

Chapter 20

Reviving Juvenile Justice in a Get-Tough Era

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Editor's Introduction

Chapter 19 argued that the recent trends in juvenile justice should be extended to the point where the juvenile court itself is abolished. This recommendation more or less is based on an assumption that the original purpose of the juvenile court—reducing delinquency by treating its causes—simply cannot be achieved.

Chapter 20 takes a very different point of view. It recognizes the obvious legal and political changes that have transformed the juvenile court and made it much more similar to the adult court, but it also argues that a variety of other, less obvious changes have also been occurring. These changes are not very visible in the political and public arena, but they are much more integrated with the actual juvenile justice system as it functions on a day-to-day basis.

To a considerable extent, these changes originated with judges, attorneys, probation officers, and other professionals within juvenile justice systems across the country. To a considerable extent, these changes were based on evaluation research that provided solid information about how to reduce delinquency.

Basically, this chapter argues that juvenile justice is being transformed from within. It is being “reinvented” in a sense, but that the reinvention is a return to the original ideals of the juvenile court: individualized treatment in order to reduce youthful offending. The difference is that now, because of solid evaluation research such as that described in Part VIII, the original ideal of the juvenile court can actually be achieved.

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The authors conclude: "These lesser known innovations, supported by the findings of evaluative research, helped to revive the juvenile justice system in the face of withering attacks from the political arena."



Transforming Juvenile Justice

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

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

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

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

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

In addition to new program models, many states are implementing the graduated sanctioning approach (Howell, 1995; Torbet et al., 1996). Grounded in both research and common sense, graduated sanctioning ensures that there is at least some response to each instance of illegal behavior as juveniles begin to violate the law. In jurisdictions that embrace graduated sanctioning, there is a full continuum of sanctions available for responding to young offenders, including immediate sanctions for first-time offenders, intermediate and community-based sanctions for more serious offenders, and secure/residential placement for those youth who commit especially serious or violent offenses. Such approaches have the ability to introduce a greater degree of consistency in how youth within and across jurisdictions are sanctioned. More importantly, they can promote balanced and restorative sanctioning that includes victims, families, and communities; relies on the demonstrated effectiveness of rehabilitation and treatment; and emphasizes responsiveness, accountability, and responsibility as cornerstones of an effective juvenile justice system. (For more discussion of restorative justice concepts, see the

articles by Bazemore, 2001, Braithwaite, 2001, and Karp & Breslin, 2001.)

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

The lack of coordination and collaboration among service agencies is one of the most potent barriers to effectively preventing and reducing juvenile crime (Cocozza & Skowrya, 2000; Howell, 1995; Lipsey, 1999; Lipsey & Wilson, 1998; Rivers, Dembo, & Anwyl, 1998; Slayton, 2000). Traditionally, human services agencies were established to provide specific programs (substance use/abuse intervention, sex offender treatment, education, mental health, etc.), and each agency worked individually with its own particular client population. The result was often inefficient and ineffective interventions, and jurisdictions found it difficult to identify and work with youth who presented co-occurring disorders involving mental health problems, family problems, substance abuse, educational deficits, and other social problems (Peters & Bartoi, 1997; Peters & Hills, 1997). In response, many states have made intra- and interagency collaboration a priority in recent years (National Criminal Justice Association, 1997; Rivers & Anwyl, 2000).

Finally, in recent years, jurisdictions across the country began to recognize the need for greater investments in long-term planning as well as research and evaluation of their policies and programs (Danegger, Cohen, Hayes, & Holden, 1999). Research and evaluation in juvenile justice has been difficult in the past due to the lack of quality data. During the 1980s and 1990s, however, many states worked to enhance their data collection and analysis capacity as well as their ability to share information across agency boundaries (National Criminal Justice Association, 1997; Torbet et al., 1996). Confidentiality and privacy issues have required agencies to move carefully in this area, but the juvenile justice system has gained much from the increased availability of reliable and valid data for monitoring program operations and evaluating interventions. With sound, reliable

data, agencies can assess whether a particular policy, such as a change in sentencing, has been implemented consistently (Mears, 1998). They are also more likely to identify any unintended consequences that could offset the potential benefits of a new policy (National Criminal Justice Association, 1997). With good information, agencies are beginning to finally be able to answer those all-important questions: "What works, when, and for whom?"

Conclusion

Juvenile justice policy received much attention during the 1980s and 1990s. Policy makers implemented a range of new programs designed to make the system tougher. Even as the rate of juvenile violence dropped from 1994 through 2000, policy makers continued to demand that young offenders be transferred more often to adult courts and treated with more harshness by juvenile courts. Researchers investigated the effects of these changes but were unable to detect any clear benefits. The broader use of criminal court transfer, for example, did not appear to increase public safety significantly either in terms of individual behavior by affected juveniles or in the overall rate of juvenile crime.

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

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

and communication among child welfare, social service, and justice agencies. Effective juvenile justice policy will always include the use of incarceration, but lawmakers must realize that beyond the immediate benefits of incapacitation, getting tough on juvenile offenders has limited long-term value for crime prevention and public safety. Ultimately, responsible juvenile justice policy comes from being clear about who or what is the target of each intervention, focusing first on the conditions that are most susceptible to change and least costly to change, carefully implementing and monitoring interventions, and continually evaluating whether each intervention actually works. A juvenile justice system in this mold would be more efficient and effective. It would embody the principles envisioned by the founders of the juvenile court and be consistent with the theoretical foundations of community and restorative justice.

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