

165150



A Legislator's Guide to Comprehensive juvenile Justice

165150c.2

National Conference of State Legislatures

This project was supported by Grant No. 95-JN-FX-0017 from the Office of
Juvenile Justice and Delinquency Prevention, Office of Justice Programs,
U.S. Department of Justice.

Points of view or opinions in this document are those of the author and do not
necessarily represent the official position or policies of the U.S. Department of Justice.

© 1996 by the National Conference of State Legislatures. All rights reserved.

The National Conference of State Legislatures serves the legislators and staffs of the nation's 50 states, its commonwealths and territories. NCSL is a bipartisan organization with three objectives:

- ▶ To improve the quality and effectiveness of state legislatures;
- ▶ To foster interstate communication and cooperation;
- ▶ To ensure states a strong, cohesive voice in the federal system.

NATIONAL CONFERENCE OF STATE LEGISLATURES
William T. Pound, Executive Director
1560 Broadway, Suite 700
Denver, Colo. 80202

444 North Capitol Street, NW, Suite 515 • Washington, D.C. 20001



A Legislator's Guide to Comprehensive Juvenile Justice

Juvenile crimes are on the rise and getting more serious, putting juvenile crime and justice high on the state legislative agenda. As a primer for policymakers, this report captures the research basis for more comprehensive juvenile justice and explains how cross-jurisdictional legislative approaches bridge traditional child welfare and criminal justice systems. The many examples provided of effective responses in juvenile justice include both sanctions for juvenile offenders and programs and policies that prevent youngsters from becoming tomorrow's juvenile crime statistics.

The Legislator's Guide captures the spirit of comprehensive juvenile justice and explains how to protect public safety, prevent delinquency and achieve cost savings, using advanced knowledge about juvenile crime prevention and programming.

—Buddy Howell, Ph.D., co-author of the Office of Juvenile Justice and Delinquency Prevention's *Comprehensive Strategy for Serious, Violent and Chronic Juvenile Offenders*

The guide is an important resource for legislators, providing an overview of juvenile offenders and social reactions to juvenile crime. It draws from evaluative work for informed decisions and allocation of resources. Its information about prevention and after care suggests how policymakers can address juvenile justice with a more comprehensive approach.

—Laura Ross Greiner, Assistant Director
Center for the Study and Prevention of Violence

Lawmakers across America face critical decisions that will determine the safety of future generations. The Legislator's Guide to Comprehensive Juvenile Justice details effective strategies to stop crime before it starts. Every state legislator will find the guide helpful in addressing the problem of juvenile crime.

—Representative Bill Purcell, House Majority Leader and Chairman,
Select Committee on Children and Youth, Tennessee General Assembly

ITEM # 9375
PRICE: \$20.00

ISBN 1-55516-902-5



NATIONAL CONFERENCE OF STATE LEGISLATURES

Graduated Sanctions in Juvenile Justice

Legislative concerns about juvenile crime reflect citizens' concerns. People are afraid of young offenders and perceive them as armed predators, uncaring about harm to others and unafraid of consequences or incarceration. Most juvenile offenders, however, are never arrested more than once and the most serious crimes (75 percent) are committed by a small number (15 percent) of repeat juvenile offenders.

In comprehensive juvenile justice, a system of graduated sanctions holds young people accountable for their actions every step of the way—from the least to the most serious patterns of offending—while maintaining public safety. It provides swift and sure punishment when a youngster first commits a crime followed by progressively tougher sanctions if he or she continues to offend. Providing a continuum of sanctions and treatment options to stem further criminal development is, in fact, the core of comprehensive juvenile justice.

Graduated sanctions provide a range of community-based options appropriate for most juvenile offenders while reserving secure care for the small percentage of violent offenders. Moving from least to most restrictive, a sanction continuum includes a mechanism for determining the appropriate placement for different offenders. Although it is not unusual for states to have a variety of programs for juvenile offenders, few states have a statutorily provided means for applying different levels of sanctions and treatment as part of a structured, comprehensive juvenile justice system.

Juvenile training schools often mix first and nonviolent

offenders with more dangerous youths. They also are expensive and spend the same amount on all kids regardless of their individual needs or the danger they present to the public. According to research conducted by the National Council on Crime and Delinquency, training schools are no more effective in preventing future delinquency than less secure, community-based programs.

A diverse system of graduated sanctions consists of: (1) immediate sanctions, including community-based diversion and day treatment, that are imposed quickly on first-time, nonviolent offenders; (2) intermediate sanctions, such as intensive supervision and wilderness camps, for more serious offenders; (3) secure corrections for violent offenders; and (4) structured after-care programs that provide surveillance and treatment in the community for youths released from residential or institutional care. (See "Emerging Issues in Juvenile Justice" for more information on after care.) Youths who continue to commit delinquent or criminal acts become subject to progressively more intense, restrictive and tough sanctions.

Critical to the effective use of graduated sanctions is assessing the level of risk each offender presents to the community and determining his or her treatment needs, such as substance abuse or conflict management. Risk assessment and needs assessment are closely related in providing the most appropriate placement or sanction for different levels and types of offenders. Factors considered in risk assessment include the nature of the offense, prior record, age of first offense; and individual risk factors including gang involvement, school performance, drug abuse, mental health and

family stability. The score on the risk assessment—low, medium or high—will determine where offenders should be placed along the continuum. Needs assessment also focuses on individual risk factors including family and peer group relationships, substance abuse, mental health and school performance to determine which programs within the appropriate security level can best help each juvenile.

COMMUNITY-BASED PROGRAMS

Using risk and needs assessment in conjunction with graduated sanctions combines public safety with cost efficiency. It increases the likelihood that serious offenders will be incarcerated while those who present a lesser danger are placed in less expensive, community-based programs. A study in 14 states of juvenile placements that had public safety as its key emphasis concluded that at least one-third of juveniles in training schools did not need secure incarceration to protect public safety. Since community-based placements can cost as little as one-sixth of juvenile incarceration, using risk assessment can save money.

Recent juvenile justice reform in several states has included the graduated sanctions approach. Notable examples include Connecticut and Texas and most recently Virginia. All strategies provide different levels of punishment and treatment for different types of offenders and broadly address public safety and prevention.

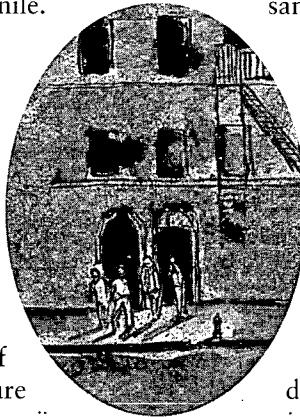
The Texas Legislature adopted a seven-step progressive sanctions policy as part of a comprehensive juvenile justice reform act in 1995. Each level specifies punishment options that correspond to the type of offense committed, prior offenses, effectiveness of previous interventions and special treatment or training needs. Sanctions become increasingly more restrictive beginning with programs such as restitution and progressing to community corrections, probation, boot

camp and ending with secure confinement. For example, level two is reserved for certain misdemeanor offenses and the seventh level is for capital offenses. If a youth commits subsequent delinquent acts, the court imposes a higher, progressively tougher sanction. Local juvenile boards are given the option of whether or not to adopt the progressive sanctions levels (Tex. Family Code Ann. §59.011).

Comprehensive legislation in Connecticut last year included a system of graduated sanctions for juvenile offenders along with risk assessment to determine the most appropriate program or sanction for offenders. The law also requires development of a variety of programs operated by private and public agencies, including after care for youth released from state institutions (Conn. Gen. Stat. Ann. §46b-140). Virginia allocated all of its 1996 Juvenile Justice and Delinquency Prevention Act formula grant to develop community-based graduated sanctions for serious and chronic juvenile offenders. Selected sites are using innovative approaches that will serve as models for other Virginia communities.

A placement matrix used in Indiana illustrates the graduated sanctions approach. It is based on both risk assessment and severity of the offense (*see chart*).

In Indiana, high-risk juveniles who commit violent offenses are placed in a secure program, some of which specialize in violent or sex offenders. Medium-risk youth who commit serious but not violent offenses are committed to the intermediate sanction program, which consists of 30 days in a secure residential setting and six months in a day treatment program. A juvenile who commits a minor offense, such as disorderly conduct or a curfew violation, is sentenced to one of several programs including mentoring, community supervision or tracking that combines treatment with intensive 24-hour supervision.



INDIANA JUVENILE CORRECTIONS PLACEMENT MATRIX			
SEVERITY OF OFFENSE	RISK LEVEL		
	HIGH	MEDIUM	LOW
VIOLENT OFFENSES	Violent Offender Program Assaultive Sex Offender Program Staff Secure Residential	Violent or Sex Offender Program Staff Secure Residential	Boot Camp Intermediate Sanctions Program
SERIOUS OFFENSES	Boot Camp Staff Secure Residential Job Corps Intermediate Sanctions Program	Intermediate Sanctions Program	Intermediate Sanctions Program Day Treatment Specialized Group Homes
LESS SERIOUS OFFENSES	Intermediate Sanctions Program Day Treatment Specialized Group Homes	Proctor Program Tracking Community Service	Community Supervision Community Service Mentors
MINOR OFFENSES	Proctor Program Tracking Community Supervision	Community Supervision Mentors	Mentors

Source: Indiana Department of Corrections

Although a range of sanctions for juvenile offenders offers states cost-effective public safety, it is important to note that not all community-based programs are effective in reducing juvenile crime. Certain characteristics enhance success.

SUCCESSFUL PROGRAMS

An examination of more than 200 programs for all levels of offenders found that the most successful ones are operated in nontraditional juvenile justice settings such as universities or health clinics, are long-term, operate with a clear mission and have committed staff. Program activities are tailored to the age, skills and abilities of those in the program and address all of the risk factors that contribute to the child's delinquency. The programs help youths develop skills to deal with problems and offset negative influences, maintain good supervision, and provide for frequent contact between staff and participants. Successful pro-

grams frequently have a "holistic" approach encompassing family, friends, work, school and community issues. Youths in residential settings gradually are returned to their homes and communities. Education and vocational training also are important offerings.

Researchers at the National Council on Crime and Delinquency identified a number of exemplary programs ranging from immediate sanctions to intermediate sanctions to secure care. An example of a successful immediate sanctions program is the Choice Program in Baltimore, Md. Choice is an intensive, home-based program that addresses the problems of high-risk youth in the context of their families and communities. Participants are status offenders and youths arrested for minor delinquent acts and referred to the program by public agencies. An intensive assessment enables caseworkers to identify each child's situation at home and at school, analyze his or her physical health, and match the child with the best resources. Initially, caseworkers make three to five contacts with youth daily as well as meet with family members, school personnel and others. Youths typically are in the program four to six months. Compared with other arrested youths, Choice clients had lower arrest rates during and after participating in the program. Additional examples of immediate sanctions include diversion,

victim mediation, community service and restitution.

The next program level is referred to as intermediate sanctions. It is more restrictive and includes both residential and nonresidential programs. The Family and Neighborhood Services Project in South Carolina is an example of a nonresidential program for youthful offenders who have committed serious and violent crimes including manslaughter and assault with intent to kill. Based in a community mental health center, the program works with each juvenile in the context of his or her family, school, peers and community. Caseloads are limited to four families per therapist who are available around-the-clock and have daily contact with the youth for an average of four months. Program participants have lower recidivism rates than those in regular programs at a savings of around \$13,000 per youngster.

Day reporting is another intermediate sanction in the community appropriate for some serious offenders. Reporting centers require offenders to check in daily for supervision and services. Electronic monitoring programs also are used as a moderately restrictive sanction for serious offenders.

Boot camps are another intermediate sanction. Usually considered an alternative to more traditional training schools or corrections, juveniles spend 90 to 120 days in the highly regimented, military-type residential programs. If policy creating boot camps is clear about shorter stays for offenders who otherwise would be incarcerated, they can be a cost-effective sanction for young offenders. Boot camps in juvenile systems are similar to those for adults, but tend to spend more time on education and other rehabilitative services. Juvenile boot camps also are more likely to include intensive after care. Although boot camps for juvenile offenders are too new to have reliable outcome data, the combination of treatment and supervision once participants are back in the community is considered important to success and the eventual cost-effectiveness of such programs.

And finally, juvenile offenders who have committed seri-

ous, violent crimes and for whom risk assessment shows they likely will continue to be dangerous, are handled in secure, juvenile corrections. A number of serious young offenders are transferred to the adult system as well. (For more information on secure incarceration see sections on "Juvenile Detention and Corrections" and "Treating Juveniles Like Adults.")

As with prevention and intervention policy, an effective graduated sanctions approach includes mechanisms to integrate the juvenile justice, mental health, social services, child welfare and education systems. Often these systems are working with the same kids and families—even simultaneously—without knowledge of other agency interventions or family problems. As a result, well-intentioned agencies may end up duplicating services or working at cross purposes. The effectiveness and efficiency of graduated sanctions can be increased significantly by interagency collaboration based on a common, community-based approach. Virginia's Norfolk Interagency Consortium is an example of an interagency collaboration model within a graduated sanctions system. It targets youth in residential placement or at-risk of such placement. A comprehensive assessment is made by an interagency team of juvenile justice, public health, mental health, social services, child welfare and education staff who develop and monitor a long-term treatment plan. The success of this model contributed to the Virginia Comprehensive Services Act that requires comprehensive youth and family services for at-risk populations (Va. Code §2.1-746 to 2.1-759.1).

A better juvenile justice system—one that works to reduce juvenile crime and protect the public—holds each youth accountable and makes efficient use of community resources through collaborative approaches. A risk-focused continuum of sanctions goes one step further. By providing appropriate sanctions for the least to the most dangerous juvenile offenders, a graduated sanctions approach holds the "system" accountable.

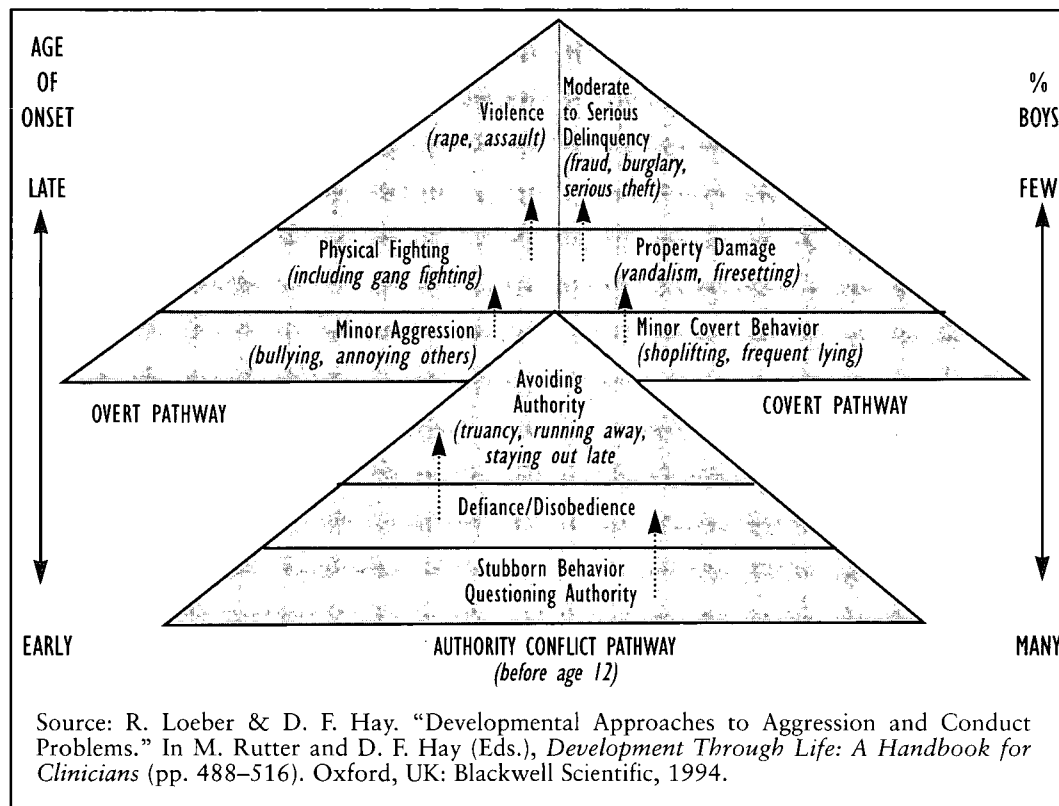
Interventions for Youth at Risk

Prevention and intervention programs for school-age children through the teen years are critical to stem the tide of juvenile crime and violence. These programs either address factors that place a child at risk of delinquency before a child acts out or intervene once a youngster shows signs of trouble, such as struggling in school, vandalism or running away. Early onset and a variety of antisocial behaviors in multiple settings are usually signals that problems will continue.

State legislators increasingly are shaping policies that not only remedy juvenile crime but also address the warning signs of delinquency, many of which are apparent during the school-age years. A delinquent peer group is the strongest predictor. Other factors, including family involvement in crime, academic failure and disinterest in school, child abuse

and family violence, gang membership, drug use, access to firearms, and various individual characteristics, are among the warning signals that school-age children are at risk of delinquency. Legislatures across the country are authorizing a wide range of programs and policies to prevent and intervene with school-age youth, ranging from school-based, after-school and interagency programs to changes in confidentiality laws to enforcement of gun, drug or curfew laws.

Research shows that youths commit the most serious delinquent acts during their teen years and early adulthood and that the earlier a juvenile commits a violent offense, the more likely he or she will commit crimes as an adult. But other less serious infractions—such as shoplifting, running away, staying out late, sexual promiscuity and vandalism—occur much earlier and frequently are predictive of future patterns of



PATHWAYS TO BOYS' PROBLEM BEHAVIOR AND DELINQUENCY

In childhood, boys in particular experience some predictable developmental stages on the road to delinquency. As the chart illustrates, antisocial behavior begins in childhood, increases in intensity over a number of years and, for some youths, progresses to violent acts.

delinquent behavior. Prevention and early intervention programs for school-age children and youths provide an opportunity to remedy problems before they escalate into lifestyles of serious violence and criminality.

In many cases, young people who act out or commit first-time, less serious offenses have contact, either directly or through their families, with public agencies such as health clinics, social services, schools and the juvenile justice system. Few, however, are prepared to deal with a troubled child and his or her family within the context of crime prevention. In the juvenile justice system, minor offenses such as shoplifting or vandalism often are treated lightly and youngsters receive little attention until they begin to commit more serious offenses. As a result of heavy workloads and a lack of prevention resources, among other factors, public agencies prioritize the most serious cases for services.

A recent study conducted by the Hennepin County Attorney's Office in Minnesota illustrates the importance of establishing communication between the juvenile justice system and child welfare agencies. The study followed what happened to children under age 10 who committed delinquent acts and were referred to social services. These children often did not receive services. Moreover, most of the children had contact with other public agencies—91 percent of these youths' families had received AFDC and 81 percent had a history of child abuse or neglect. Researchers concluded that the child welfare system has the ability to identify and assist these children. As a result, the Minnesota Legislature in 1995 funded an early intervention initiative aimed at delinquents under age 10. The project is

a cooperative effort among several agencies including the County Attorney's Office and Children and Family Services.

AGENCY COLLABORATION

Effective prevention and intervention requires the involvement of agencies and individuals outside of the traditional juvenile justice system. In addition to judges, police, prosecutors and corrections authorities, effective delinquency prevention demands involvement from any individual, group or organization that have regular contact with school-age youngsters. This includes businesses, community organizations and agencies such as mental health, public housing and schools. In practical terms, it calls for collaboration and pooling of resources—both financial and staff efforts—to prevent juvenile crime.

Increasingly, state legislatures are recognizing their role in establishing the policy framework for broad-based, collaborative prevention and intervention. In creating the Common Ground Program in 1995, the Arkansas General Assembly required health and human services agencies, among others, to collaborate in providing services to children and youth with high-risk behaviors (Ark. Stat. Ann. §6-5-601). Arkansas (Ark. Stat. Ann. §6-5-601 to 6-5-608) and Missouri (Mo. Ann. Stat. §135.460) gave local partnerships priority in funding and among expected benefits is higher educational attainment for students at risk of school failure and delinquency. Missouri, similarly, gives priority to local government-school partnerships in its funding of crime prevention efforts.

Confidentiality has been cited as one of the major barriers to effective interagency prevention work with

school-age young people. In many instances, schools and other agencies had no way to exchange critical information about troubled youth. More than 30 states now allow the release of juvenile offenders' names under some circumstances. Georgia allows juvenile records to be exchanged among agencies involved in community-based risk reduction programs for youth (Ga. Code Ann. §15-11-58). Connecticut, Maryland, Texas and Virginia are among the states to require law enforcement to notify school officials regarding delinquent offenses (Conn. Gen. Stat. Ann. §46b-134; Md. CJ Code §3-828; Tex. Family Code Ann. §58.007; Va. Code §16.1-301).

Legislation also has created programs to link prevention services more directly with communities, neighborhoods and schools. A number of states are experimenting with initiatives to provide many services at one location. Minnesota authorized pilot projects to offer services ranging from recreation to social services to job skills for youth located at neighborhood centers and approved grants to counties to provide a variety of community-based services to at-risk youth (Minn. Stat. Ann. §121.701). Nevada authorized family resource centers to provide services in neighborhoods with a high population of at-risk families (Nev. Rev. Stat. §430A.160). Tennessee doubled the number of family resource centers as part of its 1994 juvenile crime prevention package (Tenn. Code Ann. §37-3-703).

Citizen concern over the number of unsupervised children and evidence that juvenile crime peaks between 3 p.m. and 5 p.m. are prompting creation of after-school programs for school-age children and adolescents.

Census Bureau officials estimate that about 4.6 million school-age children are unsupervised 25 hours or more weekly. After-school programs provide structured activities at schools, churches or community centers. Some offer one-to-one mentoring.

Mississippi's Support Our Students (SOS) is a grant program for after-school activities for school-age youth (Miss. Code Ann. §37-3-85). A similar program in North Carolina has raised \$2 million in cash and in-kind contributions to match \$5 million in state dollars for after-school programs for middle-school students. A recent report indicates the program has had a positive influence on school performance and in reducing school crime. Other

state laws have addressed conflict resolution and training in the schools and various gang prevention and intervention programs in public schools.

A number of private programs offer youngsters productive after-school opportunities. An example of a national program that has been effective is Big Brothers/Big Sisters of America, a structured mentoring program that matches a volunteer adult with a youngster for approximately one year. The mentoring approach emphasizes friendship and support of each youngster, and volunteers are given training and have frequent contact with program administrators. A recent evaluation of participants showed that 47 percent were less like-

ly to start using drugs and 27 percent were less likely to initiate alcohol use than children not in the program. In addition, they were one-third less likely to hit someone, demonstrated improved attendance and performance in school and had better relationships with family and friends. In short, the program was successful in reducing some of the major risk factors for delinquency among the participants.

Recognizing the strong link between school attendance, academic success and reduction in juvenile crime, many state legislatures also have experimented with new truancy initiatives. Indiana and Minnesota are among the states to deny driving privileges to youth who are habitually tru-

CRIME PREVENTION AND THE PUBLIC HEALTH MODEL

▼

A few states are moving toward defining crime and violence as a public health threat. The public health model has been adapted by many researchers and practitioners and used by communities as a framework for delinquency prevention. Essentially, it consists of four steps: (1) defining the problem; (2) identifying the causes; (3) developing and testing policy proposals and programs; and (4) establishing programs and evaluating their effectiveness. By involving citizens, government and businesses in addressing the major risk factors present in each respective community, the model is both comprehensive and long-term.

▼

One approach to assessing risk factors at the community level is the Communities that Care model. Since 1994, the Office of Juvenile Justice and Delinquency Prevention has provided training and technical assistance on using this approach to communities in 43 states and Puerto Rico. The risk factors used in the model result from more than 30 years of research on delinquency and related problem behaviors including substance abuse and teenage pregnancy. The purpose of this approach is two fold: (1) to help communities identify and prioritize risk factors for delinquency; and (2) to develop programs that will offset risks and ultimately reduce juvenile crime.

▼

Oklahoma and Washington are in the process of implementing such comprehensive, risk-focused prevention policies. In 1990, Oklahoma established district and regional planning boards, composed of citizens and service providers, to provide comprehensive prevention, intervention and treatment to children under age 18 (Okla. Stat. Ann. 10, 601.6a to 601.12). This ambitious initiative involved more than 1,000 people statewide in the planning process. Boards solicited public input, identified existing programs and gaps in services, and developed plans that cut across all agencies in order to deliver more coordinated and comprehensive services to children. As part of the overall effort, localities have started a variety of programs including recreation, tutoring and after-school activities.

▼

In 1994, the Washington Legislature passed the Youth Violence Prevention Act, based on risk-focused prevention, which outlines a comprehensive approach for preventing and reducing youth violence (Wash. Rev. Code Ann. 43.70.550). The law creates community public health and safety networks to reduce the rate of state funded out-of-home placements and make reductions in one of the following areas: violent delinquent acts, teen substance abuse, teen pregnancy, teen suicide, school drop outs, child abuse and neglect, and domestic violence. Moreover, it directs health departments to study the incidence of and factors that contribute to juvenile crime and child abuse and other risk factors.

ant (Ind. Code Ann. §31-6-4-15.9; Minn. Stat. Ann. §260.191). Local governments and school boards in Rhode Island can now implement mediation programs for truants (RI Pub Laws §16-19-1).

State legislatures also are establishing curfews for juveniles, focusing on the use of drugs and guns by teens, and developing programs aimed at reducing gang crime. Many of the nation's largest cities have curfew ordinances; and while they have been challenged on constitutional and other grounds, they have withstood most challenges. The impact of curfews on crime control is hard to document, since analyses do not control for several other factors that contribute to fluctuations in crime rates. Even so, law enforcement in seven cities with curfew ordinances, highlighted in a recent Office of Juvenile Justice and Delinquency Prevention (OJJDP) report, credit curfews with reducing crime. In Dallas, for example, police found juvenile victimization dropped almost 18 percent during the first three months of the curfew. Phoenix officials claim that one in five of the city's curfew violators are gang members, and that violent crime arrests have declined 10 percent since the curfew was started. The OJJDP report noted that curfew programs that include a range of services, like curfew centers, intervention and social services, recreation and jobs programs, were those most easily and effectively carried out.

Although curfews are primarily a local matter, they are getting attention at the state level as well. Georgia, Minnesota, Ohio, Tennessee and Texas

have passed laws encouraging locally established curfews for juveniles (Ga. Code Ann. §15-11-17; Minn. Stat. Ann. §145A.05; Ohio Rev. Code Ann. §505.89; Tenn. Code Ann. §39-17-1701; Tex. Local Government Code Ann. §351.903). Hawaii is the only state that has a statewide evening curfew for juveniles (Hawaii Rev. Stat. §577-16). Experts suggest that the popularity of curfews needs to be supported with more empirical research on their effectiveness.

DRUGS, GUNS TIED TO JUVENILE CRIME

OJJDP has documented a strong relationship between drug use, guns and juvenile crime. (Firearm issues are covered in the "Emerging Issues in Juvenile Justice" section of this guide). Recent evidence indicates that illegal drug use among teens is increasing and that drugs are often a factor in delinquency. According to a 1995 study sponsored by OJJDP, one in three juveniles was under the influence of drugs at the time of the offense, and delinquency rates are higher for youths who sell drugs. If drug involvement escalates into drug trafficking, the problem becomes more acute and often involves guns and violence. And when crime involves guns, the chance of lethality increases.

Violence is particularly a problem in juvenile gangs where guns and drugs are prevalent. Gang members have much higher rates of serious violent behavior than do other delinquents, and many gang members use drugs extensively and are involved in drug trafficking. Youth gangs are no longer confined to urban areas and their suburbs but are present in cities and towns

of all sizes throughout the United States. Moreover, youth gangs are often homegrown and are attracting an increasing number of female members.

Legislatures have been active in crafting policies to deal with youth gangs. Many antigang policies are enforcement oriented, including enhanced penalties for gang-associated crime, criminalization of gang recruitment, and treatment of gangs like organized crime. Other efforts to deter youths from becoming involved in gangs include gang-prevention curriculum and after-school recreation. Those approaches seek to counter risk factors for gang involvement—typically low-income, decaying neighborhoods with a culture favorable to crime and delinquency—with opportunities for more positive activities. Such programs have, however, shown only marginal success. Although certain after-school programs have, in general, been shown to reduce juvenile crime and delinquency, those aimed specifically at youths who are highly likely to be, or perhaps already are, involved in gangs and related crime have not been shown to be especially effective. It appears that early intervention works best.

Legislatures continue to play an important role in establishing the policy framework for preventing delinquency. Prevention and early intervention programs and other more enforcement-orientated means of preventing juvenile crime offer a critical opportunity to intervene before a youngster commits a serious or violent crime.

Prevention in Early Childhood

Attention to juvenile crime in state legislatures has included many "get tough" measures, but lawmakers are also exploring longer-term strategies to prevent young children from developing into criminals in the first place.

An increasing body of research supports this new approach to juvenile justice reform—balancing policies for today's youthful offenders with preventative programs aimed at very young children who are exposed to certain risks associated with the development of anti-social, aggressive or criminal behaviors. The best of these early childhood programs have been shown to be remarkably effective—years later—in reducing both the incidence and the severity of criminal behavior among young children who participated in them.

EARLY CHILDHOOD SERVICES AND COMPREHENSIVE JUVENILE JUSTICE

Traditionally, prevention efforts in juvenile justice have focused on the population of youth who are school-age and older since they are more likely than their younger counterparts to become involved with the juvenile justice system. But recent research suggests that delinquency can be significantly reduced if problems known to contribute to juvenile crime are identified and addressed much earlier in a child's life. Programs need to start early, be comprehensive and be made available on a long-term basis.

Research has identified certain problems, or risk factors, that can predict future criminality. The negative impact of risk factors are cumulative—the more risk factors present, the more vulnerable a child is to future criminal involvement. For young children, many risk factors are associated with the home and family:

- Abuse or neglect,
- Domestic violence,
- Family conflict,
- Neighborhood disorganization,
- Unpreparedness for school, and
- Certain health and mental health problems.

The research on risk factors has made great gains in helping policymakers identify children most vulnerable to future delinquency. Other research has examined programs that have been found to be effective in offsetting exposure to risk factors linked to crime. Importantly, this suggests

that delinquency and violence may be learned and stopped—not in training schools and prisons—but at home and in communities. In short, early childhood services can prevent delinquency from occurring in the first place and is an effective—though long-term—strategy in a comprehensive approach to juvenile crime and justice.

THE RESEARCH: EARLY CHILDHOOD CARE AND EDUCATION

More and more research indicates that structured, good quality early learning experiences for young children—referred to as care and education—can have big payoffs in crime prevention especially when combined with comprehensive family services. Care and education takes place in a variety of settings including child care and preschools. The numerous, long-lasting effects of these programs on children have a snowball effect: good preschool experiences lead to improved readiness and increased success in school, lower dropout rates, higher likelihood of employment as adults and fewer crimes committed.

The most prominent research on the benefits of good early education in reducing delinquency is the High Scope/Perry Preschool Project. For almost 30 years, the project tracked 123 children living in poverty and considered at-risk for school failure. They were enrolled in a high-quality, active learning preschool program that used a developmental curriculum. Regular home visits and other forms of parental involvement also were important features of the program. A comparison group of similar children not participating in the preschool program was studied as well.

The analysis of children in the study when they reached age 19 and again at age 27 showed lower delinquency and arrest rates for the preschool participants. More striking is the comparison of repeat offenders. Only 7 percent of the preschool participants had five or more arrests but 35 percent of nonparticipants were frequent offenders. A cost-benefit analysis estimated that the program reduced the costs of crime by nearly \$150,000 per program participant over a lifetime.

Other prominent studies, specifically the Syracuse University Family Development Program, the Yale Child Welfare Project and the Houston Parent Child Development Center, also have demonstrated long-term reduction of delinquent behavior. One of the common characteristics of these and other successful programs is that they provide support to families in addition to early education services.

The family is viewed as the primary learning environment for the child and the most important support for healthy child development. The family support component reduces family risks for violence: harsh parenting, large family size, child abuse and low parental education. The early education component reduces the risks of low school achievement and early problem behavior. Hence, working with families is critical for both today's learning and tomorrow's results.

Not all early childhood care and education programs are effective in reducing risks. In order to be effective, programs need to be based on well-researched models and be held accountable through evaluation. Just as important, they need to provide early education and family support, address multiple risk factors and encompass certain characteristics that researchers have associated with high quality. These include adequate staff qualifications and training; low staff to child ratios; good staff compensation; developmental curriculum; small group sizes; high parental involvement; adequate evaluation; and health, safety and nutrition offerings.

Recognizing the benefits of good early childhood services, state legislatures are increasingly investing in these programs. As of 1995, 27 states funded preschools, 14 states supplemented Head Start programs, and 8 states supported both. Most programs are for at-risk youngsters. Most recently, Colorado and North Carolina expanded early care and education legislation as a way to reduce juvenile crime:

Over the past three years, Colorado lawmakers have invested heavily in prevention and early intervention programs. This year, the General Assembly increased funding for at-risk preschools by \$4.2 million in order to serve an

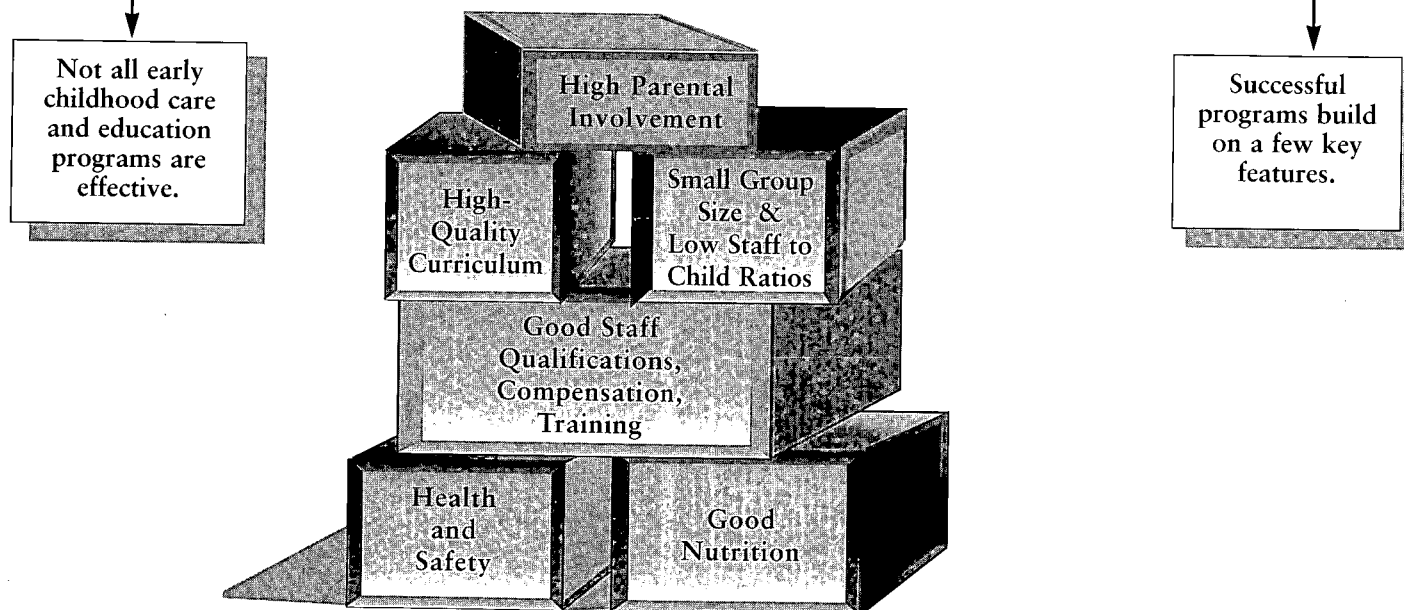
additional 1,850 preschoolers. As a result of increased legislative support, Colorado will serve 8,500 children statewide. The legislature also appropriated \$7 million for violence prevention grants to communities and approved third-year funding for a pilot program supporting family centers in at-risk neighborhoods.

In 1993, the North Carolina General Assembly created Smart Start, an early childhood initiative for children from birth to age 5 that supports a variety of community-based services including child care, preventive health care and parenting information. Smart Start is designed to serve all children in the state, not just those considered at-risk. The goal of Smart Start is to ensure that all children in North Carolina are healthy and ready to learn when they reach kindergarten. To accomplish these goals, the program requires local agencies to work together to develop programs best suited to their communities. A recent private sector evaluation commissioned by the General Assembly concluded that, to date, both services and local partnerships responsible for designing programs have been successful in meeting their goals and that funding should be continued (N.C. Gen. Stat. §148B-168.10 to 148B-168.16).

CHILD ABUSE AND NEGLECT

A considerable amount of research has linked child abuse and neglect with juvenile delinquency and crime. A study funded by the National Institute of Justice shows that a history of child abuse and neglect increases the likelihood of juvenile arrest by 53 percent, of arrest as an adult by 38 percent, and of committing a violent crime by 38 percent.

Effective Early Childhood Care and Education



ARE HEALTH ISSUES IMPORTANT TO PREVENTING DELINQUENCY?

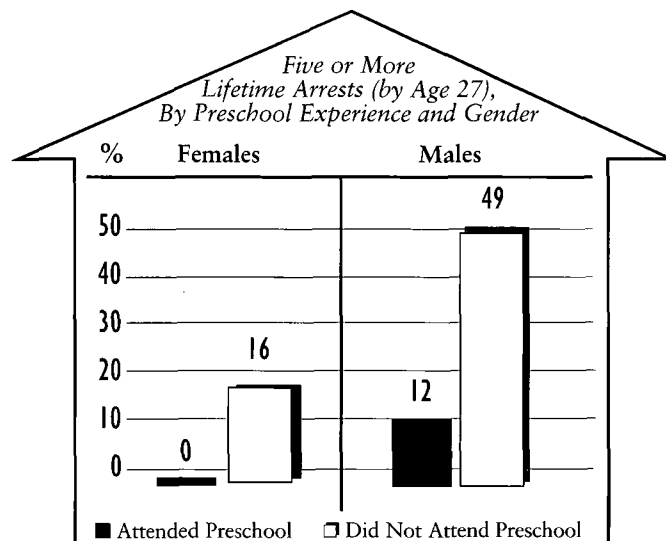
Recent evidence suggests a connection between juvenile offenders and certain health problems, such as developmental disabilities and delays, lead poisoning and mental health disorders. Consider these important issues:

Prenatal and perinatal problems are statistically related to increasing the likelihood of crime in later life. Specific problems that contribute to delinquent behavior include preterm delivery, low-birth weight, and brain damage from disease, head injury or exposure to toxins. Moreover, evidence suggests that developmental delays and disabilities, which may begin during pregnancy, also play a role in delinquent behavior.

A recent study published in *The Journal of the American Medical Association* documents a positive relationship between high levels of lead in a child's bones and delinquent behavior. In this study, 301 boys were tested at age 7 and again at age 11 for lead and antisocial behaviors. The research showed that 7-year-old boys with high bone-lead levels were more likely to exhibit antisocial behaviors than children without significant levels of lead in their bones. By age 11, these same children were judged by their parents to be more prone to delinquent behaviors and more aggressive than were children with lower levels of lead. The study team considered the influence of other prominent risk factors, including poverty, in its research design.

Mental disorders beginning in childhood can, especially if untreated, impede a child's normal development process and extend into adult life. Studies show that 50 percent or more of young offenders have certain mental or behavioral disorders, such as attention deficit disorder, anxiety disorder or depression. Up to one-half of youth in the juvenile justice system have a history of substance abuse.

This research, while preliminary, suggests that a thorough examination of delinquency prevention will include consideration of the relationship between health issues and juvenile crime.



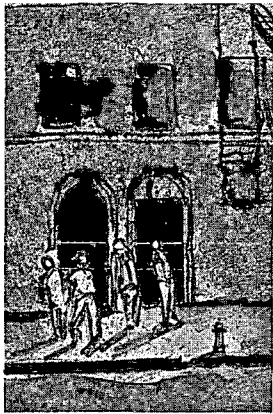
Source: Helen V. Barnes et al., *Significant Benefits*, 1993.

And there is evidence that violence is learned through exposure to it, often within the family. The Center for the Study and Prevention of Violence reports that a child who has either been abused or witnessed such behavior is 40 percent more likely to be violent as an adolescent. Several studies by Dorothy Otnow Lewis confirm that a history of abuse or family violence is a predictor of future violence. Most recently, research sponsored by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) indicates that children who are exposed to all types of family violence, including child abuse and neglect, spouse abuse and general hostility are twice as likely to commit serious crimes such as assault, rape and robbery than are children who grow up in nonviolent homes.

Increasing knowledge about the relationship between child abuse and neglect and juvenile delinquency has prompted lawmakers to fund early childhood programs that have documented success in reducing the incidence of abuse and neglect. Among the most notable is the Healthy Start Program, first initiated in Hawaii in 1985 (Hawaii Rev. Stat. §321-351 to 321-354). This home-visiting program for new parents targets families at risk of child abuse and neglect. The program provides parents with child development training, health-related services for newborns and other services. Evaluations of this program show significant reductions in child abuse and neglect—only 0.5 percent of Healthy Start participants reported incidents of child abuse or neglect compared with confirmed abuse and neglect in 2.7 percent of families who did not participate in the program. The success of Healthy Start has prompted the National Committee to Prevent Child Abuse to launch a national initiative—Healthy Families America—to help states and localities develop similar programs.

As of April 1995, legislatures in 12 states had initiated

NEIGHBORHOOD VIOLENCE



For more and more kids, neighborhoods are no longer safe. In a 1994 survey of first and second graders in Washington, D.C., conducted by the American Psychological Association, 45 percent had witnessed muggings, 31 percent had witnessed shootings and 39 percent had seen dead bodies. Another survey of high school students found that one in five inner-city students had been shot at, stabbed or injured in some other manner on their way to or from school.

As a result of living with violence, many kids experience symptoms of posttraumatic stress disorder (PTSD). Research shows that children under age 10 who experience a traumatic event are three times more likely to experience PTSD. Symptoms of PTSD in young children include withdrawal, aggression, problems paying attention and depression-like behavior, whereas teens exhibit self-destructive behaviors such as substance abuse and delinquency. Exposure to violence even before age 3 can affect the development of how children think about themselves and their environment. A more recent theory, tagged "urban survival syndrome," suggests that

children exposed to chronic violence lose hope and develop an aggressive style similar to children growing up in war zones. In effect, children and youth can be so traumatized by neighborhood violence that violence itself becomes a survival mechanism.

In response to concerns about the effects of community violence, the Yale Child Study Center and the New Haven Department of Police Service developed a police program that includes 24-hour crisis intervention for children and families who witness violence. During its four years of operation, the Child Development and Community Policing project trained police personnel and provided consultation services to more than 600 children. The Office of Juvenile Justice and Delinquency Prevention is providing funding to replicate the project in four cities: Buffalo, N.Y.; Charlotte, N.C.; Portland, Ore. and Nashville, Tenn. An evaluation of the program will be conducted as well.

home-visiting programs. Among them, Tennessee in 1994 included a Healthy Start initiative in a juvenile crime package of the legislature's Joint Select Committee on Children and Youth (Tenn. Code Ann. §37-3-703). The committee conducted extensive hearings on youth violence and crime prevention including a full day for deliberations on the state of the art in prevention. After considering a number of early childhood program models, the committee endorsed a multi-faceted prevention strategy that included:

- Creation of a state Healthy Start program,
- Development of a plan by the state education agency to provide early childhood care and education for at-risk 3- and 4-year-olds,
- Doubling the number of school-linked family resource centers, and
- Expansion of family preservation services, a home-based intervention program for families reported to child protection, mental health and juvenile justice agencies.

Legislatures in at least 21 other states have begun intensive family preservation services as a promising child abuse prevention strategy. Families First in Michigan, created in 1988, provides home-based counseling to families at-risk of losing a child to foster care due to abuse and neglect. The program provides intensive counseling over a four- to six-week period and teaches parenting and communication skills as well. The Michigan program is reported to have saved \$55 million over its first three years. Moreover, the cost of these extensive services is about \$6,000-\$8,000 less per family than the cost of a year in foster care (Mich. Comp. Laws Ann. §551.331).

Banking on new research that links early childhood services with prevention of juvenile delinquency, legislators are willing to fund programs for at-risk children and their families as long-term investments for stemming the tide of juvenile crime.

Overview: Why Comprehensive Juvenile Justice?

PROGRAMS THAT WORK



For decades, juvenile justice has been dominated by the popular but erroneous view that “nothing works.” Today, a considerable amount of information exists on programs and services that do work, which policymakers can use to improve juvenile justice systems.

An examination of more than 400 programs, including both community-based and institutional treatment services, was conducted by Mark Lipsey in 1992. His study used what researchers call “meta-analyses,” which synthesize results of multiple program evaluations. Overall, he reported that juveniles who receive treatment have recidivism rates about 10 percent lower than untreated juveniles in comparison groups.

The best intervention programs reduced recidivism between 20 percent and 30 percent, which translates into significant reductions in crime and its costs. What types of programs are these? According to Lipsey, the most successful programs provide behavior training or modification designed to improve interpersonal relations skills, self-control and school achievement. They also tend to be the most intensive ones in terms of

Public fear of crime and concern that juveniles are disproportionately responsible for violent crime in this country have put juvenile justice reform high on state legislative agendas. Half a dozen states in recent years have held special sessions on juvenile crime, and legislative leaders surveyed by NCSL identified juvenile justice as their No. 1 priority. Indeed, youth crime and violence have spurred a full-fledged movement in the states to reinvent juvenile justice and to hold serious, chronic and violent young offenders more accountable.

Statistics support this concern. The U.S. Department of Justice reported soaring juvenile violent crime rates between 1988 and 1994. Juvenile arrests for violent crime increased more than 50 percent during that period. Only about 11 percent of the U.S. population was aged 10 to 17 in 1994, but children under age 18 accounted for 19 percent of violent crime arrests.

PREDICTIONS AND WARNINGS

The outlook for juvenile crime over the next 10 years is ominous as well. Although the overall crime rate in the United States dropped by 2 percent in 1994 and the violent crime rate fell 4 percent, a continued surge in juvenile violence is predicted. Demographics suggest that a swell of children now under age 10 — many of whom a prominent Princeton professor recently referred to as “fatherless, godless and jobless” — could create yet another wave of lawlessness. Indeed, crime researchers issue dire warnings that if violent crime rates for juveniles aged 10 to 17 continue the trend of the past decade, population increases will mean the number of juvenile arrests will more than double by the year 2010.

And the face and shape of juvenile crime is changing. Crimes committed by juveniles still include those like theft and vandalism, but serious crimes such as robbery, rape and weapons-related offenses including murder are increasingly part of the

juvenile crime scene. A typical view is that the juvenile justice system of old, designed to guide wayward youth onto the right path, is out-of-date and ineffective in dealing with the growing serious, violent nature of youth crime. That view has resulted in many “get tough” policies to treat juveniles like adult criminals. Yet other experts remain staunch in their belief that traditional juvenile justice approaches provide an appropriate response for the vast majority of offenders.

The good news is that policymakers have more and better information today than ever before about what causes juvenile crime and violence and what can be done to prevent it. Risk factors in young people’s lives shown to lead to crime, such as poverty, disrupted neighborhoods and family violence, begin to influence children at birth and have a cumulative effect through adolescence and into adulthood. Later in childhood and into the teen years, other risk factors such as peer influences and access to drugs and firearms become additional predictors of criminality. State policymakers, therefore, are able to craft research-based policies and initiatives to respond effectively to these risk factors, and make inroads against juvenile crime.

Debate about rehabilitative juvenile justice versus its criminalization has led to development of a “comprehensive strategy” that seeks to broaden and balance the juvenile justice system. In doing so, it bridges child welfare and criminal justice and is attentive to the progression of juvenile delinquency into violence and adult criminality. Based heavily on risk factors and “what works,” a comprehensive strategy focuses both on stemming the growing threat of juvenile crime and on expanding options for handling juvenile offenders. Done well and with adequate resources, comprehensive juvenile justice can deal more effectively with the most serious offenders, provide immediate and intermediate interventions for other delinquent youths, and offer prevention services for youths at-risk for crime and delinquency.

By including families, schools and

the amount and duration of concentrated attention to youths.

Programs of a more psychological nature, such as individual, family and group counseling, showed only moderate positive effects on delinquents in Lipsey's analysis. And deterrence and "shock" approaches (like "scared straight") actually had negative effects; that is, youths who received these treatments had higher recidivism rates than those who did not receive them.

A national survey conducted by the National Center for Juvenile Justice collected information on 3,000 programs from juvenile justice professionals, including judges, probation officers and other court personnel. Reviewing these programs, researchers designated 425 of them as "promising interventions." Selected programs include a wide variety of academic, skill development, mentoring, substance abuse treatment, and outdoor programs, with target populations ranging from at-risk children and runaways to gang members and other serious offenders. The compilation (see "Recommended Resources for More Information") demonstrates that there are many models to look to in designing more effective juvenile justice systems.

community groups, the comprehensive strategy expands juvenile justice without simply relying on "big government." In doing so, it addresses known links between crime and poverty, child abuse, family violence, drugs and weapons, and exposure to media violence. Prevention and early intervention strategies are key features of a broader approach to juvenile crime and justice. Sound research reveals that programs and policies exist that prevent juvenile crime and delinquency. The best ones are based on a continuum of care that starts early in a child's life and progresses through late adolescence.

The Comprehensive Strategy for Serious, Violent and Chronic Juvenile Offenders developed by the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) is a framework for juvenile justice that contains these key goals:

- Strengthen families;
- Support core institutions like schools and community organizations to reduce risk factors;
- Counter risk factors, or known predictors of crime, with "protective factors," which are changes in the environment;
- Intervene when delinquency first occurs;
- Establish graduated sanctions that hold offenders accountable while providing services; and
- Identify and control the small segment of serious, violent and chronic juvenile offenders.

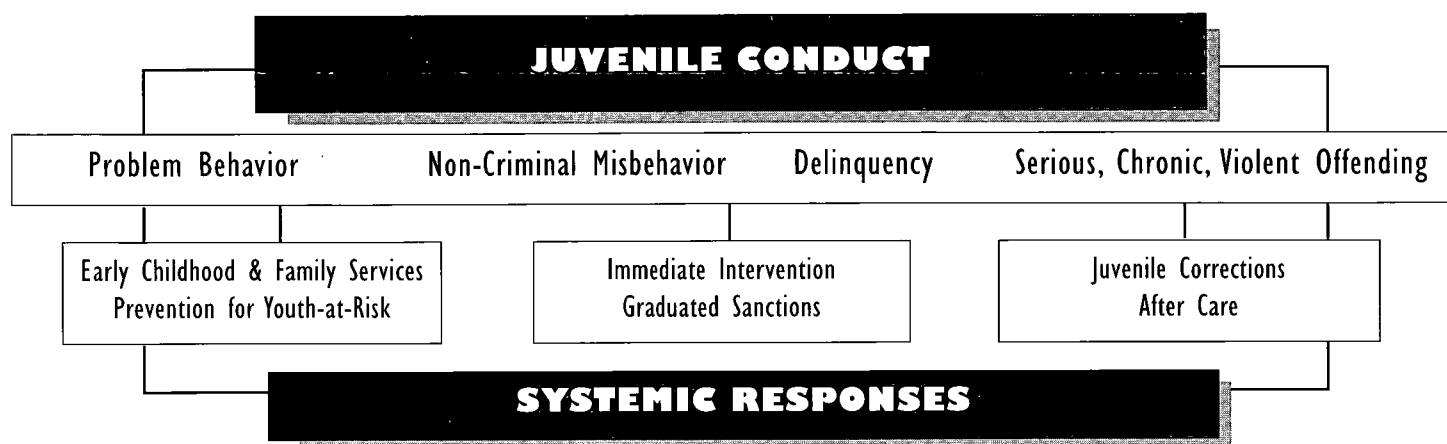
At a time when much attention is focused on the small group of serious and violent juvenile offenders, a comprehensive, risk-focused model includes immediate and effective interventions when juveniles first commit delinquent acts as part of a planned continuum of sanctions for young offenders. First-time, non-violent juvenile offenders receive community sanctions that hold them accountable while providing services aimed at risk reduction and their developing resiliency skills. Progressively more punitive and restrictive sanctions are provided for more serious and chronic offenders, ending with secure confinement for the most serious and violent offenders. Systemic juvenile justice reform also includes after-care programs that provide supervision and support for juvenile offenders, especially those who have been in residential or secure-care placements.

LEGISLATIVE ACTION

Because comprehensive juvenile justice cuts across health, education, social services, courts and corrections, it calls for integration of policies affecting those agencies and their handling of children in contact with, or at risk of being in, the child welfare, mental health, juvenile justice or adult criminal justice systems. State legislative responsibility for updating juvenile justice includes creating a policy framework that provides for cross-



COMPREHENSIVE JUVENILE JUSTICE



jurisdictional, coordinated and effective responses for at-risk youths and those who commit delinquent or criminal acts. In states where major reforms have taken place or are in process, leadership in the legislature has brought together those involved at various levels, including agencies of government, professions and others in the public and private sectors. Such groups have identified issues and moved beyond crime hype and narrow agendas to review and recommend more sophisticated responses to juvenile crime. Legislatures in a number of states have focused attention on comprehensive juvenile justice and led the way to sweeping change in how juvenile justice will be carried out.

A Connecticut law (Conn. Gen. Stat. Ann. §46b-120), modeled closely after the OJJDP comprehensive strategy, balances prevention with prosecution of "serious repeat juvenile offenders." Missouri, similarly, updated juvenile justice with a law creating dual jurisdiction for both criminal and juvenile courts for serious crimes. It also developed new job opportunity and violence prevention efforts for youths (Mo. Ann. Stat. §211.073, §32.115.5). Legislation in Texas (Tex. Fam. Code Ann. §51.01) has toughened sentencing for some juvenile offenders while establishing first-offender programs and seven-step progressive sanctions for others.

And this year, Kentucky passed legislation (Kentucky Reorganization, House Bill 117, 1996) creating a new state agency for juvenile justice with responsibilities that emphasize identifying "pre-delinquent" juveniles and designing, establishing and evaluating programs that seek to prevent them from becoming tomorrow's criminals.

The fiscal realities of juvenile crime and justice are incorporated into juvenile justice reform in several states, as well, such as Colorado, Minnesota and Washington that seek to leverage juvenile crime prevention dollars with corrections expenditures. A new study from RAND, a nonprofit, nonpartisan research institute in Santa Monica, Calif., compared crime prevention programs with incarceration on the basis of cost and effectiveness of preventing future crimes. RAND found that dollar for dollar, programs that encourage high-risk youth to finish school and stay out of trouble prevent five times as many crimes as tough "three strikes you're out"-type sentencing laws. This and other research supports the idea that prevention is a cost-effective key to public safety as part of a broader approach to juvenile justice.

JUVENILE JUSTICE

Each section of the guide provides examples of state legislation addressing parts of comprehensive juvenile justice. Overall, the guide is designed as a primer for policymakers on the many issues and interests involved in juvenile justice reform.

The section "Recommended Resources for More Information" provides more guidance, including a description of resources available through NCSL's project and other efforts funded by the federal Office of Juvenile Justice and Delinquency Prevention.

SECTIONS OF THIS GUIDE EXPLORE COMPONENTS OF A COMPREHENSIVE STRATEGY FOR JUVENILE JUSTICE AND INCLUDE THE FOLLOWING:

PREVENTION IN EARLY CHILDHOOD discusses the role of early childhood care and education in preventing crime and delinquency, what is known about how child abuse and exposure to violence in the family affect a child's propensity for violence, and health issues related to prevention of violence.

INTERVENTIONS FOR YOUTH AT RISK covers the prevention and early intervention methods that are effective for school-age and teenage youths; how agency collaboration and services for children in need of supervision can be better linked to delinquency prevention; and what roles truancy enforcement, curfews, and gang prevention and intervention are playing in juvenile crime prevention.

GRADUATED SANCTIONS IN JUVENILE JUSTICE explores a continuum of sanctions to hold accountable and provide services for juvenile offenders, how both "risk assessment" and "needs assessment" work to determine appropriate dispositions and placements for juvenile offenders, and characteristics of exemplary community programs for juvenile offenders.

JUVENILE DETENTION AND CORRECTIONS discusses the use of incarceration in juvenile justice, including crimes for which juveniles are confined; "deinstitutionalization" of juvenile offenders; juvenile corrections expenditures and how states might prioritize use of secure confinement; and programming, including after care, in juvenile corrections.

TREATING JUVENILES LIKE ADULTS explores the move toward waiver or direct file of serious juvenile offenders into adult criminal courts; analysis of juvenile cases sent to adult systems; and "third tier," intermediate or dual-jurisdiction systems being created in states for serious, violent offenders.

EMERGING ISSUES IN JUVENILE JUSTICE describes how "parental responsibility" laws are being strengthened to hold parents civilly or criminally accountable when juveniles commit crimes, or to involve them in juvenile proceedings and dispositions; moves in the states to open records and proceedings and allow for fingerprinting of some juvenile offenders; "restorative justice" as an outgrowth of victims' rights policy, and its application in juvenile justice; the growing knowledge about the importance of after care for juveniles as part of sanctions and treatment; and policy to limit juveniles' access to firearms.

Recommended Resources for More Information

REFERENCES

Altschuler, David and Troy L. Armstrong. *Intensive Aftercare for High-Risk Juvenile Parolees: A Model Program Design*. Baltimore: The Johns Hopkins University Institute for Policy Studies, Occasional Paper No. 11., 1992.

Austin, James; Barry Krisberg, et al. *Juveniles Taken Into Custody: Fiscal Year 1993, Statistics Report*. Washington, D.C.: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, and National Council on Crime and Delinquency, 1995.

Barnes, Helen V., Lawrence J. Schweinhart and David P. Weikart. *Significant Benefits: The High/Scope Perry Preschool Study Through Age 27*. Ypsilanti, Mich.: High/Scope Press, 1993.

Children's Defense Fund. *The State of America's Children Yearbook*. Washington, D.C.: Children's Defense Fund, 1996.

Communities That Care—Risk Focused Prevention: What Does It Mean for Community Prevention Planning? Seattle: Developmental Research and Programs Inc., 1993.

Community Action: Taking Steps to Reduce Youth Gun Violence. Washington, D.C.: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, forthcoming.

Coopers & Lybrand L.L.P. *State of North Carolina Smart Start Program Performance Audit: Final Report*. Raleigh, N.C.: Coopers & Lybrand L.L.P., 1996.

Coordinating Council on Juvenile Justice: Delinquency Prevention. *Combating Violence and Delinquency: The National Juvenile Justice Action Plan (Summary and Report)*. Washington, D.C.: U.S. Department of Justice, 1996.

Coordinating Council on Juvenile Justice: Delinquency Prevention. *Combating Violence and Delinquency: The National Juvenile Justice Action Plan (Summary)*. Washington, D.C.: U.S. Department of Justice, 1996.

Delinquency Prevention Works. Washington, D.C.: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, 1995.

Delinquents Under 10 in Hennepin County—A Statistical Analysis and Practices and Experiences of Police Jurisdiction. Minneapolis: Hennepin County Attorney's office, 1995.

Greenwood, Peter et al. *Diverting Children from a Life of Crime: Measuring Costs and Benefits*. Santa Monica, Calif.: The RAND Institute, 1996.

Groginsky, Scott and Jay Kroshus. "An Ounce of Prevention." *State Legislatures* (National Conference of State Legislatures) 21, no. 5 (May 1995): 20-23.

Harding, Edie; Roxanne Lieb; and Carol Webster. *Community Public Health and Safety Networks: Case Studies and Governance Structure*. Olympia, Wash.: Washington State Institute for Public Policy, 1996.

Hawkins, J. David, James C. Howell, Barry Krisberg and John J. Wilson, eds. *A Sourcebook: Serious, Violent & Chronic Juvenile Offenders*. Thousand Oaks, Calif.: Sage Publications Inc., 1995.

Howell, James C., ed. *Guide for Implementing the Comprehensive Strategy for Serious, Violent and Chronic Juvenile Offenders*. Washington, D.C.: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, 1995.

Hunzeker, Donna. "Significant State Anti-Crime Legislation," *State Legislative Report* 19, no. 6 (May 1994): 1-9.

Krisberg, Barry; Deborah Neuenfeldt; Orlando Rodriguez; and Richard Wiebush. *Juvenile Intensive Supervision: Planning Guide, Program Summary*. Washington, D.C.: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention and National Council on Crime and Delinquency, 1994.

Lally, J. R.; P. L. Mangione ; and A. S. Honig. *Parent Education as Early Childhood Intervention: Emerging Directions in Theory, Research and Practice*. Norwood, N.Y.: The Syracuse University Family Development Research Project, 1988.

Lipsey, Mark W. *Meta-Analysis for Explanation*. New York: Russell-Sage, 1992.

Lyons, Donna. "Juvenile Crime and Justice State Enactments 1995." *State Legislative Report* 20, no. 17 (May 1995): 1-14.

Lyons, Donna. "Juvenile Crime, Grown Up Time." *State Legislatures* (National Conference of State Legislatures) 21, no. 5 (May 1995): 14-19.

Montgomery, Imogene M. et al. *What Works: Promising Interventions in Juvenile Justice*. Washington, D.C.: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention and National Center for Juvenile Justice, 1994.

Morans, Steven. *Child Development—Community Policing Program: Program Description*. New Haven, Conn.: Yale University Child Study Center, New Haven Department of Police Service, Yale Child Study Center, No date.

National Conference of State Legislatures, Children and Families Program. *1995 State Legislative Summary: Children, Youth and Family Issues*. Denver: NCSL, 1995.

National Conference of State Legislatures, Children and Families Program. *Early Childhood Care and Education—An Investment That Works*. Denver: NCSL, 1995.

National Conference of State Legislatures. *Juvenile Justice Reform: State Experiences*. Denver: NCSL, 1989.

Needleman, Herbert L. and Associates. "Bone Lead Levels and Delinquent Behavior," *The Journal of the American Medical Association* 275, no. 5 (February 7, 1996).

Parent, Dale, et al. *Conditions of Confinement: Juvenile Detention and Corrections Facilities*. Washington, D.C.: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, 1994.

Peo-Yamagata, Eileen; Howard N. Snyder; and Melissa Sickmund. *Juvenile Offenders and Victims: 1996 Update on Violence*. Washington, D.C.: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, National Center for Juvenile Justice, 1996.

Reducing Youth Gun Violence: An Overview of Programs and Initiatives. Washington, D.C.: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, 1988.

Robinson, Brenda J. and Shelley L. Smith. "When Home's Not Sweet," *State Legislatures* (National Conference of State Legislatures) 21, no. 6 (June, 1995) 32-37.

Roth, Jeffrey A. *Understanding and Preventing Violence.* Washington, D.C.: National Institute of Justice, 1994.

Sickmund, Melissa and Howard N. Snyder. *Juvenile Offenders and Victims: A National Report.* Washington, D.C.: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, National Center for Juvenile Justice, 1995.

Starting Points: Meeting the Needs of Our Youngest Children. New York: The Carnegie Corporation of New York, 1994.

The Cycle of Violence Revisited. Research Preview. Washington, D.C.: National Institute of Justice, 1996.

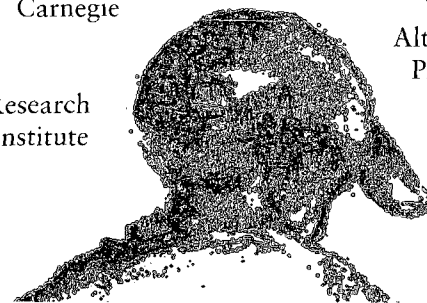
Thornberry, Terence P. *Violent Families and Youth Violence, Fact Sheet #21.* Washington, D.C.: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, 1994.

Torbet, Patricia, et al. *State Responses to Serious Juvenile Crime.* Washington, D.C.: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. Forthcoming

Violence and Youth: Psychology's Response, Vol. 1: Summary Report of the American Psychological Association Commission on Violence and Youth. Washington, D.C.: American Psychological Association, 1993.

Yoshikawa, H. "Long-Term Effects of Early Childhood Programs on Social Outcomes and Delinquency." *The Future of Children* 5 (1995): 51-75.

"Youth Services System, Community-Based Alternatives for Chronic Status Offenders, Profile." Champaign, IL: Community Research Associates, No date.



RESOURCES FOR MORE INFORMATION

The National Conference of State Legislatures' juvenile justice project is funded by the Training and Technical Assistance Division of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in Washington, D.C. The division funds a number of other juvenile justice projects including gangs, guns, drugs, victims, child welfare, federal affairs, policing, education, missing and exploited children, victims, court issues and federal affairs. For more information, please call OJJDP's National Center for Training and Technical Assistance, at (217) 398-1509.

NCSL's Project with OJJDP

The National Conference of State Legislatures is working with the federal Office of Juvenile Justice and Delinquency Prevention on a project to assist state legislatures in improving juvenile justice systems. The project is designed to help legislators explore causes of juvenile crime and delinquency, craft comprehensive responses to youth crime, and examine model approaches in such a strategy. The project focuses on how legislatures can effectively and cross-jurisdictionally develop a policy framework for more effective juvenile justice. Services for legislatures include:

Meetings for legislators and staff to consider juvenile justice across criminal justice and child welfare jurisdictions, including opportunities to learn from experts about juvenile crimes, offenders and successful responses;

Publications for state lawmakers and their staffs that inform and enlighten about recent research, legislation, reform options and innovative program models;

Information services and technical assistance tailored to specific, expressed needs of legislatures considering and crafting juvenile justice reform.

Project activities are designed for the unique needs of state legislators and staff. The objective is to promote, through informed legislation, effective state policy to prevent, respond to and protect the public from juvenile crime and violence.

The project is a collaboration of the Children and Families and Criminal Justice programs of NCSL's Denver office. NCSL staff on the project and contributors to this publication are:

Shelley Smith, Program Director, Children and Families
Donna Lyons, Program Manager, Criminal Justice
Mary Fairchild, Program Principal, Children and Families
Adelia Yee, Research Analyst, Criminal Justice
Elizabeth Pearson, Research Intern, Criminal Justice
Barbara Houlik, Staff Assistant, Children and Families
Glenda Riebeling, Staff Assistant, Criminal Justice

NCSL would like to acknowledge consultants who assisted with review and content of this publication: *James C. Howell, Ph.D.*, former research director for the Office of Juvenile Justice and Delinquency Prevention and now a consultant based in Herndon, Va.; *Karen Edwards*, executive director for the Select Committee on Children and Youth, Tennessee General Assembly, Nashville, Tenn.; and *Laura Ross Greiner*, assistant director for the Center for the Study and Prevention of Violence, Boulder, Colo.

Art and design for this publication was by *Karen Groves*, Evergreen, Colo.

The NCSL project is overseen at OJJDP in Washington by: *Shay Bilchik*, OJJDP Administrator

Emily Martin, Director, Training and Technical Assistance

Frank Porpotage, Project Monitor, Training and Technical Assistance

For more information, please call NCSL's Denver office at (303) 830-2200.

Emerging Issues in Juvenile Justice

Juvenile justice deliberations today often include issues that have implications throughout a system of comprehensive juvenile justice. Related to a get-tough attitude about juvenile crime are new laws to hold parents criminally and civilly responsible for the crimes of their children, as well as to require their involvement in disposition and treatment. A trend toward treating juvenile offenders more like adults is reflected in policies to open what were previously confidential juvenile records and proceedings, including allowing for their use by schools and in future adult criminal justice proceedings. Juvenile justice systems also are involved in what has become known as "restorative justice," which seeks to reconcile the interests of victims, offenders and the community and provide a more balanced approach to case handling and disposition. High-quality after care is becoming recognized as a critical component of juvenile justice, especially for young offenders who have been incarcerated. And, many state laws in recent years have addressed juvenile access to and possession of firearms.

HOLDING PARENTS RESPONSIBLE

Although states always have had civil liability laws related to the acts of children and child welfare law has long included "contributing to the delinquency of a minor," a new wave of parental responsibility laws is making a stronger statement about parents supervising and controlling their children, and in involving them in the assessment and treatment of their child in the juvenile justice system. The policy intent of these measures is to prevent juvenile crime by requiring parents to be more accountable for their kids and to intervene in families with crime-prone children.

In 1988, California passed an anti-gang law as part of "street terrorism" legislation. The Parental Responsibility Act (amending Calif. Penal Sec. 272) makes California parents criminally liable for failing to supervise their children adequately and carries a penalty of up to one year in

jail and a \$2,500 fine. It requires more than ordinary parental negligence; it applies when behavior amounts to "gross" or "culpable" departure from a normal standard of parental care. Still controversial, the California Supreme Court upheld the law against a challenge that it was vague, subjective and infringed on family privacy.

At least 16 states in addition to California have passed laws to hold parents criminally responsible for crimes of their children. These are: Arkansas, Colorado, Connecticut, Florida, Hawaii, Illinois, Iowa, Louisiana, Maine, Maryland, Michigan, Oklahoma, New Jersey, Utah, Virginia and Wisconsin. A 1995 law in Louisiana (La. Rev. Stat. Ann. §14:92.2) establishes a possible fine and/or imprisonment for improper supervision of a minor. States also are strengthening laws requiring parents to pay costs or program fees related to juvenile courts or corrections. These supplement tort laws that hold parents at least partially responsible for restitution and related damages. States that passed such laws in 1995 include Idaho, Indiana and New Hampshire, where parents now must pay for care of their children in juvenile institutions. An Arizona law now holds parents responsible for victim restitution. Similar action in 1996 includes an Indiana measure (Ind. Code §31-6-2-3, 31-6-4-18) that allows court-issued reimbursement orders for parents for services provided by counties for adjudicated juveniles. A juvenile justice reform bill passed this year in Kentucky (Ky. Rev. Stat. §610) also includes provisions to make, in some cases, parents responsible for costs of their child's adjudication.

Evidence suggests that the most effective juvenile justice programs include families. Some parental responsibility laws require parents to participate with the juvenile at counseling or at adjudicatory hearings. Rhode Island and Texas recently passed laws (RI Gen. Laws §11-44-1, 12-29-1 and Tex. Family Code Annotated §54.044) that order parents to participate with their children in community service work. Florida law, similarly, requires parents to participate with the child in fulfilling a court-imposed

sanction if the court finds they did not make good faith efforts to prevent the juvenile from engaging in delinquent acts (Fla. Stat. Ann. §39.054). This type of legislation seeks to involve the family in a constructive manner, with the assumption that parental involvement will help deter a juvenile from criminal behavior.

Advocates of parental responsibility laws maintain that parents should have a greater stake in their children's lives, including keeping track of their whereabouts at an early age and restraining them from misbehavior that can lead to progressively worse delinquency and crime. Opponents argue that most parents do the best they can and that many parents cannot do better because of their own problems. Further, they suggest that these laws target poor parents and punish instead of support them. Others assert that penalizing parents for not controlling their children creates a burden for police and courts and that the community can use these resources more efficiently. The impact of these measures on juvenile crime and delinquency no doubt will be closely watched.

OPENING JUVENILE RECORDS, PROCEEDINGS

Akin to treating juvenile offenders like adult criminals, many states are changing policies that in the past held juvenile court records confidential and kept proceedings closed. Whereas traditionally a juvenile's criminal record and hearings were off-limits to most agencies and the public, nearly half the states in recent years have enacted legislation to open certain records and provide for sharing of information among service and other agencies, and sometimes victims and the public. Typical among new state laws are those that allow schools to be notified of delinquency proceedings. Some go so far as to inform classmates or school personnel, other enactments require open records and the sharing of information only when juveniles have committed violent crimes. Juvenile court proceedings also are being opened under new state policies, often in cases where juveniles have committed acts that would be adult felonies or for certain crimes.

Allowing fingerprinting of juveniles is catching on in the states, with half the states recently passing such laws. Since 1980, 25 states have passed laws that allow some public access to juvenile court records, usually for juveniles age 14 or older charged with felonies, and revoked the sealing or destruction of records. Changes in laws to

allow fingerprinting of juveniles and to open and retain juvenile records is, in essence, creating juvenile criminal histories that did not exist even a decade ago. In many states, the juvenile record of, for example, a 22-year-old who commits a felony will be available and used to inform law enforcement, prosecution and sentencing. Opening certain juvenile records and proceedings has become a victim's interest as well. Arizona and North Dakota (Ariz. Rev. Stat. Ann. §8-286 and ND Century Code §12.1-34-02) laws now extend to victims of juvenile crimes the same victim's rights as in adult criminal proceedings, including notice of release, proceedings, sentencing or disposition. Laws in Connecticut, Missouri and South Dakota also allow victims access to juvenile records.

Child advocates typically defend confidentiality of records and proceedings as necessary to the rehabilitative goals of juvenile justice (similar to mental health and other treatment) and assert that juvenile actions should not be used against them when they became adults. However, proponents of juvenile fingerprinting, open records and proceedings maintain that lifting confidentiality is necessary to hold juveniles accountable for serious actions, especially of those who will graduate to adult criminality. Clearly, this is an area that requires analyses to determine if new policies have provided for accountability, victim involvement and public safety when juveniles commit serious crimes, without creating unintended, negative consequences.

RESTORATIVE JUSTICE

Victims' interest in juvenile records and proceedings is but one slice of "restorative justice," an emerging philosophy to balance offender retribution with victim and community reparation. Its application is being explored today in juvenile as well as criminal justice systems, and includes practices such as community policing, expanded victims' services, community service and other work programs for adult and juvenile offenders, victim/offender mediation, skills training and restitution.

The Office of Juvenile Justice and Delinquency Prevention has developed a model for restorative justice that is operating in 20 sites around the country. Under this program, every sentence must include elements of public safety, accountability to the victim and community, and what the offender will do to make himself or herself a

more competent, productive member of the community. Taken to a systemic level, the concept of "restorative justice," which focuses on healing the injuries of crime, paired with risk-focused prevention, which seeks to prevent injuries from ever occurring, may one day reduce crime at the community level. Even though it's an ancient philosophy, the application of restorative justice to modern criminal and juvenile justice systems still is in development. To date, research to demonstrate its value and limits is sparse. Even among victim's advocates there exists little agreement on what form it should take in states and localities. Even with these current limitations, the concept is one that juvenile justice policymakers can expect to hear about as they design and deliberate proposals to address juvenile crime and justice. The state of Idaho has incorporated the notion of restorative justice in juvenile justice statutory law. A reform act in 1995 establishing the Department of Juvenile Corrections (Idaho Code §20-501) stated that the system is based on accountability, community protection and competency development.

AFTER CARE FOR JUVENILES

After care that extends beyond typical juvenile sanctions and services is recognized as an important component of juvenile justice. Its purpose is to help youths make the transition from residential or institutional settings back into the community. Effective after-care programs provide adequate supervision and support services to help youths remain crime free. Examples of after care include electronic monitoring, counseling, treatment and community service referrals, education, work training and intensive supervision probation or parole.



According to a study funded by the
Office of Juvenile Justice and
Delinquency Prevention (OJJDP) in 1994,
key components of after care include:

**Preparation of juveniles
for increased responsibility
and freedom in
the community;**

.....
**Facilitation of youth-com-
munity interaction and
involvement;**

.....
**Development of new
community resources and
support systems; and**

.....
**Monitoring progress in the
community.**

As in dispositional placement, risk and needs assessments are vital to identifying what types of after care supervision and services are appropriate for each juvenile offender. Successful after-care programs usually require a collaboration of community-based organizations, individuals and juvenile families.

Research indicates that case management is an important feature of after care. Good case management generally includes criteria for assessment, classification and selection of juveniles; individual case planning that includes family and community contexts; incentives and consequences, and access to community resources and appropriate social networks. Cooperation of various institutions and agencies, a management information system, and ongoing program evaluation also are essential to effective after-care programs.

In West Virginia, after-care counseling is provided to juveniles completing drug and alcohol treatment in the youth services system. The program provides peer support to help youths maintain their recovery by establishing friendships that support sobriety and are drug-free. Such after-care programs have been shown to reduce

recidivism. A study of programs in Massachusetts and Utah revealed positive results when youths who had been in intensive residential treatment programs received services and supervision during a gradual transition back into their communities.

After-care programs and services also are considered critical to helping boot camp graduates learn to apply new habits and attitudes in their communities. State-run juvenile boot camps in California provide six months of inten-

sive parole supervision to participants. An OJJDP demonstration project in Cleveland requires boot camp graduates to check in daily for six months at a reporting center that includes an alternative school as well as a variety of supervision and counseling services. These and other types of after-care programs for juvenile offenders represent more comprehensive and effective responses to juvenile crime and delinquency.

JUVENILES AND FIREARMS

Efforts to address juvenile crime and violence in the states prominently have included the issue of juvenile access to and possession of firearms. A great deal of the concern about juvenile justice in states is prompted by gun violence, and the fact that four times as many juveniles killed someone with a gun in 1994 than in 1984. Not only are more firearms available, but the availability of large caliber guns has resulted in an increased lethality (deaths per incident) of assaults. For reasons that are not clear, young people show an increasing proclivity to use firearms to settle disputes. Geoffrey Canada, who runs programs for inner-city youths in a New York City ghetto, in which he himself grew up, asserts in his book about juvenile violence, *Fist Stick Knife Gun*, (Beacon Press, Boston, 1994) that many young people today are growing up in a "war zone" where, predictably, the best way not to be shot is to shoot first. In those areas of cities, he says, many kids carry guns for protection and are prepared to kill or be killed every day. Research shows a strong correlation between drug use and especially drug trafficking, and weapon ownership and use. Gang-related homicides almost always involve firearms, and gangs are more likely to recruit juveniles who already own guns.

Special legislative sessions in Colorado, Florida and Utah in 1993 addressed juvenile gun violence as part of what has been a movement in the states to restrict the pos-

session of handguns by juveniles. To date, at least 35 states have adopted legislation dealing with guns and kids. In 1995 alone, 19 states passed laws that require schools to expel or suspend students for possessing weapons on school grounds. Alabama and Rhode Island are among the states that allow suspension of the driver's license for possessing a weapon on school grounds (Ala. Code §16-1-24.3, RI Gen. Laws §11-47-60). Other states, including Nevada, allow juveniles to be tried in adult court for committing a weapons offense (Nev. Rev. Stat. §62.080). Both at the state and federal level, laws have restricted the possession, sale and transfer of guns to juveniles.

The Office of Juvenile Justice and Delinquency Prevention is undertaking a new initiative called "Partnerships to Reduce Juvenile Gun Violence," which will carry out promising strategies for reducing juvenile gun violence in targeted neighborhoods. Under a Justice Department "Weed and Seed" program in 1991, a police patrol project in Kansas City, Mo., has reduced gun crime, driveby shootings and homicides in beats where the homicide rate was 20 times higher than the national average. Seizures of illegally carried guns increased significantly as part of that effort. Other strategies to reduce juvenile access to firearms and homicides include restricting youths from purchasing ammunition and gun buy-back programs that provide financial incentives to get illegal firearms out of circulation.

The emergence of new policies in areas of parental responsibility, open records and proceedings, after care for juvenile offenders, and restrictions of firearm for juveniles, are representative of policymakers' commitment to finding innovative solutions to the growing problem of juvenile crime. The effectiveness of some of these policies likely will not be known for a number of years, after states and localities have gained experience in implementing such policies and research has shed light on their value.

Treating Juveniles Like Adults

Perhaps no area of juvenile justice has received more attention recently than efforts to redefine jurisdiction of the juvenile court. In particular, state policy has been reducing judicial discretion to waive juvenile cases to adult court and instead requiring that certain offenders be handled in criminal courts. Exclusion provisions in many states now also say "once waived, always waived" so that if a juvenile has a case sent to criminal court any and all subsequent cases involving that juvenile will go to criminal court. Recent state laws also have given prosecutors more discretion to file criminal charges against juveniles. New laws addressing age limits and crimes appropriate for juvenile court jurisdiction have expanded the pool of cases eligible for judicial waiver, as well.

Recent measures in states lower the allowable age for transfer of juveniles who commit certain felony acts to age 14, and even younger. Other new laws give adult courts exclusive jurisdiction for crimes like murder, sexual assault, kidnapping and crimes involving gangs or weapons, sometimes regardless of an offender's age. In 11 states the upper age for juvenile court jurisdiction in any case is either 15 or 16; the age remains 17 in most states.

WAIVERS INCREASE SIGNIFICANTLY

Clearly, these policies affect the numbers and types of juvenile cases going to adult courts. There are no national data, at present, that track all juvenile cases that end up in adult courts. But recent numbers on judicial waiver alone, the most traditional means whereby a juvenile judge reviews and sends a case to criminal

court based on circumstances of the offender or the alleged act, reflect this trend. Waiver cases increased 41 percent between 1989 and 1993. The greatest increase, 115 percent, was in offenses against people. This reverses a trend that for many years had more juvenile property offenses referred to criminal courts than violent offenses. However, offenses against people also accounted for a greater proportion of overall delinquency cases handled by juvenile courts in 1993.

A study by the Government Accounting Office (GAO) in 1992, using data from six states, found that the juvenile offender most likely to be transferred to criminal court is a black male, age 16 or older, with prior referrals. GAO also analyzed what happens to juveniles in the adult system. Comparing data on juveniles sent to criminal courts in seven states, it found dramatic variance in conviction rates both for violent and property crimes—ranging from about 30 percent to nearly 100 percent. Incarceration rates of those youths also varied dramatically among the seven states. In one state, 14 percent of juveniles convicted in criminal court of a violent crime received a jail or prison sentence, while 98 percent of violent offenders in another state were incarcerated.

Most of what is known about what happens to juveniles sent to adult, criminal courts is based on selective samples, such as the GAO study. Contrary to state legislative intent or expectation, many adult courts do not typically hand down harsher sanctions than juvenile courts. Some research has, in fact, suggested that young defendants may find more leniency in criminal court, especially juveniles in court for non-violent crimes and whose juvenile

records are not disclosed in the adult proceeding. (Juvenile records generally do not follow young defendants into the adult system. This is, however, another area in which states are active in updating policy. See the "Emerging Issues in Juvenile Justice" section of this guide.) Other research indicates that violent juveniles do receive longer terms of incarceration in an adult system.

Credible comparisons of juvenile and criminal court handling of cases are difficult due to differences in how those systems operate, as well as research designs that do not control for the seriousness of cases being compared. In addition, the larger issue of whether juvenile or criminal court sanctions have a stronger long-term deterrent effect is an area yet to be meaningfully examined.

Absent more complete information, much policy in this area has been based largely on perceptions that juvenile court sanctions for serious criminal behavior are weak retribution for the significant harm some juveniles cause to society. Concern is raised that short terms in juvenile corrections for violent offenders pose an unacceptable risk to the public. An opposing view is that most felonious juvenile behavior, even violence, usually is outgrown and frequently does not result in persistent and more serious crimes. Juvenile justice system supporters say treatment provided in a juvenile system, rather than retribution in an adult system, provides adequate protection to the public and is more likely to rehabilitate the offender. Further, very few juvenile offenders—only about 2 percent—actually leave the system because they reach the age outside of juvenile court jurisdiction rather than return to the community

on some type of conditional, supervised release. And, most juveniles who are sent to adult prisons also will one day be back in the community, whether or not they have had the opportunity for appropriate treatment or training.

EMERGENCE OF INTERMEDIATE SYSTEMS

Dissatisfied with the choice between the juvenile or adult systems for serious offenders, some states have recently developed "third tier," or intermediate, systems. But the concept of differentiating and extending jurisdiction for the more serious juvenile offender is not new. The California Youth Authority, for example, has long supervised serious juvenile offenders up to age 25. More recently, states like Colorado have created youthful offender systems that seek to blend adult punishment with appropriate treatment (Colo. Rev. Stat. §19-2-805). Colorado's third, or "last chance," system is operated as part of the adult corrections department, and is a sentencing option for juveniles who have been charged and convicted as adults of one or more violent, weapons-related and often gang-related felonies. Offenders who cooperate with and complete the regimented and treatment-oriented program may advance to community supervision within six years. Otherwise, they return to court for adult sentencing (Colo. Rev. Stat. §16-11-311).

Other states using intermediate systems or facilities for juveniles in the adult system include Florida (Fla. Stat. Ann. §958.11), North Carolina (N.C. Gen. Stat. §148.28) and Wisconsin (Wis. Stat. Ann. §48.34). Some of these are boot-camp programs, where successful completion stays the adult sentence. Minnesota created an intermediate, "extended jurisdiction juveniles," category that gives young offenders who otherwise

would be in the adult system a last chance in the juvenile system, with the threat of an adult sentence being activated (Minn. Stat. Ann. §260.126). Broad juvenile justice system reforms in Connecticut (Conn. Gen. Stat. Ann. §46b-121) and Missouri (Mo. Ann. Stat. §211.073) also include a dual-jurisdiction concept. The Missouri law also requires court consideration of racial disparity in sending cases to adult court.

Other states, including Arizona (Ariz. Rev. Stat. Ann. §8-223, 8-226) and Nebraska, are opening specific facilities in the adult corrections system for the increasing number of juvenile inmates, and incorporating youth-oriented programming. Under Florida law, a juvenile who has been found guilty in adult court may be returned to the juvenile justice system for treatment, similar to what sometimes is referred to as "reverse waiver" (Fla. Stat. Ann. §39.059). The "Last Chance Ranch" in Florida operates as a secure, treatment facility mostly for juveniles referred from the adult system. Twenty-two states have statutes that allow direct-filed or excluded juvenile cases to be transferred to the juvenile system. Reverse waiver can be a sort of safety valve where other laws have required that certain juveniles must go to adult court.

In considering policy to treat more juveniles as adults, restructure juvenile justice options for serious offenders, or create blended systems, a forthcoming report from the Office of Juvenile Justice and Delinquency Prevention recommends that lawmakers examine what currently is happening with regard to juveniles sent to adult criminal courts. In particular, legislators should require collection and examination of state data on the number of young offenders going to the adult system, by what means, case disposition and sentencing outcomes.

Analyses should determine the extent to which these are serious, persistent offenders. Data may reveal, for example, the need for legislation specifying certain crimes as eligible for adult court rather than broad moves with regard to upper age of juvenile court jurisdiction. Legislators should also consider where discretion lies for adult filing and if, for example, it is their intent to shift discretion from judges to prosecutors. They also will want to ensure that discretion points established for waiver, or requirements that certain cases go to adult court, reflect and carry out legislative intent for which juveniles are most appropriately handled in criminal courts. The effect that more juvenile filings in adult courts will have on resource needs of courts and prosecutors should be considered, as well, since criminal prosecutions are costlier. (Criminal cases also require a heightened standard of evidence, witnesses and due process. Historically, adult criminal courts dismiss many cases for lack of these requirements.) Increased numbers of juvenile cases transferred also raises pretrial detention issues. The pretrial period in a criminal case is likely to be longer than when a juvenile awaits adjudication, and in many jurisdictions neither juvenile detention facilities or adult jails are well-suited for long stays.

Implicit to transfer policy is how it meets immediate objectives that may include deterrence and retribution, and longer-term goals of rehabilitation, crime control and fiscal impacts. Lawmakers, therefore, will want to consider the amount and adequacy of programming in the juvenile system for the more serious young offenders, and what programs are suitable for violent youths that could be built into an adult system.

Juvenile Detention and Corrections

A system of comprehensive juvenile justice serves the dual purpose of protecting the public and preventing chronic and serious juvenile crime. Detention and corrections options, therefore, are included in a continuum of sanctions for serious offenders. Strengthening and defining the appropriate use of juvenile incarceration is important if the juvenile justice system is to serve both purposes effectively.

The most serious juvenile crimes generally call for immediate and sometimes long-term incapacitation. For other juvenile offenders, risk assessment policies and tools can determine which offenders are most in need of incapacitation and which are suitable for other intermediate or graduated sanctions (as discussed in the "Graduated Sanctions in Juvenile Justice" section of this guide). Many states have developed risk assessment procedures for adjudicated youths that focus on current and prior offenses, as well as other individual, family, peer and school factors. Risk assessment tools sort youth into groups with differing probabilities of reoffending, and are quite effective when used in conjunction with needs assessment to determine appropriate services or treatment for a young offender. Policymakers designing more comprehensive systems will reserve juvenile corrections options for the most serious offenders. Doing so requires assessment of which juveniles require incapacitation and at what security level, along with programming to reduce juvenile (and later adult) criminality.

CONFINEMENT OPTIONS

Confined juveniles include those in detention or reception centers, training schools, ranches, camps and farms. Detention centers are for short stays, averaging about 15 days but often less, and usually while juveniles await court appearances or dispositional options. Reception centers, while relatively rare in juvenile systems, are settings for assessment of a juvenile's risk and needs and determination of appropriate and available placement. Postdispositional, longer-term incarceration of juvenile offenders is provided in training schools, camps and farms. Juveniles stay in these settings an average of 7.5 months, with stays of a year or more common. Ideally, these young offenders receive training and services designed to change anti-social and criminal behaviors.

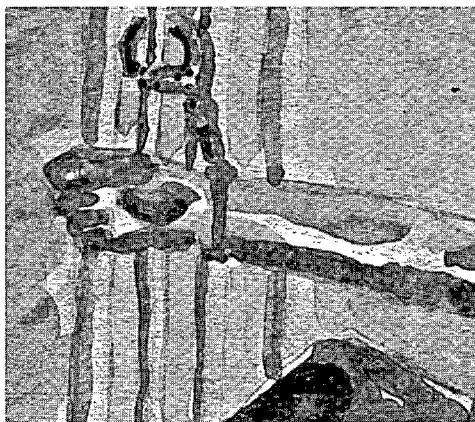
Detention and corrections traditionally have been and remain today a major component of juvenile justice systems. Many observers suggest that juvenile

incarceration is overused, particularly for nonviolent offenders, despite a move toward "deinstitutionalization" in the 1970s and '80s. Deinstitutionalization was brought about in large part by the federal Juvenile Justice and Delinquency Prevention Act of 1974. To participate in funding, states were required to remove status offenders (those who have committed acts that are not an adult crime) from secure incarceration and to separate adult and juvenile offenders in facilities. The act also encouraged due process as well as diversion of juveniles from correctional settings into community programs. States were required to dedicate a substantial proportion of the federal funds they received to community-based programs, and to pursue the "least restrictive alternative" for juvenile offenders in "reasonable proximity" to their families and homes.

DEINSTITUTIONALIZATION

Studies have found that juvenile justice has worked well in the pioneering states that underwent broad-based reform to keep most juvenile offenders in the community. In Massachusetts, which places only 15 percent of its correctional commitments in secure care, an analysis of youths diverted to community-based programs showed a decline in the number of kids who go on to be adult inmates. The state saves an estimated \$11 million annually because of extensive use of community-based care. Deinstitutionalization in Utah also resulted in significant cost savings, while length of stay increased for the smaller numbers of juveniles remaining in secure settings. But while broad use of community placements for juvenile offenders remains a practical approach, it has not maintained a great deal of political appeal. Today, more juveniles than ever are incarcerated. Minority youths, in particular, have high rates of commitment to institutions, part of a disparate handling of minority offenders that research has shown starts at arrest and proceeds through disposition and placement.

Admissions to public and private juvenile correctional facilities grew substantially between 1982 and 1993, according to a census of juvenile detention, correctional and shelter facilities. Admissions increased sharply in the mid-1980s and have continued to rise, increasing by 28 percent since 1985. Capacity of juvenile facilities also has increased but not enough to avoid overcrowding. State training schools, in particular, are seriously overcrowded in some states. Private juvenile facilities are playing an increased role in juve-



nile corrections, in part because of overpopulation in public facilities. Reliance on incarceration has been costly to states: inflation-controlled juvenile corrections expenditures for public facilities grew to more than \$2 billion in 1993—an increase of 20 percent since 1982. Expenditure growth for private facilities—which increased to more than \$1.5 billion in 1992—was 44 percent over 11 years, also adjusted for inflation.

CAPACITY, CONDITIONS

Adequacy of conditions often becomes an issue where there is overcrowding. Population as a percent of design capacity of facilities is considered the best overall measure of facility conditions. A 1994 “Conditions of Confinement” report issued by the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) said that crowding, inadequate health care, lack of security and inadequate control of suicidal behavior are substantial and widespread in juvenile detention and corrections facilities. As a result, states now are facing similar court challenges with regard to conditions in juvenile correctional facilities as they experienced in adult correctional systems. Despite new

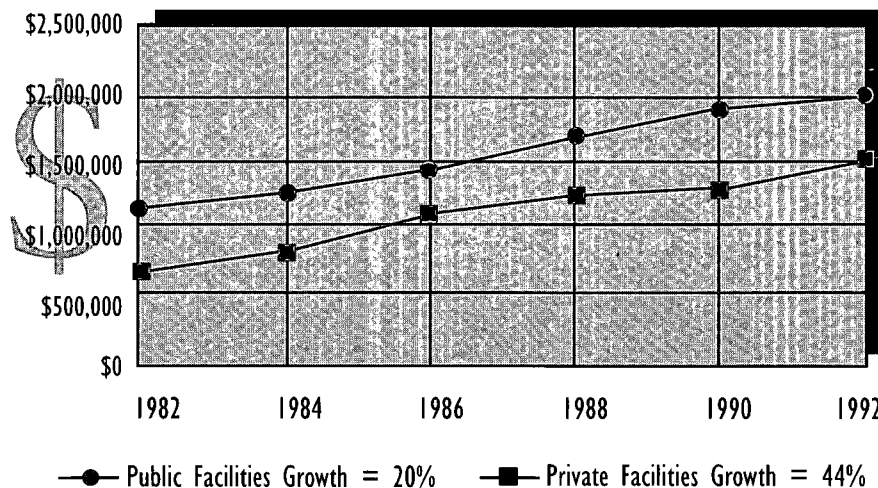
MINORITY YOUTHS, IN PARTICULAR, HAVE HIGH RATES OF COMMITMENT TO INSTITUTIONS, PART OF A DISPARATE HANDLING OF MINORITY OFFENDERS THAT RESEARCH HAS SHOWN STARTS AT ARREST AND PROCEEDS THROUGH DISPOSITION AND PLACEMENT.

construction in juvenile systems in many states, at an average cost of more than \$102,000 per bed, crowding persisted in more than half the states in 1995.

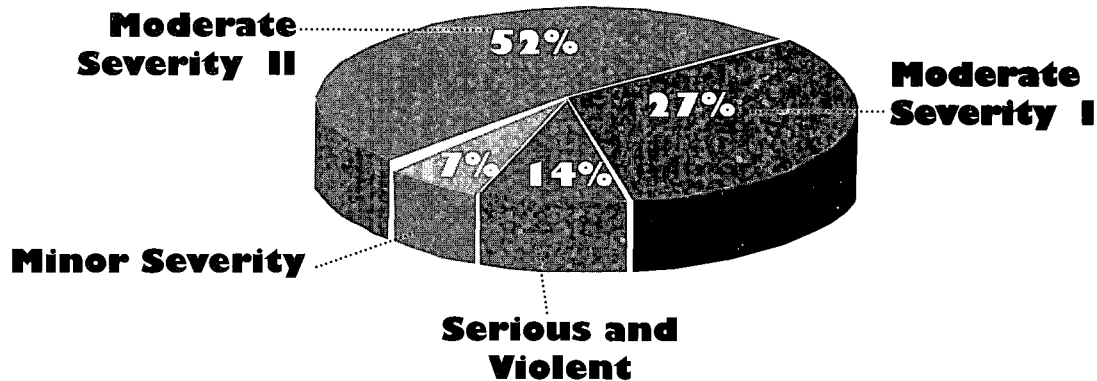
Although violent juvenile crime and the numbers of confined juveniles are increasing, most juveniles confined have not committed violent crimes, according to 1993 Census Bureau data. Most confined juveniles committed property or drug crimes; 25 percent of juveniles confined committed violent offenses. Violent offenders and those committing other crimes against people together comprised just over one-third of all confined juveniles. However, admissions for violent offenses increased 77 percent between 1985 and 1993. Similarly, OJJDP’s newest data collection, State Juvenile

Corrections System Reporting Program (SJCSRP), showed that of the juveniles taken into state custody in 1993, the most serious offense in 42 percent of cases was a property crime. Only 14 percent of admissions were for the most serious, violent crimes. Juvenile detention populations are on the rise, including youths who have committed drug-related, persons and public order offenses (perhaps reflecting renewed interest in detaining truants).

**Public and Private Correctional Facilities:
Inflation-Controlled Operations Expenditures (in Thousands)
Total and Per Facility Type, 1982–1992**



**Estimated Proportions of Admissions to State Juvenile Corrections Systems
by Severity of Offense, CY1992**



Minor Severity = shoplifting, technical (probation or parole), minor public order, status offenses, driving without license, minor traffic, dependency, and special court proceedings.

Moderate Severity II = no prior state commitments; offenses not categorized in Serious & Violent or Minor Severity, such as property, drug, public order, and traffic offenses.

Moderate Severity I = with prior state commitments; offenses not categorized in Serious & Violent or Minor Severity, such as property, drug, public order, and traffic offenses.

Serious & Violent = murder, manslaughter, homicide, forcible rape, other violent sex offenses, sodomy, kidnapping, endangerment, robbery (with priors), and assault (with priors).

Sources: Juveniles Taken Into Custody Research Program; State Juvenile Corrections System Reporting Program; National Council on Crime and Delinquency in cooperation with the Office of Juvenile Justice and Delinquency Prevention. NOTE: Estimates are based on 29 states for 1992.

CORRECTIONS PRIORITIZING, PROGRAMMING

Some states are seeking to improve assessment and focus incarceration options and money on the most serious offenders. Recent legislation in Oregon combines graduated placement with needs assessment of adjudicated youths. The 1995 law established a Department of Youth Authority and several levels of juvenile corrections facilities. It also requires a reformation plan for each juvenile, based on the seriousness of his offense and his juvenile record. Offenders are transferred from one custody level to another as the youth progresses in the individualized plan (Or. Rev. Stat. §420A).

A key to comprehensive juvenile justice is providing programs that meet identified problems or needs that have contributed to a juvenile's criminal behavior. While the merits of rehabilitation versus punishment is debated perennially, considerable consensus remains that warehousing juveniles without attention to their treatment needs does little to forestall their return to criminal behavior. Research has shown that the most effective secure corrections programs provided individualized services for a small number of participants. Large training schools have not proved to be effective. Violent juvenile offender programs providing a continuum of care

for males in cities in Massachusetts, Michigan, Tennessee and New Jersey have reduced recidivism and serious crime among participants. Similarly, the capital offender program at Giddings State Home and School in Texas is an innovative group treatment program for juveniles who have committed homicide. An analysis of that program shows one year after release, participants had a significantly lower re-arrest and reincarceration rate than control youths.

Interest in programs for juvenile sex offenders is increasing. Washington state has been among the first to recognize the growing threat of sex crimes committed by juveniles. It included analysis and treatment resources for sexually aggressive youths in its 1990 Community Protection Act (Wash. Rev. Code §74.13.075(1)). Research in Washington has shown that more than 80 percent of juveniles in programs for sexually aggressive youths had been victims of sexual abuse themselves and, untreated, were at high-risk of reoffending. Florida recently passed legislation (Florida Stat. Ann. §39.0571) defining and providing secure and community-based treatment and monitoring for juvenile sex offenders. Utah also has created a Juvenile Sex Offender Authority (Utah Code Ann. §624- 4a-401) to supervise and coordinate treatment services. And Nevada (Nevada Rev. Stat. §210.480) has started a sex offender program in designated facilities, including transition to after-care treatment.

Other state legislation, as well, is underscoring the importance of after care for juvenile offenders. Juveniles who have been incapacitated are in particular need of a high-quality system of after care to support community re-entry. Reform legislation in Connecticut last year created a program of after care



for youths who have been in state institutions. Such a program continues to provide services based on need, as well as supervise the offender in the community to protect the public. The Texas Youth Commission is among other states operating an "independent living program" that provides pre-release and transition assistance to male and female offenders aged 16 to 18 who are returning to the community from secure corrections. An after-care program in Cuyahoga County, Ohio, begins with education and employment training while a youth is incarcerated, and continues after the youth is released. The Student Transition Education and Employment Program has shown lower reoffense rates for participants than for those involved in more traditional post-release supervision at only a slightly greater cost per participant. In New Mexico, an examination of a reintegration program for youths released from the New Mexico Boys' School suggested that the state saved money by providing after care because the boys spent less time in juvenile corrections. ("Emerging Issues in Juvenile Justice" section of this guide includes additional discussion of after care.)

Deciding when to use secure incarceration, and providing appropriate programs for serious and violent offenders that includes after care, are key components to a comprehensive system of juvenile justice. At a time when the amount and seriousness of juvenile crime is on the rise, strengthening and defining the use of juvenile corrections is vital if the juvenile justice system is to be effective for serious offenders.