

BERLIN REPORT: Juvenile Delinquency Before the Wall and Afterward (A Study in Comparative Criminal Law)

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It was 3 o'clock in the morning. The sound of feet again resounded on the wide pavements of the Kurfürstendamm, the main business street of West Berlin. "Die Mauer muss weg"¹ was the angry shout in unison literally thousands of times by some 10,000 youth marching ten abreast all night through the streets of West Berlin on the several days succeeding the barbarous shooting of 18 year old Peter Fechter, a young East Berlin construction worker, by the Vopos August 17, 1962, as he tried to climb the wall 200 yards from Checkpoint Charlie, the chief American checkpoint station at the wall. Newspapers the world over reported that American soldiers present did nothing but watch and photograph the agony-stricken youth as he lay mortally wounded.² The subsequent march of young Berliners was featured by righteous indignation at another heinous example of man's inhumanity to man. The anger and hysteria thus created, clearly beyond police control, could easily have touched off the spark the whole world feared.

Only those who actually witness the wall and the floral bedecked memorials honoring dead escapees can feel the deep sense of disgust and shame, if not outright nausea, which is generated. And those who witnessed the murder of a freedom-bound escapee and the helplessness of West Berliners in such a situation can sense the increased tensions exerted on the lives of more than two million isolated victims.

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1. The wall must (go) away.

2. The question of whether the American soldiers had a legal right to rescue Fechter or whether the command policy preventing rescue was justified is beyond the scope of this paper.

I. *Before the Wall and After*

West Berlin therefore presents a new "laboratory" for studying human frustration and resulting reactions. The wall, built by the Communists during the night of August 12 and early morning of August 13, 1961, has not only divided the historic prestige city of Europe but has literally separated parent from child, husband from wife and brother from sister. If current social philosophy concerning etiology of juvenile delinquency in disturbed family milieu³ has validity, one would hypothesize that the stress created by the Berlin wall would have resulted in a sharp upturn of juvenile offenses.

But the reverse is true! Statistical data from the West Berlin Police Department providing a comparison of youth "crime" incidence during the twelve month period prior to the wall with the next succeeding twelve months indicate an actual *overall decline* of 11% in crime perpetrated by 14 to 17 year-olds and a *decline* of over 14% in crime perpetrated by 18 to 21 year-olds. Likewise the 360 capacity Jugendhof for male juveniles and the 60 capacity Jugendhof for female juveniles are not filled. Moreover, their charges are being released to useful living more rapidly than the rate of intake!

TABLE 1
 COMPARISON OF NUMBER OF REFERRALS TO JUVENILE COURT
 FOR OFFENSES COMMITTED IN WEST BERLIN DURING
 THE 12 MONTH PERIODS IMMEDIATELY PRECEDING
 AND IMMEDIATELY FOLLOWING THE WALL

Categories of Offenses*	Pre-Wall Year 9/1/60 to 8/31/61	Post-Wall Year 9/1/61 to 8/31/62
By boys under 18 years old:		
1. Robbery and Blackmail	37	21
2. Burglary and Severe Larceny	532	481
3. Petty Larceny	1,801	1,542
4. Larceny of Motor Cars	243	206
5. All other offenses (including sexual)	866	861
By boys over 18 and under 21 years old:		
1. Robbery and Blackmail	75	78
2. Burglary and Severe Larceny	583	499
3. Petty Larceny	1,998	1,552
4. Larceny of Motor Cars	336	304
5. All other offenses (including sexual)	1,655	1,650
Grand Totals	8,131	7,194
	X ² = 44	df = 9
		p < .001**

* The categories are standardized for reporting throughout West Germany on Form KP31 "Polizeiliche Kriminalstatistik." (Traffic offenses are excluded.)

** Indicates probability by chance alone of less than one time in a thousand.

3. Current emphasis is on maladjustment as a family problem, the family being treated as a unit, as in ACKERMAN, THE PSYCHODYNAMICS OF FAMILY LIFE (1958),

A comparison with the two largest German cities for which comparable data are available⁴ is of interest, traffic offenses being excluded.⁵ Thus Berlin, as compared with Munich and Cologne, has shown a remarkable decrease in juvenile crime.

TABLE 2
COMPARISON OF WEST BERLIN WITH MUNICH AND COLOGNE
RESPECTING REFERRALS TO JUVENILE COURT FOR
OFFENSES OTHER THAN TRAFFIC OFFENSES

Population	West Berlin	Munich	Cologne
December 31, 1960	2,202,100	1,161,400	801,100
June 30, 1961	2,203,587	1,085,036	797,595
December 31, 1961	2,188,700	1,106,300	818,500
Boys under 18 years of age:			
9/1/60 - 8/31/61	3484 (158) *	1786 (162) *	1359 (170) *
9/1/61 - 8/31/62	3111 (141) *	1761 (160) *	1310 (164) *
Percent change	-11%	-1%	-3%
Boys from 18 to 21 years of age:			
9/1/60 - 8/31/61	4647 (211) *	3290 (299) *	1605 (201) *
9/1/61 - 8/31/62	4083 (185) *	3256 (296) *	1710 (212) *
Percent change	-14%	-1%	+8%

* (Incidence per 100,000 total population in parentheses)

A comparison of West Berlin with St. Louis and Jackson County (including Kansas City) respecting number of male referrals to the Juvenile Court is of interest.⁶ Here again it is obvious that Berlin's juvenile problems have lessened while juvenile crime in these two American cities has increased.

Perlman, *Family Diagnosis in Cases of Illness and Disability*, in *FAMILY-CENTERED SOCIAL WORK IN ILLNESS AND DISABILITY: A PREVENTIVE APPROACH* 7-20 (1961), Robinson, *Beneath the Surface*, 83 *SURVEY* 41-52 (1947). Unhealthy family milieu is said to produce unhealthy family members.

4. Germany's second largest city, Hamburg, was omitted because, although requested to do so, the Hamburg Police Department declined to furnish data. No reason was given.

5. Data from West Berlin, Munich and Cologne Police Departments, categorize traffic offenses separately, as in American cities, making direct comparisons of separate data possible.

6. The Berlin data is for the periods Sept. 1, 1960 to Aug. 31, 1961 and Sept. 1, 1961 to Aug. 31, 1962, but the St. Louis and Jackson County data is for the calendar years 1960 and 1961, taken from *JUVENILE COURT STATISTICS-1960* 17 (United States Children's Bureau Statistical Series No. 65, 1960) and *JUVENILE COURT STATISTICS-1961* 22 (United States Children's Bureau Statistical Series No. 69, 1961); unfortunately, *JUVENILE COURT STATISTICS-1962* is not yet available. The St. Louis and Jackson County data (including both sexes) were adjusted downward by 20% in order to obtain a basis for comparison of West Berlin male

TABLE 3
 COMPARISON OF WEST BERLIN WITH ST. LOUIS AND
 JACKSON COUNTY RESPECTING JUVENILE COURT
 REFERRALS FOR OFFENSES OTHER THAN TRAFFIC

	West Berlin (Offenders under 18 years of age)	St. Louis (Offenders under 17 years of age)	Jackson County (including Kansas City) (Offenders under 17 years of age)
1960			
Total cases (excluding traffic offenses)	3,484	2,869	1,884
Population	2,202,100	750,026	622,732
Incidence per 100,000 general population	173	382	304
1961			
Total cases (excluding traffic offenses)	3,111	3,365	1,923
Population	2,188,700	745,014	629,500
Incidence per 100,000 general population	151	452	305
Percent change of incidence from previous year	-13%	+18%	+03%

Total male juvenile offenses in the United States for 1960 was 415,000⁷ and 1961 was 408,000.⁸ 1961 was the first year since 1948 to record a decrease in incidence per population,⁹ the incidence per 100,000 population in 1960 being 231¹⁰ and in 1961, 224.¹¹ The prevalent upper age cut-off was 18 years, varying from 16 to 21 years, depending, of course, on the state.

delinquency, the ratio during both years being four boys to each girl, as indicated in JUVENILE COURT STATISTICS-1961, *op. cit. supra* at 2. Also eliminated are cases involving traffic, dependency and neglect, and special proceedings, leaving only cases of actual offenses or "delinquency."

7. JUVENILE COURT STATISTICS-1960, *op. cit. supra* note 6, at 8.
8. JUVENILE COURT STATISTICS-1961, *op. cit. supra* note 6, at 11.
9. JUVENILE COURT STATISTICS-1961, *op. cit. supra* note 6, at 1.
10. Computed on basis of general population of 179,325,000.
11. Computed on basis of general population of 182,181,000.

II. *Possible Explanation in Terms of Increased Effectiveness of Berlin's Therapeutic Program*

What can account for the pre-wall, post-wall paradox?

The suggestion that occurs is that before the wall West Berlin was flooded with refugees from East Germany, thereby accounting for increased crime rate. This explanation, however, is not factually supported. While it is true that a large percentage of incoming East Germans were young people who sought greater life opportunities in the West, these escapees from Communism were carefully screened and productively placed in areas to the West. Relatively few actually remained in Berlin. Of course the wall prevented young hoodlums of each sector from crossing freely into the other. Possibly the wall diverted attention of the populace away from juvenile problems, serving both to mask visibility of deviance and to reduce the tendency of the adult populace to report offenses. Or the wall may have redirected juvenile hostility.

Therapeutic techniques in West Berlin have spotlighted the municipally operated 360 capacity Jugendhof for boys as a successful youth treatment center.¹² Group psychotherapy, the principal and almost exclusive therapeutic modality, is conducted by a professional staff of three psychiatrists, one psychologist, one senior social worker and 54 junior social workers. Five boys comprise each therapeutic group in semi-weekly sessions of one hour. Group therapy is also offered on a voluntary basis to the parents or relatives of each boy, 50% of whom attend regular parental sessions.

The Jugendhof is located in West Berlin's scenic Schlachtensee district and appears as a miniature college campus, with a number of houses, each large enough to accommodate 25 boys and a housemother. Boys are assigned to the houses by age groups. Tobacco is permitted, but alcohol prohibited. Six professional teachers conduct educational classes, which each boy is required to attend 12 hours per week.

The daily routine begins with a 6:30 arising, 7:15 breakfast, 7:30 to 10:15 work, 1 to 2 lunch, 2 to 4:30 work, 6 supper, and evenings free. School is held late mornings. Two holidays are given each month. Discipline is preserved by restrictions, *corporal punishment in any form being absolutely forbidden*. About 50 boys work days in town on an apprenticeship basis, and after proving themselves are granted freedom. Most boys are permitted to go home over weekends.

The approximate monthly pay scale for the professional staff is psychiatrists DM1400 (\$375), psychologist DM1300 (\$350), social workers DM800 to 1000 (\$200 to \$250) and teachers DM600-700

12. Descriptive material of the Jugendhof was obtained by personal visit and observation in August, 1962.

(\$150 to \$175) with an additional stipend of DM40 (\$10) allowed for each dependent child.¹³ The professional staff members are encouraged to have their own families and live in private homes away from the Jugendhof, thereby to present a staff of "normals" for therapeutic leadership.

The full-time director, Dr. Ernst Köhn, and his assistant Dr. Gunther Pürper, trained social workers, reported that 55% of the boys achieve successful rehabilitation and 30% end up in prison. The balance of 15% achieve a tenuous but nondeviant adjustment. A 31 page monograph is distributed to visitors describing the origin of the Jugendhof in 1948 under auspices of the U. S. Army of Occupation as well as the current program.¹⁴ Each succeeding year has featured improvements in facilities and staff personnel.

The girls' Jugendhof is operated similarly but has a capacity for only 60 girls.

III. *The German Juvenile Code and Its Stated Mission of Re-Education*

A. *Its Philosophy*

The present German Juvenile Code, the *Jugendgerichtsgesetz* (abbreviated JGG), enacted August 4, 1953, governs young offenders during the transitional stage of adolescence and early adulthood. It constitutes a remarkable departure from pre-war German methodology in penal matters wherein even the concept of probation was unknown. Its philosophy is rooted in Article I of the German Bill of Rights: "The dignity of man shall be inviolable."¹⁵ The German Bill of Rights is broader than our own, it being further provided:¹⁶

(1) Everyone has the right to the free development of his personality insofar as he does not violate the rights of others or offend against the constitutional order or the moral code.

(2) Everyone has the right to life and to inviolability of his person. The freedom of the individual is inviolable. These rights may only be encroached upon pursuant to a law.

More particular constitutional guarantees provide as follows:¹⁷

(1) Marriage and family enjoy the special protection of the state.

(2) The care and upbringing of children shall be the natural right of parents and the supreme duty incumbent upon them. The state watches over the performance of this duty.

13. These pay scales compare reasonably well with those of other professions in West Berlin.

14. *Erfahrungsbericht über die Einrichtung des Jugendhofs*. (No author or date indicated.)

15. BONN CONST. (May 23, 1949), art. I, point 1.

16. BONN CONST. art. II.

17. BONN CONST. art. VI.

(3) Separation of children from the family against the will of the persons entitled to rear them may take place only pursuant to law if those entitled fail in their duty or if the children are otherwise threatened with neglect.

(4) Every mother is entitled to protection and care by the community.

(5) Illegitimate children shall be provided by legislation with the same opportunities for their physical and spiritual development and their position in society as are enjoyed by legitimate children.

The German Juvenile Code imposes sanctions only for criminal offenses punishable under the General Penal Code. It specifies no offenses of its own. However, there arise many differences between the Juvenile Code and the General Penal Code in that the former assumes fulfillment of special tasks and a separate mission. Penal consequences are determined not so much by the gravity of the offense but by the personality of the offender and his amenability to corrective education. The Juvenile Code is dominated by the concept of *re-education*.

Problem parents and resulting unhealthy family milieu are seen by the German Juvenile Code as a principal basic cause of juvenile delinquency, as well as the absence of proper educational milieu. Therefore the correctional process is expressed in terms of supplying educational deficiency, and even the expiating sentence is influenced by the principle of re-education.

Eighty-eight juvenile judges with a president comprise the juvenile court of West Berlin. In Germany three years of additional training are required of a lawyer before he can become either a judge or a prosecutor. In addition to this supplemental training required for a judgeship, the eighty-eight juvenile judges of West Berlin have acquired varying degrees of training in psychology, sociology and social work. Each case entrusted to a judge is carefully handled and followed up with typical German attention to detail. The judge is required to write an opinion in each case. He handles juvenile cases exclusively and devotes maximal personal attention to each individual juvenile. The court therefore assumes adjunctive roles in addition to the limited role of the typically harried and overburdened American juvenile court.

B. Its Application

The German Juvenile Code applies equally to both sexes but differentiates between two age categories of youth. Offenders at least 14 but not yet 18 years old at the time of commission of the offense are

known as "*Jugendliche*," or youth,¹⁸ whereas those at least 18 but not yet 21 years of age at the time of commission of the offense are known as "*Heranwachsende*" or those "growing up."¹⁹ Children under 14 years of age at the time of commission of an offense are not subject to the Juvenile Code, as they are presumed to lack capacity for *scienter*.²⁰

The German Juvenile Code is applied unrestrictedly to the *Jugendliche*. In the case of the *Heranwachsende*, however, the substantive Juvenile Code is applied if there is involved what is considered a typical "youthful fault" or if the offender is deemed "intellectually and physically equivalent to a *Jugendliche*."²¹ Otherwise the adult penal law is applied but with permissive commutation of penalty.²² Fines and imprisonment provided by the General Penal Law are unknown in the same sense to the Juvenile Code. Likewise, loss of civil rights resulting from convictions under the General Penal Law is inapplicable to either category of juveniles.²³ Furthermore, special security measures of the General Penal Law, such as committing drunkards to an asylum, or prohibiting an offender from practicing his profession, are unknown. However, commitment to a state hospital for mental illness and withdrawal of a driver's license are permitted both by the General Penal Law and by the Juvenile Code.²⁴

In general, the Juvenile Code applies consequences appropriate to the special mission of the Juvenile Code, all categorized under re-education. Three general groups of judicial consequences are applicable to juvenile offenders: *Erziehungsmassregeln*, or Measures of Education, *Zuchtmittel*, or Means of Correction, and *Jugendstrafe*, or Juvenile Sentence.²⁵

C. Measures of Education, or Erziehungsmassregeln, as a Judicial Consequence

Where the offense is deemed to have resulted primarily from faulty education of the offender, the appropriate correctional device lies in re-education; hence, the first category, "Measures of Education."²⁶

18. Jugendgerichtsgesetz of Aug. 4, 1953 (German Juvenile Code), Point II of § 1 [hereinafter cited as JGG.]

19. *Ibid.*

20. JGG, Point III of § 1. Disposition of cases involving abandoned or neglected children is beyond the scope of this paper. Such matters are specially covered by German law, which deals strictly with the neglectful parent.

21. JGG, § 105.

22. JGG, § 106.

23. JGG, § 6.

24. JGG, § 7.

25. JGG, § 5.

26. JGG, § 9.

Such measures are applicable to cases in which the court finds that re-education would likely remedy the previous faulty or inadequate education resulting in the offender's deviance. As might be expected, re-educational measures are applied more generally in connection with less serious offenses. Four categories of measures of education are resorted to, namely, Directions, Protecting Supervision, Trustee Education, and Educational Help by a Principal.

(1) Directions, or *Weisungen*, consist of orders regulating the life of the juvenile in order to secure and promote his education.²⁷ The code provides the following non-exclusive examples of directions permitted and suggested:²⁸

1. Avoiding bad and ill-famed quarters of a city;
2. Living with a certain family or foster home as in the case of a home for apprentices;
3. Accepting employment or beginning an apprenticeship;
4. Fulfilling a duty of work as in the case of an offender helping at harvest a farmer who had been victimized by the offender;
5. Prohibition from meeting certain people or visiting certain inns and places of amusement;
6. Prohibition against drinking alcohol or smoking;
7. Attendance at police traffic instructional courses in the case of traffic violations.

The above enumeration is not all-inclusive and a judge may exercise discretion with respect to the type of orders which may be issued in order to further re-education of the offender. Such discretionary power invites exercise of imagination and flexibility by the court.²⁹ However, the order must respect the personal dignity of the offender and is subject to change from time to time depending on the progress of the re-education process. In event the minor violates the directions of the order, enforcement may be made by arrest if necessary, but only if violation was intentional or voluntary on his part. Directions of the court may also include psychotherapy with consent of the minor's legal representative, and the minor must also consent if over 16 years of age.

(2) Protective Supervision, or *Erziehungsbeistandschaft* (formerly *Schutzaufsicht*), is utilized where the residual degree of beneficial educational influence on the part of the parents is deemed by the court insufficient to protect the minor from committing further crime.

27. JGG, § 10.

28. *Ibid.*

29. In the United States some juvenile courts report that social workers insist that the judge confine his activity strictly to his judicial function of determining which person or agency is to become responsible for the minor's custody and relegate determination of specific methods to the social caseworker. In other words, the court is not to become "involved" with the minor.

Where found appropriate and sufficient to keep the minor from physical, intellectual and moral deterioration, Protecting Supervision both protects and supervises the minor.³⁰ To this end the juvenile court orders an *Erziehungsbeistand* (formerly a *Schutzhelfer*), a protecting helper or educational assistant, to watch over the minor and give him and his parents support and advice. His directions are consultative in nature. The *Erziehungsbeistand* is permitted to visit the minor and talk to him; the parents are obliged to give information to him and cooperate with him in visiting the minor.³¹ During the period of Protecting Supervision, the *Erziehungsbeistand* is required to make reports to the Juvenile Court concerning the minor's conduct and to report immediately if there is any increase in deviant behavior. Protecting Supervision terminates when the minor attains full age, or in event Trustee Education, hereinafter discussed, should be ordered. It also terminates in event the minor has become rehabilitated before reaching majority or if he is placed in a different situation furthering his re-education, such as enrollment in a good boarding school.³²

(3) Trustee Education, or *Fürsorgeerziehung*, constitutes complete re-education of the minor under supervision of the government. Whereas Protective Supervision is adjunctive, Trustee Education is total. Outside of incarceration, it constitutes the strongest encroachment upon the freedom of the young offender. Trustee Education is applied to minors who are extremely neglected or who face the prospect of extreme neglect. There are two kinds of Trustee Education:³³ (a) Preliminary Trustee Education, or *Vorläufige Fürsorgeerziehung* and (b) Definite Trustee Education, or *Endgültige Fürsorgeerziehung*. Preliminary Trustee Education is ordered when there is imminent danger to the minor and no time to be lost in his rehabilitation. Definite Trustee Education results from long range study and planning in the individual case and is applicable to minors not only under 20 years old, but those from 20 to 21 who previously were under Preliminary Trustee Education. Otherwise Trustee Education is applicable only to a minor under 20 years of age and terminates when he becomes 21 years old or is earlier judicially declared to be of full age. Trustee Education cannot be ordered in cases where there is no prospect of success, nor when there is another appropriate means of re-education without utilizing public funds, as where the offender is sent to a boarding school by his parents at their expense and the court deems

30. Jugendwohlfahrtsgesetz of August 11, 1961 (Youth Welfare Statutes), § 55 [hereinafter cited as JWG.]

31. JWG, Point III of § 59; JWG § 58, Point I, sentence 2.

32. JWG, § 61.

33. JWG, §§ 64 & 67.

such re-education will be successful.³⁴ Trustee Education is ordered when all other educational means appear hopeless from the beginning or have actually failed. It is carried out in the home of a respected foster family or in an educational establishment under public supervision and at public expense.³⁵ The question of whether the offender shall be re-educated in a foster home or in an institution is determined by the educational authority. Institutional life, as distinguished from a foster home, is deemed appropriate only with respect to serious offenders or where the latter is unavailable. Educational methodology in the various institutions follows modern pedagogy. The offenders are grouped together according to age and character in small groups under a simulated family system and by means of sports, games and excursions utilize their spare time constructively. Appropriate psychotherapy is provided. Juveniles remain in steady contact with the outside world and in workshops learn a trade according to their various abilities. They are given abundant opportunities for part time work in the community. Representative of institutional restraining is the Berlin *Jugendhof*.

(4) Educational help through a principal, or *Erziehungshilfe durch den Disziplinarvorgesetzten*, is specially designed for young soldiers. The court orders the principal to watch over the young soldier and supervise him when he is off duty. Thus, in dealing with his offenses, the Juvenile Code rather than military law is applied.

D. Zuchtmittel, or Means of Correction, as a Judicial Consequence

Means of Correction (*Zuchtmittel*) constitute a correctional device midway between Measures of Education, previously discussed, and Juvenile Sentence, hereinafter discussed. *Zuchtmittel* are applied only in cases of serious offenses when actual sentence is not necessary but the offender must be made to realize that he is responsible for the injustice he has committed.³⁶ *Zuchtmittel* appeal to the sense of honor of the offender, attempt to persuade him to repent of his wrong, and can only be applied where it is expected that the offender will conduct himself properly in the future. *Zuchtmittel* do not involve sentence and therefore are not registered in the criminal record. Therefore a juvenile who has been corrected by *Zuchtmittel*, even if later arrested, has no previous "record." *Zuchtmittel* utilize appropriate warning, imposition of special duties and even juvenile arrest.

(1) Warning, or *Verwarnung*, constitutes a formal reprimand of the offender by the juvenile court with the intention of impressing

34. JWG, § 64, sentence 2.

35. JWG, Point III of § 69.

36. JGG, § 13.

upon the offender the injustice perpetrated by his wrongdoing. This device is usually applied to the lesser of the serious offenses handled by *Zuchtmittel*.³⁷

(2) Imposition of Special Duties, or *Auferlegung besonderer Pflichten*, may be ordered by payment of damages, by personal apology in the presence of the injured person, or by paying a certain amount in money to a public institution as the Red Cross.³⁸ Such special duties are conceived as expiation of the offense. Payment of money to a public institution has been found of practical utility both to the offender and the institution, another example of German ingenuity. Of course, where payment is made by the parents rather than by the juvenile there is no educational benefit to the offender, and therefore such retributive damages are ordered where it is believed certain that he will pay the amount out of his own means. Arrest can be ordered for wilful failure to make payment.

(3) Juvenile Detention, or *Jugendarrest*, is of three types:³⁹

(a) Spare Time Detention, or *Freizeitarrrest*, is ordered for the weekly spare time of the juvenile and consists of from one to at most four otherwise free periods, each beginning with termination of work or school at the end of the week until the beginning of the following work week. Spare Time Detention is felt by the offender to constitute a real punishment and has no adverse consequences respecting his schooling or apprenticeship, often being without the employer's knowledge.

(b) Short Term Detention, or *Kurzarrest*, can last no longer than six days and may be ordered instead of *Freizeitarrrest* when such execution is useful for educational reasons and apprentice or schooling are not disturbed. Because of such conflict it is rarely utilized.

(c) Detention of Long Duration, or *Dauerarrest*, is at least one week to a maximum of four weeks. It is measured in terms of full days or weeks.

Juvenile detention is utilized sparingly, being ordered only when necessary as an educational measure. It is never utilized in case of offenses wherein Directions, Protective Supervision, Trustee Education, Warnings and Imposition of Duties are found sufficient. Long term detention is usually executed in special houses of correction under the Administration of Justice. Detention has the purpose of appealing to the sense of honor of the young offender to make him feel responsible for his failure to conform to societal norms.⁴⁰ He is re-

37. JGG, § 14.

38. JGG, § 15.

39. JGG, § 16.

40. JGG, § 90.

quired to remain alone in a cell day and night in solitude to reflect on his situation. The offender is given a hard bed and sparse meals if the judge feels such to be necessary in order to impress upon him the gravity of his offense.⁴¹ Juvenile detention is not subject to probation.

E. Juvenile Sentence, or Jugendstrafe, as a Judicial Consequence

The Juvenile Code provides for only one genuine "criminal sentence" the *Jugendstrafe*,⁴² which consists of imprisonment in a juvenile house of correction known as *Jugendstrafanstalt*. Juvenile Sentence is applied to an offender who has shown "dangerous" inclinations and neither Means of Education nor Means of Correction are sufficient to remedy his delinquency. He is regarded as having dangerous inclinations when it is believed that grave errors of previous education or bad character will lead to a career of crime without a long period of re-education. Juvenile Sentence is never resorted to except in offenses of extreme gravity; if any other correctional means be sufficient to correct the offender's deviant inclinations, Juvenile Sentence is not permitted. It is therefore usually applied only where earlier attempts with other correctional means have not succeeded. Intellectual and moral maturity, as well as motives for the offense, are considered important aspects in determining gravity of guilt. In cases of major felonies the necessity of "satisfying the public" may require Juvenile Sentence in lieu of lesser forms of correction.⁴³ Two kinds of Juvenile Sentence are applied: of fixed duration and of undetermined duration.

(1) Sentence of Fixed Duration, or *Jugendstrafe von bestimmter Dauer*, lasts at least six months and not longer than five years, except that in unusual cases, in which the general penal law would punish the crime by more than ten years of penal servitude (as in the case of murder), the longest permissible duration of Juvenile Sentence is ten years. Within this range the juvenile court decides upon a sentence deemed to have the most constructive re-educational influence. A long sentence is never ordered except in the case of severe crimes because a long-lasting sentence has no educational influence and merely accustoms the offender to incarceration with less chance of rehabilitation.

It must be kept in mind that, unlike the General Penal Law wherein sentences have various durations appropriate to the gravity of the crime, the Juvenile Code knows only one category of offense, one *Strafrahmen*, or one framework of penal disposition: simply a range of sentence from six months to five years within the court's discretion, except that as long as ten years may be imposed for offenses punish-

41. *Ibid.*

42. JGG, § 17.

43. JGG, Point II of § 17.

able by more than ten years imprisonment under the General Penal Law.

An offender who has been convicted and has been given Sentence of Fixed Duration may be paroled when he has undergone a part of his term.⁴⁴ Parole requires an expectation that the offender will lead a proper life in the future and may be granted after he has completed at least six months of his sentence, or, where it was of duration of more than one year, then at least one-third of the sentence.

(2) Sentence of Undetermined Duration, or *Unbestimmte Jugendstrafe*. In many cases it is impossible for the juvenile court to fix sentence of definite duration deemed educationally optimal. His personal impression of the offender during trial, as well as testimony and opinions of the psychologist or psychiatrist leave questionable how much time is necessary to re-educate successfully. Sentence of Undetermined Duration is permitted when the offender has shown dangerous inclinations in the committed offense, when a juvenile sentence of at most four years is regarded as necessary for re-education, and it cannot be foreseen how much time will be required to re-educate the juvenile.⁴⁵ Duration of sentence, however, is not completely boundless and the court is required to set forth in the judgment a period of minimum duration and maximum duration within which range the sentence can be carried out, the legal minimum being six months and the maximum four years.⁴⁶ While the court may not go beyond these boundaries, it may fix a maximum and minimum separated by at least two years, within which period the offender can be freed if he has demeaned himself well, whereupon the remainder of his sentence is changed into a Sentence of Fixed Duration and he is set free on probation.

F. Probation and Suspensions

In general, there are two types of suspensions: (a) suspension after sentence and (b) suspension before sentence.

(1) Suspension of Sentence and Probation, or *Strafaussetzung zur Bewährung*: The juvenile court may suspend execution of sentence in order to remit it whenever the offender has behaved himself well for a certain period of time. Fixed sentences of not more than one year may be suspended entirely⁴⁷ and suspension is permitted only when it can be expected that the offender will lead a better life in the future under the educational influence of probation and that his con-

44. JGG, § 88.

45. JGG, § 19.

46. JGG, Point II of § 19.

47. JGG, § 20.

duct and way of living have actually changed subsequent to commission of the offense.⁴⁸

The juvenile court fixes the duration of probation during which time the offender is supervised and helped by a probation officer. This period of time ordinarily lasts from two to three years. In exceptional cases it may be shortened to one year, or, where the offender has failed to fulfill duties of probation, it may be extended to four years.

During probation the court may influence the conduct of the offender by imposing duties on him. To this end the court gives the offender orders or imposes special duties.⁴⁹

When the juvenile demonstrates "bad" conduct during the period of probation the court may recall suspension of sentence under any one of the following contingencies:⁵⁰

(a) When the court learns of facts which would not have resulted in suspension had they been known earlier,

(b) When the juvenile reaching the age of at least 16 years refuses to promise to fulfill the special duties imposed upon him,

(c) Where the juvenile wilfully fails to fulfill the imposed duties, or

(d) Where it is evident for other reasons that the confidence bestowed on the juvenile was not justified, as evidenced by loafing, obstinacy, rudeness towards the probation officer or other misbehavior.

Suspension of sentence can only be recalled when other means, such as Trustee Education or Juvenile Detention, are unsuccessful. Where the offender, however, has behaved himself well, the judge is required to remit sentence after expiration of the period of probation.⁵¹

(2) Suspension of Imposition of Sentence, or *Aussetzung der Verhängung*. Suspension of imposition of the sentence, may be applied when all evidence respecting guilt leaves it uncertain as to whether the offender has shown such "bad" inclinations as require infliction of sentence. Decision concerning sentence is therefore postponed. The juvenile is placed on probation with directions and special duties. If he does not behave well during this period of probation and it definitely appears that he has "bad" inclinations a sentence is then imposed. When, however, he behaves well, the decision of guilt is reversed.⁵²

48. JGG, § 21.

49. JGG, §§ 15 & 23.

50. JGG, Point II of § 26.

51. JGG, Point I of § 26.

52. JGG, Point II of § 30.

G. Supervision and Help During Probation

In all cases during the time of probation the juvenile is provided with support and intensive educational influence under the direction of a trained probation officer, who supervises his conduct and the fulfillment of duties, helps the juvenile and collaborates with his legal representative and parents.⁵³

The district of every juvenile court employs at least one trained probation officer⁵⁴ and in districts where only a small number of offenses are committed making it unnecessary to employ a full time officer, there may be one probation officer for several districts. In rural districts where for any reason there is no official probation officer, crime being virtually unknown there, the court appoints an honorary probation officer. The activities of the probation officer include every kind of support for the juvenile. He holds regular conferences with the offender, helps the offender become employed or complete his schooling, helps when the offender has difficulties with his employer or co-employees, influences the parents to provide the offender a good education, and consults with the offender in marriage and other personal problems. It is extremely important that the probation officer gain the confidence of the juvenile so that the latter shall never regard him as an "impersonal" authority. In order to ease the task of the probation officer he has a legal right to go and talk to the juvenile, to his legal representative, parents and teachers.⁵⁵ The work of the probation officer is supervised by the court, to whom he is responsible and whose directions he must fulfill.⁵⁶ He makes regular reports to the court concerning the progress and behavior of the offender. In event of contraventions of imposed duties and orders of the court which could lead to recall of probation, the probation officer must inform the court immediately.⁵⁷ In event of commission of new crimes or offenses the probation officer does not intervene; only the court decides whether regular criminal prosecution authorities may intervene.

H. Comparison With Standard Juvenile Court Act and Missouri Juvenile Code

Certain salient features⁵⁸ of the German Juvenile Code differ from the Standard Juvenile Court Act⁵⁹ and Missouri's Juvenile Code of 1957.⁶⁰ In the first place, there is an important age differential in that

53. JGG, Point III of § 24.

54. JGG, § 113.

55. JGG, Point III of § 24.

56. JGG, § 25.

57. JGG, § 25, sentence 3.

58. Provisions covering neglected children as distinguished from delinquent children (who have committed offenses) are beyond the purview of this paper,

the standard juvenile court⁶¹ and the Missouri juvenile court⁶² have jurisdiction only of persons under the age of 18 and 17 years, respectively, at the time the offense is committed, whereas in Germany the juvenile court, as previously noted, has jurisdiction over persons who had not yet attained the age of 21 years at the time of commission of the offense. This age differential must be kept in mind in comparing statistical data because obviously the relative incidence of delinquency cannot be compared with exactness.

A second point of difference lies in the unique separation under German law of offenders who are not yet 18 years of age from those who are within the 18 to 21 year age bracket, as contrasted with the Standard and the Missouri Codes categorizing all persons under the purview of the Juvenile Code as comprising a single class.⁶³ Missouri law, however, provides that, within the discretion of the juvenile court, when (a) a child of the age of 14 years or older has committed an offense which would constitute a felony if committed by an adult or has violated a state or municipal traffic law or ordinance, or (b) a minor between the ages of 17 and 21 years over whom the court has taken previous jurisdiction has violated any state law or municipal ordinance, the offender may be prosecuted under the general law whenever the court after receiving the report of the investigation and hearing the evidence finds that the minor is not a proper subject to

but see Mo. REV. STAT. § 211.031 (1959) and Standard Juvenile Court Act § 8 (1959), containing broad "preventive" provisions. In Germany parents of children are held more rigidly accountable for their supervising role and parental rights may be severed and parents subjected to criminal prosecution for "acts of neglect" which in the United States are regarded commonplace. Possibly this area could well be explored for a possible partial explanation of the lower incidence of juvenile delinquency in German than American cities. A further interesting difference lies in the awarding of custody in event of divorce; whereas in the United States custody is usually awarded the mother unless unfit, in Germany custody is invariably awarded the innocent ("schuldlos") parent to whom the decree of divorce is granted. It is definitely not customary, as it is in the United States, for the aggrieved German husband "gallantly" to permit his wife to obtain the decree by default.

59. Prepared by the Committee on the Standard Juvenile Court Act of the National Probation and Parole Association in cooperation with the National Council of Juvenile Court Judges and the United States Children's Bureau, first published in 1925 and now in its sixth revision.

60. Mo. REV. STAT. ch. 211 (1959), which follows much of the recommended pattern of the Standard Juvenile Court Act and is considered by our juvenile jurists as a good example of the more recently adopted juvenile codes in the United States.

61. Standard Juvenile Court Act § 8 (1959).

62. Mo. REV. STAT. § 211.021(2) (1959).

63. Standard Juvenile Court Act § 2 (1959) and Mo. REV. STAT. § 211.021 (1959).

be dealt with in the juvenile court.⁶⁴ No similar provision is contained in the Standard Juvenile Court Act. In Missouri when jurisdiction over the person of the child has once been acquired by the juvenile court, jurisdiction may be retained until the child has attained the age of 21 years except where he is committed to and received by the state board of training schools.⁶⁵ However, under the Standard Juvenile Court Act if a minor over eighteen years of age already under juvenile court jurisdiction is convicted of crime in a criminal court, jurisdiction of the juvenile court over him terminates.⁶⁶ Such a child is under the "concurrent jurisdiction of both courts until such conviction."⁶⁷

The German system of imposing duties on the juvenile as requiring him to perform services for the victim or to make donations to charities is foreign to American law. Query: would such constitute "involuntary servitude"? Likewise unique is the German system of sharp differentiation between the different kinds of judicial consequences, thereby providing for a broader range of judicial consequences than does Missouri or the Standard Law. To some degree, however, the Missouri provision for disposition or treatment of a child does provide some flexibility. The Missouri juvenile court may (a) place the child under supervision in his own home or in the custody of a relative or other suitable person upon such conditions as the court may require, or (b) may commit the child to the custody of a public agency or institution, a foster home, a private institution or agency authorized or licensed to care for children, an association, school or institution or a juvenile officer or (c) may cause the child to be examined and treated by a physician, psychiatrist or psychologist and place the child in a hospital, clinic or institution.⁶⁸ He also may suspend or revoke the child's driver's license. Inasmuch as the Missouri court is permitted to place the child under supervision in the custody of a suitable person upon such conditions as the court may require, it presumably is empowered to impose many of the same "directions" to the minor enumerated by the German Juvenile Code. Some of the extreme

64. MO. REV. STAT. § 211.071 (1959).

65. MO. REV. STAT. § 211.041 (1959).

66. Standard Juvenile Court Act § 10 (1959).

67. Standard Juvenile Court Act § 8 (1959).

68. MO. REV. STAT. § 211.181 (1959). Compare with JWG, § III of Par. 69, sentence 2: "Definite Trustee Education can be continued revocably in the minor's family under supervision of the district youth welfare office when thereby the aim of Trustee Education is not endangered" and JWG, Par. 66: "When the court has to decide whether Trustee Education has to be ordered or not, it can order the minor examined by an expert in order to get a picture of his personality. To prepare this expert opinion the court may place the offender in a clinic or institution to be treated by a physician, psychiatrist or psychologist, that is for six weeks. When this time is not sufficient it can be enlarged to three months."

sanctions permitted by the German Juvenile Code, however, would not be available to the Missouri court unless the juvenile is prosecuted as an adult under the general criminal law. Critics of American juvenile corrections methods, who feel that the court is hamstrung and the juvenile law is no deterrent to a continued life of deviance, might find a possible answer to such a need, if indeed one exists, in some of the more drastic provisions of the German law.

The Standard Juvenile Court Act permits the court to (a) place an offender on probation in his own home or in the custody of another person, (b) vest legal custody in an agency or foster home, or (c) suspend or restrict his driver's license.⁶⁹ "Protective custody" is limited to neglected or abandoned children, or those whose environment is injurious to welfare or who are beyond control.⁷⁰

A provision for probation and parole of juvenile offenders under the German law is not found in Missouri law. Such would be inapplicable here because Missouri law, unlike German law, contains no provision for sentencing the offender. There being no sentence, there is obviously no occasion for probation or parole. However, the Missouri juvenile courts frequently use the term "probation" in ordering a child to be placed under court supervision either in his own home or elsewhere.⁷¹ Probation is expressly provided by the Standard Juvenile Court Act,⁷² as already noted.

All commitments made by the Missouri juvenile court are for an indeterminate period not longer than the offender's 21st birthday.⁷³ The Standard Juvenile Court Act provides for an indeterminate period not in excess of three years with provision for renewal.⁷⁴ We have previously noted both the fixed and indeterminate sentence provisions of German law.

A further difference lies in the power of the American juvenile court to order the minor into psychotherapy irrespective of consent of either the minor or his guardian.⁷⁵ Not so in Germany, as previously noted!

A unique provision found only in the Standard Juvenile Court Act vests in the juvenile court exclusive original jurisdiction to try any adult, parent or guardian for any offense committed against the minor, and in event of demand for jury to act as examining magistrate.⁷⁶ In

69. Standard Juvenile Court Act § 24 (1959).

70. Standard Juvenile Court Act § 8 (1959).

71. MO. REV. STAT. § 211.181(1) (1959).

72. Standard Juvenile Court Act § 24 (1959).

73. MO. REV. STAT. § 211.231 (1959).

74. Standard Juvenile Court Act §24 (1959).

75. Standard Juvenile Court Act § 22 (1959) and MO. REV. STAT. §§ 211.181, .201 (1959).

76. Standard Juvenile Court Act §§ 11 & 20 (1959).

Missouri, however, many such offenses are punishable as in contempt of court.⁷⁷

In many respects, such as informal trial procedure, trial to the court without a jury, and detention facilities, the three codes bear striking similarities.

In summary, the German Juvenile Code provides a broader range of judicial consequences for juvenile offenders than either the Missouri or Standard Codes. These judicial consequences range from extreme leniency to severe penalties thereby providing broad flexibility in dealing with the particular case at hand. Furthermore, certain ingenious penalties such as requiring the offender to make payments to charitable agencies and to provide limited services and financial redress to the person who has been wronged are unique in the German Code. It may be that this broader range of judicial consequences and ingenious variety of penalties have contributed to a more successful handling of the juvenile problem.

IV. *Comparison of Treatment Modalities*

As previously indicated, group psychotherapy constitutes the principal treatment modality in the West Berlin Jugendhof. As pointed out by Foulkes and Anthony⁷⁸ the group situation revives and brings to light deep central forces underlying mental conflict within individual members, and the resulting network of horizontal transferences presents itself for relational operations. The data produced within the group comprise spontaneous contributions of members, free association of the group and free floating discussion. The translation work arises from the process of making conscious both the repressed unconscious and the interpersonal unconscious. All members actively participate and the therapist makes the group as a whole aware of its latent pre-occupations by interpretations, with the members following up in "symptom to meaning" insights. By the very nature of the group relationship, repression is not encouraged, emphasis being placed on action and experience in the immediate "here and now" situation, involving corrective experience and "ego training in action." In the words of Slavson,⁷⁹ the group provides dynamics of interstimulation, interaction, induction, neutralization, identification, rivalry and projection together with social mobility. Frank⁸⁰ emphasizes that group technique involves face to face interactions in an atmosphere

77. MO. REV. STAT. § 211.421 (1959).

78. FOULKES & ANTHONY, *GROUP PSYCHOTHERAPY* ch. III (1957).

79. SLAVSON, *Group Psychotherapies*, McCARY & SHEER, *SIX APPROACHES TO PSYCHOTHERAPY* 127 (1952).

80. FRANK, *Group Methods in Psychotherapy*, 8 J. SOCIAL ISSUES 35 (No. 2 1952).

conducive to free honest expression of feeling. The Berlin Jugendhof approach reminds one of the notable Provo Experiment,⁸¹ reported by Empey and Rabow of Brigham Young University, in which a treatment program of 15 to 17 year-old delinquents was successfully carried out in a group setting, wherein absence of formal structure was believed to have the positive effect of making the patients more amenable to treatment.

The techniques and procedures followed in the various groups at the Jugendhof utilize the recommended pattern and resemble youth group practice in the United States, as employed both in state correctional institutions and in private practice. It is refreshing to note that the Berlin groups, each of five boys, are relatively small and workable and that the boys are encouraged to keep in touch with the world of reality not only within the institutional setting but outside, by means of part time employment and weekend visits home.

Mention should be made of parental group therapy in Berlin, by which any surviving parents of the children are encouraged to attend group sessions separately, thereby according recognition to the fact that often the parent's own illness prominently contributes to that of the child and remission of the latter's symptoms may depend on treatment of the parent as well. The hypothesis that "improvement is more consistent in a patient whose parents are also in therapy"⁸² receives abundant support in the literature.⁸³

The treatment process with both parents together has been found particularly helpful in urban environmental settings, as at the Guidance Center in Buffalo, wherein 64% of all cases are so treated.⁸⁴

81. Empey & Rabow, *The Provo Experiment in Delinquency Rehabilitation*, 26 AM. SOCIOLOGICAL REV. 679 (1961).

82. Bowen, *The Family as the Unit of Study*, 31 AM. J. ORTHOPSYCHIATRY 43 (1961).

83. Butler, *Application of Family Diagnosis in Cases of Illness and Disability*, FAMILY-CENTERED SOCIAL WORK IN ILLNESS AND DISABILITY: A PREVENTIVE APPROACH 21 (1961); Beatman, *Family Interaction: Its Significance for Diagnosis and Treatment*, 38 SOCIAL CASEWORK 111 (1957); Brody, *Modification of Family Interaction Patterns by a Group Interview Technique*, 6 INT'L J. GROUP PSYCHOTHERAPY 38 (1956); Dreikurs, *Family Group Therapy in the Chicago Community Child-Guidance Center*, 35 MENTAL HYGIENE 291 (1951); Fisher & Mendall, *The Spread of Psychotherapeutic Effects from the Patient to His Family Group*, 21 PSYCHIATRY 133 (1958); Freeman, *Applying Family Diagnosis in Practice*, 34 SOCIAL SERVICE REV. 32 (1960); Hallowitz & Stulberg, *The Vicious Cycle in Parent-Child Relationship Breakdown*, 40 SOCIAL CASEWORK 268 (1959); Lippman, *Emotional Factors in Family Breakdown*, 24 AM. J. ORTHOPSYCHIATRY 445 (1954); Mitchell, *The Use of Family Sessions in the Diagnosis and Treatment of Disturbances in Children*, 41 SOCIAL CASEWORK 283 (1960).

84. Hallowitz, Clement & Cutter, *The Treatment Process with Both Parents Together*, 27 AM. J. ORTHOPSYCHIATRY 587 (1957).

Where the family situation is either non-existent or for practical purposes untreatable, the alternative of treatment in a foster home offers optimal therapeutic opportunity⁸⁵ and in Berlin the children are so placed when considered ready.

One should keep in mind that appraisal of treatment is "in terms of whether the client's ability to carry his social roles and his normal life-functions have been restored or bettered."⁸⁶ Hence, the family setting and inquiry into family life style form an important aspect of both evaluation and treatment.⁸⁷

The Berlin Jugendhof does not utilize the family as the therapeutic group, a methodology now being found a potent part of current American mental health armamentarium. Possibly such would be unfeasible in the Jugendhof, because so many boys have only one parent, if any. However, in individual cases where the parents are available such might prove helpful in an effort "to effect behavioral and attitudinal changes with a total family."⁸⁸ Certainly the crisis situation would present itself to the Berlin family in somewhat the same fashion as the American family, crisis being a state in which the habitual problem-solving activities are not adequate for a rapid establishment of equilibrium.⁸⁹ Of course, by the time the Jugendhof receives a boy the family crisis has often long since been resolved by family rejection of the boy and his expulsion as a family member. Sherz mentions six situations wherein family group therapy is indicated,⁹⁰ some of which are applicable to the correctional setting:

- (1) An "acting out" character disorder with central problem in parent-child or marital relationship.
- (2) Neurotic parents of phobic children: to loosen parent-child hostility.
- (3) Where crucial problem is congenital handicap of one member: to reduce pathological feelings of hostility and guilt.
- (4) Necessity to improve role functioning of members and altering role patterns.
- (5) Where some members are unable to examine their personal problems alone.
- (6) A chaotic family situation beyond coping power of one member.

85. Crutcher, *Family Care*, in 2 AMERICAN HANDBOOK OF PSYCHIATRY 1887 (1959).

86. Perlman, *The Role Concept and Social Casework: Some Explorations*, 35 SOCIAL SERVICE REV. 370, 372 (1961).

87. Parad & Caplan, *A Framework for Studying Families in Crisis*, 5 SOCIAL WORK 3 (No. 3 1960).

88. Bell, *Family Group Therapy*, U. S. Pub. Health Serv. Monograph 64, U. S. Pub. Health Serv. Pub. #826, p. 4 (1961).

89. Rapaport, *Working with Families in Crisis: An Exploration in Preventive Intervention*, 7 SOCIAL WORK 48, 49 (No. 3 1962).

90. Sherz, *Multiple-Client Interviewing: Treatment Implications*, 43 SOCIAL CASEWORK 120, 122 (1962).

V. *Critique and Cues for Further Research*

The notion that comparisons are odious is particularly applicable when attempting to compare data from different cultures. Despite similarities of American and German mores, differences do persist. Therefore, what may appear an unfavorable comparison of American cities must be accepted with reservation. While an attempt was made to equate the statistical data for comparison, it must be realized that the value systems of Kansas City and St. Louis may differ from those of Berlin, Munich and Cologne, if not from each other! We therefore can ill afford to entertain the dismal conclusion that the American juvenile is surely "going to pot" or that the United States has an unsurmountable juvenile problem. Nevertheless, the data provide us food for thought and stimulate a deepened sense of humility.

With respect to the Berlin pre-wall and post-wall data, neither may we assert with confidence that the wall was a "cause" of the reduced incidence of juvenile offenders. Too many uncontrolled variables could possibly have entered into the picture. Did police vigilance remain constant? Was their attention drawn away from juvenile offenses to problems involving the wall? Did the juvenile population fluctuate? Did the decrease merely follow a trend downward already established? Or did the wall bar an influx of hoodlums from the East? A host of unanswered questions arise, each of which should be carefully researched before we can become reasonably confident of any conclusions. The trend in reverse of that predicted presents an intriguing inquiry as to how it may have come about. What forces, if any, did the wall generate to reduce juvenile delinquency?

VI. *Summary and Conclusions*

A comparison was made of the number of juvenile offenders in West Berlin during the twelve month periods prior to and following the wall in order to test the hypothesis that erection of the wall would result in increased incidence of juvenile delinquency. The two largest German cities for which data were obtainable, Munich and Cologne, were used as controls. Results indicated decreased incidence of juvenile offenders following the wall in West Berlin but with no noticeable change in Munich and Cologne. Comparison of Berlin pre-wall with post-wall data showed significance at the .001 level of confidence, but in the opposite direction from that predicted. The hypothesis was therefore unsupported.

A comparison of West Berlin, St. Louis and Jackson County, including Kansas City, was incidentally made, which tends to show rates of incidence in St. Louis and Jackson County more than double that of Berlin, as well as increasing over the previous year.

A comparison of the German Juvenile Code of 1953 with the Standard Juvenile Court Act of 1959 and the Missouri Juvenile Code of 1957 reveals greater flexibility and ingenuity in the German Code, featuring particularly a greater number of juvenile judges: eighty-eight in West Berlin as compared with only one judge in Jackson County and one in St. Louis.

A survey of therapeutic methods of juvenile delinquents in West Berlin indicates a well integrated treatment program of boys and parents in group psychotherapy with children and parents being treated in separate groups. The technique employed follows recognized practice of group psychotherapy.

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