies concerned with youth, using standard forms from year to year to keep clear records of trends and progress.

Although all departments dealing with juveniles were most cooperative and opened their records for statistical information, the League found that in some cases statistics were not available, in others statistics covering the same data conflicted. No clear picture of trends or progress is possible without standard year to year records.

5. The juvenile court should take advantage of existing social agencies as well as volunteer probation staff for prevention and rehabilitation.

Leaders of all agencies interviewed by the league members said they get very few or no referrals from the court. City recreation workers, churches and other agencies are used in other communities as aids to the court for matters of this kind.

6. Establishment of a Community Council for the Welfare of Juveniles, to be composed of non-official members of the community in conjunction with a member of the County Court, Police Department, Sheriff's Office, Schools, Mental Health Clinic, Child Welfare, and representatives of other agencies as may be needed.

With few exceptions, members of official agencies agreed that regularly scheduled conferences of interested persons would be beneficial. Although informal meetings are held when required between agencies, the coordination is lacking which organized meetings would provide.

7. Creation of a Juvenile Delinquency Unit within the Police Department to consist of one man full time during the day, and one man and one woman for night service.

Rapid City's police force is acutely under-staffed and the juvenile load is carried by one officer working part time in the juvenile field because of his interest. National recommendations are for 5% of total police force to be devoted to work with juveniles; therefore, with our present force of 35, our minimum should be two full time juvenile officers. And we have no policewoman to fill an obvious need.

8. More patrol cars on duty at all times.

With our present police force of 35, it is impossible to adequately patrol the city. For example, during the crucial night hours, only 4 manned cars are available for patrolling an extensive area, and emergency calls necessarily will limit even this.

9. Appointment of a special juvenile deputy to better coordinate the juvenile cases of the Sheriff's Office with those handled by probation and police officers, and to facilitate cooperation between these officials.

In the juvenile field, the Sheriff's office is at present working in the dark. The Sheriff has no access to juvenile records; no knowledge of whether a juvenile has a previous record, and no knowledge of the disposition of the case. A specially appointed juvenile deputy would have access to these records.

10. Strict enforcement of liquor laws, with prompt penalty to violators. This is to apply to the sale of beer as well as hard liquor.

The State's Attorney prosecutes liquor law violations for Pennington County; city violations are prosecuted by the City Attorney. Enforcement of these laws is the jurisdiction of both the police department and the Sheriff's office. Juveniles interviewed report that it is not too difficult to purchase either beer or hard liquor. This indicates that enforcement and prosecution must cooperate to end these violations.

11. Study of ways and means to alert the public to the necessity of filing complaints against adults contributing to the delinquency of a minor, with full protection to the minor.

Rapid City has an unusually high rate of sexual offenses against minors, in relation to the population; however, the public is reluctant to file complaints and as a result, few of these cases can be prosecuted by the authorities.

12. That funds be made available to the Juvenile Court to adequately staff

available services, and that the County pay for specialized training for probation officers; also that juvenile police officers be trained at city expense. The county and city would bear this expense for existing personnel, as an interim measure, looking forward to a time when our salaries would attract professionally trained people.

13. Expansion of present facilities (or creation of new facilities) for those juvenile delinquents whose homes fail to provide a climate for rehabilitation. This could include more foster homes to help in the prevention of delinquency.

At the present time Plankinton Training School is the only public facility, and this is over-crowded. Father Murray's Boys Ranch is used to a limited extent but, although this facility has never turned a boy away, it is not large enough to accommodate the need. The present court and other officials feel this type of facility is needed for children whose offense is not serious enough for Plankinton.

14. Separation of pre-probation and post-probation personnel in the Juvenile Court.

A juvenile cannot feel friendly toward the same person who was responsible for his appearance before the Juvenile Judge. Therefore, it is not possible to get the maximum amount of cooperation from the juvenile during his probationary period.

15. That a Central Clearing Office of Information on Social Agencies be created and supported.

No facility nor agency concerned with children can function independently of the others. For proper referrals information on specific services should be available to the public and other agencies.

16. That vocations classes in the schools be expanded to include plumbing, electrical work and other such trades, and that there be additional vocational guidance counseling by qualified and trained teachers, who would receive a salary bonus for special training.

The public school system considers its vocations courses successful and the LWV feels that expansion of the program would reach still more students as well as furnishing the community with needed skilled workers.

17. Additional help in Public School Special Services, to include two social workers at \$5000 to \$6000 each; four or five remedial reading teachers at \$4000 to \$5000 each, and raises in salary of \$180 to \$200 each to present teachers who would take in-service training under William Reid, school psychologist and Director of Special Services.

National standards and statistics indicate that 8% to 12% of school population requires aid; and that there should be a psychologist for each 3,000 students, and a social worker for each 1,500 students.

18. Increasing staff of Child Welfare Department and Mental Health Center for better community service.

These agencies are already functioning to capacity, with waiting lists of people requiring help.

19. Encourage public to make referrals of children in distress to ministers, juvenile officers and school authorities, in cases of apparent parental neglect.

20. Support of the Community Service Center building fund program now being conducted on national, state and local levels.
21. Formation of a Junior "J.C.'s" to give teen-agers a feeling of community responsibility by contributing voluntarily to the community interest.
22. Establishment of an employment service for teen-agers, perhaps sponsored by some service organization.
23. Support of the Y.M.—Y.W.C.A. program to reach more children in need of such facilities.
24. Enlargement of City Recreation program to include the Junior-Senior high age group not interested in sports by offering a summer program consisting of art classes, mature craft work, and hobby groups (photography, etc.).
25. That theater managers voluntarily cooperate with enforcement of the curfew law by refusing to sell tickets to youngsters under 16 for a late movie.

STATE CODE AND CITY ORDINANCES

Recommendations No. 1-2-3.

In addition to Section 43.0301 of the State Code which defines "juvenile delinquency", and other sections pertaining to criminal acts, there are many more laws applying to juveniles such as employment laws, compulsory school attendance laws, etc.

Also covered by law are the procedures, powers, and limitations of the Probation Office and Juvenile Court—and these are specific and detailed. They conform with the philosophy of the Juvenile Court which emphasizes guardianship and protection of the juvenile, rather than punishment.

LAW ENFORCEMENT AGENCIES

RAPID CITY POLICE DEPARTMENT

Recommendations No. 4-6-7-8-10-12.

The Chief of Police has authority to administer the local police force as it affects juveniles and the Juvenile Police Officer Don Herman has discretionary powers in establishing policy.

Parents are always notified, if available, when a juvenile is apprehended. The Juvenile Officer decides whether the child should be released or sent to the Probation Officer who is authorized by law to assume responsibility after apprehension. The Juvenile Judge may over-rule this decision but never has. The Juvenile Police Officer may place a juvenile in detention, but only the Juvenile Court may release him. He works in street clothes and drives an unmarked car.

Police records for an 11 month period in 1956 show 413 juvenile offenses; of these, 289 were turned over to the probation officer and the balance released. The sixteen-seventeen year age group are the highest offenders for malicious mischief, petty larceny, traffic violations, burglaries and shoplifting.

Almost 70% of the juveniles apprehended in Rapid City are referred to Juvenile Court and Probation Department, as against 18% over the nation. This may be because the local officer does no referrals to other

agencies, assuming this the jurisdiction of the Probation Officer. An adequately staffed Juvenile Unit with some special training in this area could possibly lighten the wor kload of the Probation Staff.

PENNINGTON COUNTY SHERIFF'S OFFICE

Recommendations No. 4-6-9-10.

The Sheriff's Office has jurisdiction in Pennington County and operates with a staff of five deputies with cars. Sixty-two special deputies are on call. The Sheriff is elected, deputies are appointed. This office keeps no case records on juveniles, just mileage records to collect fees; and has no access to Juvenile Court records.

Procedure in handling juveniles is simple. Parents are notified if possible, and the child is either released to them or referred to the Probation Department. A juvenile may be placed in detention if the situation warrants it.

Opinion of the Sheriff's office is that most frequent offenders are in the 13 to 18 year age group, with offenses of intoxication, runaways, and petty larceny predominating.

STATE POLICE

Recommendations No. 9-10.

The local office of the State Police has no access to Juvenile Court Records, and no knowledge of final disposition of a case. Statistical records are kept in Pierre.

SPECIAL PROBLEMS OF LAW-ENFORCEMENT AGENCIES

Traffic violations—City police estimate 10%, and Sheriff's Office estimates 5% of all such violations are committed by juveniles.

Liquor violations.

Adults Contributing to the Delinquency of a Minor—all report an unusually high rate of offenses in proportion to population, which remains fairly constant, with a rise in the summer months.

DETENTION FACILITIES

Recommendations No. 4-13.

Pennington County Home is headquarters for juvenile detention, having two rooms, one each for boys and girls. Eight children are accommodated, with crowding. One room in the basement is for incorrigibles. Generally this is adequate, but occasionally not. Most juveniles are detained only over-night, until the Juvenile Court is notified. Only the Juvenile Court or a Probation Officer may effect release of a juvenile. Runaways are kept until parents are located.

There are no facilities for out-door activity.

COUNTY COURT AND PROBATION DEPARTMENT

Recommendations No. 4-5-6-12-14.

JUVENILE COURT

The Juvenile Court, an independent division of the County Court, holds hearings in the offices of George W. Hurst, incumbant County judge, who

holds court as the need arises. An elected official, the County Judge handles all juvenile cases; qualifications for election include: over age of 25, a citizen, resident and learned in the law. Salary of \$5600 per year is based on county population, with approval for private practice of law in areas which do not conflict with those of County Judge.

By law, the Juvenile Judge must hold closed hearings and records are confidential, though names of juvenile offenders may be released for publication at the judge's discretion. He may not fine an offender, nor sentence for a determinate time to a training school; but he may transfer cases to either municipal or circuit court. Parents or guardian must appear with the juvenile and are entitled to a five day notice before a hearing. The child is entitled to legal counsel, may call witnesses and request a trial by jury. Very few do.

PROBATION DEPARTMENT

The Juvenile Court employs and directs the probation officers. Viola Halleck and George Vesely are full time officers and Jim Sutherland part time. They do not have special training although two of them are studying psychology at their own expense.

Unattached to the department but working as probation officers in order to have access to records are the Juvenile Police Officer and public school Director of Special Services. Mrs. Ruth Fredrick, in charge of detention, is also an unofficial probation officer.

PROCEDURE

A juvenile offender appears first before a probation officer, who determines whether the offense is serious enough to warrant a hearing before the judge. A written report is made on home conditions, background, I.Q., etc., and if indicated, a psychological study. This report, along with recommendations for disposition of case, is available to the judge if he holds a hearing. He bases his decision upon the child's need for rehabilitative treatment.

The Juvenile Court may use the services of the Health Clinic, Psychiatrist, Child Welfare, Medical facilities, Psychological (Mental Health, School Psychologist, Yankton) and Foster Homes, but lack of staff and funds in all limits their use sharply. Social Group work services and Community activities are not extensively used as a matter of policy.

OFFENDERS

About 95% are referred from the police department, the balance by parents, schools and agencies. Offenses committed most often are shop-lifting, petty larceny, burglary and traffic violations. The largest age group are between 13 and 17. Minority groups are a problem, the proportion of delinquents being high in comparison to their population. Statistical report for 1957 indicates a total of 609 offenders, with 203 of these being repeaters; 86 of these being detained over-night or longer. This 1957 report shows an increase in total of 154 over the year 1956, which in part can be due to an increase in population.

OFFICIAL AGENCIES

SCHOOLS

Recommendations No. 3-6-16-17

Rapid City's average school attendance, 96.9 percent, is above the average for the state, 95 percent, with a total enrollment of 8,531, indicating compulsory attendance law is effective.

One truancy officer is employed in the public school system, handles "quite a few" offenders at the junior high level, with only seven sent from probation to juvenile court.

Discipline is established by the School Board; the superintendent of schools carries out policies; a teacher reports children to the principal who can suspend, but only the School Board can expel.

Extracurricular activities have high rate of participation. Completion of new junior high schools will help correct present inadequate physical education facilities.

Testing for physical and mental ability includes compulsory physicals (Cathedral and public high school gym classes); I.Q. and Iowa achievement tests, vocational tests. Vocational guidance is also available.

Industrial Relations course is offered in both Cathedral and public schools, combines school and employment successfully; vocational school also successful.

Drop-outs occur for financial reasons and dislike of school, eight percent in twelfth grade, averaging 4.46 percent between the age of 14 and 18. Deans of boys and girls interview all drop-out cases.

Suspension record: public schools; 65 for one day, 25 for three days, 10 for five days. Cathedral—very few.

Special services offered: Public school nurse, guidance worker, psychologist, remedial speech and hearing, ungraded classrooms for students mentally retarded.

Plans are in the making for development of a program for intellectually capable students. Over 200 are now in speech classes, with a long waiting list.

All special services have teachers with special qualifications.

Behavior problems referred to the school psychologist, usually by the principal, undergo complete testing, investigation of social history, placing in a remedial program of therapy or adjustment within the school, or working with parents, or referral to a physician for medical care. If these measures are unsuccessful the student is referred to the Mental Health Center.

CHILD WELFARE

Recommendations No. 4-6-18.

A state agency, with the state and county providing facilities, Child Welfare administers aid to dependent children; handles dependent, neglected and abused children, children in danger of becoming delinquent; the delinquent, abandoned, physically and mentally handicapped, and those with emotional problems. It also administers a foster home program, and does case work in the home which includes parent education and investigation

for removing a child from the home, working through the juvenile court. The department receives referrals from police, physicians, lawyers, neighbors, parents themselves, schools and hospitals.

MENTAL HEALTH CLINIC

Recommendations No. 6-18.

The Mental Health Center provides neurological, psychiatric and psychological examinations, psycho-therapy and consultations. A graduated fee schedule from \$2. to \$30. per hour permits wide service to the community; actual cost of service is \$16.47 per hour. The staff lacks a full time clinical psychologist which slows up procedure, creating a waiting list. Referrals are made by schools for diagnosis and treatment facilities, juvenile court for diagnosis, not treatment; and other sources.

UNOFFICIAL YOUTH SERVING AGENCIES

CHURCHES

Recommendations No. 19-20.

All churches have youth programs, with varying degrees of success.

Very few receive referrals from juvenile authorities to aid in pre-delinquency or post-delinquency cases.

The Community Service Center has an extensive youth program, though their facilities are limited.

The Salvation Army also has such a program and plans to expand it with handicraft activity available to more than at present, and with a "Tot Lot Playground", if land is available. There are no referrals to or from juvenile authorities.

FRATERNAL ORGANIZATIONS AND SERVICE CLUBS

Recommendations No. 21-22.

ELKS: Sponsors dances for junior high age group, successfully. They used to have senior high dances but discontinued them because of unreasonable demands of juveniles and their lack of cooperation.

JUNIOR CHAMBER OF COMMERCE: Sponsors golf and tennis; Soap Box Derby, Swimming Meet, Kids Day, West River Relays, Teenage Driving Rodeo and dances, but feels the latter is a duplication of effort.

AIR BASE: Has a full program for youth including a youth center with a fulltime supervisor, swimming, archery, dancing, horseback riding, etcetera. A council of parents and youth establishes policies and arranges chaperoning.

U. S. EMPLOYMENT SERVICE: Recommendation No. 22.

Had 272 juveniles available for employment in July, 1957, 172 in April, but no count on how many were employed. Junior and senior high school students in need of guidance and not planning to attend college may be tested for work aptitude and preference. These tests are also available to any school having personnel qualified to give them. A special program is underway for mentally retarded juveniles.

BOY SCOUTS; GIRL SCOUTS

Recommendation No. 15.

Rapid City district has 1522 registered Boy Scouts and 1388 Girl Scouts, ranging in age from eight to 18, boys, seven to 17, girls. The general scouting program is successful but a shortage of volunteer leadership deprives many interested children from participating. Leaders are advised of techniques of dealing with problem scouts.

U. S. O.

Between 1000 and 1500 service men under the age of 20 receive U.S.O. services; there are few under age 18. Special counseling is offered those with delinquent tendencies, with referrals to chaplains at the Air Base. Air police are called in cases of underage service men being served liquor in town.

MOTHER BUTLER

The Mother Butler Center program includes: basketball, a medical clinic, commodity center and clothing supply room; Madonna Hall (a home for unmarried Indian girls), sewing, choir, parties and religious instruction classes. The basketball coach and janitor are paid, other workers are volunteers. The center receives some referrals from juvenile court.

Y.M.—Y.W.C.A.

Recommendation No. 23.

With 1154 youth members, 418 of whom are teenagers, these organizations serve Rapid City's children with father and son clubs, purpose clubs, skill classes, summer camping and physical education. Marriage and counseling service is also offered. Fifty-one camperships were granted last year, including 24 to Indian children. Facilities are lacking to attract children interested in swimming, crafts, etc.

The Y.M.—Y.W.C.A. program tries to relate the delinquent child to a functioning group that will accept him, or put him with friends into a group with a leader having special ability. Very little of this is done because of lack of referrals, three referrals from juvenile court and 12 referrals to juvenile court last year.

RECREATION

CITY—Recommendation No. 24.

An extensive year around program provides sports, family night at four grade schools; programs three nights a week at Mother Butler Center and the Community Center; basketball for boys out of school. It is a public agency open to all, free of charge and provides supervised facilities and organized activities where no other is available. Concentration is on grade school children and people out of school, the neglected groups, and attempts to have programs not available through any other source. It receives no referrals from juvenile court or probation office; has referred about 12 juvenile problem cases a year to the juvenile police officer.

COMMERCIAL

Recommendation No. 25.

Bowling Alleys have no special program for youth; several have tried

unsuccessfully. Some have juvenile trouble, most don't. Recreation Inn has strict rules, violation of which results in suspension from the premises for 30 days or longer. All have good cooperation from law enforcement agencies.

Dance Hall tried a special program for juveniles unsuccessfully.

Theaters indicate problems with juveniles arise from malicious mischief, which is not a new problem, from parents who use the theater as a baby-sitting service and then don't call for them after the late show; from adult sex perverts and the necessity of protecting juveniles, which is difficult because patrons will not report them; monitoring misbehavior and intimacies. Theaters do sell tickets to juveniles for late shows, feeling that other activities keep them out just as late. They report excellent cooperation with law enforcement agencies.

Drive-In Restaurants: All indicate no particular problem, except one reporting difficulties with those who have been drinking, and most have good cooperation from law enforcement agencies.

Beer-Serving Restaurant: Two were interviewed one reporting no juvenile allowed without a parent, the other no juvenile allowed after nine p. m. (Juveniles interviewed state that it is very simple to buy beer or hard liquor in the city or county).

News-stands: Two interviewed. One chain store makes up its own list of objectionable publications and do not stock them. The other reports he puts questionable material at the top of the rack and attempts to limit their sale to adults, who will complain if they are not available. Pocketbooks are not edited, because of the reading involved.

BAR ASSOCIATION RECOMMENDATIONS

Public appraisal should be made of two recommendations to change laws relating to juvenile delinquents and neglected and dependent children. These recommended amendments will be submitted to the Legislature for passage in January, 1959, by the Judicial Council of the State Bar Association.

The Committee proposes:

1. To amend Section 43.0301 SDC to read that if the offender is over 14 years of age and the offense charged is a felony he shall be proceeded against under our criminal statutes. The juvenile court is thus eliminated in these cases.

2. To amend Section 43.0318 SDC, to read that in cases where a juvenile was charged with a traffic violation for which the penalty does not exceed 30 days or \$100 fine, the offender would be proceeded against under existing criminal procedures. This proposal likewise by-passes the juvenile court.

The LWV did not reach consensus on these proposals, but since they will be presented at the next legislative session, they feel the public should seriously consider them, and let their representatives in the Legislature know how they feel about them.

ACKNOWLEDGEMENT

The League of Women Voters is indebted to numerous Rapid City people in official and non-official positions for cooperating in a League Study of Laws and facilities affecting Juveniles in Rapid City. In many instances we have adopted suggestions and recommendations which they offered to us. In all instances, they were patient in answering our questions.

Many of these people are already doing excellent things for our youngsters. The League's aim, through recommendations based on this study, is to improve laws, services and care as they pertain to Rapid City youth.

Rapid City Police Department
Pennington County Sheriff
State Police
Matron at County Home
Juvenile Court
Probation Department
Public Schools
Cathedral School
Child Welfare
Mental Health Clinic
Churches

Fraternal Organizations
and Service Clubs
U. S. Employment Service
Boy and Girl Scouts
U. S. O.
Mother Butler Center
Y.M.—Y.W.C.A.
City Recreation
Commercial Recreation
Salvation Army
Community Service Center

