

## REVIVING JUVENILE JUSTICE IN A GET-TOUGH ERA

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*State and local jurisdictions throughout the United States enacted a wide array of new juvenile justice policies in recent years. Many of these policies were intended to make the juvenile justice system tougher; but others improved prevention, increased rehabilitation, and enhanced the restorative features of the juvenile justice system. This article describes the most prominent new ideas in juvenile justice and addresses a question usually asked by policy makers: What works? It suggests that a new generation of innovative programs might revive the spirit of American juvenile justice.*

**In response to widespread concern** about juvenile crime during the 1980s and 1990s, state and local jurisdictions throughout the United States implemented numerous changes in their juvenile justice systems. Many of these changes were designed to increase the ability of juvenile courts to punish youthful offenders. Nearly all states, for example, increased the number of juveniles eligible for transfer to adult court. Yet even while policy makers were passing new policies to “get tough,” other parts of the juvenile justice system were being re-invented, and researchers were finding support for the effectiveness of preventive and rehabilitative programs. Numerous innovations were implemented to improve the quality of treatment programs and to ensure early intervention before young juveniles become further involved in crime. Other changes focused on the organization and methods of juvenile justice itself, such as the growth of new specialized courts, the increasing application of restorative justice principles, and

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enhanced coordination and collaboration among juvenile justice and social service agencies.

The broad scope of these recent changes raises important questions. What do we want the juvenile justice system to be? Are we sure we still want to have a juvenile justice system? It is important to remember that dividing the justice system into two parts—one for juveniles and one for adults—was an explicit policy choice made a little more than a century ago. State laws refer to young people who break the law before reaching legal adulthood as *juveniles* to indicate that they are under the jurisdiction of the juvenile court rather than the criminal (or adult) court. Technically, juveniles are not even arrested for committing crimes. The criminal code does not apply to people younger than a certain age, usually 17 or 18 years. Instead, juveniles are charged with *acts of delinquency*. A 20-year-old who breaks into a neighbor's house is arrested for the crime of burglary. By contrast, a 15-year-old who does the same thing is taken into custody for an act of delinquency that would be burglary if the youth were an adult.

In recent years, support for this traditional view of juvenile delinquency seemed to decline. The distinction between juvenile delinquency and adult crime appeared to trouble many people, especially elected officials. Defining juvenile lawbreaking as delinquency rather than crime, in their view, diminishes the consequences of illegal behavior by juveniles. This underlying skepticism was aggravated further when violent juvenile crime arrests jumped between 1984 and 1994. The focus of juvenile crime policy shifted perceptibly toward incarceration, and state and federal lawmakers stepped up efforts to make the juvenile justice system more like the adult justice system. States across the country enacted sweeping policy changes to make the juvenile system tougher.

In this article, we review the most prominent new developments in juvenile justice. We find that juvenile justice is alive and well, adhering in many respects to the principles envisioned by the juvenile court's founders but in a more politicized environment that adds conflict to the formulation of policies and programs. We place these recent changes in historical context, exploring the underlying motivations that established the juvenile justice system. Next, we examine the most visible policy change in juvenile justice—the get-tough movement of the 1980s and 1990s. Then we focus on some of the

more promising ideas in rehabilitation, prevention, and early intervention as well as transformations in the administration and organization of juvenile justice. We conclude that recent get-tough policies weakened the integrity of the juvenile justice system, but growing evidence about the effectiveness of new ideas in prevention and rehabilitation may save the system yet.

### **THE ORIGINS OF JUVENILE JUSTICE**

Contemporary observers must understand the heritage of American juvenile justice to appreciate the relevance of recent policy changes. The juvenile justice system in the United States is a broad network of juvenile and family courts, state and local youth services agencies, juvenile correctional institutions and detention centers, private social service organizations, and other private youth and family programs. Added to this mix are organizations such as school systems and law enforcement agencies that work hand in hand with the juvenile justice system but that are technically not part of it.

All of these organizations existed in one form or another for most of America's history, but they came together in a brand new way in the early 1900s to form a separate and distinct system of justice for juveniles. The official start of juvenile justice occurred in Chicago in 1899 with the founding of the first separate juvenile court. Within 20 years, juvenile courts were established throughout the United States, and the modern juvenile justice system began to take shape (Bernard, 1992; Watkins, 1998).

Separate juvenile courts emerged during the early 1900s for a number of reasons, including those most often cited by the popular press (e.g., efforts to increase the rehabilitative potential of the courts, protect vulnerable children from adult prisoners, and save young people from the stigma of criminal conviction). However, there was another, less publicized reason for the founding of juvenile courts. Much of the early pressure for separate juvenile courts came from judges, law enforcement agencies, and prosecutors. These groups favored juvenile courts for their crime control potential (Platt, 1977; Schlossman, 1977).

During the 19th century, city and state officials had been frustrated by the criminal court system's inability to deal with young offenders. It was clear to most Americans at the time that children and youth became involved in criminal behavior because of urban disorder, chronic poverty, poor parenting and inadequate supervision of children, rampant alcoholism, and family violence. Then, as now, children growing up in deprived and stressful conditions were more likely to become criminals or at least more likely to become involved with the justice system as a result of illegal behavior.

The problem in the 1800s was that American communities lacked an adequate intervention method to detect and intervene with youth at risk. Police, courts, and prisons were traditionally responsible for dealing with crime, but they could not intervene until an offender had actually committed a crime and been convicted, something judges and juries were reluctant to do when faced with inexperienced and obviously disadvantaged young people. As a result, politicians, social reformers, and justice system officials called for a completely separate system of courts and agencies that could intervene to prevent youth crime and take charge of young offenders whether or not they had been convicted of criminal offenses.

#### **THE BIRTH OF THE JUVENILE COURT**

Inspiration for a new approach came from the poor houses and reformatories established throughout Europe and America during the 1800s. Courts allowed state and local officials to place people in these institutions against their will based only on a legal finding that they were in danger of becoming paupers and that institutionalization was in their own best interests. American reformers in search of a new way to deal with young offenders seized this idea. They argued that courts should be able to take charge of minor children as well even if they had not been convicted of a crime and based solely on the grounds that they were in danger of becoming criminals in the future (Bernard, 1992; Rothman, 1980). The trick was to create a new type of court that would have the power to intervene but would not have to abide by the restrictions of criminal procedure and due-process rights.

As the idea spread, state officials began to enact such provisions into law. Illinois was the first state to do so, establishing its juvenile

court in 1899. These new state laws, or *juvenile codes*, were distinct from the criminal code. They created a separate classification of illegal behavior called *delinquency*, and they authorized local courts to take custody of young offenders without the need to obtain a criminal conviction. Juvenile courts were empowered to intervene with young offenders free of the bureaucratic and legal restrictions placed on criminal courts. Essentially, America's juvenile justice system was invented to loosen the reins on police, prosecutors, and judges. Under juvenile law, the courts could take charge of young offenders and even incarcerate them long before there was sufficient legal evidence to warrant a criminal conviction (Butts & Mitchell, 2000).

In return for the broad discretion they received under juvenile law, the nation's juvenile courts accepted a different mandate from that of criminal courts. Rather than simply punish young offenders with sentences proportionate to their offenses, juvenile courts were to employ an individualized approach that would provide each youth with a program of services and sanctions designed to prevent future offending and return him or her to the law-abiding community.

As the juvenile justice system assumed its modern form during the 20th century, the twin goals of crime control and youth services were combined in unique ways. Juvenile courts became more responsive than adult courts to the social and developmental characteristics of children and youth. The services and sanctions imposed by juvenile courts were designed to address the particular causes of each individual youth's misbehavior to restore the youth to full and responsible membership in his or her family as well as the larger community. In some cases, the juvenile court's intervention strategy may have included a period of incarceration, but the intent of confinement was never supposed to be simple punishment. It was to ensure the delivery of needed services and to correct behavior.

#### THE END OF TRADITIONAL JUVENILE JUSTICE

From the very beginning of the juvenile court movement, some critics doubted whether the expansive mission of the juvenile justice system could be achieved or was even desirable (Feld, 1999). By the 1960s, the legal foundations of the traditional model of juvenile justice began to unravel completely. The informality and individualiza-

tion that was so highly valued by social reformers and youth advocates in the early 1900s made the juvenile court vulnerable from a due-process perspective. Legal activists began to challenge the sweeping discretion given to juvenile court judges. An influential law review article in 1960 charged juvenile courts with violating important principles of equal protection and argued that "rehabilitation may be substituted for punishment, but a Star Chamber cannot be substituted for a trial" (Beemsterboer as cited in Manfredi, 1998, p. 39). While public criticism of the juvenile court intensified, juvenile courts began to exhibit the worst features of criminal courts. Caseloads grew and began to overwhelm staff workers. Courtrooms fell into disrepair. The professional status of a juvenile court appointment dipped among judges, and policy makers became less enthusiastic about the viability of the juvenile justice ideal.

Eventually, the U.S. Supreme Court intervened and imposed new constitutional protections for juveniles, thereby ending the traditional juvenile court as conceptualized at the beginning of the century. In a series of important cases beginning in 1966, the court raised the standard of evidence used in juvenile courts, protected juveniles from the risks of double jeopardy, and ruled that any youth facing possible confinement as a result of juvenile court adjudication was entitled to an attorney, the right to confront and cross-examine witnesses, the right to formal notice of charges, and the protection against self-incrimination (see reviews in Bernard, 1992; Manfredi, 1998; Watkins, 1998). By the 1980s, America's juvenile courts had been largely "constitutionally domesticated" as they were forced to follow similar procedures and establish evidentiary standards similar to those of the criminal courts (Feld, 1999, p. 79).

The imposition of greater due-process rights for juveniles necessarily limited the discretion of juvenile court judges. This made the juvenile justice process more bureaucratic and formalized. It also helped to limit the juvenile court's jurisdiction over many categories of young offenders, especially those charged with minor infractions of the law such as truancy and curfew violations. Finally, and ironically, the well-intentioned efforts of youth advocates to enhance procedural protections for juveniles paved the way for the next large-scale policy reform in juvenile justice, the get-tough movement of the 1980s and 1990s.

### THE NEW FOCUS ON PUNISHMENT

The direction taken by juvenile justice policy during the closing decades of the 20th century was a clear, although perhaps unexpected, consequence of bringing due process to the juvenile court. Lawmakers began to infuse the juvenile court with the values and philosophical orientation of the criminal court. Most states altered their laws to reduce the confidentiality of juvenile court proceedings and juvenile court records (Torbet & Szymanski, 1998). Most states also increased legal formalities in the juvenile court, shifted the focus of the juvenile justice process away from individualized intervention, and made the juvenile justice process more responsive to offense severity, adding concepts such as sentencing guidelines to juvenile justice decision making (Butts & Mitchell, 2000). The juvenile justice process began to focus on public safety, offender accountability, and imposing appropriate measures of punishment based on the severity of each juvenile's offenses. During the 1980s and 1990s, the juvenile court system became so much like the criminal court system that some observers began to wonder whether it was necessary to maintain a separate juvenile justice system at all (Feld, 1999).

### TRANSFER TO CRIMINAL COURT

The most visible plank in the get-tough movement—and the issue that has had the greatest effect on public understanding of juvenile justice in recent years—is the transfer of juveniles to criminal court. Juveniles transferred to adult court lose their status as minor children and become legally culpable for their behavior. State and federal lawmakers expended considerable time and energy during the 1980s and 1990s debating which juveniles should be transferred to adult court and which agencies and individuals should do the transferring. The outcome of these debates had a profound effect on the juvenile justice system.

State laws provide several mechanisms for moving juveniles into criminal court (see Snyder & Sickmund, 1999). Most states place the responsibility for at least some transfer decisions within the juvenile court itself. Juvenile court judges review the unique circumstances of every juvenile offender and then decide on a case-by-case basis

whether to retain jurisdiction over each case or to waive jurisdiction and allow the matter to be handled in adult court. Until the 1980s, judicial waiver was the most common method used by states to transfer juveniles to criminal court. Nationwide, juvenile court judges usually waive 8,000 to 12,000 cases per year to the criminal court (Puzzanchera et al., 2000).

Since the 1980s, lawmakers in every state have enacted new transfer laws. Many of these new laws altered the decision-making authority for transfer, taking responsibility away from judges and giving it to prosecutors and legislators. Nonjudicial mechanisms now account for the vast majority of juvenile transfers nationwide. Some states allow prosecutors to file charges against juveniles in either juvenile or adult court (known as *concurrent jurisdiction* or *prosecutor direct file*). A growing number of states move juveniles into criminal court without the involvement of either judges or prosecutors by using *automatic transfer* or *mandatory waiver* laws. These laws place some juveniles immediately under the jurisdiction of the adult court whenever certain conditions are met, such as when a juvenile of a certain age commits a violent felony or when a youth with a lengthy record of prior offenses is charged with another serious crime.

There are no sources of national data about nonjudicial transfers, but the number of youth affected is likely to outweigh those judicially waived by a substantial margin. Prosecutor transfer laws, for example, greatly increased nationwide in recent years. In 1960, just 2 states (Florida and Georgia) permitted prosecutor transfers (Feld, 1987). Eight states had such provisions by 1982, whereas 14 states and the District of Columbia allowed prosecutor transfers by 1997 (Griffin, Torbet, & Szymanski, 1998; Torbet & Szymanski, 1998; Torbet et al., 1996). Thus, it is likely that prosecutor transfers now greatly outnumber judicial waivers. Florida prosecutors alone sent approximately 6,000 juvenile cases to adult court each year during the 1990s, nearly as many as juvenile court judges nationwide (Butts & Mitchell, 2000).

The popularity of legislative or automatic transfer also increased significantly in recent decades. In 1960, just 3 states had enacted legislation to transfer certain types of juveniles automatically to adult court (Feld, 1987). By 1997, 28 states had passed such laws. Furthermore, during the 1990s, nearly every state with these laws already on the

books either expanded the offense criteria for automatic transfer, lowered the minimum age at which offenders could be transferred, or both (Torbet & Szymanski, 1998).

During the 1990s, many states passed laws to transfer a wider range of juvenile matters to criminal court. Transfer was traditionally used for juveniles charged with serious and violent offenses, but many of the youthful offenders transferred to adult court today have committed lesser offenses, such as property charges and drug law violations. About a third of all juveniles tried for felonies in adult courts, for example, are charged with property offenses, drug violations, or other nonviolent charges (Snyder & Sickmund, 1999). In one recent survey, more than 4 in 10 state prison inmates younger than 18 had been imprisoned for nonviolent offenses, including property crimes (21%), drug crimes (10%), and even alcohol-related charges (3%) (Austin, Johnson, & Gregoriou, 2000).

#### **THE INEFFECTIVENESS OF CRIMINAL COURT TRANSFER**

Policy makers and the public generally assume that juvenile offenders are sent to criminal court to receive more certain and more severe punishments. State officials enact transfer provisions based on this assumption, but until recently, it was not tested by research. Until the 1980s, very few studies existed on the effect of transfer, but more research began to appear during the subsequent 20 years. The consensus of these studies was that the expansion of criminal court transfer had little effect on public safety (Table 1).

Transfer does appear to increase the certainty and severity of legal sanctions but only for the most serious juvenile cases, perhaps a third of all transferred juveniles. In about half of all transfers, offenders receive sentences comparable to what they might have received in juvenile court. Some (perhaps one fifth) actually receive more lenient treatment in criminal court, often because the charges against them are reduced or dismissed due to the greater evidentiary scrutiny in criminal court.

Taken together, studies of transfer outcomes indicate that conviction rates for transferred youth vary from 60% to 90%, with 30% to 60% of convictions resulting in incarceration. The most recent re-

**TABLE 1**  
**Research Findings on the Effects of Criminal  
 Court Transfer for Juvenile Offenders**

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Court outcomes

- Criminal court conviction rates (including guilty pleas) for transferred youth vary from 60% to 90%, and chances of incarceration for those convicted range from 30% to 60%. Thus, the odds of incarceration may be as low as 20% or as high as 50% to 60% for transferred cases.
- Youth convicted of violent offenses are somewhat more likely to be incarcerated when they are handled in criminal court rather than in juvenile court.
- Youth charged with property and drug offenses tend to receive sentences in criminal court that are no more severe (and sometimes less severe) than dispositions typically imposed by juvenile courts in such cases.
- When criteria for automatic transfer are expanded to include younger juveniles and those charged with less serious offenses, transferred youth are particularly unlikely to be convicted and incarcerated in adult court.

Key studies: Bortner (1986); Fagan (1995, 1996); Greenwood, Lipson, Abrahamse, and Zimring (1983); Hamparian et al. (1982); McNulty (1996); Podkopacz and Feld (1996); Snyder, Sickmund, and Poe-Yamagata (2000)

Individual youth behavior

- Youth handled in adult court are no more or less likely to recidivate than similar youth handled in juvenile court for similar offenses.
- Among youth that recidivate after court sanctioning, transferred youth may reoffend more quickly.
- The prevalence of recidivism among youth handled in juvenile court may eventually catch up to recidivism levels among transferred youth, but transferred youth tend to reoffend more often during follow-up periods.

Key studies: Bishop, Frazier, Lanza-Kaduce, and Winner (1996); Fagan (1995, 1996); Podkopacz and Feld (1996); Winner, Lanza-Kaduce, Bishop, and Frazier (1997)

Aggregate juvenile crime

- There is no clear association between the use of criminal court transfer and juvenile crime levels.
- Expansions of juvenile transfer are not followed by significant changes in juvenile crime.
- Juvenile crime rates do not vary systematically between jurisdictions according to the availability and use of transfer provisions.

Key studies: Jensen and Metsger (1994); Risler, Sweatman, and Nackerud (1998); Singer (1996); Singer and McDowall (1988)

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search suggests that incarceration among transferred youth is contingent on offenses. Youth convicted of violent offenses are more likely

to be incarcerated if they are handled in criminal court. Youth charged with property and drug offenses, on the other hand, tend to receive sentences in criminal court that are no more (and sometimes less) severe than the dispositions usually imposed by juvenile court. The bottom line seems to be that criminal court transfer does not ensure incarceration, and it does not always increase sentence lengths even in cases that do result in incarceration. It is perhaps because of this fact that researchers have not been able to find evidence that juvenile crime and violence overall is affected by the scope and severity of transfer policies (Jensen & Metsger, 1994; Risler, Sweatman, & Nackerud, 1998; Singer, 1996; Singer & McDowall, 1988).

There are many reasons for the apparent ineffectiveness of transfer laws. One of the simplest reasons may be that the juvenile justice system is in fact a system. Policies designed to expand the use of transfer are never implemented exactly as legislators hope. Justice policies are implemented by a complex network of individual decision makers that may respond in ways not anticipated by lawmakers. Singer (1996) argued that the juvenile justice system is "loosely coupled," meaning there are so many areas of discretion in the juvenile justice system that the decisions of any individual or group are at best an imperfect reflection of the decisions and priorities of others. Police do not refer every arrested youth for prosecution, prosecutors do not charge every youth referred by police, and judges do not adjudicate every youth charged by prosecutors. Loose coupling creates a system in which case-processing decisions are structured by interorganizational negotiations, reducing the chances that any single policy initiative can have a consistent effect on crime.

The most recent studies on the effects of transfer support this explanation (Snyder & Sickmund, 1999; Snyder, Sickmund, & Poe-Yamagata, 2000). Researchers in Pennsylvania studied nearly 500 court cases that were excluded from juvenile court by a 1996 law that automatically transferred youth age 15 and older if they were charged with certain violent offenses and had committed the offense with a weapon or were previously adjudicated for an excluded crime. Prior to 1996, Pennsylvania had relied largely on judicial waiver to send youth to criminal court. The new law automatically transferred many of the same types of juveniles who were routinely waived by judges, but it also targeted youth who would have been unlikely candidates for

waiver prior to 1996 (i.e., younger offenders, females, and those with limited arrest records).

The Pennsylvania researchers found that half of the cases targeted by the new law were either sent back to juvenile court by decertification, or criminal court prosecutors declined to proceed for various reasons (e.g., lack of evidence). Even when cases were approved for criminal prosecution, more than half ended in dismissal, probation, or some other sanction that did not involve incarceration. Of all youth that were automatically excluded by the new law, just 19% were incarcerated. Moreover, the offenders that actually ended up in jail or prison were basically the same type of youth that were waived by judges before 1996. They tended to be older, to have used weapons, and to have more extensive prior offense histories. Thus, in the end, Pennsylvania's new law seemed to achieve very little beyond complicating and most likely delaying the decision-making process for juvenile offenders.

Pennsylvania's experience underscores the realities of criminal court transfer. Lawmakers across the country tried to get tough in recent years by expanding the use of adult court transfer for juvenile offenders, but in doing so, they swept younger and less serious offenders into the criminal court process. Not only are these offenders unlikely to receive serious sanctions from the adult court system, but the amount of crime hypothetically averted by transfer necessarily falls as the criminal severity and age of transferred juveniles declines. As a crime control policy, therefore, criminal court transfer appears to be merely a symbol of toughness.

In combination with other recent policy changes in juvenile courts—reduced confidentiality, increased formality, and greater due process—the increasing use of criminal court transfer reflects a declining faith in juvenile justice among policy makers, but the get-tough movement has not been the only story. The past decade has also seen the emergence of a wide range of new ideas in rehabilitation, prevention, and early intervention as well as new ways of administering and organizing juvenile justice. The critical question for policy makers and the public is “Where should we invest our crime-fighting dollars?” The remaining sections of this discussion address this question by reviewing the research evidence for other new ideas.

## REHABILITATION

In 1974, Robert Martinson's influential report on the effectiveness of rehabilitative programming led to the widely held view that "nothing works." Recent research suggests that this view is incorrect (Aos, Barnoski, & Lieb, 1998; Coordinating Council on Juvenile Justice and Delinquency Prevention, 1996; Cullen & Gendreau, 2000; Durlak & Wells, 1997; Howell, 1995; Howell & Hawkins, 1998; Lipsey, 1999a, 1999b; Lipsey & Derzon, 1998; Lipsey & Wilson, 1998; Lipsey, Wilson, & Cothorn, 2000; MacKenzie, 2000; Mendel, 2000). Treatment programs can reduce recidivism, often by at least 10%, with much larger effects for well-designed and effectively implemented programs (Cullen & Gendreau, 2000; Lipsey, 1999b; McGuire, 1995). The critical task is to identify which approaches work, for whom, and under what conditions. As Lipsey (1999b) stated, "Rehabilitative programs of a practical 'real world' sort clearly can be effective; the challenge is to design and implement them so that they, in fact, are effective" (p. 641).

Concern about the costs and social consequences of America's swelling prison population helped to generate renewed interest in rehabilitation during the 1990s. Policy makers and justice practitioners called for proven program ideas that could have a substantial effect on offender behavior and perhaps avoid some of the costs of incarceration. Fortunately, research began to generate some useful answers. In recent years, a consensus emerged among researchers that treatment programs will have the most effect when they are grounded in established principles of effective intervention (see e.g., Andrews & Bonta, 1998; Cullen & Gendreau, 2000; Lipsey, 1999a, 1999b). Research suggests that the most effective juvenile justice programs incorporate accurate risk assessments and dynamic/criminogenic needs assessments, focus services on the criminogenic needs of high-risk offenders, rely on a cognitive-behavioral orientation, design customized intervention strategies that focus on the particular needs of each offender, use local and community-based services whenever possible, and provide comprehensive aftercare services for youth after their release from placement or supervision (Table 2).

Accurate assessment is essential for ensuring that an appropriate and effective response is developed for each individual youth. High-

**TABLE 2**  
**Policy and Practice Principles for Reducing**  
**Juvenile Crime: Guidance From Research**

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Utilize different types of interventions

Hold youth accountable with a range of sanctions

- Implement graduated sanctions, including treatment and youth development services, to ensure appropriate, predictable, and proportionate responses whenever delinquent youth commit additional crimes or violate probation or parole.
- Ensure a balance of punishment with rehabilitative and restorative programming.
- Incapacitate and treat chronic, serious, and violent youthful offenders.
- Provide reentry assistance and aftercare during transitions back into communities.

Identify, treat, and rehabilitate offenders

- Use objective risk and needs assessment screening criteria to identify and intervene with youthful offenders who are at highest risk to reoffend or have special service needs.
- Provide immediate intervention and appropriate treatment for delinquent youth.
- Develop treatment programming based on the principles of effective intervention (risk/needs assessment, targeting of criminogenic needs and of high-risk offenders, use of cognitive-behavioral approaches responsive to the unique needs of particular youth, reliance on local, community-based services, and provision of aftercare services).

Intervene early and support prevention

- Support intensive early childhood intervention programs to promote the healthy development of infants and toddlers in high-risk families.
- Provide research-proven treatment and services for young children with behavioral problems and their families.
- Provide a network of programs designed to strengthen communities, families, and schools.
- Organize to reduce the victimization, abuse, and neglect of children and youth.
- Organize to reduce youth involvement with guns, drugs, and gangs.

Emphasize restorative justice

- Include victims, families, and communities in the sanctioning process.
- Facilitate offender reparations to individuals, families, and communities harmed by juvenile offenses.

Target different populations, areas, and organizations

- Coordinate and organize the efforts of all actors in the juvenile justice system (including child welfare, social service agencies, schools, etc.)
- Maintain an appropriate and continuous focus on victims and offenders, their families, schools, and communities.

Share responsibility for interventions

- Mobilize communities to plan and implement comprehensive youth crime prevention strategies that involve families, schools, and neighborhoods.
- Reinforce the idea that crime and crime prevention are as much community responsibilities as government responsibilities.
- Recruit local volunteers and engage community-based organizations to work directly with high-risk and delinquent youth.
- Involve the victims of juvenile crime in the sanctioning process.

TABLE 2 Continued

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Develop and use effective programming to target local needs	
•	Use broad range of diversion programs as alternatives to incarceration
—	Offer alternatives to detention for nondangerous juvenile offenders awaiting trial.
—	Provide alternatives and opportunities for children and youth.
—	Deliver community/family-based treatment for youth that pose minimal risk.
•	Develop alternative programs such as drug courts, teen courts, mental health courts, family group conferencing, and victim-offender mediation to hold young offenders accountable while connecting them to positive resources in their communities.
•	Coordinate services among agencies (juvenile justice, education, mental health, and child welfare) that share responsibility for troubled youth.
•	Implement an aggressive public outreach campaign on effective strategies to combat juvenile crime.
Monitor and evaluate trends, policies, and programs	
•	Monitor and evaluate crime and capacity trends to assist with allocation of resources and assess previous decision making.
•	Use management information and data systems to ensure youth are sanctioned appropriately and to focus incarceration resources on the most serious, violent, and high-risk offenders.
•	Act to correct justice system biases that perpetuate unequal access to treatment and services as well as disproportionate confinement of minority youth.
•	Support the development of high-quality, comprehensive databases and innovative approaches to research and evaluation even if immediate benefits appear to be minimal.

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SOURCES: Coordinating Council on Juvenile Justice and Delinquency Prevention (1996); Cullen and Gendreau (2000); Guarino-Ghezzi and Loughran (1996); Howell (1995); Howell and Hawkins (1998); Lipsey (1999a, 1999b); Lipsey and Wilson (1998); Mendel (2000); Oldenettel and Wordes (2000); Sherman et al. (1997); Wilson and Howell (1993).

risk offenders clearly represent more of a danger to society, and programs will naturally focus a great deal of resources on them, but other youth may respond well to early intervention that could substantially reduce their likelihood of recidivism. Identifying these various subpopulations among juvenile offenders requires accurate assessment. Unfortunately, many jurisdictions rely on informal risk assessment although actuarial-based instruments, such as the Level of Supervision Inventory, are considerably better at identifying high-risk and high-needs offenders (Cullen & Gendreau, 2000; Harland, 1996).

A second principle of effective intervention involves targeting criminogenic needs, or factors that predict recidivism and are amenable to change (e.g., attitudes and behaviors) (Cullen & Gendreau, 2000), as well as factors that may discourage criminal behavior (Howell & Hawkins, 1998). Examples include drug use; education;

vocational training; antisocial attitudes, values, and beliefs; association with criminals; and low self-control and impulsiveness (Andrews & Bonta, 1998). High-risk offenders should be targeted for services because they are the most likely to recidivate and are amenable to treatment (Cullen & Gendreau, 2000; Lipsey et al., 2000).

A third cornerstone of effective intervention is a reliance on *general responsivity*, or the use of programming grounded in cognitive-behavioral treatment modalities that address the particular needs and abilities of specific youth. Cognitive-behavioral approaches, which focus on individual counseling and interpersonal skill development, are well suited to addressing antisocial attitudes, behaviors, and personality characteristics and have been shown to be particularly effective in reducing recidivism among certain populations of offenders (Andrews & Bonta, 1998; Lipsey et al., 2000). However, programs must focus on *specific responsivity*, which means that treatment accommodates the particular strengths and limitations of each offender as well as individual learning styles (Andrews & Bonta, 1998). The emphasis on general and specific responsivity recognizes that juvenile offender populations may differ considerably. For example, research increasingly suggests that adolescent girls may have needs that are distinct or potentially more pronounced than those of boys, including patterns of physical, sexual, and emotional abuse and victimization as well as self-abuse or criminal behavior (Prescott, 1998).

Finally, where possible, intervention programs should be located in the same communities where their clients reside to allow for greater community involvement and to assist offenders with transitioning back into social environments that might have contributed to their behavior (see, generally, Cullen & Gendreau, 2000). For youth with serious substance abuse problems or mental illness or histories of sex or violent offending, follow-up services must be provided after release from probation, incarceration, or any other form of supervision. As always, it is important that treatment programs be implemented as designed, that they be well staffed, and that treatment and service delivery be monitored and evaluated routinely.

Policy makers inevitably ask, "But is treatment and rehabilitation cost-effective?" The answer, almost invariably, is yes, assuming that treatment is based on principles of effective intervention and is implemented appropriately and consistently. Cost-benefit analyses have

shown that effective rehabilitative programs, especially those targeting high-risk offenders, can provide substantial long-term savings (Cohen, 1998; Greenwood, Model, Rydell, & Chiesa, 1996). As Snyder and Sickmund (1999) noted, "Under almost any reasonable set of assumptions, intervention efforts that are narrowly focused on high-risk youth and that succeed at least some of the time are likely to pay for themselves many times over" (p. 83).

One of the most widely known and evaluated treatment programs that embodies many of the principles of effective intervention described earlier is multisystemic therapy (MST) (Henggeler, 1997, 1999). MST has been shown to reduce recidivism among high-risk, serious offenders and to be effective across many different places (Cullen & Gendreau, 2000). It is grounded in the notion that individuals are parts of interconnected family, school, peer, and neighborhood systems and that individual behavior can be influenced by any or all of these factors. Thus, MST focuses on systematically addressing each dimension (i.e., developing family strengths, disengaging youth from peer influences, etc.).

MST may be one of the more widely known programs for juvenile offenders, but it is not the only program with documented results. Researchers have evaluated a range of other programs that focus on individual, family, and community interventions, and these studies are available for review by policy makers and practitioners (e.g., American Youth Policy Forum, 1997; Coordinating Council on Juvenile Justice and Delinquency Prevention, 1996; Cullen & Gendreau, 2000; Elliott, 1998; Howell, 1995; Lipsey & Wilson, 1998; MacKenzie, 2000; McCord, Widom, & Crowell, 2001; McGuire, 1995; Mendel, 2000; Mrazek & Haggerty, 1994).

Of course, some interventions have been studied and found not to work, including boot camps, simple incarceration, and increased sentence lengths. Indeed, research suggests that these interventions may actually increase recidivism (Cullen & Gendreau, 2000; MacKenzie, 2000). Unwanted effects are especially likely when programs fail to implement rehabilitative programming and aftercare services along with punitive sanctions (Cullen & Gendreau, 2000). Given the emphasis on get-tough reforms during the past decade, such findings assume particular importance because they suggest many states have focused their juvenile justice resources on the very interventions that are least

likely to reduce juvenile crime. Although it may be an increasingly acceptable practice to impose sanctions on juveniles for purely retributive purposes, it is important for policy makers to realize that such measures are unlikely to have long-term benefits for the community as a whole.

### PREVENTION AND EARLY INTERVENTION

There has also been a renewed and growing interest in prevention and early intervention in recent years. Studies show that such efforts can significantly reduce both criminal behavior and other unhealthy or injurious social behaviors (see e.g., Coordinating Council on Juvenile Justice and Delinquency Prevention, 1996; Howell, 1995; Mrazek & Haggerty, 1994; Sherman et al., 1997). Yet, prevention and early intervention programs are difficult to sustain politically because their effects are often evident only in the long term. For policy makers who want to demonstrate a short-term effect on public safety, such policies may lack appeal. Effective prevention and early intervention programs, however, provide the greatest chance of achieving lasting benefits to individuals, communities, and society at large.

For example, programs that target young children with conduct disorders may reduce behavior problems in 70% to 90% of the children involved through the use of parent training and social competency development (Mendel, 2000). Indeed, researchers have found that prevention policies are cost-effective and that the earlier an intervention occurs, the more likely it is to be cost-effective and to reduce negative outcomes such as criminal behavior (Aos et al., 1998; Cohen, 1998; Coordinating Council on Juvenile Justice and Delinquency Prevention, 1996; Crowe, 1998; Cullen & Gendreau, 2000; Durlak & Wells, 1997; McCord et al., 2001; Mendel, 2000; Mrazek & Haggerty, 1994).

There are many varieties of prevention and early intervention initiatives (see Mrazek & Haggerty, 1994). They can be classified according to the following two dimensions: the target of the intervention (specific individuals, groups, populations, social/geographic locations, etc.) and the timing of the intervention (prior to the development of a problem, as soon as certain risk/need markers emerge, immediately after a problem has emerged, only after a certain threshold of

problem severity has arisen, etc.). Clearly, many juvenile justice interventions are aimed at individuals (i.e., youthful offenders) who have already shown evidence of a problem (i.e., delinquent behavior). One of the more important trends in recent years, however, is the recognition that crime problems may be most effectively prevented by targeting interventions on specific groups (e.g., at-risk youth) or on communities rather than individuals.

One prominent example is the Boston Gun Project (see Braga, Kennedy, Piehl, & Waring, 2000), which used a problem-oriented policing strategy to substantially reduce gun-related crime. The Boston Gun Project focused on a particular problem, high homicide victimization rates among youth, and selectively targeted the high-profile gangs that committed most of the homicides. The project's strategy emerged from discussions among researchers, police, juvenile and criminal justice practitioners, and local community organizations. They reviewed the findings of quantitative and qualitative research on the nature and causes of youth crime in Boston, and the intervention that emerged reflected an understanding of local problems coupled with systematic, coordinated action. The strategy involved not only the police but also the entire community (youth workers, probation and parole officers, churches and community groups, etc.). The success of the Boston Gun Project shows that targeted, problem-centered, collaborative interventions can work. Their success may stem from drawing on the strengths of many different groups, being selective about the problem being addressed and the strategy for changing it, and taking proactive steps to stop or reduce a problem rather than merely reacting to it.

Other types of prevention and early intervention initiatives have focused on specific factors linked to crime and on different groups or areas. In recent years, for example, researchers have found support for community-, school-, and family-oriented interventions designed to prevent crime and other problems or to reduce their prevalence (Sherman et al., 1997). Effective family-based interventions (e.g., functional family therapy) can focus on risk factors such as poor socialization practices, family conflict, low parental/child attachment, and lack of supervision and discipline (Alvarado & Kumpfer, 2000). School-based interventions, such as Families and Schools Together (McDonald & Frey, 1999), focus on early and persistent antisocial be-

havior, academic progress, and gun and drug availability within schools (Howell, 1995; Mrazek & Haggerty, 1994). At the community level, potential targets for effective intervention can include reducing drug and gun availability, enhancing neighborhood organization and integration, alleviating poverty, and reducing media portrayals of violence (Coordinating Council on Juvenile Justice and Delinquency Prevention, 1996). Without careful implementation, however, interventions targeting these factors are unlikely to have a substantial effect (Mendel, 2000). In each instance, research indicates that the most effective policies and programs are those that reduce or eliminate risk factors while enhancing protective factors that minimize the likelihood of crime occurrence (Coordinating Council on Juvenile Justice and Delinquency Prevention, 1996; Howell, 1995; Sherman et al., 1997; Wilson & Howell, 1993).

For youth entering the juvenile justice system, early assessment and intervention in cases of substance abuse, mental health, and co-occurring disorders may be one of the most prominent program strategies of the past decade (Cocozza & Skowyra, 2000; Crowe, 1998; Durlak & Wells, 1997; Mendel, 2000; Tonry & Wilson, 1990). Recent research suggests the importance of adopting several strategies for addressing the needs of youthful offenders, with early screening representing one of the most important tools for effective intervention:

All individuals entering the criminal justice system should be screened for mental health and substance use disorders. Universal screenings are warranted due to the high rates of co-occurring disorders among individuals in the criminal justice system and to the negative consequences for nondetection of these disorders. (Peters & Bartoi, 1997, p. 6; also see Howell, 1995; Morris, Steadman, & Veysey, 1997)

Additional strategies that can effectively address offender needs include screening and assessment throughout all stages of juvenile court processing, use of court liaisons to ensure that offender needs are addressed throughout processing, development of crisis intervention and short-term treatment programs, coordination and collaboration with local and state agencies, and implementation of discharge plans and assistance with transitioning offenders to specific services (Morris et al., 1997). Truly effective interventions are ultimately derived

from empirical knowledge about crime problems and the risks and needs of youth in specific communities. As Howell and Hawkins (1998) emphasized,

To be effective, a change strategy must be grounded in research on the problems to be addressed. Communities are likely to have different profiles of risk and protection. The greatest effects will likely result from interventions that address those factors that put children in a particular community at most danger of developing criminal or violent behavior. (p. 301)

### TRANSFORMING JUVENILE JUSTICE

Public discussions about juvenile justice usually focus on the big issues, such as the legal ethics of criminal court transfer, the value of punishment versus rehabilitation, and the relative effectiveness of prevention. Although elected officials and the general public concentrated on these issues during recent decades, there was another, vitally important area of policy and program development undertaken by professionals inside the juvenile justice system. In many areas of the country, judges, attorneys, probation workers, and others were transforming the administration and organization of juvenile justice. These changes show great promise for creating more effective approaches to addressing juvenile crime.

For example, many parts of the juvenile justice system have begun to adopt the framework of *community justice* or *problem-solving justice*. Drawing on various program innovations, including community crime prevention, community policing, community prosecution, and community courts, the concept of community justice refocuses the nature of justice system intervention (see e.g., Connor, 2000; Karp & Clear, 2000; Rottman & Casey, 1999). Rather than simply identifying offenders, weighing the evidence against them, and imposing punishment, the community justice perspective calls on all actors in the justice system to use the processes of investigation, arrest, prosecution, and sentencing to solve problems in the community. Each incident of criminal behavior is viewed within the context of the community in which it occurs, and professionals within the justice system work to

develop relationships with community leaders and other residents to understand why crime happens and to prevent future occurrences.

A community justice perspective shifts the focus of the justice system to the well-being of the entire community, and the community becomes the client for all crime-fighting agencies. Within juvenile justice, this shift in focus was suggested by the Office of Juvenile Justice and Delinquency Prevention's *Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders* (Wilson & Howell, 1993) and the Coordinating Council on Juvenile Justice and Delinquency Prevention's (1996) *National Juvenile Justice Action Plan*, both of which feature prominent emphases on community-based initiatives.

Another equally important shift in juvenile justice thinking is the growing emphasis on *restorative justice*. Restorative justice is an alternative framework for justice system intervention, replacing or at least counterbalancing retributive justice. Whereas retributive justice ensures that each offender suffers a punishment in proportion to the harm inflicted on the victim of the offense, restorative justice provides a means for each offender to restore that harm or at least to compensate the victim even if the victim is only the general community. There are several programs and interventions that could be called part of the restorative justice movement, but the most popular are victim-offender mediation and family group conferencing. The number of these programs increased sharply during the 1990s, and research suggests that they may offer an effective alternative to traditional court processing, especially for young offenders (Bazemore & Umbreit, 1995, 2001; McGarrell, Olivares, Crawford, & Kroovand, 2000).

Courts themselves are also being reinvented by the juvenile justice system. Many jurisdictions recently began to experiment with specialized courts for young offenders, especially teen courts and juvenile drug courts. The number of teen courts across the country increased from a few dozen programs in the 1970s to more than 600 by the end of the 1990s (Butts & Buck, 2000). In some jurisdictions, such as Anchorage, Alaska, teen courts are beginning to shoulder a majority of law enforcement referrals involving first-time delinquent offenders charged with relatively minor offenses, and early evaluations on these programs are beginning to show promise.

In addition to new program models, many states are implementing the graduated sanctioning approach (Howell, 1995; Torbet et al.,

1996). Grounded in both research and common sense, graduated sanctioning ensures that there is at least some response to each instance of illegal behavior as juveniles begin to violate the law. In jurisdictions that embrace graduated sanctioning, there is a full continuum of sanctions available for responding to young offenders, including immediate sanctions for first-time offenders, intermediate and community-based sanctions for more serious offenders, and secure/residential placement for those youth who commit especially serious or violent offenses. Such approaches have the ability to introduce a greater degree of consistency in how youth within and across jurisdictions are sanctioned. More importantly, they can promote balanced and restorative sanctioning that includes victims, families, and communities; relies on the demonstrated effectiveness of rehabilitation and treatment; and emphasizes responsiveness, accountability, and responsibility as cornerstones of an effective juvenile justice system. (For more discussion of restorative justice concepts, see the articles by Bazemore, 2001 [this issue], Braithwaite, 2001 [this issue], and Karp & Breslin, 2001 [this issue].)

Many jurisdictions are also discovering the importance of providing better and earlier screening and assessment of youth to identify those with special needs and to provide appropriate and timely interventions (Cocozza & Skowrya, 2000; Crowe, 1998; Rivers & Anwyl, 2000). Juvenile Assessment Centers (JACs), for example, are an emerging approach. JACs provide centralized, systematic, and consistent assessment of youth referred to the juvenile justice system. The underlying goal of a JAC is to provide an empirical basis for decision making for young offenders (Rivers & Anwyl, 2000). Potential benefits of the JAC model include the ability to identify and eliminate gaps and redundancies in services, better integration of case management, improved communication among agencies, greater awareness of youth needs, more appropriate interventions, and ultimately, improved outcomes for youth (Oldenettel & Wordes, 2000).

The lack of coordination and collaboration among service agencies is one of the most potent barriers to effectively preventing and reducing juvenile crime (Cocozza & Skowrya, 2000; Howell, 1995; Lipsey, 1999a; Lipsey & Wilson, 1998; Rivers, Dembo, & Anwyl, 1998; Slayton, 2000). Traditionally, human services agencies were established to provide specific programs (substance use/abuse interven-

tion, sex offender treatment, education, mental health, etc.), and each agency worked individually with its own particular client population. The result was often inefficient and ineffective interventions, and jurisdictions found it difficult to identify and work with youth who presented co-occurring disorders involving mental health problems, family problems, substance abuse, educational deficits, and other social problems (Peters & Bartoi, 1997; Peters & Hills, 1997). In response, many states have made intra- and interagency collaboration a priority in recent years (National Criminal Justice Association, 1997; Rivers & Anwyl, 2000).

Finally, in recent years, jurisdictions across the country began to recognize the need for greater investments in long-term planning as well as research and evaluation of their policies and programs (Danegger, Cohen, Hayes, & Holden, 1999). Research and evaluation in juvenile justice has been difficult in the past due to the lack of quality data. During the 1980s and 1990s, however, many states worked to enhance their data collection and analysis capacity as well as their ability to share information across agency boundaries (National Criminal Justice Association, 1997; Torbet et al., 1996). Confidentiality and privacy issues have required agencies to move carefully in this area, but the juvenile justice system has gained much from the increased availability of reliable and valid data for monitoring program operations and evaluating interventions. With sound, reliable data, agencies can assess whether a particular policy, such as a change in sentencing, has been implemented consistently (Mears, 1998). They are also more likely to identify any unintended consequences that could offset the potential benefits of a new policy (National Criminal Justice Association, 1997). With good information, agencies are beginning to finally be able to answer those all-important questions: "What works, when, and for whom?"

## CONCLUSION

Juvenile justice policy received much attention during the 1980s and 1990s. Policy makers implemented a range of new programs designed to make the system tougher. Even as the rate of juvenile violence dropped from 1994 through 2000, policy makers continued to

demand that young offenders be transferred more often to adult courts and treated with more harshness by juvenile courts. Researchers investigated the effects of these changes but were unable to detect any clear benefits. The broader use of criminal court transfer, for example, did not appear to increase public safety significantly either in terms of individual behavior by affected juveniles or in the overall rate of juvenile crime.

While the critics of juvenile justice were focusing on criminal court transfer, professionals within the juvenile justice system continued working to develop new program models and intervention strategies. Juvenile justice practitioners improved the quality and scope of prevention, broadened the range of treatment techniques for juveniles, and enhanced the community orientation of the juvenile justice system. In the past 20 years, state and local agencies have produced a steady stream of new ideas in substance abuse treatment, family-focused interventions, and community-wide crime prevention. These lesser known innovations, supported by the findings of evaluative research, helped to revive the juvenile justice system in the face of withering attacks from the political arena.

For the juvenile system to survive another century, policy makers, practitioners, and researchers will need to work together to focus on what works and to avoid polarizing debates that result in symbolic and ineffective policies. It is tempting for each new generation of policy makers to look for a silver-bullet solution to juvenile crime, but it is highly unlikely that such a strategy will generate lasting rewards. The public will benefit far more from a juvenile justice system that focuses on broad prevention efforts, early intervention with young offenders, proven rehabilitation programs, and meticulous administration. An effective system would rely on community- and restorative-based models of justice as well as greater collaboration and communication among child welfare, social service, and justice agencies.

Effective juvenile justice policy will always include the use of incarceration, but lawmakers must realize that beyond the immediate benefits of incapacitation, getting tough on juvenile offenders has limited long-term value for crime prevention and public safety. Ultimately, responsible juvenile justice policy comes from being clear about who or what is the target of each intervention, focusing first on the conditions that are most susceptible to change and least costly to

change, carefully implementing and monitoring interventions, and continually evaluating whether each intervention actually works. A juvenile justice system in this mold would be more efficient and effective. It would embody the principles envisioned by the founders of the juvenile court and be consistent with the theoretical foundations of community and restorative justice.

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