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A TECHNICAL ASSISTANCE MONOGRAPH

A Framework for Juvenile Justice and Delinquency Prevention

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A FRAMEWORK FOR
JUVENILE JUSTICE AND DELINQUENCY PREVENTION
A TECHNICAL ASSISTANCE MONOGRAPH

Prepared for:

U.S. Department of Justice
Office of Juvenile Justice and
Delinquency Prevention

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U.S. Department of Justice
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U.S. Department of Justice

Office of Juvenile Justice and Delinquency Prevention

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FOREWORD

September 23, 1982

The Formula Grants and Technical Assistance Division (FGTAD), within the Office of Juvenile Justice and Delinquency Prevention, has worked with numerous States and local organizations toward the common goal of reducing juvenile crime and improving juvenile justice. The problems we deal with are complex and resistant to an immediate solution, so we must be tenacious and make systematic use of emerging knowledge in the field.

Different tasks fall to localities, States and the Federal government in achieving our goal; we must work cooperatively if we are to progress. The Formula Grants Program has provided States and localities the opportunity to participate with FGTAD in multi-State and national programs. It is a small program relative to national expenditures in juvenile justice, but it must and can have high demonstrative value. The technical assistance program must convey ideas which make that possible; ideas which build upon the existing knowledge base and years of experience with program implementation.

During the nine years since the passage of the Juvenile Justice and Delinquency Prevention Act, we have made great strides in knowing what works and improving local programs. Formula grants and technical assistance efforts have contributed significantly to making this possible; they permit us to continue our steady progress.

The Formula Grants and Technical Assistance Division is proud to sponsor this technical assistance monograph, *A Framework for Juvenile Justice and Delinquency Prevention: A Technical Assistance Monograph*, and the remaining three in the series (*Improving the Administration of Juvenile Justice: From Theory to Practice*, *Alternatives to The Juvenile Justice System: From Theory to Practice*, and *Delinquency Prevention: From Theory to Practice*). Each is designed within its purview to take stock of where we are and where we should be, and to provide practical suggestions for getting there.

This series also proposes programs that merit additional attention by the States and will be supported by technical assistance. The limitations of Federal resources do not permit a response to every request for assistance. However, I hope the monographs will go beyond the confines of a specific office and funding source. I hope they will provide the basis for expanding the systematic development of programs to improve juvenile justice and reduce juvenile delinquency. By taking one step at a time, we can make progress in addressing this serious national concern.

David D. West

David D. West, Director
Formula Grants and
Technical Assistance Division

INTRODUCTION

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is directed by Congress to lead Federal efforts in juvenile justice and delinquency prevention. In its Formula Grants and Technical Assistance Division (FGTAD), the OJJDP combines financial and technical assistance so that:

- 1) States and localities will be encouraged and assisted in implementing the Juvenile Justice and Delinquency Prevention Act; and
- 2) Efforts of grant and technical assistance recipients will build on the knowledge base of research and years of experience with program implementation.

Goals

The Division's intent is to focus its assistance on the development and implementation of programs with the greatest potential for reducing juvenile crime and to cultivate partnerships with state and local organizations. To that end, the Division has set three goals that constitute the major elements of a sound policy for juvenile justice and delinquency prevention. They are to: 1) promote delinquency prevention efforts; 2) foster the use of alternatives to the traditional justice system; and 3) improve the existing juvenile justice system.

Specifically, the three goals may be amplified as follows:

- 1) Delinquency Prevention -- A sound policy for juvenile delinquency strives to strengthen the most powerful deterrent to misbehavior: a productive place for young people in law-abiding society. Preventive measures can operate on a large scale, providing gains in youth development while reducing youthful misbehavior. The Division's first goal is to identify and promote programs which prevent or preclude minor, serious, and violent crimes from occurring and which prevent the commission of status offenses.

- 2) Development of Community Alternatives to the Traditional Justice System -- Communities cannot afford to place their responsibilities for juvenile crime entirely on the juvenile justice system. A sound policy for combatting juvenile crime makes maximum use of a community's less formal, often less expensive, and less alienating responses to youthful misbehavior. The Division's second goal is to identify and promote community alternatives for each stage of a child's contact with the juvenile justice system, emphasizing options which are least restrictive and most promote or preserve favorable ties with the child's family, school, and community; and
3. Improvement of the Juvenile Justice System -- The limited resources of the juvenile justice system must be reserved for the most difficult and intractable problems of juvenile crime. A sound policy concentrates the more formal, expensive, and restrictive options of the juvenile justice system in two areas:
 - on youth behavior which is most abhorrent and least amenable to preventive measures and community responses; and
 - on the problems of youths and their families which exceed community resources and require more stringent legal resolution.The third goal of the Division is to promote improvements in juvenile justice and facilitate the most effective allocation of the resources of that system.

Monograph Objectives

To promulgate its policy and goals, the Formula Grants and Technical Assistance Division has prepared three monographs that describe its overall perspectives and goals, present suggestions on how these goals can be implemented, and explain appropriate uses of the Division's technical assistance. These three documents follow the goal structure described above and address delinquency prevention, the development of community alternatives to the traditional justice system, and improvement of the juvenile justice system. In publishing these three documents, the Division had several salient objectives:

- To offer the practitioner a summary of theory and research developed in the three goal areas over the past decade with suggestions on ways of translating the concepts into actual practice.

- To promulgate the Division's formal policy and goals, so that state and local agencies seeking formula grants and technical assistance can readily determine whether the programs or requests they submit to the Office can be funded and/or supplemented within the constraints of the Division's policies and goals; and
- To provide criteria for OJJDP's own administrators so that grants and technical assistance will be awarded against a common set of guidelines, and the grants will be awarded on a fair and even basis.

OJJDP's GOAL INTERPRETATION

To provide a more comprehensive understanding of how the Division views the three goal areas, each is discussed briefly in the following subsections.

Delinquency Prevention

This goal area emphasizes primary or preclusive delinquency prevention. Addressing delinquency prevention from this point of view requires a commensurate definition of the scope and cause of the problem. The perspective and strategy position summarized below draws upon the composite findings of contemporary theory and research about delinquency and its prevention.

Target Population -- Which youths commit crimes? While most youths grow up relatively law-abiding, most occasionally commit crimes as well. The infrequent offenders commit about one-half of all FBI reported crimes, but relatively few of the most serious and violent crimes. Society is not necessarily frightened by these youths, but their contributions to the total costs of crime cannot be ignored.

Some youths--perhaps 4 to 8 percent of all youths--commit crimes more frequently; a few very frequently. They account for the other half of all index crimes and for a large share of the most serious and violent crimes (Empey, 1978; Weis and Sederstrom, 1981; Elliott, Knowles, and Canter, 1981). These youths do frighten society. Still, after considerable effort it is not possible to predict reliably, on an individual basis, who the frequent offenders will be, nor can they be distinguished from other offenders on any basis other than the frequency of their crimes. That is, they are known only after they come in contact with the system several times. Further, the juvenile justice system is overburdened and its means are limited. To date, few programs have demonstrated an effect on delinquent behavior (Romig, 1978; Lipton, Martinson, and Wilkes, 1975).

If a reasonable chance to deal with the population of frequent offenders is to be offered, the general rate of juvenile crime as well as the size of the frequent offender group, will have to be reduced.

Peer Groups -- Powerful influences on both the less frequent and the more frequent offenders are pressure and support from their peers. Few youths, it appears, persist in crime without such support. Delinquent groups tend to form among those who are characterized by failure and exclusion and, thus, find themselves together. Youths who lack opportunities and connections in conventional pursuits are most susceptible to influence by delinquent peers. Differences in income, race, and ethnicity tend to be associated with opportunity and exclusion and thus can complicate group formation, but these differences should not obscure the more general pervasive process. Miller (cited by Weis and Sederstrom, 1981) estimates that 20 percent of all boys in all cities larger than 10,000 population are members of law-breaking groups. About 7 percent of these boys--about 1.4 percent of all boys of relevant ages--may be members of distinct gangs with territories and uniforms. These gangs tend to be concentrated in the largest cities.

Ties to Convention -- Youths have strong ties to their families, schools, and work. Youths who have a stake in those conventional ties and activities are less likely to form delinquent peer groups or to be influenced by delinquent peers. They are bonded to--and thus controlled by--convention. Hirschi's useful description (1969) of the social bond can be extended to suggest the sorts of value which the bond provides. "Commitment" to conventional lines of activity is an instrumental association, which is likely to form when persons can be useful, can be competent, can exert some influence on what happens to them, and can build up some advantages for the future. When conventional behavior is rewarding, it produces a kind of investment or bond--a "stake in conformity"--which is both a reason to observe the law and a reason not to break it. That stake could be lost.

Bonds form through interaction. In their effort to synthesize social control and social learning theories, Weis and Hawkins (1980) suggest that bonds form best in the presence of specific opportunities for involvement, when the skills needed to exploit the opportunity are present, and when rewards for appropriate participation are consistent. They point to families as the important force for early socialization and schools as the prime arena for adolescents. Work and neighborhood play supporting parts.

In their analysis of social control, opportunity, labeling and social learning theories, Elliott, Ageton, and Canter (1979) suggest that consistency applies not just to rewards; bonds are likely to form in organized and predictable settings and to be weakened in settings that are disorganized and unpredictable for the actors. These authors also point to the importance of success and of the increasing integration in conventional contexts which success

brings. Again, families are important in early socialization. Schools gain primary importance as students enter middle or junior high school; success and failure in school and school grouping practices contribute to the formation of peer groups. Finally, Elliott, Ageton, and Canter (1979) point to the influence of positive or negative labeling experiences--as others reward and punish our behavior, they also make judgments about us which shape our opportunities in the future.

These powerful tools of social control--organization, opportunity, skill acquisition, reinforcement, labeling, and group composition--are not personal characteristics. They are features and functions of socializing institutions.

Organizational Change Strategies -- The Division concludes that selective change in existing organizations and practices for dealing with youths is the most promising and feasible course to substantial gains in delinquency prevention. Delinquency is a large, pervasive problem requiring large-scale initiatives. Therefore, the foundation for a delinquency prevention initiative should be an activity which involves large numbers of youths. Accordingly, delinquency prevention programs should be mounted in organizations which can support and strengthen families on a large scale: in schools, in organizations with extensive ties in communities and neighborhoods, and in organizations which support the transition from school to work.

For all of these organizations, delinquency prevention will be a secondary aim. Schools cannot--and will not--undertake substantial additional efforts for the sake of delinquency prevention; they can and may undertake initiatives which contribute to both academic achievement and delinquency prevention. While crime may occasionally be a focus for organization, neighborhoods will not be sustained solely by a common interest in reducing crime. Activities which contribute to both delinquency prevention and to a neighborhood's development and improvement will be needed. Few families will remain engaged in an activity solely on the basis of its contribution to delinquency prevention. Activities which affect delinquent behavior and provide options to children are more likely to be supported. In the face of high unemployment rates among youths and hard economic times, employment agencies and employers must concentrate on activities which contribute to training and placement of an effective and stable work force; if activities can be found which serve those purposes and affect delinquency, they may be supported on a larger scale.

In relation to the activities and budgets already in place in states and communities, the formula grants of OJJDP are miniscule at present or predictable levels. Thus, an effective use of such modest supplements is to facilitate desirable changes in existing organizations and programs, rather than to augment those programs or to create new ones. The Division will direct its technical assistance to the support of such initiatives.

The central problem of delinquency prevention is to find new activities or to modify existing activities to serve both the primary goals of the host organization and the goal of delinquency prevention. As may be expected, the problems and benefits of implementation in this approach are different than those encountered in the implementation of more self-contained initiatives. Organizational change will be required. This goal area is intended to support the selection of appropriate organizational change activities and to guide their implementation.

Development of Community-based Alternatives

The term "community-based alternatives" refers to services or programs that are operated independently of the normal juvenile justice system and provide either resources for deflection of cases before entry or parallel options to the traditional system functions of police apprehension, court adjudication or correctional sanctioning. By definition, community-based alternatives are situated in a defined geographic area or neighborhood, primarily serve youths from that locality, and maintain programmatic linkages with nearby residents and youth-serving organizations.

Arguments supporting utilization of these juvenile justice system alternatives frequently focus on their potentially lower costs and greater effectiveness in reducing delinquent behaviors. Theoretically, the best counters to delinquency are attachments and bonding to friends and family, and commitments to conventional or adult-approved activities. These supports are more easily fostered or maintained in community-based programs and activities than in such justice system facilities as secure detention centers and large-scale, state-operated training or reform schools. The use of alternatives for non-criminal juvenile offenders and youths convicted of lesser crimes is recommended also to conserve the limited system resources for the most violent and serious delinquents.

For purposes of discussion and analysis in this document, community-based alternatives have been categorized, according to their justice system equivalent, as:

- Alternatives to intervention--diversion;
- Alternatives to court processing--conflict resolution;
- Alternatives to detention--pre-trial community supervision; and
- Alternatives to incarceration--community-based corrections.

Each of these are discussed in the following sections.

Diversion -- During the 1970's, diversion programs that either released youths who were charged with status offenses or minor crimes, or referred them to potentially rehabilitative services were promoted as a means of:

- (1) Minimizing court contact and thereby decreasing any stigmatizing effects;
- (2) Maintaining normal contact between youths and family or friends; and
- (3) Decreasing the costs of processing or formal intervention.

However, evaluations of diversion programs (Romig, 1978; National Evaluation, 1981) found that these programs were not generally effective in reducing stigmatization, improving social adjustment, or increasing conforming behavior. Moreover, while diversion without further services was less expensive than processing, diversion with services was not always comparatively less costly.

Conflict Resolution -- Alternatives to court functions refer to conflict resolution projects that usually involve mediation or arbitration in misdemeanors and minor felony cases. In such cases, the prosecutor, defendant, and victim consent to an alternative mediation or arbitration process, but still retain the option of disputing the finding and having the case referred for usual processing. Although not so carefully evaluated as diversion programs, conflict resolution projects have been found to decrease decision-making time and require less attention by court officials. Further, the process often is suited better to cases involving a personal relationship between victim and offender than formal, adversarial procedures.

Detention -- Alternatives to detention refer to placement options for juveniles arrested and considered dangerous to the community or themselves or unlikely to appear in court. Community alternatives include home detention, involving close supervision by parents and probation officer; foster care; and, group home placements. These less restrictive resources have proven successful in ensuring court appearances (Pappenfort and Young, 1980) and have thus stimulated questioning about the use of secure detention for accused juveniles who are generally not likely to commit further offenses or miss court appearances.

Community-based Corrections -- "Community-based corrections" refers to a range of residential and non-residential programs including options like foster care, group homes, special projects for substance abusers or offenders with mental health problems, stipended work and vocational training, community service assignments and restitution programs. Restitution and community service programs are particularly popular among community correctional officials, not only because of their potential impact on offenders, but as a symbol of the responsibility of the justice system to victims.

Research into the effectiveness of community-based residential centers and other alternatives has found them generally wanting where the measure of success is limited to a reduction in recidivism. In fact,

critics of alternatives claim that mere community location by itself does not necessarily make any program more effective, less costly, more humane or even more conducive to reintegration of a youth with his community. On the basis of evaluations, however, the most promising projects adopt service approaches that diagnose each youth's problem in a particular area, set behavioral goals, give the youth an opportunity to practice the new behavior or skill, evaluate performance, reward the youth for successful behavior, and modify rehabilitative goals as necessary.

Two generic criticisms have been levied against the overuse or misapplication of community-based alternatives. These criticisms need to be taken seriously in the design and establishment of such alternatives. The first is a general tendency to "widen the net" or increase the scope of judicial or other justice system controls over youths who would otherwise have been released or subjected to lesser restrictions. Secondly, alternatives that retain original charges or otherwise hold a conditional threat of punishment for not completing a mandated program may be infringing upon "due process" rights (McSparron, 1980; Hylton, 1982; Austin and Krisberg, 1982).

Certain general characteristics of community based programs can be identified from research findings or theoretical frameworks as desirable features. One asset is service delivery to a general population of youths, not just delinquents, so that participants have an opportunity to mix with and form attachments to law-abiding counterparts. Other positive values are the encouragement of active participation in traditional roles for youngsters at school or in the community and the provision of opportunities for meaningful employment or the development of proven skills.

Given the evidence that at least some community-based alternatives show promise of effectiveness, advocates for alternatives can pursue certain strategies to encourage their adoption. These include emphasizing beneficial characteristics of alternatives; conducting well-designed evaluative studies; and incorporating programs into the innovations derived from current research findings.

Improvement of the Juvenile Justice System

The resources and powers of the juvenile justice system should be concentrated in two main areas:

- The first area of concentration must be on frequent, serious, and violent crime, which is unlikely to be handled effectively by any other strategy. There is a population of youths who are so highly alienated from society and so deeply involved in crime

that no alternatives to formal traditional justice system intervention exist. These juvenile offenders constitute a small portion of all youths and even a minority of those who ever come in contact with police or appear in court. Thus, the scarce resources of the juvenile justice system should be concentrated on them.

- The second area of concentration for the traditional system includes matters involving youths, their families, and schools which require legal resolutions that only the courts can provide. Matters such as custody, probation of children, and emancipation are included in this category.

Considerable efforts have been undertaken in the areas of research, program development, and evaluations to develop strategies to improve the juvenile justice system. Some of the best sources of information on these activities are the standards promulgated by such groups as the National Advisory Committee on Juvenile Justice and Delinquency Prevention, the Institute for Judicial Administration, and the American Bar Association. In reviewing standards, several principles emerge that should apply to all operations of the juvenile justice system. These include:

- Support for primary restitution,
- Accountability,
- Protection of the rights of children,
- Use of the least restrictive options, and
- Obligations of intervention.

Each is briefly discussed below.

Support for Primary Institutions -- The family remains the basic unit of our social order. Schools soon join parents in rearing children and grow increasingly important to youngsters; in fact, by the time children enter secondary school, schools probably are the more important influence on behavior. In high school, the prospect of a working life emerges, and the transition from student to worker becomes increasingly important. Government policies, programs, and practices should support or strengthen these arrangements; they cannot, in any large way, substitute for them.

The older the child, the more energy should be devoted to promoting success at school and then to promoting independence. For juveniles for whom relationships at school have become untenable, government policies should promote emancipation through vocational training, alternative routes to post-secondary education, job placement, and independent living.

Accountability -- With any delegation of authority by or to a governmental entity must be limits on the exercise and duration of that authority and mechanisms to assure its appropriate use. Guidelines and review procedures should be established for all intervention, intake, custody, and dispositional decisions. Stringent evaluation should be employed systematically to assure the wisdom and effect of that decision-making.

Protection of the Rights of Children -- Age is not a valid basis for denying procedural protections when fundamental rights are threatened. Juveniles within the juvenile justice system should be accorded both the protections provided to adults and the solicitous care postulated for children. There exist other means beyond the denial of basic rights to deal with juveniles whose age or behavior require more strict intervention.

Use of the Least Restrictive Options -- Whenever there is a choice among various alternatives, the option which least intrudes on liberty and privacy and which most maintains and promotes bonds to conventional activities and persons should be preferred. Less restrictive and more effective options for all populations should be developed systematically to increase the range of choices. Secure detention and institutionalization should be regarded as a last resort for the most serious crimes and the violent crimes, and even then should be considered in relation to other options for dealing with such cases.

Obligations of Intervention -- When liberty is restricted for the sake of rehabilitation, there is an obligation to offer a range of services reasonably designed to achieve the rehabilitative goals in the shortest time. Intervention justified upon the doctrine of parens patriae imposes the duty to provide the resources necessary to fulfill the promise of care and assistance. When the claim of rehabilitation is compromised by a lack of funding or by negative evaluation results, the power to intervene is also compromised, and adjustments are imperative.

RELATIONSHIP OF MONOGRAPHS TO OJJDP ACTIVITIES

In developing its monograph series, the Formula Grants and Technical Assistance Division has drawn from a wide body of research, literature, evaluations, and other documents. In particular, the contents of these monographs should be considered in light of the work of the four Assessment Centers established by the Office of Juvenile Justice and Delinquency Prevention. These Centers are:

- The University of Chicago--National Center for the Assessment of Alternatives for Juvenile Justice;
- The American Justice Institute--National Juvenile Justice Assessment Center;
- The National Council on Crime and Delinquency--National Center for Integrated Data Analysis; and
- The University of Washington--National Center for the Assessment of Delinquent Behavior and Its Prevention.

Another source of information and guidance to the practitioner translating theory to practice in juvenile justice are the standards promulgated by various bodies. In particular, the following should be consulted:

- National Advisory Committee Standards for the Administration of Juvenile Justice;
- National Advisory Committee on Criminal Justice Standards and Goals;
- Standards for Juvenile Justice of the Institute for Judicial Administration and the American Bar Association

The Office of Juvenile Justice and Delinquency Prevention has many valuable resources in addition to those described above and the documents of the Formula Grants and Technical Assistance Division. The Special Emphasis Division has sponsored a variety of demonstration programs relevant to the three goals discussed above and research documents are available through the National Institute of Juvenile Justice and Delinquency Prevention. Additionally, the Juvenile Justice Clearinghouse has documents available that are germane to these topics.

USES OF TECHNICAL ASSISTANCE

The Formula Grants and Technical Assistance Division seeks a partnership with local, state, and national organizations in which the Division can contribute its resources to well designed and well executed programs consistent with the aims of the Office and which can be replicated on an expanding scale. Technical assistance requests come to the Office directly from juvenile justice agencies, and they are then reviewed by the Division for response. In its reviews, the Division considers the following general criteria:

- Relationship to OJJDP legislative mandate;
- Relationship to and consistency with Formula Grants and Technical Assistance Division goals;
- Appropriateness of Federal assistance relevant to a local problem; and
- Impact on the recipient and on the state-of-the-art of juvenile justice from responding to this request.

Technical assistance is provided through a number of different vehicles: on-site consultation, documentation and correspondence, training, and conferences. The strategy that is employed depends on the needs of the recipient and what is most helpful to him as well as the availability of resources.

In deciding where to focus technical assistance resources, special consideration is given to supporting national organizations, supporting state government personnel, and providing assistance to individual programs from which efforts the Division can advance the state of knowledge about successful intervention strategies. The rationale for this emphasis follows:

- Support for National Organizations -- When influential national organizations invest their own resources in initiatives consistent with the aims and principles described above, the effectiveness of OJJDP's technical assistance can be increased. The Division seeks such relationships.
- Support for State Personnel -- When state personnel take a strong lead in promoting and testing promising programs, and technical assistance providers can support them instead of working independently, both state leadership and the effectiveness of technical assistance can be magnified. The Division welcomes requests in which this relationship is offered.
- Support for Program Tests -- Technical assistance will be improved by participation in a few of the most promising and rigorous program tests. The Division continually seeks partnerships in which technical assistance can complement efforts by State organizations, particularly OJJDP's State counterparts.

CONCLUSION

Significant gains in juvenile justice and delinquency prevention require deliberate and sustained attention to the major traditional and non-traditional institutions of the juvenile justice system. Actions which strengthen the primary socializing institutions -- family, school, and work -- should be emphasized. The task is to focus on those activities which are demonstrably effective, appropriate, and efficient. Fruitful innovation, likewise, requires systematic attention to theory and research, followed by careful program design and implementation. The results of intervening into the system, be it implementing or modifying existing practices or developing new approaches, must be thoughtfully monitored if not evaluated, to insure the most effective and efficient use of resources.

The Office of Juvenile Justice and Delinquency Prevention, Formula Grants and Technical Assistance Division, is committed to offering whatever guidance and assistance it has to strengthening the juvenile justice system. By articulating its goals and offering the policymaker, practitioner, and researcher the theoretical basis of these goals, the hope is that the lessons of the past can be effectively translated into actions for the future.

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