

A TECHNICAL ASSISTANCE MONOGRAPH

Alternatives to the Juvenile Justice System

from Theory to Practice

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ALTERNATIVES TO THE
JUVENILE JUSTICE SYSTEM:
FROM THEORY TO PRACTICE

A TECHNICAL ASSISTANCE MONOGRAPH

Prepared for:

U.S. Department of Justice
Office of Juvenile Justice and
Delinquency Prevention

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U.S. Department of Justice
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FOREWORD

September 23, 1982

The Formula Grants and Technical Assistance Division (FGTAD), within the Office of Juvenile Justice and Delinquency Prevention, has worked with numerous States and local organizations toward the common goal of reducing juvenile crime and improving juvenile justice. The problems we deal with are complex and resistant to an immediate solution, so we must be tenacious and make systematic use of emerging knowledge in the field.

Different tasks fall to localities, States and the Federal government in achieving our goal; we must work cooperatively if we are to progress. The Formula Grants Program has provided States and localities the opportunity to participate with FGTAD in multi-State and national programs. It is a small program relative to national expenditures in juvenile justice, but it must and can have high demonstrative value. The technical assistance program must convey ideas which make that possible; ideas which build upon the existing knowledge base and years of experience with program implementation.

During the nine years since the passage of the Juvenile Justice and Delinquency Prevention Act, we have made great strides in knowing what works and improving local programs. Formula grants and technical assistance efforts have contributed significantly to making this possible; they permit us to continue our steady progress.

The Formula Grants and Technical Assistance Division is proud to sponsor this technical assistance monograph, *Alternatives to The Juvenile Justice System: From Theory to Practice*, and the remaining three in the series (*Improving the Administration of Juvenile Justice: From Theory to Practice*, *Delinquency Prevention: From Theory to Practice*, and *A Framework for Juvenile Justice and Delinquency Prevention: A Technical Assistance Monograph*). Each is designed within its purview to take stock of where we are and where we should be, and to provide practical suggestions for getting there.

This series also proposes programs that merit additional attention by the States and will be supported by technical assistance. The limitations of Federal resources do not permit a response to every request for assistance. However, I hope the monographs will go beyond the confines of a specific office and funding source. I hope they will provide the basis for expanding the systematic development of programs to improve juvenile justice and reduce juvenile delinquency. By taking one step at a time, we can make progress in addressing this serious national concern.

David D. West

David D. West, Director
Formula Grants and
Technical Assistance Division

CHAPTER 1

INTRODUCTION

OVERVIEW

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is directed by Congress to lead Federal efforts in juvenile justice and delinquency prevention. In its Formula Grants and Technical Assistance Division (FGTAD), the OJJDP combines financial and technical assistance so that:

- 1) States and smaller regions will be encouraged and assisted in implementing the Juvenile Justice and Delinquency Prevention Act; and
- 2) Efforts of grant and technical assistance recipients will build on the knowledge base of research and years of experience with program implementation.

Goals

The Division's intent is to focus its assistance on the development and implementation of programs with the greatest potential for reducing juvenile crime and to cultivate partnerships with State and local organizations. To that end, the Division has set three goals that constitute the major elements of a sound policy for juvenile justice and delinquency prevention. They are to:

- 1) Promote delinquency prevention efforts;
- 2) Foster the use of alternatives to the traditional justice system; and
- 3) Improve the existing juvenile justice system.

Specifically, the three goals may be amplified as follows:

- 1) Delinquency Prevention -- A sound policy for juvenile delinquency strives to strengthen the most powerful deterrent to misbehavior: a productive place for young people in a law-abiding society. Preventive measures can operate on a large scale, providing gains in youth development while reducing youthful misbehavior. The Division's first goal is to identify and promote programs which prevent or preclude minor, serious, and violent crimes from occurring and which prevent the commission of status offenses.

- 2) Development of Community Alternatives to the Traditional Justice System -- Communities cannot afford to place their responsibilities for juvenile crime entirely on the juvenile justice system. A sound policy for combatting juvenile crime makes maximum use of a community's less formal, often less expensive, and less alienating responses to youthful misbehavior. The Division's second goal is to identify and promote community alternatives for each stage of a child's contact with the juvenile justice system, emphasizing options which are least restrictive and best promote or preserve favorable ties with the child's family, school, and community.

- 3) Improvement of the Juvenile Justice System -- The limited resources of the juvenile justice system must be reserved for the most difficult and intractable problems of juvenile crime. A sound policy concentrates the more formal, expensive, and restrictive options of the juvenile justice system in two areas:
 - On youth behavior which is most abhorrent and least amenable to preventive measures and community responses; and
 - On the problems of youths and their families which exceed community resources and require more stringent legal resolution.

The third goal of the Division, then, is to promote improvements in juvenile justice and facilitate the most effective allocation of the resources of that system.

Monograph Objectives

To promulgate its policy and goals, the Formula Grants and Technical Assistance Division has prepared three monographs which describe its overall perspectives and goals, present suggestions on how these goals can be implemented, and explain appropriate uses of the Division's technical assistance. In publishing these three documents, the Division had several salient objectives:

- To offer the practitioner a summary of theory and research developed in the goal area over the past decade, with suggestions on ways of translating the concepts into actual practice;
- To promulgate the Division's formal policy and goals, so that States and local agencies seeking formula grants and technical assistance can readily determine whether the programs or requests they submit to the Office can be funded and/or supplemented within the constraints of the Division's policies and goals; and

- To provide criteria for OJJDP's own administrators, so that grants and technical assistance will be awarded against a common set of guidelines, and the grants will be awarded on a fair and even basis.

OJJDP'S GOAL INTERPRETATION

To provide a more comprehensive understanding of how the Division views the three goal areas, each is discussed briefly in the following subsections.

Delinquency Prevention

This monograph emphasizes primary or preclusive delinquency prevention. Addressing delinquency prevention from this point of view requires a commensurate definition of the scope and cause of the problem. The perspective and strategy positions summarized below draw upon the composite findings of contemporary theory and research about delinquency and its prevention.

Target Population -- Which youths commit crimes? While most youths grow up relatively law-abiding, many have committed crimes as well. The infrequent offenders commit about one-half of all FBI index crimes, but relatively few of the most serious and violent crimes. We are not necessarily frightened by these youths but their contributions to the total costs of crime cannot be ignored.

Some youths--perhaps 4-8 percent of all youths--commit crimes more frequently; a few very frequently. They account for the other half of all index crimes and for a large share of the most serious and violent crimes (Empey, 1978; Weis and Sederstrom, 1981; Elliott, Knowles, and Canter, 1981). These youths do frighten us. However, after considerable effort no one can predict reliably, on an individual basis, who the frequent offenders will be, nor can they distinguish them from other offenders on any basis other than the frequency of their crimes. That is, we know them only after we see them several times. Further, the juvenile justice system is overburdened and its means are limited. To date, few programs have demonstrated an effect on delinquent behavior (Romig, 1978; Lipton, Martinson, and Wilkes, 1975).

If a reasonable chance to deal with the population of frequent offenders is to be offered, the general rate of juvenile crime, as well as the size of the frequent offender group, will have to be reduced.

Peer Groups -- Powerful influences on both the less frequent and the more frequent offenders are pressure and support from their peers. Few

youths, it appears, persist in crime without such support. Delinquent groups tend to form among those who are characterized by failure and exclusion in common and, thus, find themselves together. Youths who lack opportunities and connections in conventional pursuits are most susceptible to influence by delinquent peers. Differences in income, race, and ethnicity tend to be associated with opportunity and exclusion and, thus, can complicate group formation, but these differences should not obscure the more general pervasive process. Miller (cited by Weis and Sederstrom, 1981) estimates that 20 percent of all boys of relevant age in all cities larger than 10,000 population are members of law-breaking groups. About 7 percent of these boys--about 1.4 percent of all boys of relevant age--may be members of distinct gangs with territories and uniforms. These gangs tend to be concentrated in the few largest cities.

Ties to Convention -- Youths have strong ties to their families, schools, and work. Youths who have a stake in those conventional ties and activities are less likely to form delinquent peer groups or to be influenced by delinquent peers. They are bonded to--and, thus, controlled by--convention. Hirschi's useful description (1969) of the social bond can be extended to suggest the sorts of value which the bond provides. "Commitment" to conventional lines of activity is an instrumental association, which is likely to form when persons can be useful, competent, exert some influence on what happens to them, and can build up some advantages for the future. When conventional behavior is rewarding, it produces a kind of investment or bond--a "stake in conformity"--which is both a reason to observe the law and a reason not to break it. That stake could be lost.

Bonds form through interaction. In their effort to synthesize social control and social learning theories, Weis and Hawkins (1980) suggest that bonds form best in the presence of specific opportunities for involvement, when the skills needed to exploit the opportunity are present, and when rewards for appropriate participation are consistent. They point to families as the important force for early socialization and schools as the prime arena for adolescents. Work and neighborhood play supporting parts.

In their analysis of social control, opportunity, labeling, and social learning theories, Elliott, Ageton, and Canter (1979) suggest that consistency applies not just to rewards; bonds are likely to form in organized and predictable settings and weaken in settings that are disorganized and unpredictable for the actors. These authors also point to the importance of success and of the increasing integration in conventional contexts which success brings. Again, families are important in early socialization. Schools gain primary importance as students enter middle or junior high school; success and failure in school and school grouping practices contribute to the formation of peer groups. Finally, Elliott, Ageton, and Canter (1979) point to the influence of positive or negative labeling experiences--as others reward and punish our behavior, they also make judgments about us which shape our opportunities in the future.

These powerful tools of social control--organization, opportunity, skill acquisition, reinforcement, labeling, and group composition--are not

personal characteristics. They are features and functions of socializing institutions.

Organizational Change Strategies -- The Division concludes that selective change in existing organizations and practices for dealing with youths is the most promising and feasible course to substantial gains in delinquency prevention. Delinquency is a large, pervasive problem requiring large-scale initiatives. Therefore, the foundation for a delinquency prevention initiative should be an activity which involves large numbers of youths. Accordingly, delinquency prevention programs should be mounted in organizations which can support and strengthen families on a large scale: in schools, in organizations with extensive ties in communities and neighborhoods, and in organizations which support the transition from school to work.

For all of these organizations, delinquency prevention will be a secondary aim. Schools cannot--and will not--undertake substantial additional efforts for the sake of delinquency prevention; they can and may undertake initiatives which contribute to both academic achievement and delinquency prevention. While crime may occasionally be a focus for organization, neighborhoods will not be sustained solely by a common interest in reducing crime. Activities which contribute to both delinquency prevention and to a neighborhood's development and improvement will be needed. Few families will remain engaged in an activity solely on the basis of its contribution to delinquency prevention. Activities which affect delinquency behavior and provide options to children, however, are more likely to be supported. In the face of high unemployment rates among youths and hard economic times, employment agencies and employers must concentrate on activities which contribute to training and placement of an effective and stable work force; if activities can be found which serve those purposes and affect delinquency, they may be supported on a larger scale.

In relation to the activities and budgets already in place in States and communities, the formula grants of OJJDP are miniscule at present or predictable levels. Thus, an effective use of such modest supplements is to facilitate desirable changes in existing organizations and programs, rather than to augment those programs or to create new ones. The Division will direct its technical assistance to the support of such initiatives.

The central problem of delinquency prevention, then, is to find new activities or to modify existing activities to serve both the primary goals of the host organization and the goal of delinquency prevention. As may be expected, the problems and benefits of implementation in this approach are different from those encountered in the implementation of more self-contained initiatives. Organizational change will be required. This monograph is intended to support the selection of appropriate organizational change activities and to guide their implementation.

Development of Community-based Alternatives

The term "community-based alternatives" refers to services or programs that are operated independently of the normal juvenile justice system and provide either resources for deflection of cases before entry or parallel options to the traditional system functions of police apprehension, court adjudication, or correctional sanctioning. By definition, community-based alternatives are situated in a defined geographic area or neighborhood, primarily serve youths from that locality, and also maintain programmatic linkages with nearby residents and youth-serving organizations.

Arguments supporting utilization of these juvenile justice system alternatives frequently focus on their potentially lower costs and greater effectiveness in reducing delinquent behaviors. Theoretically, the best counters to delinquency are attachments and bonding to conventional friends and family and commitments to adult-approved activities. These supports are more easily fostered or maintained in community-based programs and activities than in such justice system facilities as secure detention centers and large-scale State-operated training or reform schools. The use of alternatives for non-criminal juvenile offenders and those youths convicted of lesser crimes is also recommended to conserve the limited system resources for the most violent and serious delinquents.

For purposes of discussion and analysis in this monograph, community-based alternatives have been categorized, according to their justice system equivalent, as:

- Alternatives to intervention--diversion;
- Alternatives to detention--pre-trial community supervision;
- Alternatives to court processing--conflict resolution; and
- Alternatives to incarceration--community-based corrections.

Diversion -- During the 1970's, diversion programs that either released youths who were charged with status offenses or minor crimes, or referred them to potentially rehabilitative services were promoted as a means of:

- (1) Minimizing court contact and thereby decreasing any stigmatizing effects;
- (2) Maintaining normal contact between youths and family or friends; and
- (3) Decreasing the costs of processing or formal intervention.

Subsequent evaluations of diversion programs (Romig, 1978; Dunford, 1981), however, found that these programs were not generally effective in reducing

stigmatization, improving social adjustment, or increasing conforming behavior. Moreover, while diversion without further services was less expensive than processing, diversion with services was not always comparatively less costly.

Detention -- Alternatives to detention refer to placement options for juveniles arrested and considered dangerous to the community or to themselves or unlikely to appear in court. Community alternatives include home detention, involving close supervision by parents and probation officer, foster care, and group home placements. These less restrictive resources have proven successful in ensuring court appearances (Pappenfort and Young, 1980) and have thus stimulated questioning about the use of secure detention for accused juveniles who are generally not likely to commit further offenses or miss court appearances.

Conflict Resolution -- Alternatives to court functions refer to conflict resolution projects that usually involve mediation or arbitration in misdemeanors and minor felony cases. In such cases, the prosecutor, defendant, and victim consent to an alternative mediation or arbitration process, but still retain the option of disputing the finding and having the case referred for usual processing. Although not so carefully evaluated as diversion programs, conflict resolution projects have been found to decrease decision-making time and require less attention by court officials. Further, the process is often better suited to cases involving a personal relationship between victim and offender than formal, adversarial procedures.

Community-based Corrections -- Community-based corrections refers to a range of residential and non-residential programs, including options like foster care, group houses, special projects for substance abusers or offenders with mental health problems, stipended work and vocational training, community service assignments, and restitution programs. Restitution and community service programs are particularly popular among community correctional options, not only because of their potential impact on offenders but as a symbol of the responsibility of the justice system to victims.

Research studies of community-based residential centers and other alternatives have found them generally ineffective where the measure of success is limited to a reduction in recidivism. In fact, critics of alternatives claim that mere community location by itself does not necessarily make any program more effective, less costly, more humane, or even more conducive to reintegration of a youth with his community. On the basis of evaluations, however, the most promising projects adopt service approaches that diagnose each youth's problem in a particular area, set behavioral goals, give the youth an opportunity to practice the new behavior or skill, evaluate performance, reward the youth for successful behavior, and modify rehabilitative goals as necessary.

Two generic criticisms have been levied against the overuse or misapplication of community-based alternatives that need to be taken

seriously in their design and establishment. The first is a general tendency to "widen the net" or increase the scope of judicial or other justice system controls over youths who would otherwise have been released or subjected to lesser restrictions. Secondly, alternatives that retain original charges or otherwise hold a conditional threat of punishment for not completing a mandated program may be infringing upon "due process" rights (McSparron, 1980; Hylton, 1982; Austin and Krisberg, 1982).

Certain general characteristics of community-based programs can be identified from research findings or theoretical frameworks as desirable features. One asset is service delivery to a general population of youths, not just delinquents, so that participants have an opportunity to mix with and form attachments to law-abiding counterparts. Other positive values are the encouragement of active participation in traditional roles for youngsters at school or in the community and the provision of opportunities for meaningful employment or the development of proven skills.

Given the evidence that at least some community-based alternatives show promise of effectiveness, advocates for alternatives can pursue certain strategies to encourage their adoption. These include emphasizing beneficial characteristics of alternatives, conducting well-designed evaluative studies, and incorporating innovations derived from current research findings into the programs.

Improvement of the Juvenile Justice System

The resources and powers of the juvenile justice system should be concentrated in two main areas:

- The first area of concentration must be on frequent, serious, and violent crime, which is unlikely to be handled effectively by any other strategy. There is a population of youths who are so highly alienated from society and so deeply involved in crime that no alternatives to formal traditional justice system intervention exist. These juvenile offenders constitute a small portion of all youths and even a minority of those who ever come in contact with police or appear in court. Thus, the scarce resources of the juvenile justice system should be concentrated on them.
- The second area of concentration for the traditional system includes some matters involving youths, their families, and schools which require particularly legal resolutions that only the courts can provide. Matters such as custody, probation of children, and emancipation are included in this category.

Considerable efforts have been undertaken in the areas of research, program development, and evaluations to develop strategies to improve the juvenile justice system. One of the best sources of information on these articles

is the standards promulgated by such groups as the National Advisory Committee, the Institute for Judicial Administration, and the American Bar Association. In reviewing standards, several principles emerge that should apply to all operations of the juvenile justice system. These include:

- Support for primary institutions;
- Accountability;
- Protection of the rights of children;
- Use of the least restrictive options; and
- Obligations of intervention.

Each is briefly discussed below.

Support for Primary Institutions -- The family remains the basic unit of our social order. Schools soon join parents in rearing children and grow increasingly important to youngsters; in fact, by the time children enter secondary school, schools probably are the more important influence on delinquent or conforming behavior. In high school, the prospect of a working life emerges, and the transition from school to work, i.e., the transition from student to worker, becomes increasingly important. Government policies, programs, and practices should support or strengthen these arrangements; they cannot, in any large way, substitute for them.

The older the child, the more energy should be devoted to promoting success at school and then to promoting independence. For juveniles, for whom relationships at school have become untenable, Government policies should promote emancipation through vocational training, alternative routes to post-secondary education, job placement, and independent living.

Accountability -- Together with any delegation of authority by or to a governmental entity must come limits on the exercise and duration of that authority and mechanisms to ensure its appropriate use. Guidelines and review procedures should be established for all intervention, intake, custody, and dispositional decisions. Stringent evaluation should be employed systematically to ensure the wisdom and effect of that decision-making.

Protection of the Rights of Children -- Age is not a valid basis for denying procedural protections when fundamental rights are threatened. Juveniles should be accorded both the protections provided to adults and the solicitous care postulated for children. And, there exist other means to deal with those juveniles whose age and behavior require more strict court intervention.

Use of the Least Restrictive Options -- Whenever there is a choice among various alternatives, the option which least intrudes on liberty and privacy and which most maintains and promotes bonds to conventional

activities and persons is preferred. Less restrictive and more effective options for all populations should be developed systematically to increase the range of choices. Secure detention and institutionalization should be regarded as a last resort for the most serious and violent crimes, and even then should be considered in relation to other options for dealing with such cases.

Obligations of Intervention -- When liberty is restricted for the sake of rehabilitation, there is an obligation to offer a range of services reasonably designed to achieve the rehabilitative goals in the shortest time. Intervention justified upon the doctrine of parens patriae imposes the duty to provide the resources necessary to fulfill the promise of care and assistance. When the claim of rehabilitation is compromised by a lack of funding or by negative evaluation results, the power to intervene is also compromised, and adjustments are imperative.

RELATIONSHIP OF MONOGRAPHS TO OJJDP ACTIVITIES

In developing these monographs, the Formula Grants and Technical Assistance Division has drawn from a wide body of research, literature, evaluations, and other documents. In particular, the contents of these monographs should be considered in light of the work of the three Assessment Centers established by the Office of Juvenile Justice and Delinquency Prevention. These Centers are:

- The University of Chicago--National Center for the Assessment of Alternatives for Juvenile Justice;
- The American Justice Institute--National Juvenile Justice Assessment Center;
- The National Council on Crime and Delinquency--National Center for Integrated Data Analysis; and
- The University of Washington--National Center for the Assessment of Delinquent Behavior and Its Prevention.

Other source of information and guidance to the practitioner translating theory to practice in juvenile justice are the standards promulgated by various bodies. In particular, the following should be consulted:

- National Advisory Committee Standards for the Administration of Juvenile Justice; and
- National Advisory Committee on Criminal Justice Standards and Goals.

The Office of Juvenile Justice and Delinquency Prevention has many valuable resources in addition to those described above and the documents of the

Formula Grants and Technical Assistance Division. The Special Emphasis Division has sponsored a variety of demonstration programs relevant to the three goals discussed above and research documents are available through the National Institute of Juvenile Justice and Delinquency Prevention. Additionally, the Juvenile Justice Clearinghouse has documents available that are germane to these topics.

USES OF TECHNICAL ASSISTANCE

The Formula Grants and Technical Assistance Division seeks a partnership with local, State, and national organizations in which the Division can contribute its resources to well-designed and well-executed programs and activities which are consistent with the aims and principles of OJJDP and which can be replicated on an expanding scale. Technical assistance requests come to the Office directly from juvenile justice agencies, and they are then reviewed by the Division for response. In its reviews, the Division considers the following general criteria:

- Relationship to OJJDP legislative mandate;
- Relationship to and consistency with Formula Grants and Technical Assistance Division goals;
- Appropriateness of Federal assistance relevant to a local problem; and
- Impact on the recipient and on the state-of-the-art of juvenile justice from responding to this request.

Technical assistance is provided through a number of different vehicles: on-site consultation, documentation and correspondence, training, and conferences. The strategy that is employed depends on the needs of the recipient and what is most helpful to him as well as the availability of resources.

In deciding where to focus technical assistance resources, special consideration is given to supporting national organizations, State personnel, and providing assistance to individual programs from whose efforts the Division can advance the state of knowledge about successful intervention strategies. The rationale for this emphasis follows:

- Support for National Organizations -- When influential national organizations invest their own resources in initiatives consistent with the aims and principles described above, the effectiveness of OJJDP's technical assistance can be increased by supporting the national organizations rather than their State or local affiliates. The Division seeks such relationships.

- Support for State Personnel -- When State personnel take a strong lead in promoting and testing promising programs, and technical assistance providers can support them instead of working locally, both State leadership and the effectiveness of technical assistance can be magnified. The Division welcomes requests in which this relationship is offered.
- Support for Program Tests -- Technical assistance will be improved by participation in a few of the most promising and rigorous program tests. The Division continually seeks partnerships in which technical assistance can complement efforts by State organizations, particularly OJJDP's State counterparts.

DOCUMENT PROFILE

In this particular document, Alternatives to the Juvenile Justice System, the Division has articulated the many alternatives to incarceration in adjudicating instances of juvenile delinquency. Chapter descriptions are presented below.

Chapter 2 provides a working definition of "community-based alternatives" to ensure a common understanding of terminology among the readership. An historical perspective on the development of this concept then traces how community programs have evolved from isolated reforms to concerted efforts for improving the services of the entire juvenile justice system. From a brief review of selected issues and events over the last 150 years of American social-cultural and judicial history, a number of themes are highlighted that have influenced a recent burgeoning of youth service alternatives. The most important trend that is introduced is the impetus to deinstitutionalize delinquents and deflect status offenders and neglected or abused children to community-based programs. A secondary change is also noted in the shift from reforming individual troubled youths through personally targetted interventions to a focus on improving the social and institutional environments in which all children function. Although the "child savers" of the late 19th Century recognized the importance of the social structure as a contributor to delinquency, the doctrine of parens patriae supported removal of affected youths from negative surroundings instead of activities to alter that environment. The Chicago Area Project of the 1930's was one of the earliest community-based experiments to attempt institutional reforms, but it was not until the 1960's, when the Federal role in juvenile justice expanded, that large-scale initiatives of this type were supported.

In Chapter 3, contemporary theories regarding the causes for juvenile delinquency are presented with corollary hypotheses on the most effective means for reducing offensive behavior by youths. The major theories explaining delinquency indicate that commitment and bonding to conventional

and adult-approved activities, particularly school work and employment, differentiate delinquent from non-delinquent juveniles. Those youths who do not have opportunities to fulfill their aspirations and imagine a successful future are more likely to be offenders and isolate themselves more frequently from traditionally respectable peers in deviant subcultures that reinforce delinquency. Having a stake in conformity, belief in the law and socially acceptable values, attachments to conventional citizens with a concern for reputation, and positive relationships with adults are powerful inhibitors of juvenile transgressions. The most important predictors of juvenile behavior, however, are attitudes toward education, performance in school, and the values of peers with whom a youth associates.

These theories imply that effective countermeasures to reduce delinquency can be applied in community-based alternative programs that:

- Foster associations with conventional peers and adults;
- Encourage and enable active participation in school, jobs, and/or other community activities;
- Reinforce positive socialization processes that build a stake in conformity;
- Discourage coercion or retaliation; and
- Provide opportunities for meaningful employment, development of verified skills, and/or practice of autonomous and participatory adult roles.

Chapter 4 classifies alternatives to the juvenile justice system in two general categories that have been used for evaluation research: (1) according to what component of the system the alternative replaces and/or augments, or (2) by the primary programmatic function of the alternative as a residential or non-residential intervention approach. The findings from current evaluative studies are then presented for each of these classification systems and the results in terms of efficiency and effectiveness are compared with more traditional methods and modes. From this perusal of the literature, it is concluded that "alternatives" are not necessarily better for reducing recidivism among participating delinquents, nor less costly to operate than traditional responses under the control of the juvenile justice system. Some alternative approaches are potentially more responsive and attractive than others, however. Among the most promising alternatives are conflict resolution projects, community-based options to secure detention, and some forms of community corrections, such as restitution and community service projects or programs with a pragmatic, individually tailored treatment approach that corresponds to contemporary delinquency theory.

Chapter 5 translates the historical perspective, theoretical underpinnings, and evaluation findings from the preceding three chapters into a set of

general policy guidelines for considering and approving technical assistance activities in this goal area. An initial section presents some general approaches for affecting system changes that can be adopted by practitioners in specific environments. The minimum criteria that must be met by requests for technical assistance are then established and followed by a description of the most desirable characteristics of community-based alternative programs.

Examples of the type of assistance that might be approved are elaborated in a subsequent section of this chapter before the available modes of technical assistance are depicted. Essentially, requests for Federal technical assistance that are most likely to be approved will have the potential for low-cost, but large-scale impact through an innovative but promising "alternative" model with a carefully designed evaluation component and a programmatic approach that guarantees due process protection while also ensuring against "widening the net" of social controls.

CHAPTER 2

THE HISTORICAL BACKGROUND OF COMMUNITY-BASED ALTERNATIVES TO THE JUVENILE JUSTICE SYSTEM

INTRODUCTION

By law, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) is charged with the responsibility of making grants and providing technical assistance to State and local governments and other public and private organizations. The rationale behind its support is to help plan, establish, fund, operate, and evaluate more effective programs for preventing and reducing juvenile delinquency, and in the long term to improve the juvenile justice system. This mandate has been translated by the Formula Grants and Technical Assistance Division (FGTAD) into a three-pronged strategy. One component of that strategy is to develop and implement effective options to current practices of the juvenile justice system. More recently, this tripartite technical assistance mission has been further elaborated, with the "alternatives" approach focused more closely on promoting the design and establishment of least restrictive and least costly community-based alternatives for those youths:

- 1) Whose behavior or offenses do not warrant intervention by the juvenile justice system; and
- 2) Whose conventional ties to family, school, and community should be enhanced, not disrupted.

Before developing a more specific policy related to technical assistance for community-based alternatives, it is important to reach a common understanding of the terminology used and to share an historical perspective on how the concept of community programs has evolved from isolated reforms to concerted efforts for improving the services of the entire juvenile justice system. This chapter, therefore, first provides a working definition of community-based alternatives. It then presents a brief review of selected issues and events from the last 150 years of American socio-cultural and judicial history that have influenced a recent burgeoning of community-based youth service alternatives. This background is an introduction to attempts at definitive reforms as well as a tribute to the tenacity and optimism implicit in continuing refinements of an ever-evolving and ever-imperfect human society.

DEFINING COMMUNITY-BASED ALTERNATIVES

The terms "alternative" and "community-based" have been used in a variety of ways by different theorists and practitioners in promoting innovative, non-traditional mechanisms for handling troubled or troublesome youths outside the "normal" (contemporary) criminal justice system channels. Thus, a spate of programs and services has been established as alternatives to formal processing, detention, or institutionalization by the juvenile justice system. Historically, however, the juvenile court, itself, was originally an alternative to processing youthful offenders as adults in criminal judicial proceedings. In that sense, it is similar to probation which was an alternative sanction to incarceration (or payment of monetary fines) and juvenile reformatories/training schools which were initially alternatives to adult prisons (Reamer and Shireman, 1980).

Similarly, "community-based" has been interpreted in reference to numerous program characteristics, including the geographic location of a facility; the residency of clients, staff members, or program sponsors; the major source of funding; or the relative isolation/integration of services and clients with other organizations and populations in the area, such as schools, churches, business establishments, recreational and cultural groups, and the like.

In the context of this monograph, the term "community-based alternative" is used to refer to services, programs, or activities that:

- Either deflect cases from entry, or provide a parallel option to one, or more, of the juvenile justice system's usual functions (i.e., apprehension; supervision before, in lieu of, or after formal court processing, detention, or incarceration);
- Operate independently of the traditional juvenile justice system (i.e., are not primarily staffed, funded, or controlled/operated by the juvenile justice system);
- Maintain at least some programmatic linkages with the surrounding community and foster a youth's relationships with other community residents and youth-serving organizations; and
- Are situated within, and primarily serve youths from a local community--rather than regional or Statewide--catchment area.

Further criteria for distinguishing appropriate and effective community-based alternatives are described in the following chapters.

CHANGING RESPONSES TO JUVENILE PROBLEMS

The problems that parents have had with their children are as old as humanity itself and have been recorded as far back as 2270 B.C. (Simonsen and Gordon, 1979). "Behavior that we now define as delinquent has been common among young people throughout history, but it has not always been illegal, nor has it always been called 'delinquency'" (Empey, 1978). Throughout the centuries, societies have attempted to ascertain the causes of unruly behavior by children in order to reduce and control such behavior. However, the behavior of young people has not changed. Rather, what has changed significantly over the centuries is the way society defines and reacts to that behavior (Empey, 1978).

In the religious doctrines of the 17th and 18th Centuries people were thought to be inherently depraved and preordained to follow a particular destiny. There was an assumption that crime and sin were synonymous, and that "while careful training and submission to authority might help to control evil impulses, such impulses could never be eliminated" (Empey, 1979). Because of this belief, there were no strong inclinations to rehabilitate offenders. Rather, sin demanded punishment. Thus, unruly children were severely beaten, abandoned, or placed in harsh apprenticeships.

Gradually, during the 17th and 18th Centuries, a model of the ideal child was developed and projected. "In short, the ideal child should be submissive to authority, hard working, self-controlled, obedient, modest, and chaste" (Empey, 1979). By the early 19th Century, this model became the "standard by which undesirable conduct by children and failure by unworthy parents was evaluated" (Empey, 1978).

After the American War of Independence, there were other changes in ideology concerning the causes for unruliness in children. The most popular theories attributed the chief causes of delinquency to the environment--especially poverty, lack of education, and poor parental guidance (Simonsen and Gordon, 1979). As these concepts became accepted, the old customs of abandoning, exploiting, or ignoring children were replaced with an "ardent concern" for their moral welfare, and the concept of childhood as a "special status in the life cycle" was born:

"Parental care for children became a sacred duty; the school gradually replaced the apprenticeship system as the second most important child-raising institution; and childhood became a transitional period in which protection from, rather than indulgence in, adult activities became the rule" (Empey, 1978).

However, "changes in the concept of childhood did not mean that all prior child-raising practices were eliminated. Child labor was highly important

and apprenticeship practices continued although with some class differentials" (Empey, 1979). Black and Indian children, for example, were not educated and methods of discipline for all children remained harsh.

As the century unfolded, more specialized services and institutions for children were developed. Industrialization and urbanization, together with child labor laws, increased the need for schools. Religious faith and determinism also gave way to a new respect for science, free will, and the secular perfectability of society. Proper guidance and training were believed to influence children's behavior more than innate evil and sin. These trends were also reflected in the judicial services developed for juveniles in this period.

As early as 1824, juveniles were segregated from adult offenders in the New York House of Refuge. This model was copied in other localities by similar specialized youth services. Although these early refuges for children accepted youngsters who had been convicted of crime, they were primarily intended for orphaned or neglected children. All youths who were confined in these establishments, however, were placed under a course of severe and unremitting discipline, calculated to subdue and conciliate.

Increasingly, the new concerns for protecting children were translated into institutionalized services operated by philanthropic organizations. Neglected or unruly youths were often removed from their home environments to special facilities where rehabilitative services could be concentrated on their perceived deficiencies. After appropriate training, these children could theoretically be reintegrated into society to lead meaningful and fulfilling lives. "Asylums for abandoned children had been used in Europe for some time, but the idea that institutions could be 'superparents' and used effectively to reform criminals or to substitute for family and community as the best method to raise children was entirely new" (Empey, 1979).

The trend toward placing youths in special institutions continued, even when it became clear that the institutions had become warehouses for children and that they were not turning out model youths. It was reasoned that the failure of institutions lay in their poor execution; the methods, not the goals, were misdirected (Empey, 1979). Thus the institutions continued to operate, but several modifications were made in an attempt to improve them. The names of institutions were changed to reformatories and industrial schools. Ideologies were expanded to include what were then considered to be new and innovative ideas: indeterminate sentencing, marking/grading systems, and parole supervision. However, institutions still failed to turn out the ideal child.

Simultaneously with the development of special institutions for youths, some early attempts to implement what are now considered community-based alternatives were made. Some of the proponents of child reform established urban centers to provide shelter and clothing for the homeless. They instituted work programs for destitute youths and, in an attempt to get impoverished youths out of their "destructive social environments," placed youths with farm families in the West (Empey, 1979).

The development of probation services followed. In 1869, Massachusetts enacted a statute which required a State agent to be present in court cases where juveniles faced a possible reformatory disposition. This agent was also responsible for locating alternatives for the youths, such as indenture service or foster placement, and to otherwise "provide for and protect the interest of such children" (Schultz, 1962).

Continuing the trend toward separate services for juveniles, a New York statute, enacted in 1877, envisioned special detention facilities for youths. The statute prohibited placing children under 16 years of age "in any prison or place of confinement, or in any vehicle for transport in company with adults charged with or convicted of crime, except in the presence of proper officials" (Rosenheim, 1962).

By the turn of the century, there was a widespread belief that children were different from adults -- more innocent, less capable of criminal intent, and therefore, in greater need of both protection and disciplined guidance. This belief, as well as immigration, urban growth, industrialization, social mobility, and the urgent admonitions of a group of zealous reformers, often known as the "Child Savers," culminated in the establishment of the first juvenile court in Illinois in 1899.

The guiding assumptions of this new court and of its rapidly proliferating facsimilies that were established across the nation before World War I were (Breed, 1976):

- "Children, because of their minority status, should not be held as accountable as adult transgressors;
- The objective of juvenile justice is to help the youngster--to treat and rehabilitate rather than punish;
- Dispositions should be predicated on an analysis of each youth's special circumstances and needs; and
- The system should avoid the punitive, adversary (sic), and formalized trappings of the adult criminal process with all its confusing rules of evidence and tightly controlled procedures."

In short, these new juvenile courts strengthened the traditional concept of parens patriae that had been articulated as early as 1772 in the English Chancery Court to allow the court to care for and protect the property of orphaned heirs by acting as the child's parent. Over the centuries, this theory was stretched to allow government to act as the child's parent, orphaned or not, in all matters. The governing standard became what was "in the best interest of the child," as interpreted by the judges (Taylor, 1981).

The new juvenile courts also gave legal sanction to the stratification of society by age and, for the first time, located responsibility for official action in a unique legal body for children. The juvenile court was

designed to ensure that the laws governing children were "liberally construed to the end that the care, custody and discipline of a child shall approximate that which should be given by its parents" (Empey, 1979).

The juvenile court was to be the new superparent -- its purpose was to decriminalize juvenile delinquency, train truant youths for productive work, and protect and prevent neglected children from committing crimes. The juvenile offender was no longer a criminal, but a "delinquent", and as far as was practicable, was to be treated not as a criminal, but as a child in need of aid, encouragement, and guidance (Rosenheim, 1962).

By the end of the third decade of the 20th Century, the framework-- and sometimes the substance--of a complete juvenile justice system that functioned as an alternative to the adult criminal justice system was well in place. A complex array of special youth programs and services was developed. Specially trained juvenile officers were enjoined to carry out the functions of police investigation, screening, and disposition. Special juvenile detention facilities were to be provided when pre-adjudication detention was necessary. Juvenile "training schools" were to be called upon if institutional placement was deemed necessary.

Some privately run community-based alternatives for the betterment of youths were also established during this period in many areas. Youth services were developed in the form of settlement houses and boys' clubs. Settlement house workers often took up residence in poor areas to protect and educate the disadvantaged. These reformers saw their roles as teachers and missionaries to the poor. They also saw the possibility of improving the environment and, in 1934, a model project was established in the Chicago area. This experimental program solicited community input and local residents' participation in the delivery of services. Although it showed some promise, the community-based organization model of the Chicago Area Project was subsequently abandoned for almost three decades.

REFORMING THE JUVENILE JUSTICE SYSTEM AND THE IMPETUS TO COMMUNITY-BASED ALTERNATIVES

Optimism concerning the performance and prospects of the juvenile justice system began to abate during the 1960's. As early as 1962, analysts decried the "unfulfilled promise of the American juvenile court" (Ketcham, 1962). Even sharper criticism came from the President's Commission on Law Enforcement and Administration of Justice. In its 1967 report, the Commission declared that "studies conducted by the Commission, inquiries in various States, and reports by informed observers compel the conclusion that the great hopes originally held for the juvenile court have not been fulfilled. It has not succeeded significantly in rehabilitating delinquent youth, in reducing or even stemming the tide of delinquency, or in bringing

justice or compassion to the juvenile offender." Among other recommendations, the Commission stated that the "formal sanctioning system and pronouncement of delinquency should be used only as a last resort. In place of the formal system, dispositional alternatives to adjudication must be developed for dealing with juveniles" (President's Commission, 1967).

At almost the same time, decisions of the Supreme Court of the United States [in re Gault (1967) and Kent vs. U.S. (1966)] questioned both the constitutionality of certain practices of the juvenile court and its effectiveness in carrying out its stated goals. These cases and others to follow increased public awareness that the juvenile justice system--specifically its judicial proceedings--could have unintended punitive, rather than rehabilitative, effects. Following the Gault decision, increasing concern for procedural safeguards of children was manifested. Juveniles now have the right to be represented by counsel, to cross-examine witnesses, to refuse self-incrimination, to require that delinquency be established "beyond a reasonable doubt" rather than merely through a "preponderance of evidence" (in re Winship, 1970), and to be protected from double jeopardy (in Breed vs. Jones, 1975). In short, the juvenile courts have moved toward adversarial proceedings that are similar to those of adult courts in guaranteeing the "due process" rights of children.

Concurrently with growing criticism of the juvenile court system stemming from investigative reports and contested procedural practices, more promising innovative alternatives were being developed. Two community programs concerned with changing social conditions affecting the lives of urban youths were spin-offs of the Federal War on Poverty and the President's Committee on Juvenile Delinquency and Youth Crime in the 1960's. Mobilization for Youth (MFY) and Harlem Youth Opportunities Unlimited (HARYOU ACT) stressed the importance of empowering the poor and encouraged maximum community participation in the planning and execution of social welfare programs.

The search for new approaches to alleviate juvenile problems and reduce the overwhelming burdens of the juvenile courts continued. By 1969, the Juvenile Delinquency Prevention and Control Act established the Youth Development and Delinquency Prevention Administration within the Department of Health, Education and Welfare and focused attention on coordinated community-based responses for reducing youth crimes. The basic model to be implemented as a "comprehensive delivery system separate from the system of juvenile justice, for providing youth services to an individual who is delinquent or in danger of becoming delinquent and to his family" was the Youth Service System (Delinquency Prevention Reporter, Special Issue, 1973). By 1972, at least 49 communities across the United States had established this approach to reducing juvenile crime by:

- Coordinating previously fragmented youth services;
- Adapting them to the special needs of the new social scene;

- Committing funds and participation from multiple sources;
- Requiring equal access to services for all youths; and
- Installing evaluation components to monitor the effect of social institutional change on juvenile court referrals.

Thus, the wheel had turned full cycle and major efforts were then being directed toward developing new alternatives to the first alternative -- the juvenile justice system. Federal assistance, furthermore, was given to States for use in the planning of innovative community-based programs that would provide prevention, diagnosis, diversion, and care of delinquent youths. The new emphasis also targeted interventions toward improving the social structure and environment, not just the individual in need of guidance and reform.

By 1974, the Juvenile Justice and Delinquency Prevention Act was promulgated, and it announced that it was "the declared policy of Congress...to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives..."

One major provision of this Act encouraged immediate attention to developing alternatives to the institutionalization of youths charged with or adjudicated for offenses that would not qualify as illegal acts if committed by an adult. States were to receive formula grant allotments through OJJDP only if their mandated State plans for reducing and preventing juvenile delinquency demonstrated how these "status offenders" in their jurisdictions would be removed from detention or correctional facilities for delinquent youths within a two-year period. Moreover, evidence would also have to be presented periodically showing that such a plan had been implemented and was indeed on schedule. Although the period for compliance has since been extended, the legislation did create numerous shelter care facilities and services for runaways and truants.

Special-emphasis initiatives developed under the auspices of the Office of Juvenile Justice and Delinquency Prevention, as established by the Act, have also supported the implementation of community-based alternative youth services. Notably, these included projects for diversion, restitution, and capacity building, as well as deinstitutionalization of status offenders. Some of the outcomes and results of these projects are discussed in Chapter 3.

ARGUMENTS FOR THE DEVELOPMENT OF COMMUNITY-BASED ALTERNATIVES

The case for developing new alternatives was made not simply upon the basis of sweeping generalizations that "the juvenile court has failed." In fact, this is a proposition that would be difficult, if not impossible, to

defend. The juvenile court has succeeded, to a large extent, in removing most juvenile offenders from the adult criminal justice system, and this was its central task. The President's Commission, despite its condemnation of much of the juvenile court's practices, still felt it necessary to add that "as trying as are the problems of the juvenile courts, the problems of the criminal courts, particularly those of the lower courts that would fall heir to much of the juvenile court's jurisdiction, are even graver..." (President's Commission, 1967).

Present dissatisfaction with the juvenile court and juvenile justice system stems, in part, from the unrealistic expectation that the justice system should abate all juvenile misbehavior. At the same time, there are justified concerns regarding the quality and effectiveness of programs for juveniles drawn into the juvenile justice net. The reality of overburdened staff is exemplified by the "big city" courts that receive referrals of thousands of youths per year and employ hundreds on their staffs. Almost of necessity, the system has become so bureaucratized as to result in a depersonalized, assembly-line operation based upon a series of 15-minute court hearings that dispose the fates of youths and their families summarily (Reamer and Shireman, 1980). This is a far cry from the original goal planned by the court's founders; viz., patient and understanding inquiry by an unhurried judge into the reasons for referral, followed by fashioning a disposition that would combine compassion and science in a program designed to bring a delinquent youth into productive participation in community life.

While advocacy for community-based alternatives has been based on concerns regarding the quality and effectiveness of juvenile justice programs, that support has had a theoretical basis as well. Arguments for alternatives derived from contemporaneous theories and movements of the times were marshalled in support of such innovations and they should also be mentioned. Some of the results or underlying assumptions of these justifications have since been questioned, but the concepts and thrusts can be categorized as:

- Labeling and social reaction theory;
- Decriminalization of victimless crimes;
- Deinstitutionalization;
- Cost effectiveness; and
- Due process protections.

There is considerable overlap in the themes that document these arguments. Nonetheless, an attempt to summarize the major points of each option is made in the following discussion.

Labeling and Social Reaction Theory

Probably the major theoretical underpinning for criticism of the juvenile justice system during the 1960's stemmed from the so-called "labeling" theory. Beginning in the 1950's, scholarly writings drew attention away from the offender as the source of his/her own problems and focused on the role that law enforcement and judicial and correctional agencies may play in perpetuating the behavior they are intended to control and ameliorate (Lemert, 1951; Becker, 1963; Schur, 1971). More recently, sociologists have underscored the potentially adverse impact that social reactions may have upon those who have been identified as deviants (Gibbons and Jones, 1975). Their argument follows:

There is a stigma which accrues from contact with law enforcement and from judicial and correctional agencies. This stigma contributes significantly to the establishment of deviant social identities and self concepts which are judged to be critical in the development of deviant careers. Repeated misconduct or deviation sets off social reactions (police arrest, court referral, and expulsion from school) which in turn stimulate further acts of misbehavior (Lemert, 1951). This interactive reciprocal process has been called the "self-fulfilling prophecy" and the "negative labeling syndrome."

Labeling theory has subsequently been criticized on theoretical and particularly on empirical grounds (Mahoney, 1974; Tittle, 1975). Studies have found that labeling does not necessarily result in a youth accepting a self-perception of diminished self-worth or delinquent personality, that subsequent legitimate opportunities are not necessarily denied, and that further deviance does not necessarily result. Nevertheless, the theory was used as a strong buttressing argument at one time for the diversion of many young people from potentially harmful and permanently stigmatizing contact with the juvenile justice system, particularly if their offenses did not warrant such negative consequences. The argument was thus appropriately tied in with a concurrent movement for decriminalizing some offenses.

Decriminalization of Victimless Crimes

As noted earlier, the Juvenile Justice and Prevention Act of 1972 mandated the deinstitutionalization of status offenders. Many States had already moved to distinguish legislatively between criminal (delinquent) and non-criminal (status offenses and neglect/abuse) behavior under the purview of the juvenile courts (California in 1961, New York in 1962, Illinois in 1965).

In most States, new laws created a legal category of "persons in need of supervision" (PINS -- also coded MINS, YINS, CINS for minors, youths, or children in need of supervision). Different adjudication procedures and dispositional alternatives were then required, but necessary services to

carry out the laws were not always guaranteed. Thus, while some statutes forbade commitment of status offenders to youth authorities or youth commissions, other public and private service providers (e.g., family and children's services) were not required to accept them. Accordingly, while some problem children were receiving assistance, others were not being served for lack of a coordinated service approach.

Another problem with this categorization of youths by legal problem was that the label of status offender did not always adequately describe the actual circumstances that brought an individual youth to the attention of judicial authorities. The truancy or runaway offense, for example, could have been only one of the charges pressed in plea bargaining attempts to clear the court docket and still ensure some supervision of the defendant.

The push to decriminalize status offenses in the juvenile courts paralleled similar pressures to remove the criminal label from other social problems, notably public drunkenness and some moral offenses, and thus remove substantial numbers of cases from court and police intervention. Decriminalization, however, did not automatically create effective alternative mechanisms for handling ("treating") or resolving social conflicts, and did not even guarantee compliance with the new statutes.

Deinstitutionalization

The major concern for decriminalization of status offenses was closely related to the recognition that youths displaying these behavior patterns were being sentenced to large institutions, along with more serious and violent juvenile offenders, and that the results were frequently disastrous. Instead of offering effective rehabilitation, correctional institutions were providing opportunities for youths to continue their negative and delinquent behavior patterns.

The reasons for this appeared to be numerous. A strong influence in most institutions is that of other residents. Not only are youths likely to learn about other criminal roles, but they are also likely to adopt the inmate code of behavior and increase their resistance to authority. Moreover, institutional life is frequently unfair and inhumane, characterized by fear, homosexual rape, and assaults on and exploitation of inmates by other inmates. Bartollas et al. (1960), reporting from first-hand staff experience, indicated that at one institution, TICO in Ohio, new youths are tested immediately to see if they can be exploited for food, clothes, or sex. A later survey of students at TICO found that "personal security," or fear, ranked second behind feelings of personal "powerlessness" as a key aspect of institutional living at this facility (Hayes and Johnson, 1978).

Consistent with the criticism that institutions frequently have negative effects is evidence that most correctional facilities are not effective in reducing recidivism. A contemporary review of correctional programs (both

juvenile and adult) found that very few were successful in reducing recidivism (Martinson, 1966).

In addition, institutionalization has other potentially harmful effects. The first effect was implied in the discussion of labeling. While any involvement in the juvenile justice system may be stigmatizing, institutionalization (the most serious sanction) can have the most harmful labeling effect.

Another effect of institutionalization is the separation of a youth from family, friends, and community. On the one hand, some in the community may welcome the removal of a youth, while at the same time his separation from friends in the community who have exacerbated his delinquency may also be beneficial. However, because the youth is likely to return to the community, the development of ties or bonds to conventional family members and friends who have expectations of lawful behavior is extremely important. The greater the ties or bonds to these significant people, the less likely the youth will be to violate their expectations.

Incarceration also decreases the youth's opportunities for meaningful work or training opportunities. For example, the number and variety of vocational and educational programs are limited, particularly in smaller institutions; traditional areas of training (frequently devoted to meeting an institutional need, or initiated simply because certain types of equipment and facilities are readily available at the institution) have not proven effective in helping youths obtain employment upon release; and terms of commitment do not necessarily coincide with course schedules (ABA, 1975). Furthermore, the continuing need for security has sometimes impaired the effectiveness of the training.

Recognition of these potentially harmful consequences from juvenile incarceration has made critics of the juvenile justice system cautious about sentencing practices and, in fact, spawned a movement to keep as many youths as possible out of traditional reformatories, and to shorten the time spent there by those few who do require secure care. These efforts toward deinstitutionalization in the correctional field are also matched by similar movements in the areas of mental health and retardation. Professionals in these practices similarly recognized the profound negative effects on community reintegration and adjustments of long-term separations from normal daily tasks and responsibilities and, therefore, recommended institutionalization only as a last resort for the most seriously afflicted and dangerous individuals.

Cost Effectiveness

Closely aligned with arguments for decriminalization and deinstitutionalization are statements about the relative costliness of criminal processing and correctional incarceration, especially when considering the results achieved. If the costs for judges, prosecutors, juvenile defense

attorneys, social service agencies, and support personnel were billed on a case-by-case basis in the same way that medical services are billed, the costs would be more apparent. The more extensive or longer the involvement, of course, the higher the costs.

Therefore, the argument goes, juvenile justice system contact should be restricted to those serious cases that merit intervention, with alternative arrangements, such as civil arbitration proceedings or family counseling, replacing judicial proceedings to the extent possible. Reducing the burden of the courts would not only reduce backlogs and cut costs, but also free scarce human and financial resources for reallocation to more difficult problems.

"Due Process" Protections

Still other arguments used to support the establishment of community-based alternatives that divert youths from continuing contact with the juvenile justice system are concerns for "due process" and children's rights that grew out of such litigation and decisions as *In re Gault*, *Kent*, *Winship*, etc. By this line of thinking, children assume more of the responsibilities of adults as they get closer and closer to the age of majority, and should be treated accordingly. Therefore, the juvenile court's more traditional social welfare obligations give way, at least in part, to dispensing deserved punishments and sanctions, albeit on a reduced scale, that are proportionate to the immaturity of the recipient as well as the severity of the offense.

Several commissions and task forces have studied the problems of rational, fair sentencing for juveniles and made recommendations regarding commensurate desserts for different age and offense categories. As public reactions against violent juvenile crime have increased, popular sentiment has also supported more severe and mandatory penalties for these crimes, especially for older adolescents. Therefore, there is pressure to treat certain juvenile offenders as adults through waivers to the adult court, or to guarantee their incarceration, if adjudicated.

Concomitantly, due process concerns mandate the restriction of probation to adjudicated cases and the diversion of minor offenders or low-risk troubled youths to community services on a completely voluntary basis, without the coercive threat of a return to court for future processing if a "treatment" plan is not completed (Henson, 1979).

SUMMARY

A number of themes can be traced in the historical development of community-based alternatives to the juvenile justice system (Westinghouse,

1982). The most important trend is the impetus to deinstitutionalize delinquents and deflect status offenders and neglected or abused children to community-based programs. A secondary change can also be noted in the shift from the individual as the sole target of intervention to a concern with the effects of social interaction and the social structure on wayward behavior. The emphasis on reforming troubled youths was most evident during the Progressive Era when the doctrine of parens patriae supported the intervention of one juvenile justice system in all aspects of a child's life.

The focus on changing the quality of social interaction and of the social structure itself occurred in the 1960's--at the same time the Federal role in community-based alternatives expanded. Although "child savers" in the late 19th Century recognized the importance of the environment as a contributor to delinquency, they removed youths from negative surroundings instead of trying to improve the social structure. The Chicago Area Project of the 1930's was one of the first community-based experiments that attempted to improve the environment, and MFY and the HARYOU-ACT were more immediate precursors of the modern initiatives.

CHAPTER 3

A THEORETIC FRAMEWORK FOR COMMUNITY-BASED ALTERNATIVES

USES OF THEORETIC CONCEPTS

Theory and research on the causation of juvenile delinquency provide a strong knowledge base for planning strategic interventions to prevent, deter, or rehabilitate young offenders. As Elliott (1980) has observed, a grounding in theory guides the researcher in identifying multiple criteria to measure program success, to hypothesize relationships among intermediate variables, to interpret evaluation findings in identifying relative success of parts of a program, and to make causal references from positive findings. A large body of tested theory already exists on the causation and/or correlates of juvenile crime and delinquency.

The purpose of this chapter is to introduce and discuss several major theories which, when taken together, provide a foundation for the development of community-based alternatives. The expectation is that certain theoretic concepts can be applied to community-based alternatives to distinguish the useful from the ineffective, and also to determine what specific approaches appear most helpful and applicable with particular classes of juveniles. The result of this analysis is a set of hypotheses for testing the comprehensive network of community-based alternatives needed in any given juvenile court jurisdiction.

EXPLANATIONS OF JUVENILE DELINQUENCY

A turning point in research on juvenile delinquency was reached during the 1960's when criminologists began to ask representative samples of anonymous adolescents, instead of just those with prior court or public records, about their past behaviors and actions that could be labeled criminal. This investigative method verified the enormity of unreported crime and the small percentage of offenses that result in arrests. More importantly, it substantiated the sizeable proportion of youths who engage, at least occasionally, in some form of delinquent behavior, but are not apprehended and do not pursue criminal careers (Glaser, 1975).

This discovery also led to a reexamination of traditional hypotheses about delinquency causation and the investigation of distinguishing correlates of criminal and non-criminal life patterns. Several overlapping and associated theories emerged. Currently they are considered the best tested explanations of delinquency causation and thus the most appropriate grounds

for establishing delinquency counter- measures. The collective statements that have been gathered into coherent doctrines describing delinquency development can be categorized as:

- Control theory;
- Strain theory; and
- Alienation and age stratification.

The following paragraphs provide brief descriptions of these major theories and demonstrate their relevance to community-based alternatives.

Control Theory

Very simply, control theory holds that youths may become delinquent if they develop no traditional and conventional constraints on their behavior through attachments to law-abiding citizens and adult roles in society. Most adolescents are socialized through family membership, school participation, peer group activities and, perhaps, employment by a formal organization. They develop a stake in lawful, conforming behavior that would be jeopardized by illegal activities. Further, the threat of possible harm to their reputations and their prospects as future adults serves as a deterrent to illegal activities, at least most of the time.

A cogent summation of control theory has been provided by Hirschi (1969) who describes favorable socialization as bonding to conventional society. He further distinguishes four aspects of such bonding:

- 1) Attachments to conventional persons, such that their affections, regard, and respect would be endangered by illegal pursuits;
- 2) Commitment to conventional endeavors, as demonstrated by interests in socially approved activities such as school work, team sports, community service, religious practices, artistic endeavors, gainful employment, and the like;
- 3) Involvement in the same types of conventional activities, with full-time investment of effort and resources to the extent that no energy remains for unlawful behavior; and
- 4) Belief in conventional values and an underlying faith in the propriety of a system of morals, laws, and customs that governs routine social exchange.

Hirschi (1969) also suggests that the reduction of juvenile delinquency is best pursued by increasing positive socialization experiences and strengthening personal bonds or commitments to families, schools, conventional friends, and other legitimate social institutions. In an

analysis of questionnaire responses from a large sample of metropolitan school children and a subsequent cross-check of their police records, he found that the most usual factors associated with self-reported delinquency and apprehension were poor school aptitude tests and performance records. Rebellious youths, especially males, were also apt to dislike school and teachers, refuse to do homework, and defy the rules by smoking in school, for example. Essentially, Hirschi found a strong relationship between school failure and adolescent crime rates that has intensified the search for improved alternatives--more fulfilling educational experiences, vocational work-study programs, or full-time employment.

His work also supports the utilization of community-based alternatives during every phase of judicial processing to keep youths in contact with, or increase their opportunities for, conventional activities and interactions with law-abiding citizens. In fact, institutional isolation and segregation can only delay or frustrate the bonding experiences derived from exposure to exemplary role models and participation in legitimate, adult-sanctioned activities. During adolescence, moreover, youths are at the most critical and vulnerable developmental stage in their socialization for adulthood. Disruption of this process, especially for prolonged periods, can be a serious and sometimes unredeemable mistake.

Strain Theory

A second explanation for delinquency causation has been termed strain theory. It states that delinquency is induced by gaps between socially endorsed values or goals and the opportunities available to gratify these desires through acceptable and accessible channels. Closely related to control or bonding theory, this variation stresses the frustration and negative behavior or violence that is likely to erupt, especially in low socio-economic status areas, when all hopes for mobility and advancement appear to be blocked.

According to this argument, youths who believe that they will have access to desirable goods and a "quality" lifestyle, and be rewarded by success by doing well in school, whether they find it pleasant or not, will struggle toward this bright future. However, a young person who has no reason to believe he will obtain desirable work, whose neighborhood is full of poor, unemployed people (old and young), whose parents do not have decent jobs, and whose school guidance counselor suggests that the youth try janitorial work is not likely to see opportunities or believe that a better future is possible (Johnson, 1979). Yet, such a youngster has still been exposed to a barrage of media advertisements and other portrayals of the "good life" as an abundance of money, material goods, and other status symbols. He must either reject these commonly held values, defer the possibility of gratification, or use illegitimate means to accomplish what he wants. In a society that stresses goals over means--and often implies that "the end justifies the means"--the direction that such a frustrated youth will choose is rather predictable (Merton, 1956).

The basic concepts of strain theory have been posited by numerous psychologists and sociologists, as well as criminologists, to explain individual and collective aggression, violence, crime, political disobedience, or revolution. Under slightly different labels, similar tenets have been expounded as frustration-aggression theory (Dollard, 1939); anomie and deviant behavior (Clinard, 1964); or relative deprivation (Gurr, 1970). A succinct summary of this latter theory, which closely resembles the basic ideology of strain theory, is provided by Gurr:

"Relative deprivation is defined as a perceived discrepancy between men's value expectations and their value capabilities. Value expectations are the goods and conditions of life to which people believe they are rightfully entitled. Value capabilities are the goods and conditions they think they are capable of attaining or maintaining, given the social means available to them. Societal conditions that increase the average level or intensity of expectations without increasing capabilities increase the intensity of discontent. Among the general conditions that have such effects are the value gains of other groups and the promise of new opportunities. Societal conditions that decrease men's average value position without decreasing their value expectations similarly increase deprivation, hence the intensity of discontent. The inflexibility of value stocks in a society, short-term deterioration in a group's conditions of life, and limitations of its structural opportunities have such effects.

Deprivation-induced discontent is a general spur to action. Psychological theory and group conflict theory both suggest that the greater the intensity of discontent, the more likely is violence. The specificity of this impulse to action is determined by men's beliefs about the sources of deprivation, and about the normative and utilitarian justifiability of violent action directed at the agents responsible for it."

Several assumptions underlie strain or relative deprivation theory. The first is that deprivation is perceived -- that a class of valuables or goals (e.g., power, money, activities) is available to some, but not to others, in the same society. A second assumption is that members of the group have to agree that this class of valuables rightly and fairly ought to be accessible to all. Such valuables may even have been available once and are now unobtainable, or are predicted to be so in the near future.

A third assumption is that the perceived strain will generate a discontent that results in aggressive and illegal responses. Most observers agree that perceived deprivation will, at the very least, precipitate anger and frustration. However, critics point out that these feelings may be expressed in different ways by those who experience them. Frustration and anger may indeed lead to overt acts of hostility toward the individual or group that is alleged to be responsible for the strain or deprivation. Anger and frustration may also be directed inward as self-destructive

impulses and acts, or they may merely result in apathy, submission, or resignation. Even when aggression results, it may be expressed in individual crimes, group outbreaks of domestic strife, gang warfare, or it may be converted into legitimate, non-violent strikes, petitions, appeals, and such.

Strain theory does have important implications for the types of corrective responses taken to alleviate the gap between aspirations and capabilities. Fundamentally, frustration and anger that result from perceived deprivation and unfairly blocked opportunities will only be heightened by responses that further limit opportunities to increase capabilities. Repression of efforts to redress grievances stimulates more open hostility and provokes acts of crime or rebellion. The use of coercion and harsh punishment as retaliation can only be expected to further escalate resistance.

Some compromise between blocked opportunities and expectations is therefore needed to reduce the discrepancy between what is wanted and what is available. Neither a simplistic admonition to improve capabilities by increasing opportunities--nor the converse, an appeal to diminish expectations--offers practical guidance in how to merge aspirations with opportunities and thus eliminate discontent. As Gurr (1970) has pointed out, no pattern of coercive control is likely to deter all enraged men, except extinction, and no utopian plan of social engineering seems capable of satisfying all human aspirations and resolving all discontents. Instead of advocating extreme responses, recognition must be given to negotiated solutions that provide new and legitimate means to the gratification of realistic expectations.

Community-based alternatives to the juvenile justice system offer a neutral territory in which to work toward the alleviation of perceived deprivations or strains. Staff members in community-based programs, especially those that serve a general--rather than solely delinquent--population, are not necessarily perceived as powerful, authoritarian representatives of a repressive establishment. Juveniles in such programs can, hopefully, learn alternative and appropriate means other than crime and rebellion for achieving their expectations and meeting very real needs. They can take advantage of opportunities for the development of skills, perhaps clarify their objectives, and reduce their personal sense of frustration and anger.

Juveniles in community-based programs can also participate in collective efforts to remove barriers that block mobility and achievement. The satisfactions derived from organizing constructive confrontations and expressing positive autonomy can sometimes offset those formerly found in being a competent delinquent or revolutionary. The process parallels the development of a stake in conventional values and closer ties to the community.

Alienation and Age Stratification

Several other explanations of juvenile delinquency that are supported by current research can be grouped together under a general label as theories of alienation and age or subcultural group stratification. Most of them proceed from the well documented observation that peer group influences are particularly important predictors of adolescent behavior, and the values of the group to which a youth belongs are highly correlated with individual beliefs and actions (Hirschi, 1969; Elliott and Voss, 1974). Theorists argue over whether joining a delinquent gang comes before or after an individual youth's commission of delinquent acts--whether those with similar tendencies and values seek each other out and then reinforce their mutual scorn of conventions, or whether some youths with ambivalent attachments to conventions are recruited and subverted by their association with delinquent peers.

Whether the conversion process to delinquency is due to the lack of adult attention and role modeling or not, adolescents are particularly vulnerable to peer pressures during the transition to adult status. They appear to seek favorable attention from co-equals more than from adults, and to be much more susceptible to impulsive and detrimental actions during this developmental period than they will be after maturity. The influence of teen culture, moreover, often incorporates activities associated with adults (such as smoking, drinking, automobile driving, and sexual experimentation) that can have both immediate and long-range consequences that are harmful. Early intervention to disrupt the formation of negative alliances and to encourage linkages to more positive peer groups has thus become a maxim of delinquency prevention and reduction.

A variant explanation of status-seeking among peers is provided by Matza (1964), who contended that some juveniles engage in delinquent acts to overcome a sense of powerlessness and isolation -- just to make something happen and exert autonomy. This rationale is not so dependent on group membership for supporting action decisions. The outsider who has no close attachments can still attain notoriety and recognition among peers for an act of defiance that is easier to commit than one of achievement or successful interaction with a co-equal.

Following this reasoning, Loeb (1973) pointed out that most upwardly mobile and non-delinquent middle-class youths have the opportunity to practice adult roles in organizations other than classrooms where guidance from a mentor/coach is available and the group has formal, recognized, and approved goals similar to those of adults in their associations. Such groups have formal rules and procedures that help create relationships among members toward a mutually acceptable and collective goal. Moreover, participation in such groups is important practice for the shared responsibilities and role differentiation that occur in adult life. These formal groups (e.g., teams for sports and other extracurricula activities) welcome the sponsorship and participation of adults in limited background roles rather than excluding them entirely. These formal groups also

supplement the usual instructional and didactic interactions of children with adults in traditional schools, and theoretically ease the transition to adulthood for participants.

The implication of delinquency causation theories related to peer group influences and alienation of adolescents from adults is that community-based alternatives can offer opportunities for intervening and countering the formation of delinquent subcultures. They can also provide an environment conducive to learning constructive adult roles and fostering formal and goal-oriented teamwork among peers as practice for adult responsibilities. Additionally, community-based alternatives can assist isolated youths in establishing friends as well as gaining positive rewards and approval from adults.

SUMMARY

In summary, the major theories explaining delinquency indicate that commitment and bonding to conventional and adult-approved activities, particularly school work and employment, differentiate delinquent from non-delinquent juveniles. Those youths, who do not have opportunities to fulfill their aspirations and imagine a successful future are more likely to be offenders. More frequently, they isolate themselves from traditionally respectable peers in deviant subcultures that reinforce delinquency. Youths having a stake in conformity, belief in the law and socially acceptable values, attachments to conventional citizens with a concern for reputation, and positive relationships with adults, are powerful inhibitors of juvenile transgressions. The most important predictors of juvenile behavior, however, are attitudes toward, and performance in, school and the values of peers with whom a youth associates.

These theories imply that effective countermeasures to reduce delinquency can be applied in community-based alternative programs that:

- Foster associations with conventional peers and adults;
- Encourage and enable active participation in school, jobs and/or other community activities;
- Reinforce positive socialization processes that build a stake in conformity;
- Discourage coercion or retaliation; and
- Provide opportunities for meaningful employment and the development of recognized and useful skills and/or practice of autonomous and participatory adult roles.

CHAPTER 4

DESCRIPTIONS AND CRITIQUES OF COMMUNITY-BASED ALTERNATIVES

INTRODUCTION

The last 20 years--and particularly the last decade since the establishment of OJJDP--have witnessed the development of numerous innovative, community-based youth programs and services that are directed toward youths who have come in contact with, or been found delinquent by, the juvenile justice system. No single descriptive study can begin to elaborate the wide variations and differences among these individual programs. This chapter attempts to group alternatives in two ways that will help the reader to understand:

- What kinds of programs have been developed and recommended as options to different components of the juvenile justice system; and
- Evaluative measures that have been applied and the general results that have been found from studies of prototypical alternative programs.

Chapter 3 described contemporary delinquency theories and their implications for programming. The findings from evaluative studies that are discussed in this chapter, together with the rationale for reducing juvenile crime, should provide a spectrum of new and tested criteria for determining what types of community-based services should be encouraged and supported as alternatives and thus provide guidance for planning and developing a comprehensive network of appropriate services.

Alternatives to the juvenile justice system can be either substitutes for traditional police and judicial processing activities or institutional dispositions. Processing alternatives usually refer to diversion programs or conflict resolution projects, while dispositional alternatives usually refer to substitutes for detention or the correctional system. Alternatives may also be classified as non-residential, such as educational or employment programs and counseling services, or as residential including such options as foster care, group homes, or supervised independent living. In many cases, the same type of program can provide services to youths at several different stages in the justice system continuum. For example, community-based residences can serve either as alternatives to detention, or as alternatives to post-adjudication confinement. Similarly, a non-residential alternative, such as employment training, might be used in conjunction with a residential placement in foster care as part of an alternative disposition at sentencing to replace traditional confinement in a DYS facility. Thus, different classification systems for "alternatives" may only partially distinguish their features.

**TRADITIONAL
JUVENILE JUSTICE
SYSTEM**

**COMMUNITY-BASED
ALTERNATIVE
PROGRAMS**

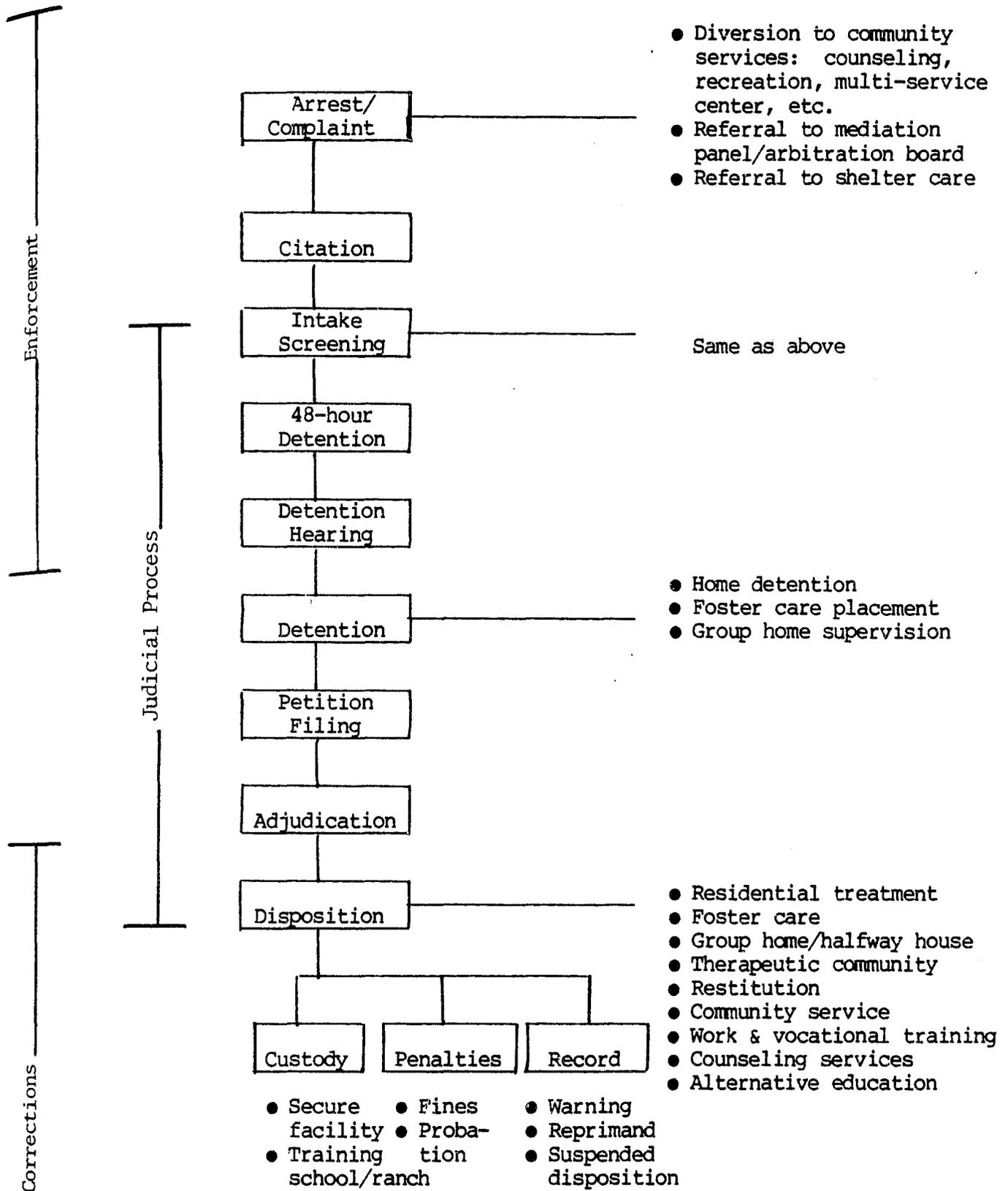


Figure 1: COMMUNITY-BASED PROGRAMS AS ALTERNATIVES TO DIFFERENT PHASES OF THE JUVENILE JUSTICE SYSTEM PROCESS

DESCRIPTIONS AND DISCUSSIONS OF ALTERNATIVE PROGRAMS

Figure 1 illustrates some types of alternative programs and stages of the juvenile justice process at which they might be utilized. The next section of this chapter discusses alternatives from the perspective of their application at different stages of the juvenile justice system process and presents the issues that have been raised both supporting and criticizing their widespread development. Alternatives to the juvenile justice system are thus categorized as:

- Alternatives to intervention -- diversion;
- Alternatives to detention -- pre-trial community supervision;
- Alternatives to court processing -- conflict resolution; and
- Alternatives to incarceration -- community-based corrections.

Alternatives To Intervention: Diversion

There are two major types of diversion projects (Boggs, 1980). One type handles youths who are charged with offenses, but whose offenses and offense history do not warrant further processing. The youths are simply warned and released. In this case, the diversion project represents a formalization of more traditional but informal screening and release processes.

A second type of diversion project not only releases accused youths, but also provides them with services, directly or through referral to community agencies. These services may include counseling, job training, recreational activities, foster care, or community-based residential placement.

Diversion projects are usually either police -- or court-related. Police diversion occurs between the time an arrest is made and the filing of a petition in court; court diversion occurs between the filing of a petition and adjudication.

The following rationales have frequently been offered by juvenile justice systems that provide diversion services as an alternative to continued processing through the court:

- Contact with the justice system, in itself, is stigmatizing for youths and may contribute to a negative identity. This, in turn creates a self-fulfilling prophecy of further misbehavior or greater visibility/vulnerability to continued apprehension;

- The juvenile justice system tends to isolate youths from normal interactions with family and friends, thus interfering with positive learning or reinforcement and the accumulation of "stakes" in a conventional lifestyle that are such important functions of adolescence;
- The juvenile justice system is not designed to provide needed social remedies or adequate treatment services for youths who are in trouble and require habilitation and special care; and
- The juvenile justice system is currently overloaded, understaffed, and underbudgeted to the point of being dysfunctional. Relief can only be sought through a reduction of caseloads -- a change in the flow of juveniles through the system. If less serious offenders are referred to community services which are less costly than continued processing, per client costs as well as staffing patterns may be lowered, or the same resources will be available for ratios more serious offenders.

The arguments supporting diversion programs were underscored by the 1967 report from the President's Commission on Law Enforcement and Administration of Justice in which the development of community-based resources to offset deficiencies of the juvenile court was recommended. "By the late 1970's almost every community in America had established a diversion program of some kind" (Dunford, 1981).

Almost 10 years later, enthusiasm for this concept has waned and a number of substantive challenges and issues have been raised, based on experiences with program operations. As part of a general review of evaluation studies on the effectiveness of justice system interventions and rehabilitation programs, Romig (1978) reported on studies of diversion programs published between 1971 and 1975 and an early similar effort in 1945. Seven of the eight projects studied showed no difference between treatment and control groups. The eighth revealed that experimental youths had significantly higher arrest rates than their control counterparts. Romig concluded that the reason these programs failed was not necessarily that diversion was ineffective, but that diversion programs relied on individual counseling, casework, referral, and work experience to change behavior. Because these approaches (analyzed in more detail in later sections) have been generally unsuccessful, diversion programs that rely on them will also fail, he contended.

A lack of effectiveness and other problems with diversion programs have more recently been identified in findings from a national assessment of federally funded diversion initiatives. Essentially, this national study found that:

- Diversion projects, at least in the sites surveyed, were no more effective than continued court processing or preemptive release in reducing stigmatization, improving social adjustment, or increasing conforming behavior (self-reported or observed) by participating clients;

- Neither the intensity of services provided, the kind of services offered, nor the sponsorship of such services changed the insignificant program impact on positive social adjustment, recidivism, or the perception of negative labeling by clients;
- Characteristics of the clients made little difference in their dispositions to diversion, release, or processing;
- Other intervening variables and poor system records made analyses of client flow impacts on the juvenile justice system almost impossible and a meaningless criterion to assess; and
- Cost data were similarly difficult to interpret, except that removal from further processing without diversion services was clearly the least expensive option, whereas comparative diversion and court costs varied greatly from site to site.

In addition to the finding from the national assessment that diversion services--of whatever type or intensity--do not necessarily have more positive effects than either a continuation of traditional processing or immediate release, these projects have also been criticized on two other grounds:

- "Widening the net" of court control over juveniles whenever clients for diversion are selected from groups that would ordinarily have been released without further interference prior to start-up of the new alternative; and
- Violation of "due process" rights when clients were not dismissed completely and immediately from all further court intervention, but the option of a continued processing was held as a conditional threat before adjudication and pending the outcome of a youth's satisfactory participation in program activities.

Alternatives To Detention: Pre-trial Community Supervision

Similar to adults, youths who are arrested and considered either dangerous to the community or themselves, or unlikely to appear in court, are jailed or otherwise confined while awaiting further processing. The average period of confinement lasts ordinarily one or two weeks -- occasionally longer, but more often, shorter. Frequently, youths who are detained initially by police decision are released following judicial review one or two days later.

There are several problems with such traditional confinement (Reamer and Shireman, 1980). The first is that the mere fact of detention, regardless of when the detention occurs, may lead to greater severity in later processing. In a Massachusetts study of Division of Youth Service detainees, for example, Coates, Miller, and Ohlin (1978) found that certain

youths--similar to their counterparts except for the fact that they were confined before adjudication--were more likely to be given more restrictive placements at disposition.

A second criticism of detention practices is that many youths are inappropriately confined. The problem is usually excessive utilization of detention, sometimes resulting from intake criteria that are not sufficiently specific or consistently applied. Some youths who do not represent a real danger are confined. For example, a recent study of juvenile detention (Pappenfort and Young, 1981) found that only a small proportion of youths detained in alternatives rather than traditional confinement had committed offenses or run away while awaiting adjudication. According to the Massachusetts study, detained youths were not significantly more dangerous, as indicated by their current offenses or criminal histories, than youths who remained in the community before their hearings.

Another inappropriate use of detention was found in Massachusetts, but also could occur in other States where judges feel frustrated because they have no control over the length or place of confinement after youths are formally committed to the youth correctional agency. In Massachusetts, apparently, judges sometimes delay proceedings and use detention as a punishment (Coates, Miller, and Ohlin, 1978). By so doing, they are able to ensure that a youth receives at least some confinement before the possibility of immediate release by the Division of Youth Services after commitment. Still other inappropriate uses of detention include the confinement of neglected or abused youths who actually need only shelter care, but for whom appropriate placements are not available.

A fifth problem concerning detention is that placements may be in custodial facilities which lack both needed services and adequate supervisory controls. In the Massachusetts study, 65 percent of youths placed in custodial units, in contrast to 29 percent in shelter care, claimed that some "bullies" in the unit pushed others around. Sixty-four percent of custodial youths also claimed that a few kids "ran everything". In contrast, only 36 percent of youths placed in shelter care made similar statements (Coates, Miller, and Ohlin, 1978).

Community alternatives to detention may include supervision at home, in a foster care placement, or in a group home. Each of these is described, in turn, in the following paragraphs.

Home Detention -- A non-residential alternative to detention usually involves release of the child in the custody of the parents, along with close supervision by a probation officer who keeps in contact with them every day or so (Reamer and Shireman, 1980). As a condition of release under home detention, a youth usually has to abide by certain rules, (e.g., observing a curfew, or maintaining regular face-to-face or telephone contact with a youth worker).

Home detention programs offer several advantages. For example, the environment for the youth is usually preferable to other forms of detention, costs are minimal, and there are probably minimal adverse effects, if any, on later post-adjudication decisions. A limitation is the lack of restriction on a youth's movements, and therefore it is usually reserved for less serious offenders.

Home detention does appear to be successful, however. A review of six home detention programs (Pappenfort and Young, 1981) found that 82 to 98 percent of youths assigned to the program appeared in court on their charges and were accused of no new offense while under supervision. It is important to keep in mind, however, that the measure of success or effectiveness for detention programs is different from that used in other alternatives which attempt to reduce recidivism over a longer follow-up period.

Foster Care and Group Home Detention -- Other community-based residential alternatives to traditional detention include foster care and group home placements. In foster care alternatives to detention, substitute parents are paid a per diem amount to care for youth(s) during the pre-adjudication period. In a few areas, foster parents are subsidized by an annual salary to guarantee short-term care for any youth referred throughout the year. In some communities, specialized group homes have been established that function only as alternatives to detention. Other group homes mix youths who have been adjudicated with status offenders and those who are awaiting court processing. The biggest reason for using group homes as alternatives to detention is that restrictions can more easily be applied than in home detentions, and yet the youths are not institutionalized away from the community.

The twin issues raised by alternatives in general--widening the net and due process--have also been concerns of detention projects. With reference to widening the net, a court may refer a youth to a detention alternative, possibly a residential program, but before the existence of the innovation, this youth otherwise would have been released on recognizance with few strings on personal freedom. No studies were found in which detention rates were compared before and after the introduction of alternatives. It is possible, of course, and recommended that jurisdictional authorities analyze these rates before and after introduction of a community-based detention alternative program as one way of avoiding any widening of the net.

With regard to concerns about due process, evidence of serious misuse of alternatives to detention does exist. Apparently, the juvenile who is detained in an alternative program is often viewed as though he had been adjudicated guilty. According to a survey of alternative programs (Pappenfort and Young, 1981), officials in 9 of 11 local jurisdictions which had alternative detention programs responded affirmatively that one purpose of the alternative was "to give the youth a mild but noticeable 'jolt' so that he/she will recognize the seriousness of the behavior." Officials in 10 of 11 localities also responded that another reason was to "begin rehabilitative treatment."

Given the fact that the option is probably secure confinement in a traditional detention setting, youths are, in effect, being placed in treatment settings under duress. Additionally, unless the program serves only detainees, it is likely that youths are mingling with adjudicated delinquents, despite the fact that their delinquency statuses have not yet been decided.

There are still other ways in which detention is misused. In some localities, a youth may be detained partly or primarily because it is administratively convenient to have him accessible for interviews by probation officers and available for appearances in court.

The selection of juveniles who need detention of different types is also problematic. According to a recent study of secure detention of juveniles (Pappenfort and Young, 1981), there is considerable variation in practice among jurisdictions. In many places, a police officer brings a youth to court or to the detention facility to be locked up and the decision to detain the youth is almost automatic. In other jurisdictions, an intake person, frequently a probation officer, takes information about the case and decides whether or not to detain the youth. In some courts, the intake officer has the power to decide not only upon detention, but also whether to dismiss the case entirely. Thirty-five States, according to a 1974 study (Levin and Sarri, 1974), required judicial review of a decision to detain within a specified time.

Factors influencing the decision to detain are varied and difficult to detect. Intake officials in many localities surveyed in the Pappenfort and Young study were guided by preset formal criteria in deciding whether or not to detain. However, the researchers suggest that prevailing judicial and administrative policy was a more influential factor than any written criteria. Highly influential also were the demands of police, parents, and social agencies. Because detention practice, in general, has low community visibility, these groups can have an important impact on detention decisions in some jurisdictions. In other places, rational intake procedures and coordinated decision-making, are simply lacking.

In an attempt to make criteria governing the detention decision more explicit and to reduce the number of juveniles detained, especially in traditional secure detention, the National Advisory Committee for Juvenile Justice and Delinquency Prevention and other standards-setting groups have recommended a set of criteria for detention decisions (NACJJDP, 1980). The NACJJDP standards state that those who may be considered for possible detention are youths charged with first- or second-degree murder or those charged with a serious property or violent offense who are already on a conditional release, have a record of non-appearance in court, or have a recent prior record of serious property harm or violence. Fugitives from another jurisdiction may also be detained under the standards.

Conceptually, the decision to detain may be distinct from the decision regarding placement. In fact, depending on the jurisdiction and the official making the decision, the two decisions may be a single decision.

Rather than deciding, first, whether to detain and then deciding type of detention, an official frequently views the choice as pre-adjudication freedom or detention in a specific placement (traditional or specific alternative).

However made, the decision regarding place of detention is problematic. The NACJJDP standards recommend that juveniles should not be detained in secure facilities, if there is a less restrictive alternative sufficient to prevent flight or the commission of a serious offense. The problem is that many intake officials do not have the legal option of alternative placements. The other difficulty is that, even where the legal option exists, secure detention is frequently used inappropriately because a more appropriate community-based placement is not available (Pappenfort and Young, 1980).

Alternatives To Court Processing: Conflict Resolution

Alternatives to court functions refer not to diversion, from the system, as discussed in a previous section, but to processes in which the case is heard, partly or entirely, in an alternative forum. Mediation and arbitration, frequently referred to as conflict resolution projects, are the most usual alternative processes to continued court hearings.

Mediation refers to the active participation of a third party in the resolution of a dispute. The extent of involvement by the mediator can vary. In some cases, the mediator may play a limited role of clarifying and advising; in other cases, the mediator may be asked to propose detailed solutions. By definition, however, the recommendations of the mediator are not compulsory. Arbitration, in contrast, involves a decision by a third party which is binding and may involve sanctions. Generally, arbitration efforts begin with attempts to mediate.

In some jurisdictions, disposition panels, comprised of community residents, may hear cases referred by the court and then recommend to the court a disposition which, in most cases, is reached through arbitration with the concerned parties. The judge accepts, modifies, or rejects the panel's recommendation. A variation of the use of a panel is to restrict its membership to a peer group of youths.

A community conflict resolution or arbitration project can accept cases from police, prosecutor, or private citizen complainants. The facts are heard by an intake officer who can either dismiss the case, refer it to the prosecutor, or notify appropriate parties of their opportunity to have the case heard by an arbitrator.

If the case is heard by the arbitrator, the result may be an informal disposition involving community services, or restitution, or some other conditions, including supervision during a time period whose maximum is limited by a legally established duration. If the youth satisfies the conditions, there is no further processing; otherwise, the case may be

transferred for regular court processing. There are several important features to an arbitration or mediation process. First of all, these alternatives to traditional court hearings usually decrease the time from complaint to decision considerably. In a Maryland County project, for example, processing time was decreased from a four- to six-week period under traditional procedures to an average of seven working days from issuance of citation to hearing under arbitration project procedures. Not only are cases decided more promptly, but they also require (not surprisingly) less time of court officials because cases are dismissed, if warranted, and much of the paperwork required by formal processing is omitted.

The arbitration process is often better suited and more satisfactory for misdemeanors involving an offender and a victim who have a personal relationship and a mutual interest in reaching an acceptable resolution than the adversarial proceedings of the formal legal system. The victim also has more opportunity for direct input than in traditional processing.

For those facing charges of delinquency, costs of defense and delay in decision are usually reduced by alternative conflict resolution approaches. Community arbitration can also lead to a reduction in recidivism. For example, 14 percent of control group juveniles in one Maryland County who were processed traditionally were rearrested, but only ten percent of project youths from an exemplary diversion program were rearrested 12 months following program contact (Blew and Rosenblum, 1979).

A primary issue relevant to alternative court functions, as well as other alternatives, is whether the project results in a "widening of the net." In one sense it does. As the report on the exemplary Maryland County project indicates: "The busy court calendar (prior to the project) meant that many juveniles committing misdemeanors would either be overlooked or simply released with a reprimand." In contrast, the diversion project dismissed 31 percent of cases for lack of evidence compared to a four percent dismissal rate for insufficient evidence under previous traditional processing.

Due process is also an issue for court processing alternatives. It appears to be an avoidable problem if participation is voluntary for all parties, not only initially but throughout the process. Should the case go to juvenile court rather than be settled by arbitration, the proceedings and results of attempted conflict resolution should not be available in a judicial proceeding, prior to adjudication, if at all. The juvenile should also retain the right to be represented by an attorney in the arbitration process. Furthermore, upon completion of any conditions emanating from the arbitration, the record of the citation and proceedings should be sealed.

Alternatives to Incarceration: Community-based Corrections

The phrase "community-based corrections" is shorthand terminology for numerous meanings and a complex reform movement. Historically, the desire

to find alternative dispositions to incarceration grew out of disillusionment with State-run training schools and reformatories for juveniles. Such institutions were observed to debase and brutalize their occupants and to isolate and alienate them from normal social contacts within communities, while also exposing residents to contamination from their own negative anti-social interactions with each other. Moreover, the State-run centers became costly to operate and unpleasant workplaces for staff, as well as inmates.

The Juvenile Justice and Delinquency Prevention Act of 1974, along with the various sets of standards for juvenile justice proposed by "blue-ribbon" task groups, thus describes and promotes the use of certain exemplary "advanced techniques" in lieu of more traditional correctional programs. These innovative substitutions for traditional correctional programs include both residential facilities (such as foster care placements, group homes, halfway houses, and special projects for substance abusers, sexual deviates, or juveniles with mental health or retardation problems) and non-residential alternatives (including home probation, day treatment, supported work and vocational training, crisis management assistance, homemaker and home health care help, community service assignments, and restitution programs).

As described, these alternative correctional programs may receive clients directly at the point of disposition after adjudication, or as part of an early release or parole agreement after a period of incarceration under the regular State correctional system. For purposes of this monograph and FGTAD technical assistance to alternatives, such community-based correctional programs must be operated and controlled by public or private agencies or organizations other than an official corrections department. Usually, the community-based correctional programs just described are operated as direct extensions of the traditional institutional system or through subcontracts with non-profit agencies.

Generally, the definition of community-based correctional alternatives also encompasses certain assumptions about program size, security, location, and participation/involvement of consumers and community representatives. Indeed, the several sets of standards provide specific recommendations about the maximum bed capacity for different types of community-based residences (e.g., 4 to 12 beds for a group home and no more than 20 beds in a detention center). Community facilities are usually thought of as less secure than training schools, although the variations along this dimension may be broad -- from completely open access to almost total restriction.

Community-based correctional alternatives are also expected to be closer to offenders' homes than State-run, centralized facilities. However, the term "community-based" often refers to County or Municipal jurisdiction rather than State control, and such programs are seldom available to each local neighborhood community or township. In point of fact, families in large urban centers may have almost as much difficulty getting permission and finding transportation to visit some community-based programs as they would to see relatives in State institutions.

Juvenile offenders who are assigned to community-based dispositions theoretically have a closer involvement with the program, at least to the extent of participating in the development of an individualized service plan, than do delinquents who are sentenced to custodial institutional care. Similarly, these community facilities purportedly bring local citizens into the program as volunteers, family representatives, service providers, advisors, and such, and thus help bridge any barriers between consumer participants and their embedding environments.

As more and more community-based alternatives to traditional correctional programs have been developed and evaluated, questions have been raised about their primary or competing purposes, effects, and relative efficiency. The very justifications offered to support their design and utilization have, in some cases, been undermined and at least partially refuted. The major issues usually raised in these arguments about the importance of community-based alternative correctional programs or sanctions pertain to their successes or failures at:

- Decreasing incarceration rates in traditional institutions without widening-the-net of social controls;
- Reducing recidivism through more effective and durable rehabilitation;
- Lowering costs to the system;
- Offering more humane environments; and
- Encouraging better community reintegration of delinquents and misbehaving youths.

Recent critiques of alternative correctional programming that summarize findings from well-designed evaluative studies and note other qualitative observations are not sanguine about the unmitigated benefits of these innovations and much touted projects (McSparron, 1980; Hylton, 1982; Austin and Krisberg, 1982). With regard to the impact of community alternatives on the reduction of prison or training school populations, there is little evidence that such effects have been produced. Even in States that have enacted special legislation to encourage the establishment and use of community-based correctional programs (e.g., California and Minnesota), prison populations appear to have swelled, not declined, despite overall decreases in both arrests and convictions. Even when the populations of State correctional facilities have dropped, related and proportional increases in incarceration rates have often been observed at local jails and detention centers (Hylton, 1982; Austin and Krisberg, 1982).

Related to the issue of reduced incarceration is the inverse question about whether community-based alternatives actually widen or intensify the net of social and judicial controls that are exercised. Although findings are somewhat inconsistent on this point, several studies (Hylton, 1982) have demonstrated that offenders who are assigned to either community service or

restitution programs are apt to have been drawn from groups that would have received probation with little supervision or restriction, had these new programs not been created. Even more disconcerting are similar findings regarding residential community-based alternatives. According to these studies, many offenders who were assigned to rather restrictive facilities would ordinarily have been given probation rather than incarceration if the new residences had not been available. The effect of at least some alternatives then has been to increase the overall numbers of persons under some form of supervision and also to intensify the restrictions on many offenders.

These effects would be somewhat less disturbing if community-based correctional programs appeared to be effective in rehabilitating participants and thus reducing the recidivism rates of graduates. Again, as discussed in a later section on specific alternatives, there is a lack of clear evidence that either residential or non-residential community-based approaches have reduced the recidivism rates of their participants when compared to results from more traditional incarceration and release. The findings in this area have been conflicting, however, and problems with research designs are readily apparent in the few existing studies (Austin and Krisberg, 1982; Hylton, 1982; McSparron, 1980).

Another common argument favoring the use of community alternatives in corrections is their relative cost efficiency compared to prisons and reformatories. In fact, however, per diem costs for residents of community facilities are not always lower than those for large institutions, especially if hidden or indirect costs are factored into the calculations. For example, the additional costs to the community and justice system for crimes committed by offenders under supervision in non-secure care should probably be added to the budgets for direct operations. Likewise, uncanceled fixed costs of prisons, whatever their population, must be borne by the taxpayer as long as these facilities are open. Community facilities tend to have high administrative costs when they are run as small independent units, and there is usually a direct correlation between the intensity and quality of services provided in a program and the overall budget for that operation. According to Hylton (1982), good quality residential care costs about the same in a community as in a more traditional correctional institution.

In summary, those making cost comparisons should also bear in mind the anticipated design of the entire correctional system and whether community-based alternatives are ultimately expected to replace components of the current network, or merely to supplement and augment more traditional institutions. Parallel or duplicative systems are unquestionably expensive to operate. Those preparing budgets for correctional services should note these future expectations for innovative alternative projects.

Perhaps the most persuasive justifications for establishing community-based alternatives are humane concerns about avoiding the degradation, cruelty, deprivation, exploitation, and loss of self-esteem that are so often

associated with incarceration in traditional institutions. Yet, even on this dimension, community-based alternatives are not automatically superior to prisons and training schools. Hylton (1982) cites situations in which community-run facilities house more than 100 offenders in a subsistence environment. Similarly, the constraints and restrictions of some halfway houses in terms of curfew requirements, personal privacy invasions, or mandatory participation in counseling or religious programs, can be as encapsulating as procedures in more traditional correctional facilities. In non-residential alternatives, community probation case loads quite frequently exceed 100 per worker and the concept of service provision is a joke. Even when rehabilitation is attempted, services may be entirely inappropriate or limited to counseling instead of practical skill development (McSparron, 1980).

Placement in a community setting does not automatically guarantee that more opportunities will be made available to the offender than were offered when he or she was a member of the free community. Furthermore, some adjudicated delinquents find the constant temptations of partial supervision in a relatively open residence to be overwhelmingly stressful. Unfortunately, the consequences of failure in a community facility can sometimes be more severe than might occur from institutionalization in a secure unit. The total length of time served in simple incarceration with a definite release date can be shorter and less stressful for some than the amount of time spent under community supervision, if failures entail a return to earlier, more secure, program phases and sentencing is indeterminate.

Several other unintended effects of community-based correctional alternatives should also be noted for planning bodies to consider when advocating these projects. Prisons, first of all, may experience residual effects from opening alternatives if the remaining incarcerated offenders are all committed for serious and predatory charges. Violence is likely to escalate among this group which may, in turn, inspire intense and repressive reactions from staff in a cycle of increasing control and rebellion.

In the community, failure to develop a network of well-run alternatives (particularly if deinstitutionalization is seriously undertaken) can have disastrous consequences. The experiences of city welfare and social service agencies with the indigent aged and mentally impaired after the rapid emptying of mental hospitals and the availability of Medicaid/Medicare funds should serve as warnings to the correctional field. The proliferation of nursing homes and other community shelters without adequate standards for care and monitoring requirements precipitated countless unnecessary abuses for the unprotected elderly and the mentally ill. Retaliation on society is a more likely consequence from frustrated offenders who are given short shrift than from other disenfranchised or handicapped minorities.

This sort of provocation needs to be avoided for humanitarian reasons and also to help keep negative publicity to a minimum. In a political climate

where the public is always balancing a fear of crime and a desire for security and protection with an understanding of treatment/rehabilitation issues, unintended negative repercussions should be minimized. This sort of situation may also occur when community agencies, in the best interests of all their consumers, try to intermingle offender populations with regular clients. Although this technique is advocated as part of an effort to familiarize offenders with community norms and expectations for conformity, the regular voluntary clients may realistically be forced to compete for services with an involuntary offender group that often gets priority as a result of court orders. Resentment may be the result and be translated into continuing stigmatization and negative labeling of offender groups -- an outcome that is not desired.

Another exploitation of offenders in community-based alternatives sometimes happens inadvertently when groups of delinquents are relabeled as substance abusers or mental problem cases in order to receive placements where reimbursement funds are available for treatment slots. This transfer of authority from one bureaucracy to another that is not accountable to the juvenile justice system carries the potential for violation of due process rights, as well as a labeling of the client with a diagnosis that may be more difficult to overcome, in the long run, than that of an adjudicated offender.

DESCRIPTIONS AND EVALUATIONS OF SPECIFIC TYPES OF ALTERNATIVE PROGRAMS

As noted earlier in this chapter, community-based alternatives to traditional components of the juvenile justice system can be classified and described in several ways. The preceding subsections depicted alternatives as substitutes for particular functions of the system, such as detention, court processing, or corrections. Many alternative programs have additionally been described and evaluated by their special programmatic labels as counseling services, restitution projects, foster care residential placements, and the like. This section of the chapter summarizes recent evaluation findings regarding alternatives as program models. First, however, the criteria most frequently used to evaluate these alternative programs are discussed in relation to their applications and limitations.

Criteria to Evaluate Alternatives

Effectiveness and cost are the two most common criteria, or outcome measures, used to compare generic types of alternative programs. Each of these criteria can be misused if design specifications for research are not carefully conceived and implemented. The following paragraphs suggest some of the hazards of poor evaluation research and the cautions that must be

exercised in interpreting results, or attributing too much significance to unreplicated findings from small samples or inappropriate comparison groups/studies.

Effectiveness -- Effectiveness in juvenile justice system programming usually refers to rehabilitation of the offender, and the usual indicator of rehabilitation is recidivism or whether the commission of delinquent acts by released juvenile offenders ceases or decreases over some period of time. Despite the widespread use of recidivism to study the effectiveness of rehabilitation, there are some issues and problems concerning the application of this measure (Waldo and Griswold, 1979). One problem is that data to establish recidivism are usually derived from an official record. Much crime goes unreported and individuals are not always apprehended for illegal activity; therefore a true measure of recidivism is nearly impossible to obtain.

A second problem with recidivism is that it reflects not only changes in the offender, but also the response of the system. Differences in the vigor of law enforcement, prosecution, and philosophy of judges will affect recidivism rates.

However, there is a counter argument to the first two criticisms of recidivism. While these problems do prevent an accurate determination of the true recidivism rate and do affect comparisons across studies, they should make no difference in a comparison of an experimental and control group in any particular study. There is no reason to believe that differences in recidivism rates between an experimental and control group will be affected differently by practices of law enforcement, prosecution, and judiciary.

Another criticism of recidivism is that there is little agreement among separate studies about the time frames for follow-up that are used and the indicators of recidivism that are selected; (e.g., a new arrest, conviction, commitment or probation/parole revocation). Again, this does not affect the comparison of experimental and control groups in a particular study, but it does make it difficult to compare results across studies.

Recidivism is also criticized for not being sufficiently sensitive to reductions in the frequency or severity of repeated offenses. This criticism is especially relevant to studies where recidivism is defined as a dichotomous variable (i.e., the indicator of recidivism is whether or not the youth committed another crime). In such studies, offenders who commit crimes of less significance and/or commit crimes less frequently after a program intervention are not given credit for achieving some measure of rehabilitation.

Finally, the use of recidivism, alone, as an indicator of success makes it impossible to determine why a program has worked or failed. Additional outcome measures, or more importantly, a theoretic base (Elliott, 1980) and a detailed description of the intervention, are crucial to an in-depth evaluation and understanding.

Costs -- The cost criterion has become especially important recently, and one of the major arguments for alternatives is that they are less expensive than traditional processing in public programs. There are numerous difficulties, however, in making cost comparisons. Compared costs should occur in similar geographic areas and time frames, or else be adjusted for regional variations or cost-of-living changes. If the intention is to compare similar types of programs, then the types of services provided should also be similar. Also, a monetary value should be assigned to any free or contributed items, so that the real cost of a compared program is not understated.

Sometimes costs are compared within the context of weighing different strategies. For example, the average monthly cost of traditional institutional placement may be compared to the cost of placement in community-based residences. However, to choose between these alternative strategies, additional factors should probably be considered. The correctional institution has certain fixed costs, such as building maintenance, administration, and such, which will not necessarily decrease if the population of the institution declines. Therefore, if State funding of community-based alternatives results in only a small or moderate decrease in the institutional population, the costs of running the institutions may not decrease appreciably, and the State may be paying for the community-based residences as well as the institution.

Another consideration in comparing costs of different strategies is the possibility that a particular strategy may "widen the net," processing or serving youths who otherwise would not be affected. The apparently lower cost per youth processed or served will be offset by the increased costs of extending the process or service to additional youths.

Residential Alternatives

Among alternative programs that have been developed to replace or supplement traditional correctional institutions or detention facilities are community-based residences, group homes, foster care placements, and wilderness programs. The following paragraphs describe the usual services provided in such programs and also their impact on the juvenile justice system as found by evaluation studies.

Community Residences -- Community-based residential programs refer both to secure and non-secure facilities that usually house a dozen or more youths and offer a range of services and intervention techniques. A review of the effectiveness of larger community-based residences shows mixed results. Empey and Lubeck (1971) and Empey and Erickson (1972) found that community-centered corrections produced larger reductions in recidivism than the institutional comparison, while Coates, Miller and Ohlin (1978) found the opposite results -- that youths in community-based programs had a higher rate of recidivism than those in training schools. However, areas of Massachusetts, (according to the Coates, Miller and Ohlin study (1978)),

that had the greatest diversity of community-based programs and those programs that had the greatest linkages with the community did effect decreases in recidivism over time.

Costs of a community-based system in Massachusetts, which included all types of placements, were similar to those of the traditional training school system. However, costs of specific community-based alternatives, like group care, were less than those for secure facilities. Community-based facilities did have other advantages (viz., less threat of physical force to the youths) expanded contact with the community; and short-term, but not long-term, improvements in self-image. The missing link, the authors concluded, was follow-up contact with and services to those released into the community.

A second well-known community-based program was Unified Delinquency Intervention Services (UDIS), which served as a clearinghouse for group homes, counseling services, and an entire range of community-based residential and non-residential alternatives in Chicago (Murray and Cox, 1979). The approach to this program for serious offenders was to perform a careful diagnosis, negotiate a performance contract with the youths, provide an appropriate placement, and arrange for services.

Although the results of the evaluation of the program are controversial, the study found that institutionalization, either at traditional training schools or community-based residences, was more effective than non-residential programs in reducing recidivism. In comparing types of institutionalization, community-based facilities included in the study were more effective, overall, than training schools.

Group Homes -- A group home in which no more than 12 youths reside provides a home-like atmosphere that is somewhat more closely supervised than a foster home, but it still maintains a non-restrictive environment (U.S. Department of Justice, Standards, 1980). Youths living in group homes usually spend a substantial amount of time in the community attending school, working, or attaining needed services. In most cases, the homes are supervised by a paraprofessional married couple who are on duty 24 hours a day, with relief provided by another adult or couple. Other group homes use staff who alternate 24-hour shifts.

Romig (1978) reviewed three studies of group homes. In the first study, the treatment group had a recidivism rate higher than the regular probation group and similar to the institutional group. In the second study, there were no significant differences in recidivism and reduction in offenses between youths randomly assigned to a group home and those assigned to a relatively open treatment-oriented institution. In the third study there were no significant differences in parole revocation between a treatment group of youths placed in a group home and a control group of youths who lived in their own homes. Studies of halfway houses were also reviewed, and these showed no benefits for the experimental compared to the control group. Romig's conclusion about community-based residential programs, in general, was that there is nothing inherent in this type program which

makes it intrinsically effective. Rather, the effectiveness of community-based residential programs depends upon the type of intervention used.

Wilderness Programs -- Wilderness programs use physical activity--backpacking, biking, rock climbing, and such--in a very demanding natural setting. The rationale behind the program is to provide youths with the chance to meet a challenge, develop a strong self-concept, and learn how to function cooperatively in a group.

One fundamental aspect of the wilderness programs is group interaction. Programs usually consist of 10 to 15 youths led by two or three adult leaders for a period of either four to ten weeks or six to nine months. The youths are placed in situations in which they must rely on others and learn how to resolve disciplinary and/or other problems. Anyone can call a group session which all participants are expected to attend. The group focuses on specific individuals and problems in a very confrontative, but not physically aggressive way.

Another important part of the experience is the survival mission. In this scenario, youths are placed in a potentially dangerous wilderness situation in which they must rely on their own skills and knowledge to survive. The success in meeting this challenge and developing a sense of pride is then supposed to help youths succeed in other stressful situations in life.

Two evaluative studies of wilderness programs were reviewed by Romig (1978). The first found that there were no significant differences in recidivism rates between the two groups after five years. Although another study of the same group also found no significant differences several months after the program, it did find improvement of the experimental group after one year. A study of a California program found no significant differences between those youths in the wilderness program and those in an institutional control group.

Romig suggests that wilderness programs will fail unless the same structure of high challenge, high support, teamwork, and recognition are continued in the situation to which the youths return. Just as planning and survival skills were taught for the wilderness setting, they must also be taught for urban situations. Romig suggests that wilderness programs might benefit by adding a transitional component, residential or non-residential, in which youths can learn relevant reentry and reintegration skills for community living.

Foster Care -- Foster homes offer certain programatic and administrative advantages (U.S. Department of Health and Human Services, 1981). They provide a homelike atmosphere and also provide the opportunity for close and personal supervision because of the limited number of youths in one home (from one to six). From an administrative view, the foster home involves no capital expense and only minimal operating expense. The foster parents generally receive a monthly reserved accommodations fee to guarantee their availability and then a per diem rate whenever a child is

placed in their care. Foster care may be appropriate for juveniles at various stages of the juvenile justice process--as an alternative to detention, in conjunction with diversion, after adjudication, or after secure care. Foster care is useful where secure care is no longer needed, but the juvenile cannot remain at home. It has been used successfully with status offenders and abused children as well as delinquents.

Traditionally, foster care has been viewed as a rescue operation to remove a child from the damaging influences of his home. Under this concept there was an attempt to separate the foster family as much as possible from contact and potential hostility from the child's family. More recently, foster care agencies have begun to recognize the biological family as a client and have respected the child's attachment to his family, whatever its shortcomings. This has led to a rethinking of the foster care process and a redefinition of the foster family's role.

Emphasis is now focused on planning as quickly as possible for permanent placement. The speedy return of the child to the home is a first priority. With this goal in mind, the need to maintain the child's attachment to his or her own family through frequent interaction has surfaced in a new way. Rather than separating the child from the family as much as possible until such time as return home is contemplated, the need is now to assure as much contact as possible, when the return home is viewed as imminent. Foster parents are then groomed to assist in this process.

Non-residential Alternatives

Alternative programs that do not have a residential component have also been established as substitutes for traditional juvenile justice system functions. These programs may serve as community-based sanctions in lieu of more conventional fines or sentences to institutions. Some of these services may also be used in diversion programs or as part of alternatives to traditional detention. Programs here categorized as non-residential include:

- Restitution and community service;
- Alternative education;
- Vocational and work programs; and
- Multi-service centers.

A subsequent subsection describes different intervention techniques that may be used as part of these service approaches, such as casework, group counseling, behavior modification, and family therapy. Again, findings from evaluation research are presented as current evidence of the general effectiveness of these services and interventions.

Restitution and Community Service -- Restitution is defined as a sanction in the form of a payment made by the offender to the victim and/or community. This payment may be direct monetary remuneration, service to the victim, or service to the community. Although it is true that various jurisdictions may incorporate additional components with this payment (e.g., job development, victim assistance), the transfer of money or service from the offender to the victim and/or community is the basic feature which defines restitution.

Over the past two decades, both financial restitution and community service have gained renewed interest as alternatives to traditional sanctions for offenders. While there are many reasons for this, the primary factors appear to be:

- Growing awareness of the justice system's responsibility to the victims of offenses;
- Disillusionment with traditional sanctions; and
- Concern with the disparity between the offenses committed and the sanctions imposed.

The past practice of granting offenders the dispositional option of monetary restitution as an alternative to incarceration raised serious legal and ethical issues. In effect, it limited that option only to those who had ability to pay and thereby may have discriminated against those unable to pay. However, there are presently three types of restitution which can be appropriately and creatively applied to preclude such issues:

- Monetary -- The offender pays money to the victim for property damages the victim sustained as a result of offender's wrongdoing (e.g., replace broken windows), or the offender pays a negotiated amount of money to satisfy the injured victim and/or to restore his circumstances to their precrime condition;
- Direct Victim Service -- The offender performs services for the victim for a certain period of time as a way of making amends to the victim for the harm caused. Direct victim service is also a way of showing the offender the extent of the harm caused to the victim as a result of his/her crime; and
- Symbolic Service -- The offender performs volunteer service for the community to make amends for his/her crime (e.g., work for the YMCA).

Obviously, restitution is not a panacea but it can entail a community-based alternative to incarceration by the criminal justice system.

Alternative Education -- Alternative education programs fall into two main groups (OJJDP, 1979). The first consists of policies and programs intended to control and change the behavior of individual students.

Traditional suspension and expulsion policies are included here, as are in-school suspension programs, behavior contracts, work assignments (as restitution), counseling, tutoring, compensatory education, and time-out rooms. Such programs have shown mixed success in changing the behavior of individual students.

A second set of approaches is directed at altering the school environment, itself, to make it possible for more students to succeed, and to eliminate some of the factors that contribute to truancy, disinterest, dropping out, failure, violence and vandalism. These approaches have been described as "improving school climate" through separate alternative schools, schools within schools, and other similar efforts.

Some examples of alternative education programs are presented below:

- Time-out Rooms -- In many schools, in-school suspension and time-out rooms amount to the same thing. The distinguishing features are:
 - Time-out rooms may be used at the discretion of the student as well as at the discretion of teachers and administrators;
 - Time-out rooms are more likely than are in-school suspension centers to offer counseling and to be oriented around working out difficulties rather than punishing misdeeds; and
 - Time-out rooms are more likely to be set up as comfortable places in which a student can retreat, cool off, think things through, or work out a written plan for improving relations with one or more teachers.
- Behavioral Contracts -- A behavioral contract is an agreement between a student and a teacher or principal which is jointly negotiated, written, and signed by both parties. It specifies a disruptive incident, the general promise not to engage in such behavior in the future, and specific agreements made with the student. The agreement with the student should reflect reasonable expectations for improved work and behavior. It should specify the role to be played by both teachers (e.g., tutoring) and parents (e.g., scheduling homework) as well as the student (e.g., student not to cut class for the next two weeks). It should also specify a time frame for the contract, so that progress can be judged and recorded. Upon successful completion of the contract, a report about the student that commends good behavior, as appropriate, should be put into the student's records and should be conveyed to the teachers.

Vocational and Work Programs -- Vocational training, occupational orientation, job placement and work programs have frequently been used as a means of preventing recidivism. After a review of 12 work-related programs, Romig (1978) concluded that these programs did not reduce recidivism. However, some programs did work, and the difference was that youths involved in successful programs were provided opportunities for advancement or given educational skills or diplomas which would lead to

advancement. Jobs with career ladders and skills for starting new and competitive businesses appeared to keep youths out of trouble. Effective programs also provided follow-up help, problem-solving skills, and career decision making skills.

Multi-service Centers -- Multi-service centers do not represent a single or specific approach to reducing delinquency. Instead, they are a mechanism for providing a broad spectrum of services through a single, easily-accessible source. In addition to direct assistance, they also provide carefully monitored referrals to other community agencies. Generally, multi-service centers offer many kinds of services (e.g., sex and drug counseling, crisis intervention, individual casework (coordination of services to youths), group work involving counseling and educational assistance, referrals to cooperating agencies, and legal representation. Often recreational and cultural programs, counseling for youths on probation, and legal education for neighborhood residents are also sponsored.

The multi-service centers can help not only youths who have been involved in a criminal offense, but also those youths who are status offenders, or who need help with impossible family situations, with finding meaningful activities, or with finding people who care. Because multi-service centers refer more to the process for providing services than to direct interventions, there have been no specific evaluations of their effectiveness in reducing delinquency. However, on the basis of theory, they should be considered an effective and efficient approach to community-based service delivery.

Alternative Intervention Techniques

Community-based alternative programs may use a variety of intervention approaches in their work with juveniles. According to evaluative studies, some are more effective than others. The next subsections present this evidence for five intervention alternatives.

Individual Psychotherapy -- The results in eight out of ten studies reviewed by Romig (1978) which utilized psychotherapy were negative in terms of decreasing recidivism of released offenders. In one study the results were positive for those youth diagnosed as amenable. In only one study were significantly different and positive results achieved. Romig concluded that individual counseling and psychotherapy as traditionally practiced are not ordinarily effective. However, he suggested that one model of psychotherapy may be worth implementing. To be successful, therapists should:

- Talk with and get input from the individual;
- Diagnose the problem and the problem setting;

- Set behavioral goals;
- Practice new behavior in the problem setting;
- Observe results of the practice directly; and
- Evaluate and, if necessary, modify the goal.

Further, each staff person, including the cook, nurse, and supportive staff, should be provided counselor training.

Casework -- Romig (1978) reviewed ten studies of programs in which casework coordination was the important program ingredient. Results showed that casework was not effective in rehabilitating youths. He emphasized three basic phases to case work: diagnosis, recommendations, and direct services, arguing that case work programs which emphasize only diagnosis and recommendations will fail. Programs that add direct services can, at best, be effective as long as the services continue. The better strategy, he argued, is to enable the individual to function on his own and to have a case worker follow up periodically to ensure that this functioning is maintained. Although Romig did not state it explicitly, a youth may be able to function adequately on his own, yet still not refrain from committing offenses.

Group Counseling -- Romig (1978) reviewed 28 studies of group counseling. Some groups used psychoanalytic techniques, including psychodramas and role playing. Rehabilitation effects, in most cases, were either neutral or negative. Most of the studies showed that group counseling was ineffective at the time it was being provided. Romig pointed out that, where counseling did seem to have positive results, the effect is lost when the service is discontinued.

The reasons for the failure of group counseling, Romig argued, are that there was no objective diagnosis of the youths' problems, no development of a program plan, no reinforcement for positive progress, and no follow-up to transfer the group learning experience to other phases of participants' lives.

Behavior Modification -- Behavior modification is based on the assumptions of learning theory--that behavior is learned and can be changed. In juvenile justice, it refers to the use of positive rewards and sanctions to discourage unwanted and illegal behavior and encourage positive behavior. Performance contracts which make expected behavior and accompanying rewards very explicit are a frequent component of the approach.

In a review of 14 studies, Romig (1978) found that behavior modification did work in many cases to accomplish specific objectives, such as improved reading achievement scores or increased work performance. However, none of the programs studied showed a difference in the recidivism rate. Because

the programs were effective in reaching intermediate objectives, however, Romig suggested that the following program elements were important in that accomplishment:

- If youths are rewarded or punished, they should know the concrete behavior that caused the consequences;
- Behavior modification will work only when the behavior to be changed is specific and behaviorally simple; and
- The more youths are involved in the process of behavior modification; the more are the results apt to be positive.

Family Therapy -- After a review of 12 studies, Romig (1978) concluded that some types of family therapy may be successful in reducing the recidivism of status offenders, but not effective with youths who committed non-status offenses. The type of family therapy that seemed to make a difference for status offenders focused on improving behavior toward positive goals, or teaching parents communication, problem-solving, and disciplinary skills. Romig also recommended that in order to determine whether family treatment was needed, the family--and especially the youths-- should be diagnosed in a "live" setting where their problems and interactions can be observed.

SUMMARY

This chapter describes alternatives to the juvenile justice system in two ways; namely, as:

- Community-based options to the traditional justice system components of intervention decisions (diversion), court processing (conflict resolution), detention, and corrections; and
- Innovative programatic approaches to residential care, non-residential services, and intervention techniques.

These two classification systems for alternatives were selected because recent evaluation studies assessed the relative effectiveness and efficiency of these approaches compared to more traditional modes and methods. Findings from the literature of evaluative research and other issues of concern to the field of juvenile justice were, therefore, presented as part of the discussion following each categorical description.

Two common concerns were ascertained as issues for alternatives when viewed as substitutes for traditional processing activities or dispositional resources:

- A strong potential for "widening-the-net" or including youths within the purview of the justice system who, before the development of alternatives, would have remained outside its jurisdiction; or exercising more restrictive social controls over youths in the system than would have been the case prior to establishment of alternatives; and
- A tendency, on occasion, to violate youths' "due process" rights by mandating treatment or assigning sanctions before a finding was made regarding the complaint or charge before the court.

Other more specific problems and strengths of these different alternative categories were also identified. These included findings that:

- Diversion projects have not generally proven more effective than continued processing or simple release in reducing the stigma associated with court involvement, or improving the social adjustment and conforming behavior of participants;
- Conflict resolution projects, in contrast (particularly mediation and arbitration services), appear to decrease the time from complaint to decision considerably, reduce the courts' costs and personnel time involved, reach more acceptable agreements between the victim and offender than the legal system, and even reduce participants' recidivism;
- Community-based alternatives to secure detention (especially home detention, foster care, and group home placements) offer promising mechanisms, despite many potential problems, for reducing system costs and providing more humane care while awaiting adjudication and dispositional decisions; and
- Community-based correctional alternatives are not necessarily more effective than traditional institutions in decreasing recidivism, lowering costs, offering humane environments, or even lowering the incarceration rates for offenders. Therefore, services must be thoughtfully designed and monitored for unintended impacts, if alternative correctional programs are to be implemented.

Before alternatives were described as programmatic approaches or intervention techniques in the second part of this chapter, the criteria for evaluating these categories were examined. The criterion of effectiveness was found to be most frequently applied, with the usual measure of effectiveness being recidivism. The evaluations found that alternative community-based residential centers, wilderness programs, and diversion projects did not usually reduce recidivism. As Romig (1978) noted, there is nothing inherent in a community program that will rehabilitate delinquent youth. Furthermore, as long as community-based programs utilize approaches that failed in other settings, these will probably also fail in a community setting.

Yet, of those alternatives for which evaluations were available, it seemed that some were effective. Among those which appeared promising were programs that diagnosed each youth's problem in a particular area, set a behavioral goal or skill, gave the youth an opportunity to practice the new behavior or skill, evaluated his/her performance, rewarded the youth for successful behavior, and modified rehabilitative goals as necessary.

A second criterion used to evaluate alternatives, in addition to effectiveness, was cost. It was not clear, however, whether alternatives, as a generic approach, were less costly than traditional processing or programs.

In conclusion, it appears that alternatives are not necessarily more effective or less costly than traditional justice system processing and dispositional placements. Yet there is the likelihood that individual alternatives and interventions do achieve their goals and, in certain circumstances, are preferable.

CHAPTER 5

STRATEGIES TO BE SUPPORTED BY OJJDP TECHNICAL ASSISTANCE

INTRODUCTION

The previous two chapters of this monograph introduced the current theories that are most often cited as explanations for juvenile delinquency, and summarized the evaluative research efforts that have supported these theories and their applications in community-based programming alternatives to traditional functions of the juvenile justice system. This chapter will translate those theories and evaluation findings into a set of general policy guidelines for considering and approving technical assistance activities in this goal area of alternatives to the juvenile justice system.

The first section of the chapter describes general approaches to system change that advocates can adopt to create support for community-based alternatives. The second section sets minimum criteria that requests for technical assistance must meet before FGTAD approval will be granted, and the third section summarizes the desirable characteristics of community-based alternative programs. The fourth section further defines and describes the substantive areas and provides examples of the types of help that will be extended through technical assistance, and the fifth section depicts the modes of technical assistance that are available.

ESTABLISHING A SUPPORTIVE CLIMATE FOR COMMUNITY-BASED ALTERNATIVES

The juvenile justice system is a final forum for the expression of social controls that govern the behavior of youths in our culture. These social controls are in a constant state of change as laws evolve to reflect ever-fluctuating public attitudes and mores as well as the impact of economic variations and new methods or technologies for influencing behavior. Changes in the juvenile justice system and its relationships with other bureaucratic and institutional systems can be either reactive or proactive as ideologies, personal power bases and economic situations reflect current social realities.

The recent trend toward the establishment and use of alternatives to the juvenile justice system has resulted primarily from reforms advocated by private sector idealists or public servants from the least powerful branches of the justice system (viz., probation and parole office representatives). Further change efforts, particularly in a political climate where harsher penalties for offenders and greater protection of

public safety are advocated, will be difficult or impossible, unless carefully planned strategies are adopted. The following recommendations are offered as guidance for technical assistance applicants that are trying to establish a climate for change within a particular system:

- 1) Stress Those Characteristics of Alternatives That Create Incentives to Their Adoption -- As alternative programming is advocated in a community, certain attributes or features of each proposed project will be natural selling points, while other factors will require negotiation to overcome local resistances. As a group, certain generic features of alternatives usually make them attractive to juvenile justice decision-makers. For example, alternatives may provide a service or accomplish a task that is problematic in the more traditional justice system. Thus, conflict resolution projects can more easily process many cases that are very time-consuming, not serious, and involve tangled interpersonal relationships that traditional courts have difficulty handling through adversarial procedures.

Alternatives, especially those operated by the private sector, may allow justice system administrators to avoid some cumbersome and inflexible legal or bureaucratic procedures. For example, an administrator of a juvenile correctional facility may find it very difficult to implement an innovative program requiring special staff qualifications that are not readily available through the Civil Service system, whereas a private agency can be immediately responsive. Similarly, a community-based program may have internal program provisions for early transfer of a youth to a less secure phase while such a transition in the traditional system would require formal approval of a parole board because a change in status is involved.

In similar analyses of social service projects, Aaronson, Kittrie, and Saari (1977) found that certain factors contributed to their acceptance by a community or a desired constituency, while other characteristics tended to generate opposition. Some of the conditions that influenced acceptance were:

- A potential for a positive and substantial impact on an identified problem;
- Compatibility with other pre-existing program components, so that few points of coordination were required during implementation of the innovation;
- The ease with which major project goals and accomplishments could be communicated, observed, understood, and used;
- The degree of segregation between phases or components of the project that would allow separate sequential implementation and modification of small units before a larger application was attempted; and

- The relative costliness of the project and its funding sources (viz., diversion of local resources from traditional programs tends to be resisted unless the new proposal demonstrates the means to eliminate even greater expenditures).
- 2) Incorporate Current Research Findings into Clear Policy Guidelines to Gain the Support of Key Decision-makers -- As research and evaluative findings are assimilated, they should be translated immediately into clear and consistent policies with attendant guidelines that can be communicated easily to key decision-makers to gain their support for the widespread use of community-based alternatives. For example, current evaluation studies consistently pinpoint the need for individualized assessment and treatment rather than categorical programming related only to the offense (Romig, 1978; Coates, Ohlin and Miller, 1978). Community-based alternatives should guarantee personalized treatment planning and service provision and this linkage should be a strong selling point to decision-makers.
 - 3) Forge New Political Coalitions That Can Express Consensus -- Constituencies to back key decision-makers must also be developed if power is to be expressed in actions that support alternatives. The formation of such constituencies might be manifested, for example, as a community advisory board that can help plan and monitor alternative programs, or as an independent public agency that is responsible for proposing sentencing alternatives. Such constituencies may also be needed to support legislation that mandates community programs, authorizes needed resources, and constrains other negative forces that potentially interfere with the utilization of community-based alternatives, such as construction funds for new prisons or mandatory sentencing.
 - 4) Influence Fiscal Subsidies/Disincentives -- The fastest and most consistent change agent that can be used to develop and support community-based alternatives is funding. Subsidies and fiscal disincentives are more powerful in changing behavior at the institutional level than the most intensive and rational verbal persuasions. Fiscal incentives may range from outright grant awards for pilot demonstration projects to cost-reimbursement programs or formula funds. Formula funding may be tied either to desirable outcomes such as the reduction of prison population rates and compliance with selected standards or linked with characteristics of a base population, such as per capita expenditures for corrections, taxable income, proportion of high-risk age categories, urban/rural representation, and the like. These fiscal actions must be very carefully monitored to assess their intended impact because unanticipated consequences frequently ensue. Subsidies in California and New York that encourage local probation services in lieu of incarceration in a State institution, have not, for example, always achieved their desired outcomes. Similarly, a disincentive to using State correctional facilities in New York contributed to overcrowding in jails and other facilities at the local level (McSparron, 1980).

- 5) Conduct Needed and Well-designed Research Studies -- As alternatives are proposed and implemented, evidence must continually be amassed regarding their effectiveness, risk, costs, and overall impact on the juvenile justice system. Although a few definitive evaluative findings favoring community-based alternatives can be used to generate principles and set policy, many more examples are needed to gain crucial support and overcome resistances. Therefore, each new alternative program should have a carefully designed research component that is structured to add knowledge to the current state-of-the-art.

Critics of shoddy evaluations which have been conducted in the past, point to such shortcomings as lack of experimental designs, inadequate sample sizes for exploration and testing of interactive effects, failure to randomize group assignments, and poor description and documentation of the intervention on trial. Experts in the subject area of alternatives also report a scarcity of research findings regarding the efficacy of these innovations in comparison with more traditional efforts, and the need to discern the attitudes of all parties affected by these alternatives, including practitioners, legislators, public citizens, victims, and offenders.

CRITERIA FOR APPROVING TECHNICAL ASSISTANCE FOR ALTERNATIVES

In addition to the foregoing general approaches to change that will be encouraged through technical assistance assignments, applications for assistance through FGTAD must meet the following six minimum criteria:

- 1) Applicants should already be directing, or proposing to establish, programs/strategies that are either:
 - Innovative state-of-the-art concepts/operations that have a high probability of widespread acceptance as alternatives by traditional juvenile justice systems; or
 - Already-tested concepts/techniques with positive evaluation results that need further replication for validation, or large-scale implementation by a municipal system, a State, or a national organization.
- 2) Programs/strategies should focus on individual youths who have been alleged or charged with misbehavior or delinquency rather than on classes of endangered "high-risk" youths who are appropriate targets for primary prevention programming. In other words, alternative programs should include only those youths who have already been contacted or apprehended by the police, or who have come before a court intake worker through parental, private agency, citizen, or police complaints.

- 3) Programs/strategies should not be directly controlled by an agent of the traditional juvenile justice system, but should be operated by other public agencies (e.g., Child Welfare, Department of Social Services, State Vocational Rehabilitation, and the like) or private groups (e.g., non-profit planning federations, United Way agencies, civic associations, professional membership organizations, and the like).
- 4) Program/strategies should be replicable and viable within a complex juvenile justice system environment and offer a realistic, cost-effective option to traditional system components rather than an esoteric model applicable only to a single unique locale or situation.
- 5) Programs/strategies should offer a significant option in terms of the number of youths who can be accommodated either in current operations or proposed expansions in the near future. In developing or responding to requests for technical assistance, FGTAD will focus change efforts on large-scale organizations rather than on individual agencies or small affiliates. For example, national youth service organizations would receive preference over a local representative as a potential sponsor of alternative programming because the impact would be greater. Similarly; state-wide groups would be accepted before local jurisdictional requests or neighborhood advocacy agents, civic associations, and professional group representatives.

In most instances, system responses will be favored over single-agent requests. For example, technical assistance requested by a task group of community advisors and practitioners interested in introducing legislation to curtail prison sentences (that would also provide funds to evaluate the impact of the change) would have a higher priority than technical assistance to a pilot demonstration restitution project in the same locality.

- 6) Programs/strategies should support one of the following four substantive areas:
 - Alternatives to traditional juvenile justice system intervention -- diversion services;
 - Alternatives to traditional secure detention -- pre-trial community supervision;
 - Alternatives to traditional juvenile court functions -- conflict resolution approaches; and
 - Alternatives to traditional corrections -- community-based corrections.

These alternatives were discussed in detail in Chapter 4 and more information about priorities for technical assistance in these areas will be provided in a later section of this chapter.

DESIRABLE CHARACTERISTICS FOR COMMUNITY-BASED ALTERNATIVE PROGRAMS/ STRATEGIES

In Chapter 3 where current theories of delinquency reduction were explained, the greatest inhibitor of violative and unlawful actions by juveniles was found to be the development and maintenance of strong bonds between youths and conventional institutions. This current focus on fostering favorable interactions of youths with social surroundings contrasts strongly with earlier theories relating misbehavior to individual biochemical deficits, or personality problems stemming from family-induced developmental disorders. This new emphasis also has practical implications for designing appropriate interventions and recommending strategies for reducing delinquency in the community. Targets for remediation now include the organizational environments in which youths function, not just the individual juvenile or the immediate family. One ultimate goal of justice system processing is still to change the behavior of youths who are adjudicated delinquent. Another equally important one is to change how the system responds to apprehended youths, so that programs and interventions do not inadvertently contribute to the development or support of delinquency.

Thus, technical assistance, as approved by FGTAD, will be primarily designed in response to intermediary persons and organizations that are thought to be:

- More available and amenable to immediate change than individual juveniles and their families;
- Less costly in economic resources to affect than delinquent youths on a case-by-case basis; and
- Potentially responsible for either the continuation of delinquency or its reduction.

Furthermore, the community-based alternative programming efforts and strategies that will be supported by technical assistance must have selected characteristics which can be postulated from delinquency reduction theory and also derived from evaluative research findings. Thus, alternative programs/strategies with the highest priority for technical assistance from the Federal level will:

- Provide services to a general population of youths, not just delinquents or status offenders, so that participants are not

labeled by their negative behaviors, and also have the opportunity to mix with and form attachments to law-abiding counterparts instead of congregating in delinquency-provoking peer groups of "troubled" juveniles;

- Have well-established linkages with the surrounding community, as evidenced by location in an area where most enrollees live; involvement of local community residents as volunteers, staff, and governing board members; easy accessibility by visitors from participants' families and friends; and collaborative, resource-sharing arrangements with other community agencies for service provision;
- Foster positive, reciprocal, and intimate relationships between the youths who are clients and caring adults who may be highly committed staff members, role model advocates from the community, or mentors functioning as coaches, teachers, employers, and such;
- Offer supervised and graduated reintegration into the community after the briefest possible placement in the least restrictive environment that is consistent with the youths' demonstrated capacity for responsible independence;
- Be small enough to have a personalized atmosphere in which assessment and service planning is individualized and responsive to direct input from youths, their families, and other concerned parties;
- Provide, directly or by referral, a comprehensive range of appropriate services that are geared not to long-term remediation of the individual through therapy, counseling, or other unproved techniques, but rather to the acquisition of pragmatic skills and an involvement in legitimate, worthwhile, and appealing activities which result in portable, credible credentials, or monetary rewards commensurate with the energy expended;
- Carefully define and apply criteria for client selection that neither "widen-the-net" of potential participants nor violate the due process rights of youths by applying "informal" sanctions for those dispensed by the justice system through requisite legal procedures;
- Involve youth participants as autonomous managers of their own affairs, to the extent possible, and governors of peer groups through formal organizational arrangements that parallel procedures found in similar groups of adults; and
- Provide immediate and positive reinforcements for desirable behaviors and clearly articulated, consistently and fairly applied negative sanctions for behaviors that do not meet community norms.

KINDS OF ALTERNATIVE TECHNICAL ASSISTANCE EFFORTS THAT WILL BE SUPPORTED

The following subsections describe in more specific terms the approaches to technical assistance and types of help that will be offered to requestors. The examples that are provided are meant to be only that -- not inclusive parameters, but very flexible and "broad-brush" outlines or suggestions.

Technical Assistance to Diversion Projects

Because a recent national study and evaluation of diversion programs (Dunford, 1981) found them not to be, in general, more effective than traditional processing or simple release in stemming misbehavior or reducing stigmatization (see Chapter 4), technical assistance for diversion projects will be given a low priority. In fact, it will ordinarily be denied, unless the following guidelines are incorporated into program activities or strategies:

- A formal evaluation is designed and conducted to measure more than system-observed recidivism as an outcome variable, and also to assess the impact of diversion services vis-à-vis other traditional dispositional options;
- Written criteria for client selection are developed and applied to exclude youths who normally would have simply been warned and released rather than referred on for continued system processing;
- Diversion occurs prior to adjudication, preferably following either police or court intake and prior to the filing of a formal petition;
- Clients who are offered diversion services are fully informed about options and volunteer to participate;
- The community-based services that are provided are accessible and tailored to individual interests and needs, particularly in such practical skills or areas as job training, employment placement, career selection, education and skill building, family dispute resolution, leisure time activities, medical or substance abuse treatment, and the like; and
- Some impetus to community involvement and program improvement is fostered through mechanisms for community education, development of influential constituencies, and establishment of a coalition of affected youth agencies that can coordinate efforts, or an Advisory Board of similar citizen representatives.

If these criteria are met, technical assistance to diversion projects might be supported in such areas as:

- The design and implementation of an appropriate evaluation methodology;
- Specification and negotiation of client selection criteria and procedures for coordinating these with the appropriate juvenile justice system components (e.g., police, court intake);
- Design of client assessment techniques for determining the most appropriate resources for service referrals;
- Determination of the range of appropriate resources and services that should be available in the community, as well as the way in which such services can be solicited, monitored, and provided through subcontracts; or
- The selection of effectiveness criteria for periodic evaluation of existing or proposed community-based alternative programs that are used as referral resources.

Technical Assistance for Alternatives to Secure Detention

The problems posed by traditional secure detention, which were outlined in Chapter 4, can be avoided by the use of such alternatives as home or foster care detention in the community. Furthermore, these alternatives will probably only minimally increase the proportion of youths who commit offenses while awaiting adjudication/disposition, or who fail to appear for court hearings, if at all.

The following areas are suggested as appropriate focal points for technical assistance:

- Assessing the Impact of Current Detention Decisions -- Before establishing new policies and procedures regarding detention, jurisdictions may want technical assistance in designing a study of current detention decisions. Included in such a study might be an analysis of current rates of detention, success rate of non-detained youths, extent to which alternatives are used, success rate of alternatives, and cost comparisons of secure detention and alternatives. Jurisdictions might also want assistance in clarifying the decision-making process and identifying who makes and reviews detention decisions.
- Defining Client Eligibility Criteria -- Local jurisdictions might also want assistance in revising or developing appropriate criteria for deciding who should be placed in detention and the type of detention that is needed. They might also want to establish detention decision guidelines, similar in spirit to

sentencing guidelines currently used by a number of adult courts. These guidelines could be quantitative and should, in most cases, be a complete revision of existing practices, rather than only modifications based largely on prior detention decisions. Applied flexibly to individual cases, these guidelines could help structure both the decision to detain and type of detention placement.

In addition to developing guidelines applicable to individual cases, as a way of limiting the number of youths detained, localities may wish to set quantitative guidelines or goals regarding both the proportion of juveniles charged with an offense who should not be detained and the proportion of who should be placed in alternatives.

- Establishing Alternative Detention Services with Appropriate Characteristics -- Among the alternatives to traditional secure detention that should be available are home detention and foster care and community-based group homes. These facilities should separate detainees from adjudicated youths in order to preserve the legal differences in these two populations. For example, treatment services should be available to detainees, but participation should be entirely voluntary, because any compulsory treatment before adjudication would be a violation of "due process" rights. In short, the objectives for detention must be limited to ensuring the timely appearance of youths at hearings and protecting the community from further law violations in the interim between arrest and disposition.

Technical Assistance To Alternative Programs For Conflict Resolution

Conflict resolution programs (as discussed in Chapter 4) offer several advantages as alternatives to juvenile court processing (viz., speedier decision-making, more efficient use of court personnel, and utilization of a more suitable and mutually acceptable process for resolution of interpersonal disagreements between complainants and offenders). Accordingly, FGTAD will encourage technical assistance to organizations and localities that want to develop and improve conflict resolution projects.

There are several important elements in successful conflict resolution projects that suggest potential areas for technical assistance:

- Defining Client Eligibility Criteria -- The type of offense is the major criterion, with eligible offenses generally limited to misdemeanor or status offenses or, in some cases, lesser felonies. A second criterion is that all parties (prosecutor, complainant, and juvenile) must agree to alternative processing.

- Selecting Sponsorship and Assuring Good Publicity for the Project
A strong relationship between the project and the judicial system is crucial for ensuring necessary referrals and increasing the viability of the project.
- Specifying Procedures for Case Processing -- A time limit for processing cases by the alternative should be established and observed. The flow of cases from intake to disposition should also move without interruption, following procedures designed to ensure fairness and satisfaction for all participants.
- Involving Victims and Community Residents in the Procedures -- Victims should have the opportunity for direct involvement in the arbitration process. Additionally, community residents (both adults and young peers) should be eligible to serve as arbitrators or members of disposition panels.
- Selecting Appropriate Alternative Sanctions -- Projects should emphasize creative alternative sanctions which emphasize restitution or meaningful community service. Those sanctions selected by the youths that involve a group effort and provide an opportunity for youths to explore vocational choices are preferred.
- Designing and Implementing an Evaluation Methodology -- Sponsors should plan evaluations of conflict resolution projects prior to their implementation and include procedures for random selection of experimental and control groups. Key variables should also be identified, with procedures for data collection established and plans for analysis formulated.

Technical Assistance For Community-based Alternatives To The Correctional System

Taking into account the issues and findings of Chapter 4, FGTAD will provide technical assistance for community-based alternatives to traditional correctional functions when requests address such problems and activities as the following:

- Developing and implementing client selection criteria and program procedures that:
 - make such non-residential alternatives as community service and restitution (when controlled and operated by agencies other than official correctional components) available as sanctions for felonious or habitual delinquents who might otherwise have been incarcerated,

- make community-based residences an optional sentencing disposition for offenders who might otherwise have been institutionalized,
 - assure release of offenders from all supervision by the juvenile justice system within the time limits normally imposed under probation or parole,
 - require assignment to an alternative correctional program only after adjudication, and
 - help increase public support for use of community-based correctional programs as alternatives to institutional incarceration, not as options to existing probation services;
- Designing and implementing programs and strategies for community-based correctional alternatives that comply with proposed standards for:
 - quality services for clients that emphasize skill development and practical problem-solving rather than interpersonal counseling,
 - environmental safety for offenders that is consistent with public security,
 - well-qualified staff and assurances of reasonable client-to-staff ratios,
 - maximizing client participation in planning for care, assuming legitimate responsibilities, and demonstrating the development of realistic skills,
 - decreasing regimentation while allowing the assumption of normal social roles and citizens rights, including mingling with the opposite sex, receiving visitors who represent traditional values, and privacy protections in regard to traditional values, and privacy protections in regard to communications searches, clothing, religious preferences, and the like,
 - encouraging tangible rewards for achievement of legitimate goals, and
 - guaranteeing community support and direct involvement through volunteer services, advisory recommendations, professional assistance, and such;
 - Designing, developing, and replicating acceptable research evaluation methodologies to test the effectiveness, efficiency,

and theoretical hypotheses underlying community correctional alternatives vis-à-vis more traditional correctional components; and

- Promoting organizational analysis efforts and public relations strategies that can be used to overcome community resistances to non-incarcerative sanctions and to foster acceptance of necessary value and structural changes that are prerequisites for increased utilization of community-based correctional alternatives.

MODES OF AND PRIORITIES FOR TECHNICAL ASSISTANCE

The Formula Grants and Technical Assistance Division offers two primary modes of Federal technical assistance. They are: (1) documentation through correspondence and (2) on-site consultation. Either or both of these modes may be used in any one assignment, and their selection will depend on a mutual agreement between FGTAD and the recipient on the most cost-efficient and effective arrangements that can be scheduled.

In practice, all requests for specific technical assistance must be routed through FGTAD for consideration and approval prior to the development of plans for assistance delivery. Based on the merits of the request (as presented earlier in this chapter), FGTAD will signify approval or disapproval and forward the actionable requests to designated private consulting firms that have contract responsibilities in the specific area of the request. This contractor, the National Office for Social Responsibility (NOSR), in the area of alternatives to the juvenile justice system then negotiates the most appropriate technical assistance delivery mode and a schedule with the requestor, develops a task-by-task delivery plan, and submits this plan (which also estimates the total person-day and travel and materials cost of the assignment) to FGTAD for final approval. This two-stage FGTAD sign-off process is followed for all Federal technical assistance requests and must be completed before any actual work begins.

As noted earlier in this chapter, FGTAD will give priority to requests that are most promising in relation to:

- Significance of the innovation or evaluation findings; and
- Scale of the assignment and its potential impact on a large number of youths.

Thus, special consideration will be given to requests from national organizations, state-wide groups, and local jurisdictions in which tests of imaginative or unique programmatic approaches with well-designed evaluation methodologies are apparent.

Documentation Through Correspondence

A significant number of requests for technical assistance can be handled effectively through telephone communications and off-site research and documentation. Essentially, contractor staff members are skilled at conducting bibliographic research and also at "networking" programatic and personnel resources to find exemplary approaches or experts in a given topical area. Developing client eligibility criteria for different types of alternatives is an example of the type of request that might be handled entirely by telephone and written communication. Staff members from the technical assistance contractor, after defining the parameters of the request, might search for examples of such eligibility criteria in:

- Available literature pertaining to alternatives;
- Unpublished documents that are submitted to OJJDP; and from
- Existing and well-run alternatives of the same type in localities with characteristics similar to those of the requestor.

The eligibility criteria would then be screened for relevance to the requestor, collated into a coherent set, and forwarded to the recipient.

Among the useful materials available for documentation requests are a series of reports funded by the National Institute for Juvenile Justice and Delinquency Prevention (NIJJD). The series prepared by the National Assessment Centers (particularly by the National Assessment Center on Alternatives to the Juvenile Justice System at the University of Chicago) is very helpful in presenting both conceptual material and critical analyses of specific alternative approaches. (For further information on these references, consult the Report of NIJJD, Fiscal Year 1980 (p. 41) as well as the bibliography at the end of this monograph.)

ON-SITE CONSULTATIONS

The other primary mode of technical assistance is direct on-site consultation or training at a particular location. This may involve contractor staff or well-known specialists in a topical area to work with the requestor on a prearranged agenda and schedule. Most requests of this type require extensive pre-site preparations so that travel and time in the field are kept to a necessary minimum. Sometimes more than one visit to a requestor is needed, usually to gain an understanding of the unique local situation before off-site research and preparation are undertaken. An example of such an assignment might be the design and

implementation of a specific innovative alternative program involving the tailoring of some generic approach to the unique characteristics of the requestor. Then, a site visit to explore the dimensions of the problem might be authorized before a program design was prepared off-site; submitted to the requestor for review, comment and approval; and finally presented to key recipient staff as a training workshop of several days' duration.

For all technical assistance assignments, the contractor staff members write a complete provider's report describing in detail the activities that were conducted and the products that were developed. This type report is submitted to FGTAD and is often useful in similar assignments, especially when products such as operational manuals or criteria have been part of the tasks.

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