



RETURN THEM TO JUVENILE COURT

By H. TED RUBIN

POLICY BRIEF

ADULTIFICATION SERIES 1

VOLUME

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EXECUTIVE SUMMARY

This treatise supports an agenda that encourages state legislators, executive and judicial branch officials, juvenile justice administrators, private providers, and concerned citizens to return older and more seriously offending juveniles to the jurisdiction of the juvenile court. It urges policy makers and policy implementers to embrace the benefits that juvenile courts have long provided. It calls for a renewed emphasis on removing youth from the criminal justice system and to discard or modify policy directives made historically or in recent years that enable juvenile offenders to be handled in criminal courts and serve sentences in adult correctional institutions. It is centered on the definition of children and youth and the determination of the most appropriate legal forum that enhances the twin considerations of public safety and the constructive futures of young people.

This discussion criticizes the punitive dimensions of historic and recent policies that have placed juveniles in the criminal courts, while describing rationales that better fit society's interests in strengthening juveniles as youth rather than risking their futures and society's interests with their incarceration as criminals. This paper does not ignore the fact that juveniles commit serious and violent offenses and that public safety compels appropriate judicial sanctioning of these juveniles. It recognizes that juvenile court judges have authority to hold deliberative proceedings to determine whether the juvenile court or the criminal court is the more appropriate forum for sanctioning very serious juvenile offenders.

But, it is argued here, state juvenile justice systems can best accomplish the accountability and punishment mandated for serious, chronic, and/or violent juvenile offenders while also providing the spectrum of needed interventions that have the greater probability of facilitating their constructive citizenship in the future. Several illustrations of evidenced-based juvenile justice system interventions with these offenders are provided. Many other successful programs targeting this population of juvenile offenders could be illustrated. It follows that funding proven and more comprehensive interventions within the juvenile justice system is a cost-beneficial way to enhance public safety while reducing expenditures for long-term incarceration in the criminal justice system.

The Purposes of This Presentation

This treatise supports an agenda that encourages state legislators, along with executive and judicial branch officials, other juvenile justice officials, and concerned citizens to, in effect, take back the juvenile court. It urges that policy makers and policy implementers return to embrace or return to embrace the benefits that juvenile courts have long provided in separating juveniles from adult criminalization, and to discard or modify policy directives and re-directives, made historically or in recent years, that enable juvenile offenders to be handled in criminal courts and serve sentences in adult incarcerated facilities. It is centered on the definition of juvenile status and the determination of the most appropriate legal forum that enhances the twin considerations of public safety and the constructive futures of young people who violate laws which, for adults, constitute a crime.

This presentation has been prepared in support of efforts that are in process or to be undertaken in several states that aim at raising the current maximum statutory age that defines eligibility for juvenile court handling, as based on legislative requirements that had been mandated years ago or more recently. It has been prepared in support of related efforts in states where age changes have been statutorily enacted, particularly during the past 20-25 years, which have determined when a criminal court shall or may obtain jurisdiction over a juvenile offender, in concert with mechanisms that can trigger avoidance of a juvenile court or presume juvenile court handling is inappropriate.

This presentation criticizes the punitive dimensions of historic and recent policies that have placed juveniles in the criminal context, while describing

rationales that better fit society's interests in strengthening juveniles as youth rather than risking their futures and society's interests with their criminal incarceration. This paper does not ignore the fact that juveniles do commit violent and very grave crimes and that the public interest compels serious judicial sanctioning of juveniles who perpetrate such abuses.

But, it is argued here, state juvenile justice systems can best accomplish, for the substantial majority of older, serious juvenile offenders, the accountability and, indeed, the punishment their offenses merit, while also providing the spectrum of needed interventions that have the greater probability of facilitating their constructive citizenship in the future. Several illustrations of successful juvenile justice system interventions with serious juvenile offenders, retained within the juvenile justice system, are provided. Many others could be illustrated.

It follows that the funding of effective and more comprehensive juvenile interventions is a cost-beneficial way to reduce the public expenditures necessitated by long-term imprisonments.

This exposition has been prepared by a writer who has been a state legislator, a full-time juvenile court judge, one who has worked directly with juvenile offenders and managed programmatic interventions aimed at their rehabilitation, had directed or co-directed training programs for juvenile justice personnel for two decades, has evaluated onsite more than 300 juvenile and family courts and justice systems, and whose five books are directed at juvenile justice policies, practices, programs, and law.

NEGATIVE IMPACTS OF THE REVISED PUBLIC POLICY

An expansive number of individuals and organizations now believe that the punitive redirection to criminalize juvenile offenders has been excessive and much of it counter-productive. They do not trivialize their concern or the public's concern over serious juvenile crime. But they contend the juvenile justice system demonstrates effective capability to protect public safety and to provide fundamental accountability and positive interventions for the great bulk of serious and repetitive juvenile offenders.

Their criticisms regarding what can be termed the over-criminalization of juveniles have many facets. One criticism emphasizes society's failure to recognize and productively counter youthful immaturity with interventions, far more available in the juvenile system, which provides hope for a positive turn around.

A striking criticism stresses the failure to recognize scientific brain research that finds juvenile brain development is often incomplete at the time an offense is committed, and that judgment is impaired in suppressing impulses and in understanding the consequences of one's law violations. Juveniles' cognitive and reasoning abilities are less mature than those of adults, and they should be held less culpable than adults for offenses they commit.ⁱⁱ

A criticism emphasizes the harms done by juveniles who are incarcerated in jails and prisons, such as advanced crime lessons taught them as well as their victimizations by adult criminals. Another criticism emphasizes the cruel length of many of their sentences and the failure of prison systems to provide successful

rehabilitative stratagems during their stays.

A further criticism emphasizes quantitative research studies that have found that juveniles handled in juvenile courts who have similar offense records and offenses as comparable juveniles handled in criminal courts in other states, in fact reoffend less often, less speedily, and less severely.

A criticism emphasizes the expedited tempo of juvenile court case resolution compared with the slow tempo of criminal court case resolution, together with the briefer pre-disposition lock-up time, and the speedier insertion of community control and rehabilitative stratagems that the juvenile system invokes.

Still another criticism emphasizes the fundamentally unchecked authority frequently granted prosecutors to determine, often in a few minutes, whether a juvenile offender should be prosecuted in a criminal rather than a juvenile court. This practice is viewed as vastly inferior to the traditional approach, now slighted, of having a careful in-court review and consideration of both legal and social facts made by a juvenile court judge before a transfer or waiver decision is made.

Another criticism emphasizes, as well, the disproportionate criminal justice system contacts and confinements of minority youths, which is characteristic of the juvenile justice system also. However, the juvenile justice system, mandated for more than a decade by the US Congress to reduce this disparity, has been actively engaged in numerous approaches to curb minority overrepresentation.

PROVISIONS THAT ENABLE CRIMINAL COURT HANDLING OF JUVENILES

Historically, different states have set different upper ages for juvenile court handling. Today, any offense committed after one's 18th birthday is a criminal offense in 37 states and the District of Columbia. In ten states juvenile court jurisdiction ends on the day before one's 17th birthday and in three, this jurisdiction ends on the day before one's 16th birthday. Obviously this maximum age is not uniform. Nor are the state statutory provisions uniform that enable bypassing a juvenile court and provide for criminal court authority over juveniles.

Data are typically not collected in the states as to the numbers of juveniles under 18 years of age who are brought into a state's criminal court jurisdiction. Very likely, Connecticut, New York, and North Carolina file the most criminal court cases against juveniles as youth become adults there, as to their offenses, on their 16th birthdays. Likely, the ten states where youths become adults on their 17th birthdays... Georgia, Illinois, Louisiana, Massachusetts, Michigan, Missouri, New Hampshire, South Carolina, Texas, and Wisconsin follow, though the extent of their comparative frequency is unknown.

There are three dominant methods for charging juveniles in a criminal court:

(1) *By the end of the 2004 legislative session, 29 states excluded certain offenses by young offenders from the juvenile court. Known as*

statutory waiver, legislative waiver, or statutory exclusion, these statutes specify age as well as offense criteria for exclusion.

(2) *At that session's end, 15 states provided for concurrent jurisdiction, which allowed prosecutors the discretion to file eligible cases in either juvenile or criminal court; this procedure is known as prosecutorial waiver, prosecutor discretion, or direct file.*

(As reported in the 2006 National Report on Juvenile Offenders and Victims, assembled by the US Office of Juvenile Justice and Delinquency Prevention, prosecutors in Florida, a state that has a broad concurrent jurisdiction provision, sent more than 2000 youth to criminal court in fiscal year 2001.)iii

(3) *Statutes allow juvenile court judges to waive jurisdiction over certain cases filed initially in juvenile court. The decision may be strictly discretionary, may be based on a rebuttable presumption of waiver, or may be mandatory when certain statutory criteria have been met. State statutes determine the minimum age and the particular offenses eligible for waiver, as well as the requirements for the waiver proceeding. Data are collected in this regard. In 1992, 11,782 juveniles were waived by juvenile court judges, but fewer than 6,000 youth were waived in 2000. These data reflect the legislation and practice that have eased the pathway to direct criminal court handling. One metropolitan judge in a state that emphasizes direct files stated to the*

author in March 2006 that she has not conducted a waiver hearing in years

The most common minimum age specified as eligible for any of these mechanisms that lead to criminal court handling is 14 years, though ten states allow a younger age and 22 states and the District of Columbia do not specify a minimum age.

Another criminalization mechanism authorizes juvenile courts in 15 states to issue blended sentences, i.e., both a juvenile disposition and an adult criminal sentence. Typically the adult sentence is stayed, contingent on good behavior. In several of these states, adult sentences are not authorized, but the juvenile court sanction can extend beyond the age of the juvenile court's jurisdiction to enable the sentence to begin in a juvenile institution followed by time in an adult prison.

The writer arranged to obtain juvenile criminalization data from Minnesota, a state that authorizes statutory exclusion of juveniles over 16 years charged with murder, maintains a rebuttable presumption certification proceeding with certain juvenile court cases, and authorizes a juvenile court judge to issue a blended sentence. For the year 1999, 353 juveniles were processed into state criminal courts, while 292 were processed in 2000. During these two years, 14 youth were filed on for homicide and another 10 for criminal vehicle homicide. However, the most common offenses were assault, burglary, robbery, a sex offense, and vehicle theft. Property offense filings exceeded person injury filings. But one needs to ask why some youth, charged with obscenity, with vehicle theft, with receiv-

ing stolen property, or with larceny, could not have been retained within juvenile jurisdiction. Further, during those two years, 158 of the 302 youth who entered a criminal court based on a violation of a blended sentence and for whom identifying information had been recorded were Native American, Asian-American, or African-American. Minority overrepresentation with this procedure in this state should be obvious.

New Mexico offers a unique variation...juvenile court judges may enter "unblended" criminal court sentences when particularized criteria have been met. The statute enables these juvenile court judges, in certain cases, to sit as a judge with criminal sentencing authority and enter an exclusively criminal sentence upon a juvenile.

States that authorize juvenile court judges to enter any form of criminal court sentence must provide a jury trial option to this juvenile.

ALLEVIATING THE HARSHNESS OF CRIMINALIZATION

An early legislative waiver provision, enacted in New York in 1978, exempted certain offending 13-15 year olds from family court handling and placed them directly in criminal court. The law provided, however, that under mitigating circumstances and with prosecutor concurrence, a juvenile could be "transferred downward", i.e., back to family court handling and disposition. This was a harbinger of other "get tough" legislative activity that was to follow, which allowed for some moderation of this "toughness."

Today, 25 states provide authorization for a reverse waiver hearing following a criminal court charge based on statutory or prosecutorial waiver. This hearing allows the juvenile to petition the criminal court and seek to show amenability to rehabilitation in the juvenile justice system, while allowing a prosecutor to seek to convince the judge that the criminal court proceeding constitutes the better use of judicial discretion.

Another blended sentencing authorization in seven states is noteworthy, but the setting is the criminal court where this judge may issue two sentences, a juvenile sentence and a separate criminal court sentence. When the former is initiated, a failure to comply with its conditions then leads to a further hearing and an expected invocation of the criminal sanction.

A final blend authorizes criminal court judges in ten states, following adjudication, to invoke a juvenile disposition as an exclusive sentence.*

THE QUEST TO RE-JUVENALIZE JUSTICE

Those now engaged in reform efforts seek public policy changes that would have all states authorize juvenile court proceedings for all youth under 18 years of age, allowing only limited exceptions. The exceptions would still begin all proceedings in a juvenile court, subjecting only older youth who commit serious offenses to waiver or transfer hearings conducted by the juvenile court judge to determine the best fit for a certain youth and for society, juvenile court or criminal court.

Where this jurisdictional proposal is not fully accepted in a state, this reform route urges that direct filing into a criminal court should be restricted to juveniles 16 years and older whose crimes, if committed by an adult, would be only those punishable by life imprisonment or death.

Three recent sets of policy directives substantiate this reform target.

“Juvenile Delinquency Guidelines,” issued by the prestigious National Council of Juvenile and Family Court Judges in 2005, urge that all juvenile crimes be initiated in a juvenile court. For serious crimes, the juvenile court judge should make a determination as to whether the offender should remain within the court’s jurisdiction or be waived/transferred to a criminal court for handling. “Waiver and transfer to adult court should be rare and only after a very thoroughly considered process.”

“A Blueprint for Juvenile Justice Reform,” published in 2005 by the Youth Transition Funders Group comprised of 12 national foundations, seeks to keep juveniles out of adult prisons. The Group has examined research findings that show very severe negative consequences for juveniles held in adult incarceration compared with juveniles held in juvenile institutions. The blueprint comments that “studies show that youth held in adult facilities are eight times more likely to commit suicide, five times more likely to report being a victim of

rape, twice as likely to report being beaten by staff and 50 percent more likely to be attacked with a weapon. Youth sent to adult court also return to crime at a higher rate. Equally unacceptable is the fact that youth of color are overrepresented in the ranks of juveniles being referred to adult court compared to white youth charged with the same category of offenses.”

The Coalition for Juvenile Justice [CJJ], a national association that represents fifty-six governor-appointed state juvenile justice advisory groups, opposes trying and sentencing youth in adult criminal court, except in the rare case of a chronic and violent offender, and then only at the discretion of a juvenile court judge. Under no circumstance does CJJ support sending a child younger than age 15 into the adult system. CJJ also opposes giving prosecutors the authority to transfer youth to adult court.”

JUVENILE COURTS WERE FORMED TO REMOVE YOUTH FROM CRIMINAL COURTS AND ADULT JAILS AND PRISONS

The 1899 Illinois legislature gave birth to this nation's first juvenile court by establishing the juvenile court division of the Circuit Court for Cook County (Chicago). This law removed children under 16 years of age from the criminal court and the county's 11 police courts, and from criminal sentencing statutes that had resulted in their imprisonment with adult offenders. Probation officers were authorized.

Whenever practical, juveniles were to be maintained in their family homes and family parenting capabilities were to be strengthened.

This juvenile court's creation inspired a rapid movement to establish these courts across the land, sometimes beginning in the larger cities and then going statewide, as took place in Illinois and elsewhere. By 1924, every state but two had authorized juvenile courts. They took various organizational forms, sometimes a structurally separate court but more often as a part of another trial court. Maximum jurisdictional age differed also. The great bulk of states enacted a maximum age of one's 18th birthday; Illinois was to add a year to its upper limit; other states defined this court's jurisdiction up to one's 17th birthday while just three states have maintained the end of this jurisdiction as one's 16th birthday.

Juvenile codes have long authorized limited exceptions to this court's jurisdiction. One exception has been exclusive criminal court jurisdiction for juveniles above a particularized age who have been charged, for example, with an offense which, if committed by an adult, could result in a sentence of life imprisonment or death. Waiver hearings conducted by juvenile court judges has been a long established and nearly universal exception. However, the past several decades have seen a sweep of legislation that authorizes expansive approaches to by-pass ongoing juvenile court jurisdiction.

THE LEGALIZATION OF JUVENILE COURT PROCEDURES

Common to juvenile statute purpose clauses were provisions to remove juveniles from their home environments only when their welfare or safety or the protection of the public would otherwise be endangered, and if removed, to provide the necessary care, guidance, and discipline to facilitate one's becoming a responsible and productive member of society.

Juvenile courts, for decades, functioned largely without critical commentary except perhaps for criticisms by law enforcement officials for what they perceived as lenient dispositions, from rehabilitative professionals for what they visualized as all too limited treatment provisions, and by a small number of attorneys who decried the absence of regularized legal procedures and attorney representation of youths.

The juvenile court world changed markedly in 1966 and 1967 when the US Supreme Court took expansive notice of its then shoddy legal procedures. The 1966 Kent case mandated that juvenile court waiver hearings must provide the "essentials of due process and fair treatment". State after state then proceeded to enact statutory guidelines for this hearing, to include a finding of probable cause that the juvenile had committed this offense and to base the decision on up to ten findings such as one's prior record, nature of offense, impact on the victim(s), and rehabilitative potential within the juvenile justice system.

The 1967 Gault decision had a volcanic impact. It compelled requirements to provide written notice of

law violation charges, to inform both a youth and parents of a juvenile's right to counsel and free counsel, ensured the application of the constitutional privilege against self incrimination, and mandated the right to cross examine witnesses who testified against the child. State after state then updated their juvenile statutes to incorporate these standards. Defense counsel began to appear far more frequently, and within a few years juvenile prosecutors joined the cast.

RESPONSES TO THE NEW JUVENILE COURT

Legalization prompted a major review of another dimension of the court's jurisdiction known as "status offenses", a term that characterized offenses illegal only for children. The status of childhood authorized this jurisdiction for matters such as incorrigibility, running away from home, school truancy, and curfew violations. Juvenile court judges had long been able to institutionalize status offenders in a similar fashion as delinquents. However, states' laws were altered with a momentum that grew into a reform movement in the 1970s, and practices were changed almost universally to distinguish status offenders from delinquent offenders and to prohibit the lockup of the former either pre-trial or post-trial. The US Congress's enactment of the 1974 Juvenile Justice and Delinquency Prevention Act barred such lock ups in states participating in the Act's grant provisions, which were virtually all states.

This separation of offending juveniles preceded what was to follow...a heightened focus on delinquent misconduct that led to more public criticism of the perceived soft handling provisions of juvenile codes

and juvenile court judges. The court's rehabilitation mission was increasingly seen as incongruous with the serious offenses all too many juveniles committed. State legislators and other public officials heard these protests. A broad array of enactments authorized easier entry into criminal courts, while sometimes compelling greater juvenile court use of mandatory sentences and lengthier institutional time.

The cry, if they do the crime they should do the time, resonated widely. The long-term dominant practice of centering the waiver decision in a juvenile court judge atrophied.

But all too few have questioned the effectiveness of criminal court handling of offenders, adult or juvenile. All too few have held concerns that adult recidivism was consistently reported as extremely high. Much of the citizenry has passively accepted that criminalization of juveniles has furthered public safety. Getting these youngsters off the streets and, often, for long imprisonments with little more bothered all too few. And all too few have thought deeply enough whether criminalized juveniles in time return to society better able to conform to legal norms. In fact, many do not.

The juvenile system's strength, despite myriad shortcomings, has been its commitment to help juveniles through adolescence by furthering their self control abilities and positive attributes. Its practices have been tightened in many ways that will be described below. With its regularized application of controls, it still provides breathing room that furthers constructive youth development. Public safety is a cardinal principle.

This treatise will next prescribe the fundamentals of juvenile court/justice system tenets and practices. Then, it will proceed to illustrate an array of examples that show its ability to effectively manage more serious and chronic juvenile offenders. On these foundations, juvenile justice can absorb many of the juveniles who now are handled in a criminal court.

BASICS OF TODAY'S JUVENILE JUSTICE SYSTEM

Judges of juvenile courts are law trained. Some maintain a long-term assignment; others rotate to a different bench after serving a stint such as two years. Many earlier practiced law in this forum as magistrates, prosecutors, defense attorneys, or lawyers representing delinquent youth or children or parents in the court's jurisdiction over dependent, neglected, or abused children. These judges frequently use their positions to publicly advocate for expanded and improved intervention services for juvenile court youth. They recognize that their experience and expertise can be helpful to policy makers as well as parents who seek ways to help young people deal successfully with their adolescence.

Prosecutors are prominent functionaries here. Many have become career juvenile prosecutors, while others gain important experience and are then transferred to a felony court role. Many go beyond their responsibilities to protect public safety, ensure juvenile accountability, and protect victims' rights and the restoration of the harms done them to further the effectiveness of the juvenile justice system. They want

programs that are applied with juveniles to work well. They may publicly urge that interventions not now in place but which are regarded well elsewhere be entered into place in their jurisdiction.

Generally, prosecutors maintain responsibility to determine whether an alleged felony offense (and in some jurisdictions a misdemeanor offense) shall be formally petitioned to court or handled, assuming a conviction probability, through diversion to a probation or community agency that arranges accountability stratagems and youth or family service interventions.

Defense lawyers constitute a vital dimension of this justice system. Juveniles must be informed of their right to counsel. Appointment of counsel for otherwise unrepresented youth is mandatory in some jurisdictions. Counsel may be public defenders, court appointed privately practicing lawyers, or contract attorneys. Plea and sentence bargaining, which involves defense and prosecution counsel, often probation staff, and judicial review occurs commonly in juvenile courts.

Victim-witness assistants are most often employed by prosecution offices, and serve functions similar to such assistants in criminal courts. They facilitate victim services, victim or witness notifications regarding court proceedings, victim impact statements that are brought to judicial attention, and orders of restitution.

Professional court administrators, specialized in larger juvenile courts or district administrators for the various courts in a district, manage juvenile court budgets and along with court clerks are responsible for

caseload management here. Juvenile codes or rules of juvenile procedure provide processing time standards or guidelines that help ensure timely case processing decisions, sanctioning, and community-based interventions or residential placements.

Pretrial juvenile detention holding centers characterize the juvenile system. Commonly in place today, also, are validated risk assessment instruments that evaluate a referred offender's need to be held in secure custody pending judicial action. Juveniles who do not appear to need secure custody are released to parents (in some jurisdictions under a form of bond), placed on electronic monitoring, "tracked" by staff monitors, and/or required to participate in a detention alternative program.

Detained juveniles receive judicial detention hearings within 24-72 hours of admission which results in release, release to an alternative care facility or otherwise under certain control conditions, or retention until a further hearing such as arraignment. Juveniles may be held in confinement until adjudication and a disposition have been completed.

Because juvenile detention centers are far safer places than jails for juveniles, the federal delinquency act bars states from locking juvenile court juveniles in jails unless there is "sight and sound" separation from adult prisoners.

Probation officers have grown up with the juvenile court and fulfill numerous important roles. They are college graduates who have majored in criminal justice, social work, psychology, education, and other

subject areas, not infrequently hold graduate degrees, and often had work experiences with youth before taking these positions. Typically they are employees of the court or of a state or local governmental executive agency. They participate in ongoing in-service training locally as well as state and national training opportunities. They are guided by official manuals that direct their procedures and practices.

Probation officers may serve as intake officers who, authorized by statute or prosecutor, determine whether complaints about youthful offending should be formally petitioned or may be diverted to informal handling based on agreements that require law-conforming behavior and, as fitting, community service or monetary restitution.

Pre-disposition reports are prepared for a judge's disposition following plea entry or a finding the referred offense was committed. In different courts these may be prepared by intake officers, by probation staff investigators, or by a field probation officer. These reports enable a judge to be informed of a youth's prior criminal offense record, present competencies and deficiencies, school and community accomplishments, drug abuse concerns, family issues, risks and needs, and alternative dispositional programs that appear viable or necessary.

The field probation officer has primary responsibility for monitoring an adjudicated youth's behavior, compliance with probation conditions and use of needed resources such as substance abuse treatment, mental health counseling, mentoring, or other rehabilitation enhancing interventions.

Finally, juvenile courts rely on an array of community agency services for court youth, on residential treatment programs, and on state institutional commitments. All of these adjuncts are available to juvenile courts, though of course the depth of program availability varies.

ONE MORE BASIC: BALANCED AND RESTORATIVE JUSTICE

Juvenile justice systems have embraced Balanced and Restorative Justice (BARJ) for more than a decade. Its triad of fundamentals, public safety, juvenile accountability, and juvenile competency development hallmark numerous juvenile codes and juvenile justice systems. Accompanying emphases include victim restoration, opportunities for mediated meetings between victims and offenders, community participation to help ensure these fundamentals are applied effectively, and instruction with a victim impact curriculum that is, however, not universalized. Universal provisions, however, are victim restitution that includes monetary payments to reimburse victims' losses or damages, as well as community service hours performed by juveniles to reimburse the community for the injury to its quality of life.

Monetary restitution obligations represent a format for holding juveniles accountable; community service work represents a format that constitutes both accountability and competency development, e.g., increasing one's skills and responsible work habits.

The BARJ principle is that crime causes harm and the justice system should be held responsible for repairing this harm to the extent this is feasible. Nationally, juvenile justice systems have collected and reimbursed millions of dollars to victims and have reimbursed communities even greater sums, based on the number of hours of work service performed multiplied by the minimum wage, through community service requirements.

A number of juvenile justice systems extend juveniles' restitution and community service requirements, when not yet completed, into their institutional placements when they are ordered into private or state-operated residential programs. There, program staff is to facilitate juveniles' earning opportunities and performance of mandated work hours. Juvenile parole agencies are responsible for overseeing the completion of any still owing BARJ duties following return to the community.

A few examples of community service work in Pennsylvania include participation on a crime repair crew in Philadelphia that restores damage to victims' stores or homes, a work crew that continuously helps with the maintenance of the Valley Forge National Historical Park, and court youths doing the bulk of the work to maintain a community recycling center.

A new, promising development is a juvenile justice system's promulgation of a report card to the community that reports on its implementation of juvenile justice system objectives. Pioneered in Deschutes County, Oregon, with current replications taking place in Cook

County (Chicago), Illinois, in Allegheny County (Pittsburgh), Pennsylvania, and by the state Department of Juvenile Justice in South Carolina, a report card provides numbers on restitution dollars and community service hours ordered and performed, victim surveys of satisfaction with court handling, school participation by probationers, recidivism, investments in crime prevention, and citizen volunteer hours assisting youth. They are being distributed widely, for example, as an annual insert in the local newspaper.

Deschutes County has obtained noteworthy attention for its competency development programs. For example, volunteers assist delinquent youth who continue to carry primary responsibility for the construction of Habitat for Humanity homes there; a second benefit is that competency development skills obtained have enabled construction jobs for some of these youth.

The American Prosecutors Research Institute now carries primary responsibility for the enrollment of additional juvenile justice systems in this report card accountability program.

EXAMPLES OF DEEPER END JUVENILE JUSTICE PROGRAMS

Juvenile justice systems have bent with the need to deal more comprehensively with more difficult youthful offenders. Juvenile courts continue to receive referrals of lesser offenders and deal with them via diversion or less intensive surveillance. Individual and family counseling and collaborations to obtain helpful

services from community agencies remain part of their stock in trade. But many systems have reengineered their practices to create a panoply of interventions geared to more serious or repetitive offenders. There now is much more. Much involves multi-intervention strategies.

First up is a classification of probation supervision intensity. Common levels include minimum, regular, and maximum intensity supervision. Maximum intensity may be accompanied by adding paraprofessional staff members to complement the probation officer and increase the intensity of oversight and rule compliance. Shifts in levels are made as a juvenile progresses or regresses. Probation officers have increased authority to add additional sanctions with non-compliant probationers such as to require house arrest, to add more community service hours, to apply electronic monitors, to blend in time in the locked detention facility, and to return the probationer to a judicial hearing.

State codes, as in California, Illinois, and Colorado, authorize sentences to detention, due to a reoffense by a probationer or the failure to follow a condition of probation. Some sentences are for 45 days.

Juvenile drug courts now abound across the country. Substance abusing delinquent youth experience regularized court appearances and must participate in substance abuse treatment. Failures to meet requirements result in speedily delivered sanctions. Evaluations find these courts successfully place offenders in treatment, retain them longer in treat-

ment, and reduce their criminal activity. Some delinquency drug courts also cross over to administer jurisdiction of a drug abusing parent who is a criminal court client, and/or with the drug abusing parent of a dependent/neglected child. Such a holistic approach holds promise of controlling law violations and enabling families to improve their health and adjustment.

Some jurisdictions administer evening reporting centers, which enable a youth to leave a secure detention setting on the condition of attending such a center during late afternoon and evening hours. Here, as in Chicago, San Francisco, and Santa Cruz, California, juveniles experience an array of educational, counseling, and skill building programs. They can be transported back and forth to a center. Their unscheduled time, when they might get into further trouble, is reduced.

A PITTSBURGH EXAMPLE

The Community Intensive Supervision Program (CISP) initiated in Pittsburgh in 1990 illustrates a multi-pronged intervention with serious, violent, and chronic juvenile offenders. This has been an alternative to institutionalization for deep-end juveniles who must be ordered into the program by a judge. CISP, since 1997, also has functioned as a reentry program for previously institutionalized juveniles.

CISP operates from agency centers in five high delinquency neighborhoods. In addition to probation officers, each center employs paraprofessional “com-

munity monitors” who live in these neighborhoods, serve as role models, and are available around the clock to monitor and assist these youth.

CISP centers are open seven days a week from 10 am to midnight; daily attendance there and at school is required. Youth walk to the program after school and staff members drive them home at night. There is weekly drug testing, onsite drug and alcohol counseling, regular home visits and family participation, community service (minimum 100 hours) and restitution requirements, and a victim impact curriculum. All CISP juveniles are on electronic monitors throughout this experience, even when they are performing well.

Community integration is stressed. Community organizations direct the particular projects where youth perform their work service and residents are asked to talk with them and provide snacks to them during these assignments. CISP staff members serve on the boards of these organizations. The youth play board games and cards with seniors at nursing homes to develop bonds with seniors and feel a part of their community. The success ratio is impressive.

A DENVER PROGRAM

This project, initiated in 2003, involves the Denver Police Department, Denver Juvenile court and its probation staff, and local community residents in unusual ways to serve serious juvenile non-violent offender in an integrated fashion. The Denver Youth Development Court (DYDC) is the final opportunity for these Denver juveniles to use a community correc-

tions setting instead of a juvenile institution to modify their repetitive antisocial behaviors. Approximately 100 juveniles are involved yearly in this program; their average program stay is ten months.

Local law enforcement officers, termed “law enforcement advocates,” are provided additional pay to visit with program juveniles during evenings and weekends. They establish relationships which enable them to counsel these youth, monitor these youth as to behaviors and school attendance, assist some with school reenrollments, gain honesty as to drug violations (even performing drug/alcohol testing), and go with them to talk with a potential employer about a job. By appointment, they will purchase dinners and take these to a youth’s home and eat with the family. Juvenile accountability is a major objective for these officers and the entire project.

An unusual community review board comprised of citizens meets with enrolled juveniles and family members each Thursday evening in a juvenile courtroom. The Colorado Supreme Court has granted authority for board members to recommend sanctions or rewards based on youth progress. Typically, each juvenile-family meet with a board monthly, and members review reports and recommendations made by the DYDC team, including police reports and recommendations

Recidivism reduction is an important goal here, but another objective is improved citizen trust of the police, of course, some juveniles here recidivate as do juveniles in all community-level programs (as well as post-incarcerated juveniles). Data here show that 14%

of DYDC enrollees were committed to correctional institutions, but that 40% of a matched sample of juvenile probationers who were not enrolled in DYDC were committed to these institutions. The recidivism rate for DYDC juveniles within the first year following program graduation was just 5% versus 32% for the comparison population.

Other measures report a 60% improvement in youth and parent attitudes toward police, and a 50% improvement in police perceptions toward the effectiveness of the juvenile justice system related to public safety.

A TEXAS SECURE FACILITY FOR CAPITAL AND SERIOUS VIOLENT JUVENILE OFFENDERS

The Giddings State School is the maximum restriction facility of the Texas Youth Commission. It receives and very aggressively programs juveniles convicted of murder, of drive-by-shootings, of armed robberies, of assaultive sexual offenses, and of other violent violations. Its grueling Capital and Serious Violent Offender Treatment Program involves highly structured 16-hour days that have enabled many youths, but not all, to avert adult imprisonment. This school has demonstrated that a juvenile system can absorb and meaningfully assist many violent juveniles who in others states would begin their court careers in a criminal court and proceed to adult sentencing.

The 16-hour days include elements of correctional therapy, education, work, and discipline training. There are individual and group counseling, phase

reviews, education, vocational education, specialized treatments such as for substance abuse, physical education, and work maintenance of the facility and grounds. Psychodrama, a method of group therapy which takes the form of a play in which inmates dramatize roles relevant to their problems, is used to re-enact all violations juveniles have committed and those committed against them. Re-enactments involve confrontations of their denials, facilitate expressions of their rage and sense of isolation, bring out the internalization of the guilt they have harbored for hurting others, and prompt acceptance of responsibility for their injuries to others. These are among the processes used to further the rehabilitative prospect.

Texas is a blended sentence state where a juvenile can begin serving time in a juvenile facility and then, as when one fails the Giddings program; move on to an adult facility. The stakes are huge for those enrolled in this program and for the credibility of this program. Successful graduates maintain a relatively low return to violent crime rate, but more than a few move on to 25 to 40 year sentences in a penitentiary.

School therapists do testify in courtrooms to a youth's failure to cooperate with the counseling program, to violations of program rules, to unwillingness to take responsibility for one's crimes, and to any reluctance to modify those behaviors and thought processes that have contributed to their crimes. Staff must do this to maintain the integrity of the program.

The Giddings School holds approximately 380 juveniles whose offenses were committed prior to their

17th birthdays. Its staff registers approximately 380 members, as well.

CONCLUSION

Juvenile violent crime rates are down. Juvenile justice systems have developed myriad methods to curb risks to public safety by law violating youth who have been brought into this court. Their methods hold greater promise than criminal justice systems provide to protect public safety while providing a range of rehabilitative interventions that can bring fruitful futures. Far more youthful offenders should be transferred away from criminal justice into juvenile justice, to the setting that the great legal scholar, Roscoe Pound, long-term dean of the Harvard Law School, had called the greatest invention in jurisprudence since the Magna Ch

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II SEE JOHN D. AND CATHERINE T. MACARTHUR FOUNDATION, RESEARCH NETWORK ON ADOLESCENT DEVELOPMENT AND JUVENILE JUSTICE AT WWW.MAC-ADOLDEV-JUVJUSTICE.ORG.

III SNYDER, H.N. & SICKMUND, M. (2006). JUVENILE OFFENDERS AND VICTIMS: 2006 NATIONAL REPORT. WASHINGTON, DC: U.S. DEPARTMENT OF JUSTICE. OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

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