Alternatives in Juvenile Corrections

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The last decade of the twentieth century was ushered in through the nation's juvenile courts by an estimated 1.35 million delinquency and status offense cases (Snyder et al., 1993). This 1990 case rate, although it may include double counting of some individuals who appeared more than once during the year, represented about one out of every 20 juveniles in the country. By 1996, the most recent year for which such statistics are available, the number of delinquency cases had grown to nearly 1.76 million (Snyder & Sickmund, 1999). Because the number of juveniles in the population also increased during that period, the rate remained about the same: one in every 20. A one-day count of juveniles in custody who had been arrested for, charged with, adjudicated for, or convicted of a status offense, a delinquent offense, or a crime yielded nearly 100,000 out-of-home placements in public or private juvenile facilities, adult jails or prisons at the beginning of the decade (Krisberg & DeComo, 1993); this figure rose to approximately 120,000 in 1997 (Snider & Sickmund, 1999). Juvenile crime also soared between the late 1980s and mid 1990s, reaching a peak in 1994. Although it has declined rapidly since 1994, it is still higher than in previous decades (Snyder & Sickmund, 1999).

Juvenile corrections is the field charged with dealing with the many youths who are arrested for offenses ranging from murder, at one extreme, to truancy or other status offenses, at the other extreme. Responsibility for juvenile corrections may fall to state government agencies, county probate or juvenile courts, or private organizations, and the range of programs is equally as broad. Some programs, such as juveniles in adult jails, juvenile detention, and alternatives to secure detention, are pre-adjudication measures intended primarily for youths awaiting court hearings. Others, such as juvenile probation, day programs, community-based residential programs, institutional programs, parole and aftercare services are for juveniles following adjudication.

The juvenile justice system has come under increasing attack from many directions. On the one hand, a steep rise in the rate of juvenile crime between 1984 and 1994 suggested to many that the juvenile justice system was ineffective. Increasingly, many states turned to waivers and other mechanisms of transferring juveniles to adult court jurisdiction, under the assumption that many youths would receive tougher sanctions in that system. From another perspective, the juvenile justice system has been portrayed as caught in the middle of trying to do justice and rehabilitation at the same time, without the policies, resources or programs enabling it to do either adequately. Criticisms of the system range from perceived leniency to widespread inconsistency to over-representation of minority youths in juvenile courts and correctional programs. Some have even argued for the outright abolition of the juvenile court, preferring instead a single criminal court system in which all offenders would be processed, although sanctions would be moderated by a "youth discount" (Feld, 1999). Indiana, too, has struggled with juvenile justice issues in the last decade. The juvenile code has been altered to permit the transfer of more juveniles to the adult system.

Based on concerns that the juvenile system cannot hold adjudicated offenders beyond their 18th birthday, there is currently talk of developing a "three-tiered" system in which most offenders over the age of 15 would be processed in an intermediate system. This approach would allow confinement until an older age, perhaps 25, but in separate youth prisons rather than mingling the youths with adults.

Nationally and in Indiana, the "get tough" proposals are balanced somewhat by an increasing interest in creative alternatives, such as community-based diversion and correctional programs and, more fundamentally, the promotion of a "restorative justice" framework that stands in marked contrast to the current system (Bazemore & Walgrave, 1999).

What Should Be Done with Juvenile Justice Today?

Of course, prevention would be the ideal way to fix the system by rendering it unnecessary. A current resurgence in interest in positive youth development is welcome in this light. However, such efforts will never be completely successful; there will always be some young people who run afoul of the law. Beyond the rhetoric, what do we know that can help us fashion a more effective way of responding to youth crime? This paper attempts to bring together information about trends in juvenile crime and juvenile justice nationally, including research on what has and has not appeared to work in recent years. This paper also offers a framework for juvenile justice that tries to permit the emergence of some coherence and optimism in a field too often viewed as chaotic and hopeless.

Background

Concerns about juvenile justice and various reform attempts are not new. To place the current trends in context, let us begin with the past. The juvenile justice system was essentially born with the formation of the first juvenile court in Chicago in 1899 (Bernard, 1992). Since that time, a series of "reforms" has affected the way the system operates. Supreme court cases gradually defined a middle road between a *parens patriae* philosophy (i.e., the court was presumed to act in the best interests of the child) and an adversarial justice philosophy, as in the adult courts, that viewed children as having rights requiring due process protections (for an excellent summary of these cases, see Bernard, 1992).

A significant milestone occurred in 1974 when Congress passed the Juvenile Justice and Delinquency Prevention Act (JJDPA) to create a federal-state partnership with the goal of improving various aspects of juvenile justice. The amended act, after several reauthorizations, includes the following mandates:

- deinstitutionalization of status offenders;
- sight and sound separation between juveniles and adults held in the same facility;
- removal of all juveniles transferred to the adult court and against whom criminal felony charges have been filed;
- provision of funds for programs of Native American tribes that perform law enforcement functions and agree to attempt to comply with the above mandates; and

- efforts to reduce the proportion of minority juveniles detained or confined in secure facilities if the proportion exceeds the proportion of such groups in the general population.

Balancing the goals of juvenile justice

Maloney, Romig and Armstrong (1988) developed what they termed the "balanced approach" to juvenile probation in the late 1980s. This model recognizes three goals of juvenile corrections: community protection, accountability and competency development. Given the state of juvenile justice today, the balanced approach merits consideration for application throughout the broad program structure of juvenile corrections.

Community protection

Community protection refers to the expectation that youth corrections can protect public safety by identifying which youths require what degree of restrictive control and protect public safety by providing that control efficiently.

Accountability

Youth corrections can make youths aware of the consequences of their illegal behavior through elements of punishment and restoration in holding offenders accountable for the offenses, and to their victims through the equitable use of sanctions.

Competency development

Competency development incorporates earlier notions of rehabilitation by providing youths with the opportunity to develop skills and resources needed to function positively in mainstream society.

The key directive of the balanced approach is to strike a balance among these three goals through probation activities that result from individualized case management. Several jurisdictions, California and Florida among them, have officially adopted the balanced approach in their mission statements for juvenile probation (Bazemore, 1992).

Barton, Streit and Schwartz (1991) suggest extending the balanced approach to the entire juvenile justice system as the framework for a principled, comprehensive, system-wide reform. Recent research in juvenile corrections, reviewed below, highlights the potential value of this framework to organize what appears to work into a system that has a better chance of succeeding than the current one.

A Tour of Recent Research in Juvenile Corrections

Serious and violent offenders

Stories concerning violent crime committed by young people appear in the media daily. From media reports alone, one might think that we were faced with an ever increasing tide of juvenile violence and mayhem. The evidence, as most recently compiled by Snyder and Sickmund (1999) from the National Center for Juvenile Justice, reveals a more complicated pattern. The rate of juvenile arrests for serious violent crimes (murder, manslaughter, rape, robbery and aggravated assault) increased considerably between 1988 and 1994 after a decade of relative stability and has declined rapidly since then. The juvenile violent crime arrest rate during most of the 1980s stood at

about 300 per 100,000 juveniles aged 10-17; at its high point in 1994 the rate had jumped to more than 500 per 100,000. The rate has since shown a steady decline, falling to about 400 by 1997. It is important to realize that these crimes represent a relatively small proportion (about 5 percent) of all juvenile offenses. Murder, manslaughter and rape combined, however, account for less than 1 percent (Snyder & Sickmund, 1999).

Studies show that only a small proportion (about 5 to 15 percent) of juvenile offenders is responsible for most (66 to 75 percent) of the serious and violent crimes by juveniles (Hamparian, 1978; Schuster, 1990; Shannon, 1991; Wolfgang et al., 1972). Much of the pressure to "get tough" on juveniles is prompted by these violent offenders, resulting in calls for more secure beds, boot camps, longer sentences and more transfer of jurisdiction to the adult system. These policies affect large numbers of juveniles who do not fit the definition of serious and violent offenders, and are generally ineffective.

The Office of Juvenile Justice and Delinquency Prevention has responded with a comprehensive strategy for serious, violent and chronic juvenile offenders whose repeated offenses and failures in less-restrictive settings pose a high risk to public safety. This strategy emphasizes prevention, early intervention, community-based programs and secure confinement (including comprehensive treatment and rehabilitative services) (Wilson & Howell, 1993).

A recent meta-analysis of more than 200 evaluations of interventions for serious and violent juvenile offenders (SVJ) shows that the most effective ones involve interpersonal skills training, cognitive-behavioral treatment or teaching family home programs (Lipsey & Wilson, 1998). The "average" intervention program in their research was found to reduce subsequent reoffense rates by about 12 percent; the best programs, containing the elements mentioned above, however, reduced recidivism by as much as 40 percent (Lipsey & Wilson, 1998). As summarized by Farrington and Loeber, "interventions for SVJ offenders often have to be multimodal to address multiple problems, including law breaking, substance use and abuse, and academic and family problems" (1998, p. xxiii). They further note that alternatives to incarceration, even for SVJ offenders, are at least as effective as incarceration.

Juvenile detention

The passage of JJDPA prompted many jurisdictions to create facilities known as detention centers, juvenile halls, or youth homes specifically designed to hold juveniles who have been arrested and been determined to require confinement before their court appearances. The statutes of most states limit juvenile detention to the pretrial confinement of juveniles who are deemed a high risk either to commit additional offenses or to abscond before their court hearings. The use of secure detention as punishment, for administrative convenience or because of a lack of alternatives is explicitly forbidden by many statutes.

Characteristics of detained youths. Krisberg and Herrera (1991) in their analysis of the 1989 Children in Custody census reported that detained juveniles are predominantly male (82 percent of admissions; 86 percent of one-day count) and nonwhite (44 percent black, 16 percent Hispanic, 2 percent other, 38 percent white). Fewer than half (46 percent) were charged with serious offenses against persons or property (Krisberg & Herrera, 1991; Schwartz, Willis & Battle, 1991). These patterns have not changed much in recent years, except that black youth are even more over-represented. Snyder

and Sickmund (1999) report that black youths were nearly twice as likely to be detained as white youths, even after controlling for offense in 1996 (the most recent year for which data are available).

Issues. Frequently appalling conditions of confinement, such as overcrowding, injuries, inadequate health care, limited educational programming and isolation (Parent et al., 1994) are troubling, especially in light of evidence that many of the youths routinely held in secure detention facilities do not appear to be at high risk of absconding or committing new crimes before their court hearings. Several studies have shown that securely detained juveniles are more likely to receive subsequent out-of-home placements than those not detained, even after controlling for offense histories (Feld, 1988; Fitzharris, 1985; Frazier & Bishop, 1985; Krisberg & Schwartz, 1983; McCarthy, 1987).

Alternatives to secure detention. Less-restrictive alternatives to secure detention for non-violent offenders can adequately protect the community and ensure court appearances for many juveniles. Juveniles in home detention programs are essentially on "house arrest" and subject to frequent and unannounced visits by a home detention worker. The effectiveness of this approach has been proven in several jurisdictions. (Ball, Huff, & Lilly, 1988; Community Research Center, 1983; Schwartz, Barton, & Orlando, 1991; Steinhart, 1990). Electronic monitoring, usually used in conjunction with home detention, appears to be gaining favor in some locations. Monitoring approaches vary, employing technology that, in some fashion, confirms the presence of the offender.

Probation

Probation is the workhorse of the juvenile justice system. Of every 1000 delinquency cases referred to the juvenile courts in 1996, Snyder and Sickmund (1999) estimate that 441 were not petitioned. Of these, 140 were assigned to probation. Among the 559 petitioned cases, six were waived to the adult courts and 230 were not adjudicated (yet 46 were assigned to probation). Of the remaining 323 adjudicated cases, more than half (175) were placed on probation. Altogether, about 36 percent of all cases referred to the juvenile courts end up on probation, whereas 34 percent are dismissed, 10 percent are placed out of the home, and the remaining 20 percent receive other sanctions.

The probation officer typically performs roles of both "counselor"—attempting to develop a supportive relationship—and "cop"—monitoring compliance and initiating further court action when necessary. The amount of individual attention provided by a probation officer is limited by the demands of intake investigations, assessments and report preparation, yielding, at best, a moderate level of supervision.

Intensive supervision

While a moderate level of supervision may be adequate for many juvenile offenders, about one-third of all juvenile justice jurisdictions also operated intensive supervision programs by the mid-1980s, typically involving much smaller caseloads and more frequent contact (Krisberg, Rodriguez, Bakke, Neuenfeldt, & Steele, 1989). Development of these programs is, in large part, a response to reduced residential programs and the need to supervise more-serious offenders at lower cost to the community.

Juvenile intensive supervision is a viable alternative to residential placement for a number of juvenile offenders, including some relatively serious ones, but research

suggests that jurisdictions are inconsistent in defining target populations for these programs (Barton & Butts, 1990a, 1990b; Erwin, 1987; Krisberg, Bakke, Neuenfeldt, & Steele, 1989; Krisberg, Rodriquez, et al., 1989; Wiebush & Hamparian, 1991).

Summary of one intensive supervision study

A five year evaluation of three home-based, intensive supervision programs for adjudicated delinquents in Wayne County, Michigan (a large, urban county that includes Detroit) looked at the effectiveness and lower cost of intensive, in-home supervision as compared to commitment to the state (Barton & Butts, 1990). The study employed a randomized design with a two-year follow up period to compare youths assigned to three in-home programs with a control group who were committed to the state.

The development and implementation of these three experimental programs was precipitated by state-instituted limits on the number of commitments allowed. All three provided intensive probation services using small caseloads and frequent contact. Evaluation of effectiveness focused on the programs' ability to contain or reduce delinquent behavior to the extent that the clients could remain in the community instead of being placed in correctional institutions.

Over a two-year period (2/83-3/85) all Wayne County juveniles recommended for commitment were screened for eligibility. Those charged with very violent offenses, with documented history of psychiatric disturbance, and those with no potential home in the community were automatically excluded from the study. The study did not test the intensive supervision programs as an alternative to incarceration, but rather as an alternative to commitment to the state (where a variety of placement options were available). The majority of youths entered the study (78.1%) as a result of criminal charges, and half of those (51.3%) for charges that could be considered quite serious: larceny, breaking and entering, auto theft, burglary, assault. Thus, although the juveniles were relatively serious and chronic, they were not highly violent offenders.

All three programs restricted caseloads to between six and 10 youths per worker. Workers supervised the youths directly and either provided or arranged for the provision of whatever other services were necessary. The cases remained in the programs for about one year, unless recidivism necessitated their earlier removal. The three programs also utilized behavioral supervision and individual counseling with nearly every youth, and employed school placement assistance and social skills training.

Although the three programs emphasized the delivery of different services, they did not differ significantly from each other in case outcomes. The programs successfully graduated just under half of their cases (46.3%). Program youths graduated when the staff were satisfied with their continued cooperation and behavioral improvements.

During the two-year follow up period the experimental and control group cases showed few differences in recidivism, either in official charges or by self-report, suggesting that in-home programs are a viable option for many youths who would otherwise be committed. If intensive supervision achieves the same long-term reduction in delinquency for one third the cost, the question becomes one of cost-effectiveness. A final indicator of program effectiveness is that the programs were able to maintain their successful cases in the community. One year of post program follow-up revealed that nearly 80% of program graduates were free of new charges after leaving the programs.

Restitution and community service

Restitution and community service can provide a level of offender accountability to victims and the community when used as components of regular or intensive supervision programs. Klein (1991) noted that such programs can provide victims with compensation, confront offenders with the consequences of their offenses, provide juveniles with useful skills, and possibly reduce recidivism. Although studies have shown restitution to have a modest effect on recidivism (Lipsey, 1992), some studies yield more-favorable results (Ervin & Schneider, 1990; Schneider, 1986). The merits of restitution and community service may lie more in their symbolism of accountability and victim restoration than in their effect on recidivism.

Day programs

Community programs that provide structured activities for juvenile offenders for several hours a day include alternative school settings for youths who cannot return to their regular schools, job training programs, and after-school and evening programs that may combine tutoring and other skill-building activities with recreation.

Community-based residential programs

Many juvenile offenders are placed out of the home when officials believe that their home situation is unsuitable, or to interrupt a pattern of offending behavior. Although some offenders are placed in large institutions, others may be placed in group or proctor homes, shelters, foster care, and other small programs that attempt to offer a more homelike environment.

Small group homes can, however, be just as isolated and institution-like as training schools. Coates, Miller and Ohlin (1976) developed a model for placing juvenile correctional programs on an institutionalization-normalization continuum. Programs at the normalization end of the continuum were characterized by a relatively open and non-authoritarian social climate and high-quality community linkages. Applying their continuum to a variety of programs in Massachusetts, Coates et al. found that nonresidential and foster care programs were the most "normal" settings, whereas secure juvenile facilities and jails were the most "institutional."

Public and private secure residential placements

Nearly all states currently have training schools, a form of public residential institution for juvenile offenders. Training schools represent the most restrictive sanction available within juvenile justice systems and are purportedly used for the most serious and chronic juvenile offenders. Public training schools are frequently supplemented with functionally equivalent private, secure residential facilities. Although size and design specifics vary, these public or private institutions typically house large numbers of juveniles in separate "cottages" or "modules" within a larger structure. They must provide educational programming and many also include vocational training and individual and group counseling.

Although secure institutions are supposed to be the last-resort placement for the most serious and chronic delinquents, many are not there as a result of a serious felony. As reported by Snyder & Sickmund (1999), in October of 1997, youths adjudicated for violent index crimes comprised 32 percent of the committed delinquents found in public institutions and 21 percent of those in private institutions. An additional 28 percent of the public and 32 percent of private facilities' populations showed an index property crime as their most serious offense.

Sampling reveals that states vary greatly in their use of these residential placements. For example, the 1997 custody rate of committed delinquents in Louisiana is 459 per 100,000 juveniles age 10 and older; comparable rates per 100,000 population are 386 in California, 307 in Georgia, 175 in Missouri, 110 in Massachusetts, and 44 in Vermont (Snyder & Sickmund, 1999).

Shock programs

A brief proliferation of specific deterrence programs based on the "Scared Straight" model in New Jersey (Parent, 1989) appeared in the 1970s. First-time juvenile offenders were brought to adult prisons where inmates described prison life in chilling detail. Evaluations of such programs in New Jersey (Finkenauer, 1982), Michigan (Homant, 1981), and California (Lewis, 1983) found no deterrent effect. Shock models of intervention for juveniles have consistently failed to reduce recidivism (Lipsey, 1992).

Boot camps

Boot camps, a variation of shock incarceration, have become increasingly popular. Resembling military basic training, boot camps focus on discipline, physical conditioning and authoritarian control. The popular appeal of boot camps satisfies the public's retributive desire. They appear to be "tough," cost less than traditional prisons or training schools, and purportedly instill positive values. Evidence is mounting that boot camps are ineffective and inappropriate for juveniles. One early summary of existing evaluations of boot camps for young adults in several states reported little evidence of effectiveness (Cullen, 1993). A more recent and thorough experimental study of juvenile boot camps in Cleveland, Mobile and Denver showed that boot camp graduates showed higher rates of recidivism and reoffended more quickly than comparable offenders receiving other sanctions (Peters, Thomas, & Zamberlan, 1997). Additionally, critics point to the potential for abuse of power and reinforcement of a distorted image of masculine aggressiveness (Morash & Rucker, 1990; Parent, 1989).

Adventure programs

Outward Bound programs, introduced in the United States in the 1960s, use physical challenges to help participants develop self-confidence, teamwork and personal growth. This model has been adapted for use with juvenile offenders in several jurisdictions. Although not conclusive, a number of studies have shown promising results, with recidivism rates considerably below those of most institutional programs (Kelly & Baer, 1971; Rollin & Sarri, 1992; Willman & Chun, 1973).

Research regarding juvenile correctional institutional settings

Research on juvenile correctional institutions has focused on three issues: (1) conditions of confinement, (2) "appropriateness" of placement decisions, and (3) effectiveness, in terms of recidivism reduction.

Conditions of confinement. Several studies have documented the confinement dangers found in many juvenile correctional institutions: (assaults, suicidal behaviors), negative subcultural processes (exploitation of vulnerable youths by tougher ones), and organizational goal conflicts (custody versus treatment) (Bartollas, Miller, & Dinitz, 1976: Breed, 1963; Cloward, 1960; Feld, 1977; Lerner, 1986; Parent et al., 1994; Street, Vinter, & Perrow, 1966; Sykes, 1965). Others have called attention to the prevalence of pseudofamily and lesbian relationships that develop in training schools for females (Gaillombardo, 1974; Propper, 1971; Sieverdes & Bartollas, 1981).

Appropriateness of placement decisions. Another group of studies has consistently noted that between 40 and 60 percent of youths held in training schools in several states do not appear to be serious or chronic offenders by most reasonable definitions (Barton, 1993; Butts & DeMuro, 1989, 1990; DeMuro & Butts, 1989, 1990; Krisberg, Freed, & Jones, 1991; Snyder & Sickmund, 1999; Van Vleet & Butts, 1990). Many have never committed a felony-level offense, but have had difficulties in various other placement settings, frustrating local probation officers and the courts.

Effectiveness. Effectiveness research has taken two forms: (1) comparisons of the recidivism of training school youths with that of youths assigned to less restrictive settings, and (2) assessments of the consequences of statewide deinstitutionalization attempts. The results have been mixed but generally suggest that community-based alternatives are less costly and no less effective than institutions (Barton & Butts, 1990b; Empey & Erickson, 1972; Empey & Lubeck, 1971; Loeber & Farrington, 1998; Murray & Cox, 1979). Other studies suggest that although some institutions are able to effect positive changes in their residents, these changes do not persist when the youths return to the communities from which they came (Cavior & Schmidt, 1978; Jesness, 1971; Jones, Weinrott, & Howard, 1971; Kirigin, Wolf, Braukmann, Fixsen, & Phillips, 1979; Whittaker & Pecora, 1984).

Research suggests that we can close training schools if we have a full array of alternatives. Early evaluation studies in Massachusetts, which closed its juvenile training schools in 1972 and replaced them with a regional network of community based alternatives, revealed an overall higher recidivism rate, except in areas where a full array of alternatives were available (Coates, Miller, & Ohlin, 1978). A later reevaluation found that once a well-structured system of dispositional options had been developed in Massachusetts, results compared favorably in terms of recidivism outcomes with other states that relied more heavily on secure institutions (Krisberg, Austin, & Steele, 1989). Favorable results were also observed in Utah, Missouri, Pennsylvania and Florida (Blackmore, Brown, & Krisberg, 1988; Gorsuch, Steward, Van Vleet, & Schwartz, 1992; Krisberg, Austin, Joe, & Steele, 1987; Lerner, 1990).

A summary of evidence comparing institutional versus community-based intervention strategies was included by Gottfredson and Barton in a 1993 study that investigated the effects of closing a juvenile correctional institution in Maryland in 1988. While prior studies found community based treatment programs to be a cost-effective alternative to institutionalization, little evidence existed to confirm rehabilitative effects for either alternative.

The results of studies that compare the effectiveness of community-based treatments with that of institutional or more restrictive residential placements are varied, but concur that institutionalization reduces crime during the period of incarceration relative to alternatives offering less supervision. The most rigorous studies suggest that community-based treatment involving intensive supervision can be at least as effective as traditional non-institutional residential alternatives in reducing post release recidivism (Empey and Lubeck, 1971), and more (Empey and Erickson, 1972; G. Gottfredson, 1987) or equally as effective (Barton and Butts, 1990; Palmer, 1974; Lerman, 1975) as incarceration. Empey and Erickson (1972) suggest the advantage favoring community-based treatment may be due to the absence of incarceration rather than to the benefits of the treatment provided. The literature suggests that treatment program content and quality of implementation matter more than the setting in limiting recidivism.

Gottfredson and Barton's results accord with conclusions of prior reviews of treatment interventions, which suggest that neither institutional programs nor community-based programs are uniformly effective or ineffective. Design rather than location appears to be the critical component of intervention. Effective institutional and community based programs require:

- careful engineering to ensure fidelity of the design to a plausible theory linking the program components to theoretical causes of delinquency;
- careful attention to the operation of the program to ensure faithful implementation; and
- a marriage of program development and evaluation efforts to link program evolution to information about what does and does not work.

The study authors conclude that deinstitutionalization is not enough, citing a need for a responsible policy that meshes community corrections with treatments that empirical research suggests will be effective.

Parole and aftercare services

Most juvenile offenders who are removed from the community and placed in residential institutions eventually return to the community, where gains produced by even the best institutions disappear. Thus, parole, or aftercare services, may be the most important component of the juvenile correctional system.

A promising model by Altschuler and Armstrong (1991), similar to intensive probation supervision, stresses flexible and intensive case management services in the community for several months after a juvenile's release from an institutional setting. A key element of this model is participation by the aftercare worker in case-planning activities from the start of a juvenile's residential placement, rather than just before release.

Waivers and transfers to adult court

Many states have procedures to transfer certain juveniles to the adult criminal courts for disposition and, in most cases, sentencing. Proponents argue that this tougher response to serious juvenile crime acts as both a specific and a general deterrent. States use one or more of three mechanisms to transfer juveniles to the adult system: judicial waivers, legislative waivers and prosecutorial waivers (Champion & Mays, 1991).

In judicial waivers, the presumption is that the juvenile court is the appropriate jurisdiction for a case unless a juvenile court judge determines that the burden of evidence suggests that the youth is not amenable to treatment and that all juvenile correctional options have been exhausted. Legislative waivers result from statutory definitions of certain age/crime combinations (such as youths in Illinois aged 13 and older charged with murder, and those 15 and older charged with certain other felonies) as falling within the jurisdiction of the adult system. Some states (most notably, Florida) permit prosecutors to make the transfer decision by filing a case directly in the adult court system. In contrast to judicial waivers, in statutory exclusions and prosecutorial waivers, the presumption is that the adult system is the appropriate jurisdiction, unless the youth appeals and a judge agrees, to reverse the transfer decision. Since 1990, the majority of states have made transfers to the adult system easier (Snyder & Sickmund, 1999). Most have adopted or expanded statutory exclusions.

Available evidence suggests that although transfer may be intended to impose a harsher penalty and act as a deterrent, it does neither. Instead transfer typically results in less-severe sentences than would likely have been imposed in the juvenile system (Champion, 1989; Gillespie & Norman, 1984; Polivka, 1987; Sagatun, McCullum, & Edwards, 1975; Speirs, 1989). The most likely explanation for this finding is that the transferred juveniles seem to be less serious offenders when compared with other adult offenders (Bortner, 1986; Champion & Mays, 1991), even though they are among the most serious juvenile offenders. Ironically, those youths who are sent to adult prisons often receive longer sentences than adults over the age of 18 convicted for similar offenses (Snyder & Sickmund, 1999).

Moreover, there is increasing evidence that transfer to the adult system does not have a deterrent effect. Studies show that transferred juveniles have higher subsequent rearrest rates, more serious rearrest offenses and shorter time to rearrest than comparable juvenile offenders who remain in the juvenile system (Bishop et al. 1996; Jensen & Metsger, 1994; Schiraldi & Ziedenberg, 1999; Singer & McDowall, 1988). In the words of Champion and Mays (1991), it appears that "waiver of jurisdiction is a policy devoid of substance."

A summary of what works and what doesn't

The research reviewed above suggests:

- Juvenile crime has decreased significantly in recent years, following a surge from the mid 1980s to mid 1990s. The volume of juvenile court cases has not shown a parallel decline.
- Many youths currently placed in secure detention or post-adjudication institutional settings do not seem to be the serious or chronic offenders such facilities are best suited for, but can be handled at least as effectively if not more so, and at less cost, in less restrictive alternatives.
- There will always be a need for some secure detention and institutional beds for the small proportion of juvenile offenders who are truly serious and chronic offenders. There are models of effective institutions, but even these will not succeed unless accompanied by a strong aftercare system.
- The evidence increasingly suggests that boot camps and other "shock incarceration" programs are not effective for juveniles.
- Transfer of juveniles to the adult system is not effective in most cases.
- Regardless of the setting, effective programs combine skilled staff and adequate resources to meet the developmental needs of the youths.
- The juvenile justice system continues to extensively over-represent minority youths at all levels, and increasingly so at the more restrictive levels.

Characteristics of an Effective Youth Corrections System

In the face of evidence that suggests a broader range of placement alternatives for youth corrections, many states continue to emphasize costly institutional placements. The apparent overuse of training schools and relative underuse of community-based programs is the result of several factors:

- a lack of clear goals for youth corrections;
- inadequate decision-making within the system;
- too few community-based alternatives; and
- an overall lack of coordination and accountability.

Barton, Streit and Schwartz (1991) suggest a list of essential principles, characteristics, guidelines and dimensional improvements modeled on the goals of the balanced approach (cited on page 40).

Principles of good public practice

Youth corrections should be guided by three basic principles to help a jurisdiction achieve balance.

Equity: protection of due process rights; decisions must be fair, consistent and subject to appeal.

Cost-efficiency: employment of the least costly means necessary to achieve the most effective outcomes.

Performance accountability: through monitoring and evaluation, at all levels to all constituent and client groups.

System characteristics

Coordination at both the system and individual case level is critical. Fragmentation can be reduced through interagency structures and agreements, while case managers can assume responsibility for assuring that individuals receive needed services.

Rational decision-making can be achieved through objective assessments to ensure that the right youths are assigned to appropriate levels of placement restrictiveness.

Array of services must include basic supervision and supports; special treatments for substance abuse, mental health problems and sexual deviance; alternative living arrangements, job training and placement services; and other services as needed.

Flexible funds can allow a creative combination of services distributed as the case manager sees fit based on a good assessment of individual youth needs.

Advocacy services must be made available through competent legal counsel. In addition to this due process protection, an effective advocate must be provided to ensure the availability of the full range of treatment options, the achievement of maximum intervention benefits, and protection from abusive and/or capricious agency practices.

Evaluation should focus on not only case outcomes and the quality of services provided but also on coordination, decision-making and other components of the system.

Aspects of the system that can be improved

In the following list of improvement recommendations, each is considered in the context of the three basic goals of youth corrections: accountability, community protection and competency development.

Classification and assessment

The *accountability and punishment* aspect of the balanced approach suggests that an offender should be punished in proportion to the harm caused by his or her behavior. This principle, usually called "just deserts" (Lerman 1977; von Hirsch 1985), requires that one who has committed a serious crime receive a more severe punishment than one who commits a minor offense, and that repeat offenders receive a more severe punishment than first offenders. The key is determining what level of punishment is proportional to the pattern of offending; the principle of efficiency would suggest that "secure" placements should be limited to seriously violent and chronic felony offenders.

The dimension of *public safety and risk control* is based on the likelihood that an offender will commit future offenses. There is a growing body of research that has identified factors that predict an individual's likelihood of reoffending (Baird 1984; Gottfredson and Gottfredson 1988). In addition to a youth's offense history, factors include prior placement history, age at first offense, substance abuse, school adjustment, peer relationships and the ability of parents to provide adequate control.

Since not all delinquent youths are the same, *competency development* services based on a thorough assessment of individual needs are more likely to enhance competency development. A comprehensive assessment will aid in structuring the acquisition of case information, and make that information translatable into an intervention plan.

Importance of dispositional guidelines

Dispositional guidelines introduce rationality and consistency into a juvenile justice system that has often been described as a series of decision points: arrest, petition, detention, adjudication, disposition and release. Law enforcement and court personnel have wide discretion in making decisions about how to respond to particular juveniles. As a result, decisions often appear to be inconsistent across jurisdictions and based on a variety of criteria.

Some jurisdictions have tried to develop objective criteria, especially for decision points that could result in the secure confinement of juveniles. Developing criteria for admission to juvenile detention or dispositional placement should emphasize characteristics of a youth's current and previous offense record along with factors, known or believed to be related to recidivism, such as indications of substance abuse and previous out-of-home placements.

Some criteria reflect a "risk-assessment" approach, linking decisions to empirically derived predictions of the likelihood of future offending. But even the best risk-prediction instruments are far from perfect and produce many false-positive and false-negative results. Only about 20 percent of the variance in future offending is explained by risk predictors (Baird, 1974). Questions exist about the appropriateness of basing a "deprivation-of-liberty" decision on what an individual may do in the future, especially when the accuracy of the prediction is so low. Other criteria reflect the "just deserts" approach, where deprivation of liberty decisions are made based on holding individuals

accountable for behaviors they have already committed. In practice, decision schemes based on risk prediction and "just deserts" use many of the same factors.

Juvenile justice officials are often reluctant to adopt objective decision-making criteria or guidelines, perhaps due to resentment about limitations on their discretion (Barton, 1995; Bazemore, 1994). This resentment may be related to a sense that their experience is sufficient for them to make appropriate decisions. Additionally, there may be resentment due to the fact that the use of criteria usually leads to fewer decisions to place juveniles in secure settings, when a sufficient range of alternatives does not exist in many jurisdictions. Thus, objective decision-making criteria must be introduced as part of an overall plan that includes the development of sufficient and appropriate alternative placements.

Characteristics of the offenders, decision makers and offenses may also affect dispositional decisions. Tonry (1996) argues persuasively that justice involves a tension between the prescriptions to "treat like cases alike ... and different cases differently." While one generally should expect individuals committing similar offenses to receive similar sanctions, one should also expect dispositions tailored to the specific circumstances surrounding a particular offender and offense (Barton, 1998). Some discretion, then, is appropriate.

This discretion, however, has been implicated as one of the main causes of the gross inconsistencies in dispositions and over-reliance on institutional placements of juvenile offenders. Howell (1995) urges the adoption of more objective risk assessment and classification systems to guide decisions at all points in the juvenile justice system, including dispositional placement decisions.

Another approach attempts to make more explicit the factors that decision makers intend to use, asking the question: Can relatively objective criteria emerge that link dispositional decisions more closely to intended policy, especially regarding use of secure correctional placements?

Developing guidelines in New Hampshire: An example

A committee to study dispositional guidelines for delinquency cases was appointed by New Hampshire's Municipal and District Court Judges Association after studies indicated that many of the youths committed to the state's public training school did not appear to be serious or chronic offenders (Butts & DeMuro, 1989; Governor's Commission on Dispositional Guidelines for Juveniles, 1986).

The committee began by adopting a policy affirming the principle of using the least restrictive placement consistent with the needs of public safety and the offending youth, and reserving secure correctional placement for serious or chronic offenders. After deliberating and consulting with system representatives throughout the state, the committee developed a set of guidelines, the purpose of which was to increase the consistency of training school placement decisions and encourage the placement of only the most serious and chronic delinquents at the Youth Development Center.

The guidelines assigned points to juveniles based on the most serious adjudicated instant offense, most serious prior adjudicated offense, and chronicity of adjudicated offenses. Scores above the eligibility threshold were intended to permit, but not require, placement at YDC. The guidelines permitted some discretion, allowing users to over-

rule the guidelines when the objective criteria seemed inappropriate for a particular youth, but use of this discretion was intended to be the exception rather than the rule. More details about the New Hampshire experience may be found in Barton (1997).

Guidelines may be helpful in assuring that the most restrictive placements are reserved for the most violent or serious offenders. They can only help, however, if their use is strictly monitored, users understand and comply with the purposes of the guidelines, and a sufficient array of dispositional alternatives exists.

Accountability and dispositional responses

Response options to the three dimensions must be both focused and diverse.

Restrictiveness and sanctions to hold offenders accountable fall in to five levels: maximum security, medium security, intensive community supervision, regular community supervision and minimal supervision.

> *Maximum security* allows youth corrections to respond capably to the serious and chronic juvenile offenders who represent a very small number of the delinquent population, yet account for a disproportionately large share of the serious and violent crime committed by juveniles (Hamparian 1978; Schuster 1990; Wolfgang, Figlio, & Sellin 1972). This offender category, although differing across jurisdictions, generally includes offenders adjudicated for murder, rape, armed robbery and aggravated assault, as well as those whose number of serious offenses seem to imply chronicity.
>
> Maximum security residential programs have either perimeter security or a remote location to make escape extremely difficult. Smaller facilities would seem to offer greater possibilities for normalization, although there is little empirical evidence supporting any particular size as optimal. However, any positive changes in behavior, skills, attitudes and motivation produced by even the best residential program is likely to vanish once youths are returned to the community unless a strong community-based aftercare component is included (Allerhand, Weber, & Haug 1966; Cavior and Schmidt 1978; Jesness, 1971; Jones, Weinrott, and Howard 1981; Kirigin, Wolf, Braukmann, Fixsen, & Phillips 1979; Taylor and Alpert 1973; Whittaker and Pecora, 1984).
>
> *Medium security* programs are available for youths adjudicated for serious property offenses such as residential burglaries when jurisdictions want to respond with a staff secure group home, camp or campus-based facility. These programs are more open and rely on staff to provide security in lieu of locks, walls, fences or remoteness.
>
> *Intensive community supervision* adequately addresses public safety issues for youths, traditionally incarcerated, who have not committed serious crimes. Caseloads of around 10 or fewer (as opposed to the typical probation caseload of 50 or more) are appropriate at this level. Since some of these youths may need alternative living arrangements, case managers can seek shelter care, proctor homes, foster family placement, or supported independent living to be used in conjunction with the other components of intensive supervision.

Regular community supervision is appropriate for those youths whose relatively minor offenses don't require intensive supervision. Regular probation, with occasional (one to four times per month) active supervision by probation officers, should suffice.

Minimal supervision is targeted toward those youths with very few offenses, none of them serious, who are eligible for diversion.

Other accountability tools include community service, curfews and restitution. Klein (1991) describes how these approaches have been effectively integrated into an intensive community supervision program targeting serious and high-risk offenders.

Risk control strategies

Public safety can be protected in both residential and non-residential settings.

Residential settings afford several potential ways to control risk that range from location, architecture and hardware to staffing patterns, assignments to particular residential units, and regulated movement. Additional strategies include fences, walls, elaborate locks and video monitoring systems, remote locations, high staff to youth ratios, small living units, and tightly controlled movement of youths.

Non-residential settings can be controlled through the frequency, timing and extensiveness of surveillance or tracking. Electronic monitoring should not be utilized as a substitute for human contact.

Needs based services for competency development

Service programs are of limited value without rational decision-making that targets the right youths, case management coordination, monitoring and evaluation. These service programs include:

Education services
Character and social skills building
Day treatment
Employment and training
Therapeutic services
Family interventions
Leisure time and recreational services
Alternative living arrangements
Independent living/basic skills services
Aftercare

Coordinating dispositional responses using case management

Because the transformation of assessment results into appropriate and effective interventions does not occur automatically, a youth corrections system must have ways to systematically develop, implement, monitor and evaluate case plans in accordance with individual assessments. A case manager provides the structure for coordinating the intervention plan, monitoring and outcome evaluation.

Conclusion

The ideological pendulum, always in motion, has for some time been swinging to the political pressure to "get tough" on juvenile crime, and will soon be replaced by some reassertion of a rehabilitative ideal. The fluctuations will continue as a result of the multiple goals that juvenile corrections officials must pursue, and the changing dominance of a diverse constituency.

The goals outlined in this paper--accountability, public safety protection and competency development—are not incompatible. They should be balanced, as developed and articulated by Maloney et al. (1988) and extended by Barton et al. (1991). Public opinion surveys suggest that such a balance is politically feasible. The public values all the goals, makes a distinction between adult and juvenile offenders, seeks protection from serious and chronic offenders, wants to hold offenders accountable to their victims, and favors providing community-based educational and skills-oriented pro grams to maximize competency development (Schwartz, Kerbs, Hogston, & Guillean, 1992; Steinhart, 1988).

A juvenile corrections system incorporates such a balance by including reasonable decision-making criteria to match individuals appropriately with available resources, a wide range of available alternative resources, flexible and continuous case management, standards for quality programming in any setting, and vigilant monitoring of the system's performance at all levels.

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