Juvenile Corrections: Probation, Community Treatment, and Institutionalization

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Contemporary Juvenile Probation
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CHAPTER OBJECTIVES

After reading this chapter you should:

1. Be able to distinguish between community treatment and institutional treatment for juvenile offenders.
2. Be familiar with the disposition of probation, including how it is administered and by whom and recent trends in its use compared with other dispositions.
3. Be aware of new approaches for providing probation services to juvenile offenders and comment on their effectiveness in reducing recidivism.
4. Understand key historical developments of secure juvenile corrections in this country, including the principle of least restrictive alternative.
5. Be familiar with recent trends in the use of juvenile institutions for juvenile offenders and how their use differs across states.
6. Understand key issues facing the institutionalized juvenile offender.
7. Be able to identify the various juvenile correctional treatment approaches that are in use today and comment on their effectiveness in reducing recidivism.
8. Know the nature of aftercare for juvenile offenders.
There is a wide choice of correctional treatments available for juveniles, which can be subdivided into two major categories: community treatment and institutional treatment. Community treatment refers to efforts to provide care, protection, and treatment for juveniles in need. These efforts include probation; treatment services (such as individual and group counseling); restitution; and other programs. The term community treatment also refers to the use of privately maintained residences, such as foster homes, small-group homes, and boarding schools, which are located in the community. Nonresidential programs, where youths remain in their own homes but are required to receive counseling, vocational training, and other services, also fall under the rubric of community treatment.

Institutional treatment facilities are correctional centers operated by federal, state, and county governments; these facilities restrict the movement of residents through staff monitoring, locked exits, and interior fence controls. There are several types of institutional facilities in juvenile corrections, including reception centers that screen juveniles and assign them to an appropriate facility; specialized facilities that provide specific types of care, such as drug treatment; training schools or reformatories for youths needing a long-term secure setting; ranch or forestry camps that provide long-term residential care; and boot camps, which seek to rehabilitate youth through the application of rigorous physical training.

Choosing the proper mode of juvenile corrections can be difficult. Some experts believe that any hope for rehabilitating juvenile offenders and resolving the problems of juvenile crime lies in community treatment programs. Such programs are smaller than secure facilities for juveniles, operate in a community setting, and offer creative approaches to treating the offender. In contrast, institutionalizing young offenders may do more harm than good. It exposes them to prisionlike conditions and to more experienced delinquents without giving them the benefit of constructive treatment programs.

Those who favor secure treatment are concerned about the threat that violent young offenders present to the community and believe that a stay in a juvenile institu-
tion may have a long-term deterrent effect. They point to the findings of Charles Murray and Louis B. Cox, who uncovered what they call a *suppression effect*, a reduction in the number of arrests per year following release from a secure facility, which is not achieved when juveniles are placed in less punitive programs. Murray and Cox concluded that the justice system must choose which outcome its programs are aimed at achieving: prevention of delinquency, or the care and protection of needy youths. If the former is a proper goal, institutionalization or the threat of institutionalization is desirable. Not surprisingly, secure treatment is still being used extensively, and the populations of these facilities continue to grow as state legislators pass more stringent and punitive sentencing packages aimed at repeat juvenile offenders.

**JUVENILE PROBATION**

**Probation** and other forms of community treatment generally refer to nonpunitive legal dispositions for delinquent youths, emphasizing treatment without incarceration. Probation is the primary form of community treatment used by the juvenile justice system. A juvenile who is on probation is maintained in the community under the supervision of an officer of the court. Probation also encompasses a set of rules and conditions that must be met for the offender to remain in the community. Juveniles on probation may be placed in a wide variety of community-based treatment programs that provide services ranging from group counseling to drug treatment.

Community treatment is based on the idea that the juvenile offender is not a danger to the community and has a better chance of being rehabilitated in the community. It provides offenders with the opportunity to be supervised by trained personnel who can help them reestablish forms of acceptable behavior in a community setting. When applied correctly, community treatment maximizes the liberty of the individual while at the same time vindicating the authority of the law and protecting the public; promotes rehabilitation by maintaining normal community contacts; avoids the negative effects of confinement, which often severely complicate the reintegration of the offender into the community; and greatly reduces the financial cost to the public.

**Historical Development**

Although the major developments in community treatment have occurred in the twentieth century, its roots go back much further. In England, specialized procedures for dealing with youthful offenders were recorded as early as 1820, when the magistrates of the Warwickshire quarter sessions (periodic court hearings held in a county, or shire, of England) adopted the practice of sentencing youthful criminals to prison terms of one day, then releasing them conditionally under the supervision of their parents or masters.

In the United States, juvenile probation developed as part of the wave of social reform characterizing the latter half of the nineteenth century. Massachusetts took the first step. Under an act passed in 1869, an agent of the state board of charities was authorized to appear in criminal trials involving juveniles, to find them suitable homes, and to visit them periodically. These services were soon broadened, so that by 1890 probation had become a mandatory part of the court structure.

Probation was a cornerstone in the development of the juvenile court system. In fact, in some states, supporters of the juvenile court movement viewed probation as the first step toward achieving the benefits that the new court was intended to provide. The rapid spread of juvenile courts during the first decades of the twentieth century encouraged the further development of probation. The two were closely related, and to a large degree, both sprang from the conviction that the young could be rehabilitated and that the public was responsible for protecting them.
Expanding Community Treatment

By the mid-1960s, juvenile probation had become a complex institution that touched the lives of an enormous number of children. To many experts, institutionalization of even the most serious delinquent youths was a mistake. Reformers believed that confinement in a high-security institution could not solve the problems that brought a youth into a delinquent way of life, and that the experience could actually help amplify delinquency once the youth returned to the community. Surveys indicating that 30 to 40 percent of adult prison inmates had prior experience with the juvenile court, and that many had been institutionalized as youths, gave little support to the argument that an institutional experience can be beneficial or reduce recidivism.

Contemporary Juvenile Probation

Traditional probation is still the backbone of community-based corrections. As Figure 14.1 shows, almost 400,000 juveniles were placed on formal probation in 1999, which amounts to more than 60 percent of all juvenile dispositions. The use of probation has increased significantly since 1990, when around 220,000 adjudicated youths were placed on probation. These figures show that, regardless of public sentiment, probation continues to be a popular dispositional alternative for judges. Here are the arguments in favor of probation:

1. For youths who can be supervised in the community, probation represents an appropriate disposition.
2. Probation allows the court to tailor a program to each juvenile offender, including those involved in interpersonal offenses.
3. The justice system continues to have confidence in rehabilitation, while accommodating demands for legal controls and public protection, even when case-loads may include many more serious offenders than in the past.
4. Probation is often the disposition of choice, particularly for status offenders.
The Nature of Probation

In most jurisdictions, probation is a direct judicial order that allows a youth who is found to be a delinquent or status offender to remain in the community under court-ordered supervision. A probation sentence implies a contract between the court and the juvenile. The court promises to hold a period of institutionalization in abeyance; the juvenile promises to adhere to a set of rules mandated by the court. The rules of probation vary, but they typically involve conditions such as attending school or work, keeping regular hours, remaining in the jurisdiction, and staying out of trouble.

In the juvenile court, probation is often ordered for an indefinite period. Depending on the statutes of the jurisdiction, the seriousness of the offense, and the juvenile’s adjustment on probation, youths can remain under supervision until the court no longer has jurisdiction over them (that is, when they reach the age of majority). State statutes determine if a judge can specify how long a juvenile may be placed under an order of probation. In most jurisdictions, the status of probation is reviewed regularly to ensure that a juvenile is not kept on probation needlessly. Generally, discretion lies with the probation officer to discharge youths who are adjusting to the treatment plan.

Conditions of Probation

Probation conditions are rules mandating that a juvenile on probation behave in a particular way. They can include restitution or reparation, intensive supervision, intensive counseling, participation in a therapeutic program, or participation in an educational or vocational training program. In addition to these specific conditions, state statutes generally allow courts to insist that probationers lead law-abiding lives, maintain a residence in a family setting, refrain...
from associating with certain types of people, and remain in a particular area unless they have permission to leave.

Although probation conditions vary, they are never supposed to be capricious, cruel, or beyond the capacity of the juvenile to satisfy. Furthermore, conditions of probation should relate to the crime that was committed and to the conduct of the child. Courts have invalidated probation conditions that were harmful or that violated the juvenile’s due process rights. Restricting a child’s movement, insisting on a mandatory program of treatment, ordering indefinite terms of probation, and demanding financial reparation where this is impossible are all grounds for appellate court review. For example, it would not be appropriate for a probation order to bar a youth from visiting his girlfriend (unless he had threatened or harmed her) merely because her parents objected to the relationship. However, courts have ruled that it is permissible to bar juveniles from such sources of danger as a “known gang area” in order to protect them from harm.

If a youth violates the conditions of probation—and especially if the juvenile commits another offense—the court can revoke probation. In this case, the contract is terminated and the original commitment order may be enforced. The juvenile court ordinarily handles a decision to revoke probation upon recommendation of the probation officer. Today, as a result of Supreme Court decisions dealing with the rights of adult probationers, a juvenile is normally entitled to legal representation and a hearing when a violation of probation occurs.

Organization and Administration

Probation services are administered by the local juvenile court, or by the state administrative office of courts, in twenty-three states and the District of Columbia. In another fourteen states, juvenile probation services are split, with the juvenile court having control in urban counties and a state executive serving in smaller counties. About ten states have a statewide office of juvenile probation located in the executive branch. In three states, county executives administer probation. These agencies employ an estimated eighteen thousand probation officers throughout the United States.

In the typical juvenile probation department, the chief probation officer is central to its effective operation. In addition, large probation departments include one or more assistant chiefs, each of whom is responsible for one aspect of probation service. One assistant chief might oversee training, another might supervise special offender groups, and still another might act as liaison with police or community-service agencies.

Duties of Juvenile Probation Officers

The juvenile probation officer plays an important role in the justice process, beginning with intake and continuing throughout the period in which a juvenile is under court supervision. Probation officers are involved at four stages of the court process. At intake, they screen complaints by deciding to adjust the matter, refer the child to an agency for service, or refer the case to the court for judicial action. During the predisposition stage, they participate in release or detention decisions. At the post-adjudication stage, they assist the court in reaching its dispositional decision. During postdisposition, they supervise juveniles placed on probation.

At intake, the probation staff has preliminary discussions with the child and the family to determine whether court intervention is necessary or whether the matter can be better resolved by some form of social service. If the child is placed in a detention facility, the probation officer helps the court decide whether the child should continue to be held or be released pending the adjudication and disposition of the case.

The probation officer exercises tremendous influence over the child and the family by developing a social investigation, or predisposition report, and submitting it to the court. This report is a clinical diagnosis of the child’s problems and the need for
Juvenile probation officers provide supervision and treatment in the community. The treatment plan is a product of the intake, diagnostic, and investigative aspects of probation. Treatment plans vary in terms of approach and structure. Some juveniles simply report to the probation officer and follow the conditions of probation. In other cases, juvenile probation officers will supervise young people more intensely, monitor their daily activities, and work with them in directed treatment programs. Here, a juvenile probation officer and police officer talk with Crips gang members in California.

Court assistance based on an evaluation of social functioning, personality, and environmental issues. The report includes an analysis of the child’s feelings about the violations and the child’s capacity for change. It also examines the influence of family members, peers, and other environmental influences in producing and possibly resolving the problems. All of this information is brought together in a complex but meaningful picture of the offender’s personality, problems, and environment.

Juvenile probation officers also provide the child with supervision and treatment in the community. Treatment plans vary in approach and structure. Some juveniles simply report to the probation officer and follow the conditions of probation. In other cases, juvenile probation officers will supervise young people more intensely, monitor their daily activities, and work with them in directed treatment programs. Here, a juvenile probation officer and police officer talk with Crips gang members in California.

Checkpoints

- Community treatment refers to efforts to provide care, protection, and treatment for juveniles in need.
- Institutional treatment facilities restrict the movement of residents through staff monitoring, locked exits, and interior fence controls.
- Probation is the primary form of community treatment used by the juvenile justice system.
- First developed in Massachusetts, probation had become a cornerstone of the court structure by 1890.
- Massachusetts has closed most of its secure juvenile facilities and relies almost entirely on community treatment.
- Probation is a direct judicial order that allows a youth to remain in the community under court-ordered supervision.
- Probation conditions are rules mandating that a juvenile on probation behave in a particular way.
- The juvenile probation officer plays an important role in the justice process, beginning with intake and continuing throughout the period in which a juvenile is under court supervision.

To quiz yourself on this material, go to questions 14.1–14.9 on the Juvenile Delinquency: The Core 2e Web site.

Exhibit 14.1 Duties of the Juvenile Probation Officer

- Provide direct counseling and casework services.
- Interview and collect social service data.
- Make diagnostic recommendations.
- Maintain working relationships with law enforcement agencies.
- Use community resources and services.
- Direct volunteer case aides.
- Write predisposition or social investigation reports.
- Work with families of children under supervision.
- Provide specialized services, such as group therapy.
- Supervise specialized caseloads involving children with special problems.
- Make decisions about revocation of probation and its termination.
PROBATION INNOVATIONS

Community corrections have traditionally emphasized offender rehabilitation. The probation officer has been viewed as a caseworker or counselor whose primary job is to help the offender adjust to society. Offender surveillance and control have seemed more appropriate for law enforcement, jails, and prisons than for community corrections. Since 1980, a more conservative justice system has reoriented toward social control. Although the rehabilitative ideals of probation have not been abandoned, new programs have been developed that add a control dimension to community corrections. In some cases this has involved the use of police officers, working in collaboration with probation officers, to enhance the supervision of juvenile probationers. These programs can be viewed as “probation plus,” because they add restrictive penalties and conditions to community-service orders. More punitive than probation, this kind of intermediate sanction can be politically attractive to conservatives, while still appealing to liberals as alternatives to incarceration. What are some of these new alternative sanctions (see Concept Summary 14.1 below)?

Intensive Supervision

Juvenile intensive probation supervision (JIPS) involves treating offenders who would normally have been sent to a secure treatment facility as part of a very small probation caseload that receives almost daily scrutiny. The primary goal of JIPS is decarceration; without intensive supervision, youngsters would normally be sent to secure juvenile facilities that are already overcrowded. The second goal is control; high-risk juvenile offenders can be maintained in the community under much closer security than traditional probation efforts can provide. A third goal is maintaining community ties and reintegration; offenders can remain in the community and complete their education while avoiding the pains of imprisonment.

Intensive probation programs get mixed reviews. Some jurisdictions find that they are more successful than traditional probation supervision and come at a much cheaper cost than incarceration. However, most research indicates that the failure rate is high and that younger offenders who commit petty crimes are the most likely to fail when placed in intensive supervision programs. It is not surprising that intensive probation clients fail more often because, after all, they are more serious offenders who might otherwise have been incarcerated and are now being watched and supervised more closely than probationers.

Concept Summary 14.1

Community-Based Corrections

Although correctional treatment in the community generally refers to nonpunitive legal dispositions, in most cases there are still restrictions designed to protect the public and hold juvenile offenders accountable for their actions.

<table>
<thead>
<tr>
<th>Type</th>
<th>Main Restrictions</th>
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<tbody>
<tr>
<td>Probation</td>
<td>Regular supervision by a probation officer; youth must adhere to conditions such as attend school or work, stay out of trouble.</td>
</tr>
<tr>
<td>Intensive supervision</td>
<td>Almost daily supervision by a probation officer; adhere to similar conditions as regular probation.</td>
</tr>
<tr>
<td>House arrest</td>
<td>Remain at home during specified periods; often there is monitoring through random phone calls, visits, or electronic devices.</td>
</tr>
<tr>
<td>Balanced probation</td>
<td>Restrictions are tailored to the risk the juvenile offender presents to the community.</td>
</tr>
<tr>
<td>Restitution</td>
<td>None.</td>
</tr>
<tr>
<td>Residential programs</td>
<td>Placement in a residential, nonsecure facility such as group home or foster home; adhere to conditions; close monitoring.</td>
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juvenile intensive probation supervision (JIPS)

A true alternative to incarceration that involves almost daily supervision of the juvenile by the probation officer assigned to the case.
An innovative experiment in three Mississippi counties examined the differential effects on juvenile justice costs for intensive supervision and monitoring, regular probation, and cognitive behavioral treatment, which involved sessions on problem solving, social skills, negotiation skills, the management of emotion, and values enhancement, to improve the thinking and reasoning ability of juvenile offenders. After one year of the program, the intensive supervision treatment was found to be less cost-effective than the other two treatments, with the cognitive behavioral treatment imposing the fewest costs on the juvenile justice system.18

Electronic Monitoring

Another program, which has been used with adult offenders and is finding its way into the juvenile justice system, is house arrest, which is often coupled with electronic monitoring. This program allows offenders sentenced to probation to remain in the community on condition that they stay at home during specific periods (for example, after school or work, on weekends, and in the evenings). Offenders may be monitored through random phone calls, visits, or in some jurisdictions, electronic devices.

Most systems employ radio transmitters that receive a signal from a device worn by the offender and relay it back to the computer via telephone lines. Probationers are fitted with an unremovable monitoring device that alerts the probation department’s computers if they leave their place of confinement.19

Recent indications are that electronic monitoring can be effective. Evaluations show that recidivism rates are no higher than in traditional programs, costs are lower, and institutional overcrowding is reduced. Also, electronic monitoring seems to work better with some individuals than others: serious felony offenders, substance abusers, repeat offenders, and people serving the longest sentences are the most likely to fail.20

Electronic monitoring combined with house arrest is being hailed as one of the most important developments in correctional policy. Its supporters claim that it has the benefits of relatively low cost and high security, while at the same time it helps offenders avoid imprisonment in overcrowded, dangerous state facilities. Furthermore, fewer supervisory officers are needed to handle large numbers of offenders. Despite these strengths, electronic monitoring has its drawbacks: existing systems can be affected by faulty telephone equipment, most electronic monitoring/house arrest programs do not provide rehabilitation services, and some believe electronic monitoring is contrary to a citizen’s right to privacy.21
Balanced Probation

In recent years some jurisdictions have turned to a balanced probation approach in an effort to enhance the success of probation. Balanced probation systems integrate community protection, the accountability of the juvenile offender, and individualized attention to the offender. These programs are based on the view that juveniles are responsible for their actions and have an obligation to society whenever they commit an offense. The probation officer establishes a program tailored to the offender while helping the offender accept responsibility for his or her actions. The balanced approach is promising because it specifies a distinctive role for the juvenile probation system.

One promising program that adheres to a balanced probation approach is the California 8% Solution, which is run by the Orange County Probation Department. The “8 percent” refers to the percentage of juvenile offenders who are responsible for the majority of crime: in the case of Orange County, 8 percent of first-time offenders were responsible for 55 percent of repeat cases over a three-year period. This 8 percent problem has become the 8 percent solution thanks to the probation department initiating a comprehensive, multiagency program targeting this group of offenders.

Once the probation officer identifies an offender for the program—the 8% Early Intervention Program—the youth is referred to the Youth and Family Resource Center. Here the youth’s needs are assessed and an appropriate treatment plan is developed. Some of the services provided to youths include these:

- An outside school for students in junior and senior high school
- Transportation to and from home
- Counseling for drug and alcohol abuse
- Employment preparation and job placement services
- At-home, intensive family counseling for families

Although balanced probation programs are still in their infancy and their effectiveness remains to be tested, they have generated great interest because of their potential for relieving overcrowded correctional facilities and reducing the pain and stigma of incarceration. There seems to be little question that the use of these innovations, and juvenile probation in general, will increase in the years ahead. Given the $40,000 cost of a year’s commitment to a typical residential facility, it should not be a great burden to develop additional probation services.

Restitution

Victim restitution is another widely used method of community treatment. In most jurisdictions, restitution is part of a probationary sentence and is administered by the county probation staff. In many jurisdictions, independent restitution programs have been set up by local governments; in others, restitution is administered by a private nonprofit organization.

Restitution can take several forms. A juvenile can reimburse the victim of the crime or donate money to a charity or public cause; this is referred to as monetary restitution. In other instances, a juvenile may be required to provide some service directly to the victim (victim service restitution) or to assist a community organization (community service restitution).

Requiring youths to reimburse the victims of their crimes is the most widely used method of restitution in the United States. Less widely used, but more common in Europe, is restitution to a charity. In the past few years numerous programs have been set up to enable juvenile offenders to provide a service to the victim or participate in community programs—for example, working in schools for mentally challenged children. In some cases, juveniles are required to contribute both money and community service. Other programs emphasize employment.
Restitution programs can be employed at various stages of the juvenile justice process. They can be part of a diversion program prior to conviction, a method of informal adjustment at intake, or a condition of probation. Restitution has a number of advantages: it provides alternative sentencing options; it offers monetary compensation or service to crime victims; it allows the juvenile the opportunity to compensate the victim and take a step toward becoming a productive member of society; it helps relieve overcrowded juvenile courts, probation caseloads, and detention facilities. Finally, like other alternatives to incarceration, restitution has the potential for allowing vast savings in the operation of the juvenile justice system. Monetary restitution programs in particular may improve the public’s attitude toward juvenile justice by offering equity to the victims of crime and ensuring that offenders take responsibility for their actions.

The use of restitution is increasing. In 1977 there were fewer than fifteen formal restitution programs around the United States. By 1985, formal programs existed in four hundred jurisdictions, and thirty-five states had statutory provisions that gave courts the authority to order juvenile restitution. Today, all fifty states, as well as the District of Columbia, have statutory restitution programs.

**Does Restitution Work?** How successful is restitution as a treatment alternative? Most evaluations have shown that it is reasonably effective, and should be expanded. In an analysis of federally sponsored restitution programs, Peter Schneider and his associates found that about 95 percent of youths who received restitution as a condition of probation successfully completed their orders. Factors related to success were family income, good school attendance, few prior offenses, minor current offense, and size of restitution order. Schneider found that the youths who received restitution as a sole sanction (without probation) were those originally viewed by juvenile court judges as the better risks, and consequently they had lower failure and recidivism rates than youths ordered to make restitution after being placed on probation.

Anne Schneider conducted a thorough analysis of restitution programs in four different states and found that participants had lower recidivism rates than youths in control groups (regular probation caseloads). Although Schneider’s data indicate that restitution may reduce recidivism, the number of youths who had subsequent involvement in the justice system still seemed high. In short, there is evidence that most restitution orders are successfully completed and that youths who make restitution are less likely to become recidivists; however, the number of repeat offenses committed by juveniles who made restitution suggests that, by itself, restitution is not the answer to the delinquency problem.

Restitution programs may be difficult to implement in some circumstances. Offenders may find it difficult to make monetary restitution without securing new employment, which can be difficult during periods of high unemployment. Problems also arise when offenders who need jobs suffer from drug abuse or emotional problems. Public and private agencies are likely sites for community-service restitution, but their directors are sometimes reluctant to allow delinquent youths access to their organizations. In addition to these problems, some juvenile probation officers view restitution programs as a threat to their authority and to the autonomy of their organizations.

Another criticism of restitution programs is that they foster involuntary servitude. Indigent clients may be unfairly punished when they are unable to make restitution payments or face probation violations. To avoid such bias, probation officers should first determine why payment has stopped and then suggest appropriate action, rather than simply treating nonpayment as a matter of law enforcement.

**Residential Community Treatment**

Many experts believe that institutionalization of even the most serious delinquent youths is a mistake. Confinement in a high-security institution usually cannot solve
The problems that brought a youth into a delinquent way of life, and the experience may actually amplify delinquency once the youth returns to the community. Many agree that warehousing juveniles without attention to their treatment needs does little to prevent their return to criminal behavior. Research has shown that the most effective secure-corrections programs provided individualized services for a small number of participants. Large training schools have not proved to be effective. This realization has produced a wide variety of residential community-treatment programs to service youths who need a more secure environment than can be provided by probation services, but who do not require a placement in a state-run juvenile correctional facility.

How are community corrections implemented? In some cases, youths are placed under probation supervision, and the probation department maintains a residential treatment facility. Placement can also be made to the department of social services or juvenile corrections with the direction that the youth be placed in a residential facility. Residential programs are generally divided into four major categories: group homes, including boarding schools and apartment-type settings; foster homes; family group homes; and rural programs.

Family group homes are nonsecure residences that provide counseling, education, job training, and family living. They are staffed by a small number of qualified persons, and generally house twelve to fifteen youngsters. The institutional quality of the environment is minimized, and the kids are given the opportunity to build a close relationship with the staff. They reside in the home, attend public schools, and participate in community activities.

Foster care programs involve one or two juveniles who live with a family—usually a husband and wife who serve as surrogate parents. The juveniles enter into a close relationship with the foster parents and receive the attention and care they did not receive in their own homes. The quality of the foster home experience depends on the foster parents. Foster care for adjudicated juvenile offenders has not been extensive in the United States. Welfare departments generally handle foster placements, and funding of this treatment option has been a problem for the juvenile justice system. However, foster home services have expanded as a community treatment approach.

One example of a successful foster care program is the multidimensional treatment foster care (MTFC) program, developed by social scientists at the Oregon Social Learning Center. Designed for the most serious and chronic male young offenders, this program combines individual therapy such as skill building in problem solving for the youths, and family therapy for the biological or adoptive parents. The foster care families receive training by program staff so they can provide the young people with close supervision, fair and consistent limits and consequences, and a supportive relationship with an adult. Foster care families also receive close supervision and are consulted regularly on the progress of the youth by program staff. An experiment of MTFC found that one year after the completion of the program, participating youths were significantly less likely to be arrested than a control group.

Family group homes combine elements of foster care and group home placements. Juveniles are placed in a group home that is run by a family rather than by a professional staff. Troubled youths have an opportunity to learn to get along in a family-like situation, and at the same time the state avoids the start-up costs and neighborhood opposition often associated with establishing a public institution.

Rural programs include forestry camps, ranches, and farms that provide recreational activities or work for juveniles. Programs usually handle from thirty to fifty youths. Such programs have the disadvantage of isolating juveniles from the community, but reintegration can be achieved if a youth’s stay is short and if family and friends are allowed to visit.

Most residential programs use group counseling as the main treatment tool. Although group facilities have been used less often than institutional placements, there is a trend toward developing community-based residential facilities; see the accompanying What Does This Mean to Me? feature.
Checkpoints

✔ There are new programs being developed that are “probation plus,” because they add restrictive penalties and conditions to community service orders.

✔ Juvenile intensive probation supervision (JIPS) involves treatment as part of a very small probation caseload that receives almost daily scrutiny.

✔ Electronic monitoring combined with house arrest is being implemented in juvenile correction policy.

✔ Balanced probation systems integrate community protection, accountability of the juvenile offender, and individualized attention to the offender.

✔ Monetary restitution allows a juvenile to reimburse the victim of the crime or donate money to a charity or public cause.

✔ Community service restitution allows juveniles to engage in public works as part of their disposition.

✔ Residential community programs are usually divided into four major categories: group homes, foster homes, family group homes, and rural programs.

To quiz yourself on this material, go to questions 14.10–14.13 on the Juvenile Delinquency: The Core 2e Web site.

As jurisdictions continue to face ever-increasing costs for juvenile justice services, community-based programs will play an important role in providing rehabilitation of juvenile offenders and ensuring public safety.

SECURE CORRECTIONS

When the court determines that community treatment can't meet the special needs of a delinquent youth, a judge may refer the juvenile to a secure treatment program. Today, correctional institutions operated by federal, state, and county governments are generally classified as secure or open facilities. Secure facilities restrict the movement of residents through staff monitoring, locked exits, and interior fence controls. Open institutions generally do not restrict the movement of the residents and allow much greater freedom of access to the facility. In the following sections, we analyze the state of secure juvenile corrections, beginning with some historical background. This is followed by a discussion of life in institutions, the juvenile client, treatment issues, legal rights, and aftercare programs.

History of Juvenile Institutions

Until the early 1800s, juvenile offenders, as well as neglected and dependent children, were confined in adult prisons. The inhumane conditions in these institutions were among the factors that led social reformers to create a separate children’s court system in 1899. Early juvenile institutions were industrial schools modeled after adult prisons but designed to protect children from the evil influences in adult facilities. The first was the New York House of Refuge, established in 1825. Not long after this, states began to establish reform schools for juveniles. Massachusetts was the first, opening the Lyman School for Boys in Westborough in 1846. New York opened the State Agricultural and Industrial School in 1849, and Maine opened the Maine Boys’ Training School in 1853. By 1900, thirty-six states had reform schools. Although it is difficult to determine exact population of these institutions, by 1880 there were approximately eleven thousand youths in correctional facilities, a number that more than quadrupled by 1900. Early reform schools were generally punitive in nature and were based on the concept of rehabilitation (or reform) through hard work and discipline.

In the second half of the nineteenth century, emphasis shifted to the cottage system. Juvenile offenders were housed in compounds of cottages, each of which could accommodate twenty to forty children. A set of “parents” ran each cottage, creating a homelike atmosphere. This setup was believed to be more conducive to rehabilitation.

The first cottage system was established in Massachusetts in 1855, the second in Ohio in 1858. The system was held to be a great improvement over reform schools. The belief was that, by moving away from punishment and toward rehabilitation, not only could offenders be rehabilitated but also crime among unruly children could be prevented.

Twentieth-Century Developments

The early twentieth century witnessed important changes in juvenile corrections. Because of the influence of World War I, reform schools began to adopt a militaristic style. Living units became barracks, cottage groups became companies, house fathers became captains, and superintendents became majors or colonels. Military-style uniforms were standard wear.

In addition, the establishment of the first juvenile court in 1899 reflected the expanded use of confinement for delinquent children. As the number of juvenile
offenders increased, the forms of juvenile institutions varied to include forestry camps, ranches, and vocational schools. Beginning in the 1930s, camps modeled after the camps run by the Civilian Conservation Corps became a part of the juvenile correctional system. These camps centered on conservation activities and work as a means of rehabilitation.

Los Angeles County was the first to use camps during this period. Southern California was experiencing problems with transient youths who came to California with no money and then got into trouble with the law. Rather than filling up the jails, the county placed these offenders in conservation camps, paid them low wages, and released them when they had earned enough money to return home. The camps proved more rehabilitative than training schools, and by 1935 California had established a network of forestry camps for delinquent boys. The idea soon spread to other states.

Also during the 1930s, the U.S. Children's Bureau sought to reform juvenile corrections. The bureau conducted studies to determine the effectiveness of the training school concept. Little was learned from these programs because of limited funding and bureaucratic ineptitude, and the Children's Bureau failed to achieve any significant change. But such efforts recognized the important role of positive institutional care.

Another innovation came in the 1940s with passage of the American Law Institute's Model Youth Correction Authority Act. This act emphasized reception/classification centers. California was the first to try out this idea, opening the Northern Reception Center and Clinic in Sacramento in 1947. Today, there are many such centers scattered around the United States.

Since the 1970s, a major change in institutionalization has been the effort to remove status offenders from institutions housing juvenile delinquents. This includes removing status offenders from detention centers and removing all juveniles from contact with adults in jails. This decarceration policy mandates that courts use the least restrictive alternative in providing services for status offenders. A non-criminal youth should not be put in a secure facility if a community-based program is available. In addition, the federal government prohibits states from placing status offenders in separate facilities that are similar in form and function to those used for delinquent offenders. This is to prevent states from merely shifting their institutionalized population around so that one training school houses all delinquents and another houses all status offenders, but actual conditions remain the same.

Throughout the 1980s and into the 1990s, admissions to juvenile correctional facilities grew substantially. Capacities of juvenile facilities also increased, but not enough to avoid overcrowding. Training schools became seriously overcrowded in some states, causing private facilities to play an increased role in juvenile corrections. Reliance on incarceration became costly to states: inflation-controlled juvenile corrections expenditures for public facilities grew to more than $2 billion in 1995, an increase of 20 percent from 1982. A 1994 report issued by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) said that crowding, inadequate health care, lack of security, and poor control of suicidal behavior was widespread in juvenile corrections facilities. Despite new construction, crowding persisted in more than half the states.

**JUVENILE INSTITUTIONS TODAY: PUBLIC AND PRIVATE**

Most juveniles are housed in public institutions that are administered by state agencies: child and youth services, health and social services, corrections, or child welfare. In some states these institutions fall under a centralized system that covers adults as well as juveniles. Recently, a number of states have removed juvenile corrections from an existing adult corrections department or mental health agency. However, the majority of states still place responsibility for the administration of juvenile corrections within social service departments.

Supplementing publicly funded institutions are private facilities that are maintained and operated by private agencies funded or chartered by state authorities.
Most of today’s private institutions are relatively small facilities holding fewer than thirty youths. Many have a specific mission or focus (for example, treating females who display serious emotional problems). Although about 80 percent of public institutions can be characterized as secure, only 20 percent of private institutions are high-security facilities.

**Population Trends**

Whereas most delinquents are held in public facilities, most status offenders are held in private facilities. At last count, there were slightly less than 109,000 juvenile offenders being held in public (70 percent) and private (30 percent) facilities in the United States. Between 1997 and 1999, the number of juveniles held in custody increased 3 percent. The juvenile custody rate varies widely among states: South Dakota makes the greatest use of custodial treatment, incarcerating around 630 delinquents in juvenile facilities per 100,000 juveniles in the population, while Vermont and Hawaii have the lowest juvenile custody rates (less than 100). Although not a state, the District of Columbia actually has the highest juvenile custody rate in the nation, at over 700 per 100,000 juveniles. This is almost twice the national average (see Table 14.1). Some states rely heavily on privately run facilities, while others place many youths in out-of-state facilities.

Although the number of institutionalized youths appears to have stabilized in the last few years, the data may reveal only the tip of the iceberg. The data do not include many minors who are incarcerated after they are waived to adult courts or who have been tried as adults because of exclusion statutes. Most states place under-age juveniles convicted of adult charges in youth centers until they reach the age of majority, whereupon they are transferred to an adult facility. In addition, there may be a hidden, or subterranean, correctional system that places wayward youths in private mental hospitals and substance-abuse clinics for behaviors that might otherwise have brought them a stay in a correctional facility or community-based program. These data suggest that the number of institutionalized children may be far greater than reported in the official statistics.

**Physical Conditions**

The physical plans of juvenile institutions vary in size and quality. Many of the older training schools still place all offenders in a single building, regardless of the offense. More acceptable structures include a reception unit with an infirmary, a security unit, and dormitory units or cottages. Planners have concluded that the most effective design for training schools is to have facilities located around a community square. The facilities generally include a dining hall and kitchen area, a storage warehouse, academic and vocational training rooms, a library, an auditorium, a gymnasium, an administration building, and other basic facilities.

The individual living areas also vary, depending on the type of facility and the progressiveness of its administration. Most traditional training school conditions were appalling. Today, however, most institutions provide toilet and bath facilities, beds, desks, lamps, and tables. New facilities usually try to provide a single room for each individual. However, the Juvenile Residential Facility Census, which collects information about the facilities in which juvenile offenders are held, found that 39 percent of the 2,875 facilities that reported information were overcrowded—that is, they had more residents than available standard beds. Some states, like Massachusetts and Rhode Island, report that upwards of 75 percent of all of their facilities for juvenile offenders are overcrowded. It was also found that overcrowded facilities were significantly more likely than other facilities (45 percent versus 38 percent) to report having transported juveniles to emergency rooms because of injuries sustained in fights.

The physical conditions of secure facilities for juveniles have come a long way from the training schools of the turn of the twentieth century. However, many administrators realize that more modernization is necessary to comply with national
standards for juvenile institutions. Correctional administrators have described conditions as horrendous, and health officials have cited institutions for violations such as pollution by vermin and asbestos. Although some improvements have been made, there are still enormous problems to overcome.

THE INSTITUTIONALIZED JUVENILE

The typical resident of a juvenile facility is a fifteen- to sixteen-year-old White male incarcerated for an average stay of five months in a public facility or six months in a private facility. Private facilities tend to house younger youths, while public institutions provide custodial care for older ones, including a small percentage between eighteen and twenty-one years of age. Most incarcerated youths are person, property, or drug offenders.
Minority youths are incarcerated at a rate two to five times that of White youths. The difference is greatest for African-American youths, with a custody rate of 1,004 per 100,000 juveniles; for White youths the rate is 212.56. In a number of states such as Illinois, New Jersey, and Wisconsin the difference in custody rates between African-American and White youths is considerably greater (Table 14.2). Research has found that this overrepresentation is not a result of differentials in arrest rates, but often stems from disparity at early stages of case processing. Of equal importance, minorities are more likely to be confined in secure public facilities rather than in open, private facilities that might provide more costly and effective treatment, and among minority groups African-American youths are more likely to receive more punitive treatment—throughout the juvenile justice system—compared with others.

Minority youths accused of delinquent acts are less likely than White youths to be diverted from the court system into informal sanctions and are more likely to receive sentences involving incarceration. Racial disparity in juvenile disposition is a growing problem that demands immediate public scrutiny. In response, some jurisdictions have initiated studies of racial disproportion in their juvenile justice systems. Today, more than six in ten juveniles in custody belong to racial or ethnic minorities, and seven in ten youths held in custody for a violent crime are minorities.

For more than two decades, shocking exposés, sometimes resulting from investigations by the U.S. Department of Justice’s civil rights division, continue to focus public attention on the problems of juvenile corrections. Today, more so than in years past, some critics believe public scrutiny has improved conditions in training schools. There is greater professionalism among the staff, and staff brutality seems to have diminished. Status offenders and delinquents are, for the most part, held in separate facilities. Confinement length is shorter, and rehabilitative programming has increased. However, there are significant differences in the experiences of male and female delinquents in institutions.

**Male Inmates**

Males make up the great bulk of institutionalized youth, accounting for six out of every seven juvenile offenders in residential placement, and most programs are directed toward their needs. In many ways their experiences mirror those of adult offenders. In an important paper, Clement Bartollas and his associates identified an inmate value system that they believed was common in juvenile institutions:
“Exploit whomever you can.
Don’t play up to staff.
Don’t rat on your peers.
Don’t give in to others.”

In addition to these general rules, the researchers found that there were separate norms for African-American inmates (“exploit Whites”; “no forcing sex on Blacks”; “defend your brother”) and for Whites (“don’t trust anyone”; “everybody for himself”). Other research efforts confirm the notion that residents do in fact form cohesive groups and adhere to an informal inmate culture. The more serious the youth’s record and the more secure the institution, the greater the adherence to the inmate social code. Male delinquents are more likely to form allegiances with members of their own racial group and attempt to exploit those outside the group. They also

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Note: Custody rate (per 100,000).

Note: The custody rate is the number of juvenile offenders in residential placement on October 27, 1999, per 100,000 juveniles age ten through the upper age of original juvenile court jurisdiction in each state. The U.S. total includes 2,645 juvenile offenders in private facilities for whom state of offense was not reported and 174 juvenile offenders in tribal facilities.

scheme to manipulate staff and take advantage of weaker peers. However, in institutions that are treatment-oriented, and where staff-inmate relationships are more intimate, residents are less likely to adhere to a negativistic inmate code.

**Female Inmates**

The growing involvement of girls in criminal behavior and the influence of the feminist movement have drawn more attention to the female juvenile offender. This attention has revealed a double standard of justice. For example, girls are more likely than boys to be incarcerated for status offenses. Institutions for girls are generally more restrictive than those for boys, and they have fewer educational and vocational programs and fewer services. Institutions for girls also do a less-than-adequate job of rehabilitation. It has been suggested that this double standard operates because of a male-dominated justice system that seeks to “protect” young girls from their own sexuality.67

Over the years, the number of females held in public institutions has declined. This represents the continuation of a long-term trend to remove girls, many of whom are nonserious offenders, from closed institutions and place them in private or community-based facilities. So although a majority of males are housed in public facilities today, most female delinquents reside in private facilities.68

The same double standard that brings a girl into an institution continues to exist once she is in custody. Females tend to be incarcerated for longer terms than males. In addition, institutional programs for girls tend to be oriented toward reinforcing traditional roles for women. How well these programs rehabilitate girls is questionable.

Many of the characteristics of juvenile female offenders are similar to those of their male counterparts, including poor social skills and low self-esteem. Other problems are more specific to the female juvenile offender (sexual abuse issues, victimization histories, lack of placement options).69 In addition, there have been numerous allegations of emotional and sexual abuse by correctional workers, who either exploit vulnerable young women or callously disregard their emotional needs. A recent (1998) interview survey conducted by the National Council on Crime and Delinquency uncovered
Checkpoints

✓ Massachusetts opened the first juvenile correctional facility, the Lyman School for Boys in Westborough, in 1846.
✓ Since the 1970s, a major change in institutionalization has been the effort to remove status offenders from institutions housing juvenile delinquents.
✓ Throughout the 1980s and into the 1990s, admissions to juvenile correctional facilities grew substantially.
✓ Today, there are slightly less than 109,000 juveniles being held in public and private facilities.
✓ There may be a hidden juvenile correctional system that places wayward youths in private mental hospitals and substance abuse clinics.
✓ The typical resident of a juvenile facility is a fifteen- to sixteen-year-old White male incarcerated for an average stay of five months in a public facility or six months in a private facility.
✓ Minority youths are incarcerated at a rate two to five times that of Whites.

CORRECTIONAL TREATMENT FOR JUVENILES

Nearly all juvenile institutions implement some form of treatment program: counseling, vocational and educational training, recreational programs, and religious counseling. In addition, most institutions provide medical programs as well as occasional legal service programs. Generally, the larger the institution, the greater the number of programs and services offered.

The purpose of these programs is to rehabilitate youths to become well-adjusted individuals and send them back into the community to be productive citizens. Despite good intentions, however, the goal of rehabilitation is rarely attained because in large part the programs are poorly implemented.75 A significant number of juvenile offenders commit more crimes after release and some experts believe that correctional treatment has little effect on recidivism.76 However, a careful evaluation of both community-based and institutional treatment services found that juveniles who receive treatment have recidivism rates about 10 percent lower than untreated juveniles, and that the best programs reduced recidivism between 20 and 30 percent.77 The most successful programs provide training to improve interpersonal skills, self-control, and school achievement. These programs also tend to be the most intensive in amount and duration of attention to youths. Programs of a more psychological orientation, such as individual, family, and group counseling, showed only moderate positive effects on delinquents. Education, vocational training, and specific counseling strategies can be effective if they are intensive, relate to program goals, and meet the youth’s individual needs.78

What are the drawbacks to correctional rehabilitation? One of the most common problems is the lack of well-trained staff members. Budgetary limitations are a primary...
concern. It costs a substantial amount of money per year to keep a child in an institution, which explains why institutions generally do not employ large professional staffs.

The most glaring problem with treatment programs is that they are not administered as intended. Although the official goals of many may be treatment and rehabilitation, the actual programs may center around security and punishment. The next sections describe some treatment approaches that aim to rehabilitate offenders.

**Individual Treatment Techniques: Past and Present**

In general, effective individual treatment programs are built around combinations of psychotherapy, reality therapy, and behavior modification. Individual counseling is one of the most common treatment approaches, and virtually all juvenile institutions use it to some extent. This is not surprising, because psychological problems such as depression are prevalent in juvenile institutions. Individual counseling does not attempt to change a youth's personality. Rather, it attempts to help individuals understand and solve their current adjustment problems. Some institutions employ counselors who are not professionally qualified, which subjects offenders to a superficial form of counseling.

Professional counseling may be based on psychotherapy. Psychotherapy requires extensive analysis of the individual’s childhood experiences. A skilled therapist attempts to help the individual make a more positive adjustment to society by altering negative behavior patterns learned in childhood. Another frequently used treatment is reality therapy. This approach, developed by William Glasser during the 1970s, emphasizes current, rather than past, behavior by stressing that offenders are completely responsible for their own actions. The object of reality therapy is to make individuals more responsible people. This is accomplished by giving them confidence through developing their ability to follow a set of expectations as closely as possible. The success of reality therapy depends greatly on the warmth and concern of the counselor. Many institutions rely heavily on this type of therapy because they believe trained professionals aren’t needed to administer it. In fact, a skilled therapist is essential to the success of this form of treatment.

Behavior modification is used in many institutions. It is based on the theory that all behavior is learned and that current behavior can be shaped through rewards and punishments. This type of program is easily used in an institutional setting that offers privileges as rewards for behaviors such as work, study, or the development of skills. It is reasonably effective, especially when a contract is formed with the youth to modify certain behaviors. When youths are aware of what is expected of them, they plan their actions to meet these expectations and then experience the anticipated consequences. In this way, youths can be motivated to change. Behavior modification is effective in controlled settings where a counselor can manipulate the situation, but once the youth is back in the real world it becomes difficult to use.

**Group Treatment Techniques**

Group therapy is more economical than individual therapy because one therapist can counsel more than one individual at a time. Also, the support of the group is often valuable to individuals in the group, and individuals derive hope from other members of the group who have survived similar experiences. Another advantage of group therapy is that a group can often solve a problem more effectively than an individual.

One disadvantage of group therapy is that it provides little individual attention. Everyone is different, and some group members may need more individualized treatment. Others may be afraid to speak up in the group and thus fail to receive the benefits of the experience. Conversely, some individuals may dominate group interaction, making it difficult for the leader to conduct an effective session. In addition, group condemnation may seriously hurt a participant. Finally, there is also the concern that...
by providing therapy in a group format, those who are more chronically involved in delinquency may negatively affect those who are marginally involved.82

**Guided group interaction (GGI)** is a fairly common method of group treatment. It is based on the theory that, through group interactions a delinquent can acknowledge and solve personal problems. A leader facilitates interaction, and a group culture develops. Individual members can be mutually supportive and reinforce acceptable behavior. In the 1980s, a version of GGI called **positive peer culture (PPC)** became popular. These programs used groups in which peer leaders encourage other youths to conform to conventional behaviors. The rationale is that if negative peer influence can encourage youths to engage in delinquent behavior, then positive peer influence can help them conform.83 Though research results are inconclusive, there is evidence that PPC may facilitate communication ability for incarcerated youth.84

Another common group treatment approach, **milieu therapy**, seeks to make all aspects of the inmates’ environment part of their treatment and to minimize differences between custodial staff and treatment personnel. Milieu therapy, based on psychoanalytic theory, was developed during the late 1940s and early 1950s by Bruno Bettelheim.85 This therapy attempted to create a conscience, or superego, in delinquent youths by getting them to depend on their therapists to a great extent and then threatening them with loss of the caring relationship if they failed to control their behavior. Today, milieu therapy more often makes use of peer interactions and attempts to create an environment that encourages meaningful change, growth, and satisfactory adjustment. This is often accomplished through peer pressure to conform to group norms.

Today, group counseling often focuses on drug and alcohol issues, self-esteem development, or role-model support. In addition, because more violent juveniles are entering the system than in years past, group sessions often deal with appropriate expressions of anger and methods for controlling such behavior.

**Educational, Vocational, and Recreational Programs**

Because educational programs are an important part of social development and have therapeutic as well as instructional value, they are an essential part of most treatment programs. What takes place through education is related to all other aspects of the institutional program—work activities, cottage life, recreation, and clinical services.

Educational programs are probably the best-staffed programs in training schools, but even at their best, most of them are inadequate. Educational programs contend with myriad problems. Many of the youths coming into these institutions are mentally challenged, have learning disabilities, and are far behind their grade levels in basic academics. Most have become frustrated with the educational experience, dislike school, and become bored with any type of educational program. Their sense of frustration often leads to disciplinary problems.

Ideally, institutions should allow the inmates to attend a school in the community or offer programs that lead to a high school diploma or GED certificate. Unfortunately, not all institutions offer these types of programs. Secure institutions, because of their large size, are more likely than group homes or day treatment centers to offer programs such as remedial reading, physical education, and tutoring. Some offer computer-based learning and programmed learning modules.

Vocational training has long been used as a treatment technique for juveniles. Early institutions were even referred to as “industrial schools.” Today, vocational programs in institutions include auto repair, printing, woodworking, computer training, foodservice, cosmetology, secretarial training, and data processing. A common drawback of vocational training programs is sex-typing. The recent trend has been to allow equal access to all programs offered in institutions that house girls and boys. Sex-typing is more difficult to avoid in single-sex institutions, because funds aren’t usually available for all types of training.
These programs alone are not panaceas. Youths need to acquire the kinds of skills that will give them hope for advancement. The Ventura School for Female Juvenile Offenders, established under the California Youth Authority, has been a pioneer in the work placement concept. Private industry contracts with this organization to establish businesses on the institution’s grounds. The businesses hire, train, and pay for work. Wages are divided into a victim’s restitution fund, room and board fees, and forced savings, with a portion given to the juvenile to purchase canteen items. A study by the National Youth Employment Coalition (NYEC) finds that employment and career-focused programs can do a great deal to prepare youth involved in the juvenile justice system for a successful transition to the workforce as long as they are comprehensive, last for a relatively long period of time, and are connected to further education or long-term career opportunities.

Recreational activity is also important in helping relieve adolescent aggressions, as evidenced by the many programs that focus on recreation as the primary treatment technique.

In summary, the treatment programs that seem to be most effective for rehabilitating juvenile offenders are those that use a combination of techniques. Programs that are comprehensive, build on a juvenile’s strengths, and adopt a socially grounded position have a much greater chance for success. Successful programs address issues relating to school, peers, work, and community.

Wilderness Programs

Wilderness probation programs involve troubled youths in outdoor activities as a mechanism to improve their social skills, self-concept, and self-control. Typically, wilderness programs maintain exposure to a wholesome environment; where the concepts of education and the work ethic are taught and embodied in adult role models, troubled youth can regain a measure of self-worth.

A few wilderness programs for juvenile offenders have been evaluated for their effects on recidivism. In a detailed review of the effects of wilderness programs on recidivism, Doris MacKenzie concludes that these programs do not work. Although some of the programs show success, such as the Spectrum Wilderness Program in Illinois, others had negative effects; that is, the group that received the program had higher arrest rates than the comparison group that did not. Taken together, the programs suffered from poor implementation, weak evaluation designs or problems with too few subjects or large dropout rates, and failure to adhere to principles of successful rehabilitation, such as targeting high-risk youths and lasting for a moderate period of time.

Juvenile Boot Camps

Correctional boot camps combine the get-tough elements of adult programs with education, substance-abuse treatment, and social skills training. In theory, a successful boot camp program should rehabilitate juvenile offenders, reduce the number of beds needed in secure institutional programs, and thus reduce the overall cost of care. The Alabama boot camp program for youthful offenders estimated savings of $1 million annually when compared with traditional institutional sentences. However, no one seems convinced that participants in these programs have lower recidivism rates than...
those who serve normal sentences. Ronald Corbett and Joan Petersilia do note, however, that boot camp participants seem to be less antisocial upon returning to society.  

Other successes of juvenile boot camps were revealed in a national study comparing the environments of boot camps with more traditional secure correctional facilities for juveniles. Some of the main findings include these:

- Boot camp youths report more positive attitudes to their environment.
- Initial levels of depression are lower for boot camp youths but initial levels of anxiety are higher; both of these declined over time for youths in both traditional and boot camp facilities.
- Staff at boot camps report more favorable working conditions, such as less stress and better communication among staff.

However, the bottom line for juvenile boot camps, like other correctional sanctions, is whether or not they reduce recidivism. A recent metanalysis of the effects of juvenile boot camps on recidivism found this to be an ineffective correctional approach to reducing it; from the sixteen different program samples, the control groups had, on average, lower recidivism rates than the treatment groups (boot camps). Interestingly, when compared with the effects of twenty-eight program samples of boot camps for adults, the juvenile boot camps had a higher average recidivism rate, although the difference was not significant.

Why do boot camps for juveniles fail to reduce future offending? The main reason is that they provide little in the way of therapy or treatment to correct offending behavior. Experts have also suggested that part of the reason for not finding differences in recidivism between boot camps and other correctional alternatives (the control groups) may be due to juveniles in the control groups receiving enhanced treatment while juveniles in the boot camps are spending more time on physical activities.

The ineffectiveness of boot camps to reduce reoffending in the community by juvenile offenders (and adult offenders) appears to have resulted in this approach falling into disfavor with some correctional administrators. At the height of its popularity in the mid-1990s, more than seventy-five state-run boot camps were in operation in more than thirty states across the country; today, fifty-one remain.
this, boot camps appear to still have a place among the array of sentencing options, if for no other reason than to appease the public with the promise of tougher sentences and lower costs. If boot camps are to become a viable alternative for juvenile corrections they must be seen not as a panacea that provides an easy solution to the problems of delinquency, but merely part of a comprehensive approach to juvenile care that is appropriate to a select group of adolescents.

THE LEGAL RIGHT TO TREATMENT

The primary goal of placing juveniles in institutions is to help them reenter the community successfully. Therefore, lawyers claim that children in state-run institutions have a legal right to treatment.

The concept of a right to treatment was introduced to the mental health field in 1960 by Morton Birnbaum, who argued that individuals who are deprived of their liberty because of a mental illness are entitled to treatment to correct that condition. The right to treatment has expanded to include the juvenile justice system, an expansion bolstered by court rulings that mandate that rehabilitation and not punishment or retribution be the basis of juvenile court dispositions. It stands to reason then that, if incarcerated, juveniles are entitled to the appropriate social services that will promote their rehabilitation.

One of the first cases to highlight this issue was *Inmates of the Boys’ Training School v. Affleck* in 1972. In its decision, a federal court argued that rehabilitation is the true purpose of the juvenile court and that, without that goal, due process guarantees are violated. It condemned such devices as solitary confinement, strip cells, and lack of educational opportunities, and held that juveniles have a statutory right to treatment. The court also established the following minimum standards for all juveniles confined in training schools:

- A room equipped with lighting sufficient for an inmate to read until 10 P.M.
- Sufficient clothing to meet seasonal needs
- Bedding, including blankets, sheets, pillows, and pillow cases, to be changed once a week
- Personal hygiene supplies, including soap, toothpaste, towels, toilet paper, and toothbrush
- A change of undergarments and socks every day
- Minimum writing materials: pen, pencil, paper, and envelopes
- Prescription eyeglasses, if needed
- Equal access to all books, periodicals, and other reading materials located in the training school
- Daily showers
- Daily access to medical facilities, including provision of a twenty-four-hour nursing service
- General correspondence privileges

In 1974, in the case of *Nelson v. Heyne*, the First Federal Appellate Court affirmed that juveniles have a right to treatment and condemned the use of corporal punishment in juvenile institutions. In *Morales v. Turman*, the court held that all juveniles confined in training schools in Texas have a right to treatment, including development of education skills, delivery of vocational education, medical and psychiatric treatment, and adequate living conditions. In a more recent case, *Pena v. New York State Division for Youth*, the court held that the use of isolation, hand restraints, and tranquilizing drugs at Goshen Annex Center violated the Fourteenth Amendment right to due process and the Eighth Amendment right to protection against cruel and unusual punishment.

Checkpoints

- Nearly all juvenile institutions implement some form of treatment program.
- Reality therapy, a commonly used individual approach, emphasizes current, rather than past, behavior by stressing that offenders are completely responsible for their own actions.
- Group therapy is more commonly used with kids than individual therapy.
- Guided group interaction and positive peer culture are popular group treatment techniques.
- Many but not all institutions either allow juveniles to attend a school in the community or offer programs that lead to a high school diploma or GED certificate.
- Wilderness programs involve troubled youth using outdoor activities as a mechanism to improve their social skills, self-concepts, and self-control.
- Correctional boot camps combine the get-tough elements of adult programs with education, substance abuse treatment, and social skills training.

To quiz yourself on this material, go to questions 14.17–14.19 on the Juvenile Delinquency: The Core 2e Web site.
The right to treatment has also been limited. For example, in Ralston v. Robinson, the Supreme Court rejected a youth's claim that he should continue to be given treatment after he was sentenced to a consecutive term in an adult prison for crimes committed while in a juvenile institution. In the Ralston case, the offender's proven dangerousness outweighed the possible effects of rehabilitation. Similarly, in Santana v. Callazo, the U.S. First Circuit Court of Appeals rejected a suit brought by residents at the Maricau Juvenile Camp in Puerto Rico on the ground that the administration had failed to provide them with an individualized rehabilitation plan or adequate treatment. The circuit court concluded that it was a legitimate exercise of state authority to incarcerate juveniles solely to protect society if they are dangerous.

The Struggle for Basic Civil Rights

Several court cases have led federal, state, and private groups—for example, the American Bar Association, the American Correctional Association, and the National Council on Crime and Delinquency—to develop standards for the juvenile justice system. These standards provide guidelines for conditions and practices in juvenile institutions and call on administrators to maintain a safe and healthy environment for incarcerated youths.

For the most part, state-sponsored brutality has been outlawed, although the use of restraints, solitary confinement, and even medication for unruly residents has not been eliminated. The courts have ruled that corporal punishment in any form violates standards of decency and human dignity.

There are a number of mechanisms for enforcing these standards. For example, the federal government’s Civil Rights of Institutionalized Persons Act (CRIPA) gives the Civil Rights Division of the U.S. Department of Justice (DOJ) the power to bring actions against state or local governments for violating the civil rights of persons institutionalized in publicly operated facilities. CRIPA does not create any new substantive rights; it simply confers power on the U.S. Attorney General to bring action to enforce previously established constitutional or statutory rights of institutionalized persons; about 25 percent of cases involve juvenile detention and correctional facilities. There are many examples in which CRIPA-based litigation has helped ensure that incarcerated adolescents obtain their basic civil rights. For example, in November 1995 a federal court in Kentucky ordered state officials to remedy serious deficiencies in the state’s thirteen juvenile treatment facilities. The decree required the state to take a number of steps to protect juveniles from abuse, mistreatment, and injury; to ensure adequate medical and mental health care; and to provide adequate educational, vocational, and aftercare services. Another CRIPA consent decree, ordered by a federal court in Puerto Rico in October 1994, addressed life-threatening conditions at eight juvenile detention and correctional facilities. These dire conditions included juveniles committing and attempting suicide without staff intervention or treatment, widespread infection-control problems caused by rats and other vermin, and defective plumbing that forced juveniles to drink from their toilet bowls.

What provisions does the juvenile justice system make to help institutionalized offenders return to society? The remainder of this chapter is devoted to this topic.

JUVENILE AFTERCARE

Aftercare in the juvenile justice system is the equivalent of parole in the adult criminal justice system. When juveniles are released from an institution, they may be placed in an aftercare program of some kind, so that those who have been institutionalized are not simply returned to the community without some transitional assistance. Whether individuals who are in aftercare as part of an indeterminate sentence remain in the community or return to the institution for further rehabilitation depends on their actions during the aftercare period. Aftercare is an extremely important stage in the juvenile justice process because few juveniles age out of custody.
In a number of jurisdictions, a paroling authority, which may be an independent body or part of the corrections department or some other branch of state services, makes the release decision. Juvenile aftercare authorities, like adult parole officers, review the youth’s adjustment inside the institution, whether there is chemical dependence, what the crime was, and other specifics of the case. Some juvenile authorities are even making use of parole guidelines first developed with adult parolees.

Each youth who enters a secure facility is given a recommended length of confinement that is explained at the initial interview with parole authorities. The stay is computed on the basis of the offense record, influenced by aggravating and mitigating factors. The parole authority is not required to follow the recommended sentence but uses it as a tool in making parole decisions. Whatever approach is used, several primary factors are considered by virtually all jurisdictions when recommending a juvenile for release: institutional adjustment, length of stay and general attitude, and likelihood of success in the community.

Risk classifications have also been designed to help parole officers make decisions about which juveniles should receive aftercare services. The risk-based system uses an empirically derived risk scale to classify youths. Juveniles are identified as most likely or least likely to commit a new offense based on factors such as prior record, type of offense, and degree of institutional adjustment.

Supervision

One purpose of aftercare is to provide support during the readjustment period following release. First, individuals whose activities have been regimented for some time may not find it easy to make independent decisions. Second, offenders may perceive themselves as scapegoats, cast out by society. Finally, the community may view the returning minor with a good deal of prejudice; adjustment problems may reinforce a preexisting need to engage in deviant behavior.

Juveniles in aftercare programs are supervised by parole caseworkers or counselors whose job is to maintain contact with the juvenile, make sure that a corrections plan is followed, and show interest and caring. The counselor also keeps the youth informed of services that may assist in reintegration and counsels the youth and his or her family. Unfortunately, aftercare caseworkers, like probation officers, often carry such large caseloads that their jobs are next to impossible to do adequately.
The Intensive Aftercare Program (IAP) Model  New models of aftercare have been aimed at the chronic or violent offender. The Intensive Aftercare Program (IAP) model developed by David Altschuler and Troy Armstrong offers a continuum of intervention for serious juvenile offenders returning to the community following placement. The IAP model begins by drawing attention to five basic principles, which collectively establish a set of fundamental operational goals:

1. Preparing youth for progressively increased responsibility and freedom in the community
2. Facilitating youth-community interaction and involvement
3. Working with both the offender and targeted community support systems (families, peers, schools, employers) on qualities needed for constructive interaction and the youths’ successful community adjustment
4. Developing new resources and supports where needed
5. Monitoring and testing the youths and the community on their ability to deal with each other productively

These basic goals are then translated into practice, which incorporates individual case planning with a family and community perspective. The program stresses a mix of intensive surveillance and services and a balance of incentives and graduated consequences coupled with the imposition of realistic, enforceable conditions. There is also “service brokerage,” in which community resources are used and linkage with social networks established.

The IAP initiative was designed to help correctional agencies implement effective aftercare programs for chronic and serious juvenile offenders. After more than twelve years of testing, the program is now being aimed at determining how juveniles are prepared for reentry into their communities, how the transition is handled, and how the aftercare in the community is provided. The Focus on Preventing and Treating Delinquency feature, “Using the Intensive Aftercare Program (IAP) Model,” illustrates how it is being used in three state jurisdictions.

Aftercare Revocation Procedures
Juvenile parolees are required to meet set standards of behavior, which generally include but are not limited to the following:

- Adhere to a reasonable curfew set by youth worker or parent.
- Refrain from associating with persons whose influence would be detrimental.
- Attend school in accordance with the law.
- Abstain from drugs and alcohol.
- Report to the youth worker when required.
- Refrain from acts that would be crimes if committed by an adult.
- Refrain from operating an automobile without permission of the youth worker or parent.
- Refrain from being habitually disobedient and beyond the lawful control of parent or other legal authority.
- Refrain from running away from the lawful custody of parent or other lawful authority.

If these rules are violated, the juvenile may have his parole revoked and be returned to the institution. Most states have extended the same legal rights enjoyed by adults at parole revocation hearings to juveniles who are in danger of losing their aftercare privileges, as follows:

- Juveniles must be informed of the conditions of parole and receive notice of any obligations.
Using the Intensive Aftercare Program (IAP) Model

How has the IAP model been used around the nation?

**Colorado**
Although adolescents are still institutionalized, community-based providers begin weekly services (including multifamily counseling and life-skills services) that continue during aftercare. Sixty days prior to release, IAP youths begin a series of step-down measures, including supervised trips to the community, and thirty days before release, there are overnight or weekend home passes. Upon release to parole, most program youths go through several months of day treatment that, in addition to services, provides a high level of structure during the day. Trackers provide evening and weekend monitoring during this period of reentry. As a youth’s progress warrants, the frequency of supervision decreases. The planned frequency of contact is once a week during the first few months of supervision, with gradual reductions to once a month in later stages of supervision.

**Nevada**
Once the parole plan is finalized, all IAP youth begin a thirty-day prerelease phase, during which IAP staff provide a series of services that continue through the early months of parole. These consist primarily of two structured curricula on life skills (Jettstream) and substance abuse (Rational Recovery). In addition, a money management program (The Money Program) is initiated. Youths are provided with mock checking accounts from which “bills” must be paid for rent, food, insurance, and other necessities. They can also use their accounts to purchase recreation and other privileges, but each must have a balance of at least $50 at the end of the thirty days to purchase his bus ticket home. The initial thirty days of release are considered an institutional furlough (that is, the kids are still on the institutional rolls) that involves intensive supervision and service, any time during which they may be returned to the institution for significant program infractions. During furlough, they are involved in day programming and are subject to frequent drug testing and evening and weekend surveillance. Upon successful completion of the furlough, the IAP transition continues through the use of phased levels of supervision. During the first three months, three contacts per week with the case manager or field agent are required. This level of supervision is reduced to two contacts per week for the next two months, and then to once a week during the last month of parole.

**Virginia**
Virginia's transition differs from the other two sites in that its central feature is the use of group home placements as a bridge between the institution and the community. Immediately after release from the institution, youths enter one of two group homes for a thirty- to sixty-day period. The programs and services in which they will be involved in the community are initiated shortly after placement in the home. Virginia uses a formal step-down system to ease the intensity of parole supervision gradually. In the two months following the youth's release from the group home, staff are required to contact him five to seven times per week. This is reduced to three to five times per week during the next two months, and again to three times per week during the final thirty days.

**CRITICAL THINKING**
1. What is the importance of reducing the number of supervision contacts with the juvenile offender toward the end of the aftercare program?
2. Should juvenile offenders who have committed less serious offenses also have to go through intensive aftercare programs?

**INFOTRAC COLLEGE EDITION RESEARCH**
To learn more about aftercare programs for juvenile offenders, read Kit Glover and Kurt Bumby, “Re-Entry at the Point of Entry,” Corrections Today 63:68 (December 2001) on InfoTrac College Edition. Use “juvenile corrections” as a key term to find out more about this topic.

• Community treatment encompasses efforts to keep offenders in the community and spare them the stigma of incarceration. The primary purpose is to provide a nonrestrictive or home setting, employing educational, vocational, counseling, and employment services. Institutional treatment encompasses provision of these services but in more restrictive and sometimes secure facilities.
• The most widely used community treatment method is probation. Behavior is monitored by probation officers. If rules are violated, youths may have their probation revoked.
• It is now common to enhance probation with more restrictive forms of treatment, such as intensive supervision and house arrest with electronic monitoring. Restitution programs involve having juvenile offenders either reimburse their victims or do community service.
• Residential community treatment programs allow youths to live at home while receiving treatment. There are also residential programs that require that youths reside in group homes while receiving treatment.
• The secure juvenile institution was developed in the mid-nineteenth century as an alternative to placing youths in adult prisons. Youth institutions evolved from large, closed institutions to cottage-based education- and rehabilitation-oriented institutions.
• The juvenile institutional population appears to have stabilized in recent years, but an increasing number of youths are “hidden” in private medical centers and drug treatment clinics.
• A disproportionate number of minorities are incarcerated in more secure, state-run youth facilities.
• Most juvenile institutions maintain intensive treatment programs featuring individual or group therapy. Little evidence has been found that any single method is effective in reducing recidivism, yet rehabilitation remains an important goal of juvenile practitioners.
• The right to treatment is an important issue in juvenile justice. Legal decisions have mandated that a juvenile cannot simply be warehoused in a correctional center but must receive proper care and treatment to aid rehabilitation. What constitutes proper care is still being debated, however.
• Juveniles released from institutions are often placed on parole, or aftercare. There is little evidence that community supervision is more beneficial than simply releasing youths. Many jurisdictions are experiencing success with halfway houses and reintegration centers.

**SUMMARY**

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**KEY TERMS**

- community treatment, p. 338
- suppression effect, p. 339
- probation, p. 339
- juvenile probation officer, p. 342
- social investigation report, predisposition report, p. 342
- conditions of probation, p. 342
- juvenile intensive probation supervision (JIPS), p. 344
- house arrest, p. 345
- electronic monitoring, p. 345
- balanced probation, p. 346
- monetary restitution, p. 346
- victim service restitution, p. 346
- community service restitution, p. 346
- residential programs, p. 348
- group homes, p. 348
- foster care programs, p. 348
- family group homes, p. 348
- rural programs, p. 348
- reform schools, p. 348
- cottage system, p. 348
- least restrictive alternative, p. 350
- individual counseling, p. 357
- psychotherapy, p. 357
- reality therapy, p. 357
- behavior modification, p. 357
- group therapy, p. 357
- guided group interaction (GGI), p. 358
- positive peer culture (PPC), p. 358
- milieu therapy, p. 358
- wilderness probation, p. 359
- boot camps, p. 359
- metanalysis, p. 360
- right to treatment, p. 361
- aftercare, p. 362
- parole guidelines, p. 362
- Intensive Aftercare Program (IAP), p. 364

**QUESTIONS FOR DISCUSSION**

1. Would you want a community treatment program in your neighborhood? Why or why not?
2. Is widening the net a real danger, or are treatment-oriented programs simply a method of helping troubled youths?
3. If youths violate the rules of probation, should they be placed in a secure institution?
4. Is juvenile restitution fair? Should a poor child have to pay back a wealthy victim, such as a store owner?
5. What are the most important advantages to community treatment for juvenile offenders?

6. What is the purpose of juvenile probation? Identify some conditions of probation and discuss the responsibilities of the juvenile probation officer.

7. Has community treatment generally proven successful?

8. Why have juvenile boot camps not been effective in reducing recidivism?

As a local juvenile court judge you have been assigned the case of Jim Butler, a thirteen-year-old so short he can barely see over the bench. On trial for armed robbery, the boy has been accused of threatening a woman with a knife and stealing her purse. Barely a teenager, he has already had a long history of involvement with the law. At age eleven he was arrested for drug possession and placed on probation; soon after, he stole a car. At age twelve he was arrested for shoplifting. Jim is accompanied by his legal guardian, his maternal grandmother. His parents are unavailable because his father abandoned the family years ago and his mother is currently undergoing inpatient treatment at a local drug clinic. After talking with his attorney, Jim decides to admit to the armed robbery. At a dispositional hearing, his court-appointed attorney tells you of the tough life Jim has been forced to endure. His grandmother states that, although she loves the boy, her advanced age makes it impossible for her to provide the care he needs to stay out of trouble. She says that Jim is a good boy who has developed a set of bad companions; his current scrape was precipitated by his friends. A representative of the school system testifies that Jim has above-average intelligence and is actually respectful of teachers. He has potential but his life circumstances have short-circuited his academic success. Jim himself shows remorse and appears to be a sensitive youngster who is easily led astray by older youths.

You must now make a decision. You can place Jim on probation and allow him to live with his grandmother while being monitored by county probation staff. You can place him in a secure incarceration facility for up to three years. You can also put him into an intermediate program such as a community-based facility, which would allow him to attend school during the day while residing in a halfway house and receiving group treatment in the evenings. Although Jim appears salvageable, his crime was serious and involved the use of a weapon. If he remains in the community he may offend again; if he is sent to a correctional facility he will interact with older, tougher kids. What mode of correctional treatment would you choose?

• Would you place Jim on probation and allow him to live with his grandmother while being monitored?
• Would you send him to a secure incarceration facility for up to three years?
• Would you put him into an intermediate program such as a community-based facility?

Before you answer these questions, you may want to research the effectiveness of different types of correctional treatment for juvenile offenders. Use “juvenile correctional treatment” in a key word search on InfoTrac College Edition. To learn more about juvenile treatment options, click on Web Links under the Chapter Resources at http://cj.wadsworth.com/siegel_jdcore2e to go to the California Department of the Youth Authority, Center for the Study and Prevention of Violence, Washington State Institute for Public Policy on Juvenile Justice, the National Council on Crime and Delinquency and Children’s Research Center, and the Urban Institute.

Pro/Con discussions and Viewpoint Essays on some of the topics in this chapter may be found at the Opposing Viewpoints Resource Center: www.gale.com/OpposingViewpoints.
Juvenile justice measures designed to prevent delinquency can include the police making an arrest as part of an operation to crack down on gang problems, a juvenile court sanction to a secure correctional facility, or in the extreme case, a death penalty sentence. Although these measures have as an objective the prevention of future delinquent activities (or repeat offending, or recidivism), they can also be referred to as measures of delinquency control or delinquency repression. This is because, unlike with the other strategies to prevent delinquency—the primary prevention and secondary prevention efforts discussed in the two earlier preventing delinquency essays—juvenile justice measures also have as an objective the protection of the public. For this to happen there also needs to be some type of formal control exercised over offenders.

From a public health perspective, juvenile justice measures are a form of tertiary-level delinquency prevention. Tertiary prevention focuses on intervening with offenders once a delinquent activity or crime has been committed. This form of delinquency prevention is considered reactive—there is a response only after (for the most part) a crime has taken place. It can also be considered the measure of last resort.

Many experts argue that there is an overreliance on police, courts, and corrections to prevent juvenile crime. Many are also of the opinion that this approach has become increasingly harsh or punitive in recent years. Juvenile courts have delivered harsher sentences, more juvenile offenders have been transferred to adult court, there has been a greater reliance on the use of confinement than rehabilitation, and a growing number of juvenile offenders are serving time in prison. This increased punitiveness has led many scholars to argue that the treatment and protection aims of the juvenile system have become more a matter of the abstract than of reality. According to University of Minnesota law professor Barry Feld:

> Evaluations of juvenile court sentencing practices, treatment effectiveness, and conditions of confinement reveal increasingly punitive juvenile court and corrections systems. These various indicators strongly suggest that despite juvenile courts’ persisting rehabilitative rhetoric, the reality of treating juveniles closely resembles punishing adult criminals.¹

For some, this increased punitiveness in dealing with juvenile offenders makes the juvenile justice system seem less appealing as a vehicle for preventing delinquency. It may be that more checks and balances are needed for tertiary prevention measures. It may also be that a greater balance needs to be struck among this approach and primary and secondary delinquency prevention strategies. But the juvenile system plays an integral role in addressing juvenile delinquency, and there are many promising delinquency prevention programs operated by the police, courts, and corrections.

**POLICE**

The police are the first contact that juvenile offenders have with the juvenile justice system. Working with juvenile offenders presents special challenges for police, such as role conflicts arising from traditional policing practices and wanting to steer youths away from crime, the use of discretion, and the low regard held by youths toward police. But police have taken the lead in delinquency prevention. They have used a number of strategies: some rely on their deterrent powers whereas others rely on their relationship with schools, the community, and other juvenile justice agencies, or another on a problem-solving model.

These policing innovations have produced results. Boston’s Operation Ceasefire, which brought together the police, juvenile probation, social services, and other key local, state, and federal agencies, more than halved the number of juvenile homicide victims and greatly reduced gang activity across the city.² Another promising example of police taking the lead in preventing delinquency is the Partnerships to Reduce Juvenile Gun Violence Program. This involves problem-oriented policing strategies and other interventions, including a public information campaign to communicate the dangers and
consequences of gun violence to juveniles, families, and community residents.\

**COURTS**

Many critical decisions are made at this stage of the juvenile justice system that have implications for preventing delinquency in the short or long term. Some of these are whether to detain a youth or release the youth to the community, whether to waive youths to the adult court or retain them in the juvenile system, or whether to treat them in the community or send them to a secure treatment center.

In recent years, the juvenile court has introduced a number of innovations to foster more effective delinquency prevention for specific types of juvenile offenders. One of these is the juvenile drug court. Although these courts operate under a number of different frameworks, the aim is to place nonviolent first offenders into intensive treatment programs rather than into a custodial institution. Teen or youth court is another alternative to the traditional juvenile court in which young people rather than adults determine the disposition in a case. Cases handled in these courts typically involve young juveniles with no prior arrest records who have been charged with minor law violations. A recent evaluation of teen courts in four states found promising results in reducing recidivism.\

**CORRECTIONS**

At this stage of the juvenile system, measures to prevent delinquency can be organized into two main categories: community treatment and institutional treatment. Community treatment covers a wide range of modalities, including probation, treatment services (such as individual and group counseling), and restitution. There are also a wide variety of institutional treatments for juvenile offenders, ranging from training schools or reformatories to boot camps.

There exists much debate about the effectiveness of community versus institutional treatment. Considerable research shows that warehousing juveniles without proper treatment does little to prevent future delinquent activities. The most effective secure corrections programs are those that provide individual services for a small number of participants. Evaluations of community treatment provide evidence of a number of successful ways to prevent delinquency without jeopardizing the safety of community residents.

There is also a long-standing debate about the effectiveness of correctional treatments compared with other delinquency prevention measures. In their assessment of the full range of interventions to prevent serious and violent juvenile offending, Rolf Loeber and David Farrington found that it is never too early and never too late to make a difference.
We have reviewed in this text the current knowledge of the nature, cause, and correlates of juvenile delinquency and society’s efforts to bring about its elimination and control. We have analyzed research programs, theoretical models, governmental policies, and legal cases. Taken in sum, this information presents a rather broad and complex picture of the youth crime problem and the most critical issues confronting the juvenile justice system. Delinquents come from a broad spectrum of society; kids of every race, gender, class, region, family type, and culture are involved in delinquent behaviors. To combat youthful law violations, society has tried a garden variety of intervention and control strategies: tough law enforcement; counseling, treatment and rehabilitation; provision of legal rights; community action; educational programs; family change strategies. Yet, despite decades of intense effort and study, it is still unclear why delinquency occurs and what, if anything, can be done to control its occurrence. One thing is certain, juvenile crime is one of the most serious domestic problems faced by Americans.

Though uncertainty prevails, it is possible to draw some inferences about youth crime and its control. After reviewing the material contained in this volume, certain conclusions seem self-evident. Some involve social facts; that is, particular empirical relationships and associations have been established that have withstood multiple testing and verification efforts. Other conclusions involve social questions; there are issues that need clarification, and the uncertainty surrounding them has hampered progress in combating delinquency and treating known delinquents.

In sum, we have reviewed some of the most important social facts concerning delinquent behavior and posed some of the critical questions that still remain to be answered.

The statutory concept of juvenile delinquency is in need of review and modification.

Today, the legal definition of a juvenile delinquent is a minor child, usually under the age of 17, who has been found to have violated the criminal law (juvenile code). The concept of juvenile delinquency still occupies a legal position falling somewhere between criminal and civil law; juveniles still enjoy more rights, protections, and privileges than adults. Nonetheless, concerns about teen violence may eventually put an end to the separate juvenile justice system. If kids are equally or even more violent as adults, why should they be given a special legal status consideration? If the teen violence rate, which has been in a decline, begins to rise again, so too may calls for the abolition of a separate juvenile justice system.

The concept of the status offender (PINS, CHINS, and MINS) may be in for revision.

Special treatment for the status offender conforms with the parens patriae roots of the juvenile justice system. Granting the state authority to institutionalize noncriminal youth in order “to protect the best interest of the child” cannot be considered an abuse of state authority. While it is likely that the current system of control will remain in place for the near future, it is not beyond the realm of possibility to see the eventual restructuring of the definition of status offenders, with jurisdiction of “pure” noncriminal first offenders turned over to a department of social services, and chronic status offenders
and those with prior records of delinquency petitioned to juvenile court as delinquency cases.

**Juvenile offenders are becoming less violent.**
Official delinquency data suggests that there has been a decade-long decrease in the juvenile violence rate. After a long-term increase in juvenile violence, juvenile offenders are now decreasing their involvement in murder and other serious felony offenses. While this news is welcome, some forecasters suggest that this respite will be a short-term phenomenon and predict a long-term increase in the violence rate.

**Easy availability of guns is a significant contributor to teen violence.**
Research indicates a close tie between gun use, control of drug markets, and teen violence. Efforts to control the spread of handguns and/or devise programs to deter handgun use have resulted in reduced violence rates.

**The chronic violent juvenile offender is a serious social problem for society and the juvenile justice system.**
Official crime data indicate that the juvenile violence rate is at an all-time high. Chronic male delinquent offenders commit a disproportionate amount of violent behavior, including a significant amount of the most serious juvenile crimes, such as homicides, rapes, robberies, and aggravated assaults. Many chronic offenders become adult criminals and eventually end up in the criminal court system. How to effectively deal with chronic juvenile offenders and drug users remains a high priority for the juvenile justice system.

The best approach to dealing with chronic offenders remains uncertain, but concern about such offenders has shifted juvenile justice policy toward a punishment-oriented philosophy.

**Female delinquency has been increasing at a faster pace than male delinquency.**
The nature and extent of female delinquent activities changed in the late 1980s, and it now appears that girls are engaging in more frequent and serious illegal activity than ever before. While male delinquency rates have actually declined during the past decade female rates have continued the trend upward. While gender differences in the rate of the most serious crimes such as murder still persist, it is possible that further convergence will occur in the near future.

**There are distinct racial patterns in the delinquency rate.**
African-American youths are arrested for a disproportionate number of murders, rapes, robberies, and assaults, while White youths are arrested for a disproportionate share of arsons. Some experts believe that racial differences can be explained by institutional racism: police are more likely to arrest African-American youths than they are White offenders. Others argue that structural disparity in society is responsible for racial differences: minority youth are more likely to be poor and live in disorganized areas.

**There is little question that family environment affects patterns of juvenile behavior.**
Family relationships have been linked to the problem of juvenile delinquency by many experts. While divorce may not be a per se cause of delinquency, there is evidence that children being raised in single-parent households are more inclined to behavioral problems than those who reside in two-parent homes. Limited resource allocations limit the single parent’s ability to control and supervise children.

**There is a strong association between abuse and delinquency.**
There seems to be a strong association in family relationships between child abuse and delinquency. Cases of abuse and neglect have been found in every level of the economic strata, and a number of studies have linked child abuse and neglect to juvenile delinquency. While the evidence is not conclusive, it does suggest that a strong relationship exists between child abuse and subsequent delinquent behavior.

**Juvenile gangs have become a serious and growing problem in many major metropolitan areas throughout the United States.**
Ethnic youth gangs, mostly males aged 14 to 21, appear to be increasing in such areas as Los Angeles, Chicago, Boston, and New York. National surveys of gang activity now estimate that there are more than 750,000 members in the United States, up sharply over the previous twenty years. One view of gang development is that such groups serve as a bridge between adolescence and adulthood in communities where adult social control is not available. Another view suggests that gangs are a product of lower-class social disorganization and that they serve as an alternative means of economic advancement for poorly motivated and uneducated youth. Today’s gangs are more often commercially than culturally oriented, and the profit motive may be behind increasing memberships. It is unlikely that gang control strategies can be successful as long as legitimate economic alternatives are lacking. Look for rapid growth in ganging when the current adolescent population matures and limited job opportunities encourage gang members to prolong their involvement in illegal activities.
Many of the underlying problems of youth crime and delinquency are directly related to education.
Numerous empirical studies have confirmed that lack of educational success is an important contributing factor in delinquency; experts generally agree chronic offenders have had a long history of school failure. Dropping out of school is now being associated with long-term anti-social behavior. About 10 percent of all victimizations occur on school grounds. Though some school-based delinquency control projects have been very successful, a great deal more effort is needed in this critical area of school-delinquency prevention control.

Substance abuse is closely associated with juvenile crime and delinquency.
Self-report surveys indicate that more than half of all high school-age kids have tried drugs. Surveys of arrestees indicate that a significant proportion of teenagers are drug users and many are high school dropouts. While one national survey shows that teenage drug use increased slightly in the past year, both national surveys report that drug and alcohol use are much lower today than 5 and 10 years ago. Traditional prevention efforts and education programs have not had encouraging results.

Prevention is a key component of an overall strategy to address the problem of juvenile delinquency.
In recent years, many different types of delinquency prevention programs have been targeted at children, young people, and families, and many of these programs show positive results in reducing delinquency as well as other problem behaviors, such as substance abuse and truancy. They have also been shown to lead to improvements in other areas of life, such as educational achievement, health, and employment. These benefits often translate into substantial cost savings.

An analysis of the history of juvenile justice over the past 100 years shows how our policy regarding delinquency has gone through cycles of reform.
Many years ago, society primarily focused on the treatment of youths who committed criminal behavior, often through no fault of their own. Early in the nineteenth century, juveniles were tried in criminal courts, like everyone else. Reformers developed the idea of establishing separate institutions for juvenile offenders in which the rehabilitation idea could proceed without involvement with criminal adults. As a result, the House of Refuge Movement was born. By the late 1890s the system proved unworkable, because delinquent juveniles, minor offenders, and neglected children weren’t benefiting from institutional placement. The 1899 Illinois Juvenile Court Act was an effort to regulate the treatment of children and secure institutional reform. Parens patriae was the justification to ignore legal formalities in the juvenile courts up until the early twentieth century. In the 1960s, the Gault decision heralded the promise of legal rights for children and interrupted the goal of individualized rehabilitation. The 1970s yielded progress in the form of the Juvenile Justice and Delinquency Prevention Act. Throughout the 1980s and 1990s, the juvenile justice system seemed suspended between the assurance of due process and efforts to provide services for delinquent children and their families. Today, society is concerned with the control of serious juvenile offenders and the development of firm sentencing provisions in the juvenile courts. These cycles represent the shifting philosophies of the juvenile justice system.

Today no single ideology or view dominates the direction, programs, and policies of the juvenile justice system.
Throughout the past decade, numerous competing positions regarding juvenile justice have emerged. As the liberal program of the 1970s has faltered, more restrictive sanctions have been imposed. The “crime control” position seems most formidable in this new millennium. However, there remains a great deal of confusion over what the juvenile justice system does, what it should do, and how it should deal with youthful antisocial behavior. The juvenile justice system operates on distinctly different yet parallel tracks. On the one hand, significant funding is available for prevention and treatment strategies. At the same time, states are responding to anxiety about youth crime by devising more punitive measures.

Today’s problems in the juvenile justice system can often be traced to the uncertainty of its founders, the “child savers.”
Such early twentieth-century groups formed the juvenile justice system on the misguided principle of reforming wayward youth and remodeling their behavior. The “best interest of the child” standard has long been the guiding light in juvenile proceedings, calling for the strongest available rehabilitative services. Today’s juvenile justice system is often torn between playing the role of social versus crime control agent.

In recent years, the juvenile justice system has become more legalistic by virtue of U.S. Supreme Court decisions that have granted children procedural safeguards in various court proceedings.
The case of In re Gault of the 1960s motivated state legislators to revamp their juvenile court legal procedures. Today,
the Supreme Court is continuing to struggle with making distinctions between the legal rights of adults and those of minors. Recent Court decisions that allowed children to be searched by teachers and denied their right to a jury trial showed that the Court continues to recognize a legal separation between adult and juvenile offenders.

Despite some dramatic distinctions, juveniles have gained many of the legal due process rights enjoyed by adults. Among the more significant elements of due process are the right to counsel, evidence efficiency, protection from double jeopardy and self-incrimination, and the right to appeal. While the public continues to favor providing juveniles with the same due process and procedural guarantees accorded to adults, it is likely that constitutional protections that adults receive are not actually provided to juvenile offenders. High caseloads, poor pretrial preparation and trial performance, and the lack of dispositional representation are issues where juveniles are being denied due process of law. More resources are needed to implement constitutional procedures so that legal protections are not discarded.

The key area in which due process is required by Gault is the right to counsel. While progress has been made in improving the availability and quality of legal counsel afforded youths in delinquency proceedings in over four decades since Gault, much remains to be done.

States are increasingly taking legislative action to ensure that juvenile arrest and disposition records are available to prosecutors and judges.

Knowledge of defendants’ juvenile records may help determine appropriate sentencing for offenders aged 18 to 24, the age group most likely to be involved in violent crime. Laws that are being passed include (1) police fingerprinting of juveniles charged with crimes that are felonies if committed by an adult; (2) centralized juvenile arrest and disposition record-holding and dissemination statutes; (3) prosecutor and court access to juvenile disposition records; and (4) limitations on expungement of juvenile records when there are subsequent adult convictions.

The Juvenile Court is the focal point of the contemporary juvenile justice system. Created at the turn of the century, it was adopted as an innovative solution to the problem of wayward youth. In the first half of the century, these courts (organized by the states and based on the historic notion of parens patriae) were committed to the treatment of the child. They functioned without procedures employed in the adult criminal courts. When the system was reviewed by the U.S. Supreme Court in 1966, due process was imposed on the juvenile court system. Almost 40 years have since passed, and numerous reform efforts have been undertaken. But the statement of Judge Abe Fortas “that the child receives the worst of both worlds—neither the protection afforded adults nor the treatment needed for children,” still rings true. Reform efforts have been disappointing.

What are the remedies for the current juvenile court system?

Some suggest abolishing the delinquency-status jurisdiction of the courts. This is difficult to do because the organization of the courts is governed by state law. Others want to strengthen the legal rights of juveniles by improving the quality of services of legal counsel. The majority of experts believe there is an urgent need to develop meaningful dispositional programs and expand treatment services. Over the last fifty years, the juvenile court system has been transformed from a rehabilitative to a quasi-criminal court. With limited resources and procedural deficiencies, there is little likelihood of much change in the near future. One area of change has been the development of specialized courts, such as drug courts, which focus attention on specific problems, and teen or youth courts, which use peer jurors and other officers of the court to settle less serious matters.

The death penalty for children has been upheld by the Supreme Court.

According to the Wilkens v. Missouri and Stanford v. Kentucky cases in 1989, the Supreme Court concluded that states are free to impose the death penalty for murderers who commit their crimes while age 16 or 17. According to the majority decision written by Justice Antonin Scalia, society has not formed a consensus that such executions are a violation of the cruel and unusual punishment clause of the Eighth Amendment. In August 2003, the Supreme Court of Missouri declared the death penalty to be unconstitutional for offenders under the age of 18, and petitioned the U.S. Supreme Court to take up this matter. In January 2004, the Supreme Court agreed to decide whether the death penalty for 16- and 17-year-olds violates the Constitution.

New approaches to policing juvenile delinquency show promising results in reducing serious offenses, such as gang activity and gun crimes.

Some of these new approaches include aggressive law enforcement, community-based policing services, and police in schools. One of the most successful approaches has involved the police working closely with other juvenile justice agencies and the community. Operation Ceasefire in Boston, which brought together a broad range of juvenile justice and social agencies and community groups, produced substantial reductions in youth homicide victims, youth gun assaults, and gang violence.
across the city. Versions of this successful program are now being replicated in other cities across the country.

**The use of detention in the juvenile justice system continues to be a widespread problem.**

After almost three decades of work, virtually all jurisdictions have passed laws requiring that status offenders be placed in shelter care programs rather than detention facilities. Another serious problem related to the use of juvenile detention is the need to remove young people from lockups in adult jails. The Office of Juvenile Justice and Delinquency Prevention continues to give millions of dollars in aid to encourage the removal of juveniles from such adult lockups. But eliminating the confinement of children in adult institutions remains an enormously difficult task in the juvenile justice system. Although most delinquency cases do not involve detention, its use is more common for cases involving males, minorities, and older juveniles. Juvenile detention is one of the most important elements of the justice system and one of the most difficult to administer. It is experiencing a renewed emphasis on programs linked to short-term confinement.

**The use of waiver, bind-over, and transfer provisions in juvenile court statutes is now more common.**

This trend has led toward a criminalization of the juvenile system. Because there are major differences between the adult and juvenile court systems, transfer to an adult court exposes youths to more serious consequences of their antisocial behavior and is a strong recommendation of those favoring a crime control model. Waiver of serious offenders is one of the most significant developments in the trend to criminalize the juvenile court. According to the National Conference of State Legislatures, every state has transfer proceedings. Many states are considering legislation that makes it easier to transfer juveniles into adult courts. States continue to modify age and offense criteria, allowing more serious offenders to be tried as criminals; some are considering new transfer laws, such as mandatory and presumptive waiver provisions.

**The role of the attorney in the juvenile justice process requires further research and analysis.**

Most attorneys appear to be uncertain whether they should act as adversaries or advocates in the juvenile process. In addition, the role of the juvenile prosecutor has become more significant as a result of new and more serious statutory sentencing provisions, as well as legal standards promulgated by such organizations as the American Bar Association and the National District Attorneys Association. Juvenile defendants also need and are entitled to effective legal representation. Through creative and resourceful strategies, many more states are providing comprehensive representation for delinquent youth. These programs include law internships, attorney mentoring, and neighborhood defender services.

**Juvenile sentencing procedures now reflect the desire to create uniformity and limited discretion in the juvenile court, and this trend is likely to continue.**

Many states have now developed programs such as mandatory sentences, sentencing guidelines, and limited-discretion sentencing to bring uniformity into the juvenile justice system. As a result of the public’s fear about serious juvenile crime, legislators have amended juvenile codes to tighten up juvenile sentencing provisions. Graduated sanctions are the latest type of sentencing solution being explored by states. The most popular piece of juvenile crime legislation in the near future will be tougher sentences for violent and repeat offenders. Perhaps the most dramatic impact on sentencing will be felt by the imposition of “blended sentences” that combine juvenile and adult sentences. Today, more than a dozen states now use blended sentencing statutes, which allow courts to impose juvenile and/or adult correctional sanctions on certain young offenders.

**In the area of community sentencing, new forms of probation supervision have received greater attention in recent years.**

Intensive probation supervision, balanced probation, wilderness probation, and electronic monitoring have become important community-based alternatives over the last few years. Some studies report mixed results for these new forms of probation, but more experimentation is needed. Probation continues to be the single most significant intermediate sanction available to the juvenile court system.

**Restorative community juvenile justice is a new designation that refers to a preference for neighborhood-based, more accessible, and less formal juvenile services.**

The restorative justice idea focuses on the relationship between the victim, the community, and the offender. For the victim, restorative justice offers the hope of restitution or other forms of reparation, information about the case, support for healing, the opportunity to be heard, and input into the case, as well as expanded opportunities for involvement and influence. For the community, there is the promise of reduced fear and safer neighborhoods, a more accessible justice process, and accountability, as well as the obligation for involvement and participation in sanctioning crime, supporting victim restoration,
reintegrating offenders, and crime prevention and control. For the offender, restorative justice requires accountability in the form of obligations to repair the harm to individual victims and victimized communities, and the opportunity to develop new competencies, social skills, and the capacity to avoid future crime.

**Deinstitutionalization has become an important goal of the juvenile justice system.**

The Office of Juvenile Justice and Delinquency Prevention has provided funds to encourage this process. In the early 1980s, the deinstitutionalization movement seemed to be partially successful. Admissions to public juvenile correctional facilities declined in the late 1970s and early 1980s. In addition, the number of status offenders being held within the juvenile justice system was reduced. However, the number of institutionalized children in the 1990s and in the early part of the 2000s has increased, and the deinstitutionalization movement has failed to meet all of its optimistic goals. Nonetheless, the majority of states have achieved compliance with the DSO mandate (Deinstitutionalizing Status Offenders). Because juvenile crime is a high priority, the challenge to the states will be to retain a focus on prevention despite societal pressures for more punitive approaches. If that can be achieved, then deinstitutionalization will remain a central theme in the juvenile justice system.

**The number of incarcerated youths remains high.**

The juvenile institutional population appears to have stabilized in recent years (there are slightly less than 109,000 youths in some type of correctional institution). The juvenile courts, however, seem to be using the most severe of the statutory dispositions, that is, commitment to the juvenile institution, rather than the “least restrictive statutory alternative.” There is also a wide variation in juvenile custody rates across the nation. The District of Columbia has the highest juvenile incarceration rate at over 700 per 100,000 juveniles, which is almost twice the national average.

**Minority youths have higher incarceration rates.**

A disproportionate number of minority youths are incarcerated in youth facilities. The difference is greatest for black youths, with the incarceration rate being almost five times greater than that for whites. Of equal importance, minorities are more likely to be placed in secure public facilities rather than in open private facilities that might provide more costly and effective treatment. The OJJDP is committed to ensuring that the country address situations where there is disproportionate confinement of minority offenders in the nation’s juvenile justice system.

**Juvenile boot camps don’t work.**

Correctional boot camps, which combine get-tough elements of adult programs with education, substance-abuse treatment, and social-skills training, are used to shock the offender into going straight. Systematic reviews and meta-analyses of the research evidence show that juvenile boot camps fail to reduce future offending. Despite their poor results, many states continue to use boot camps as a correctional option for juvenile offenders.

**The future of the legal right to treatment for juveniles remains uncertain.**

The appellate courts have established minimum standards of care and treatment on a case-by-case basis, but it does not appear that the courts can be persuaded today to expand this constitutional theory to mandate that incarcerated children receive adequate treatment. Eventually, this issue must be clarified by the Supreme Court. Reforms in state juvenile institutions often result from class-action lawsuits filed on behalf of incarcerated youth.

**A serious crisis exists in the U.S. juvenile justice system.**

How to cope with the needs of large numbers of children in trouble remains one of the most controversial and frustrating issues in our society. The magnitude of the problem is such that around 2 million youths are arrested each year; over 1.6 million delinquency dispositions and 150,000 status offense cases are heard in court. Today, the system and the process seem more concerned with crime control and more willing to ignore the rehabilitative ideal. Perhaps the answer lies outside the courtroom in the form of greater job opportunities, improved family relationships, and more effective education. Much needs to be done in delinquency prevention. One fact is also certain: according to many experts, the problem of violent juvenile crime is a national crisis. While the good news is that the juvenile crime rate declined in recent years, violence by juveniles is still too prevalent and remains an issue of great concern. Developing programs to address juvenile violence seems to overshadow all other juvenile justice objectives.

**Federal funding for juvenile delinquency is essential to improving state practices and programs.**

The Juvenile Justice and Delinquency Prevention Act of 1974 has had a tremendous impact on America’s juvenile justice systems. Its mandates to deinstitutionalize status offenders and remove juveniles from adult jails have spurred change for over two decades. The survival of many state programs will likely depend on this federal legislation. Because the Act has contributed to a wide range of improvements, Congress will most likely approve future financial incentives.
Today, the juvenile justice system and court of 100 years is under attack more than ever before.

Yet the system has weathered criticism for failing to control and rehabilitate juveniles. It is a unique American institution duplicated in many other countries as being the best model for handling juveniles who commit crime. The major recommendations of such important organizations as the national Council of Juvenile Court Judges, the American Bar Association, and the Office of Juvenile Justice and Delinquency prevention for the new century are (1) the court should be a leader for juvenile justice in the community; (2) people (judges, attorneys, and probation officers) are the key to the health of the juvenile justice system; (3) public safety and rehabilitation are the goals of the juvenile justice system; (4) juvenile court workloads are shaped today and in the future by the increase of substance abuse cases that must be resolved; and (5) the greatest future needs of the juvenile court in particular are resources and funding for more services, more staff, and more facilities.
Appendix:

Excerpts from the U.S. Constitution

Amendment I (1791)
Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Amendment II (1791)
A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

Amendment III (1791)
No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV (1791)
The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V (1791)
No person shall be held to answer for a capital, or otherwise infamous, crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property; without due process of law; nor shall private property be taken for public use without just compensation.

Amendment VI (1791)
In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Amendment VII (1791)
In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States, than according to the rules of common law.

Amendment VIII (1791)
Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

Amendment IX (1791)
The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.
**Amendment X (1791)**
The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

**Amendment XIV (1868)**
Section I. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any laws which abridge the privilege or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.