A Juvenile Justice System for the 21st Century

Shay Bilchik

The growth of violent juvenile crime over the past decade has stirred significant debate on the viability and effectiveness of this Nation’s juvenile justice system. Between 1988 and 1994, juvenile arrests for violent crimes increased more than 50 percent. These increases have strained the juvenile justice system beyond capacity, from intake and detention to court and correctional services. The result, in many jurisdictions, is a system that does not consistently serve the public safety, hold juveniles accountable, or meet the treatment and rehabilitation needs of each juvenile offender. With generally inadequate funding and fluctuating public support, the juvenile justice system has fallen short of meeting the challenge presented during the past decade.

Recently, the U.S. Department of Justice announced new national statistics showing a decline in arrests for juvenile violent crime (6 percent), led by a decline in murder arrests (14 percent), between 1995 and 1996. While this is a promising sign, juvenile violence remains unacceptably high. As the 100th anniversary of the juvenile court approaches, it is time to examine how the juvenile justice system can operate more effectively to reduce juvenile crime, particularly violent crime, and meet system goals. The juvenile justice system needs to be revitalized so that it will ensure immediate and appropriate sanctions, provide effective treatment, reverse trends in juvenile violence, and rebuild public confidence in and support for the system.

Since the first juvenile court was established in Chicago, Ill., in 1899, a variety of strategies have been pursued to address the particular issues posed by juvenile offenders. Results have been mixed. Young people need to know that if they break the law, they will be held accountable. They also need to be put on a path toward responsible adulthood. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has developed a strategy, set forth in the publication Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders1 (Comprehensive Strategy), to help communities prevent delinquency and establish a juvenile justice system based on graduated sanctions that combine accountability with increasingly intensive treatment services. The Comprehensive Strategy calls for immediate interventions when high-risk or delinquent behavior first occurs.

From the Administrator

The challenges of the next century will include significant problems that face us today and that we will need to continue to address. Building a juvenile justice system that protects our communities and ensures that all youth become productive, contributing adults will be high on that list.

Considerable progress has been made since the birth of the juvenile justice system at the end of the last century. The investment of time and labor by countless juvenile justice and youth service professionals has paid promising dividends. Nevertheless, some individuals question whether a separate juvenile justice system best serves the welfare of our children and our communities, and others ask whether the resources provided for juvenile justice have been adequate to the task at hand.

The fact is that much remains to be done if we are to construct a juvenile justice system that will meet both the challenges remaining from the 20th century and those that will arise in the future. To create an effective juvenile justice system for the 21st century, we must take to heart the lessons learned from this century—many of which are set forth in this Bulletin—and redouble our efforts on behalf of America’s children.

Shay Bilchik
Administrator
The juvenile justice system called for in the Comprehensive Strategy is based on decades of research, statistics, and evaluations in the fields of criminal and juvenile justice, public health, and youth development. To assist communities in creating a stronger juvenile justice system, OJJDP, through the National Council on Crime and Delinquency (NCCD) and Developmental Research and Programs, Inc. (DRP), identified specific tools that can be used to improve the operation of the juvenile justice system—such as risk and needs assessment instruments—and a range of programs that have been found effective in preventing delinquency and reducing recidivism. This Bulletin describes the objectives and elements of an effective juvenile justice system and suggests legislative and administrative strategies for its implementation.

**Objectives of an Effective Juvenile Justice System**

An effective juvenile justice system must meet three objectives: (1) hold the juvenile offender accountable; (2) enable the juvenile to become a capable, productive, and responsible citizen; and (3) ensure the safety of the community.

These objectives are best met when a community's key leaders, including representatives from the juvenile justice system, health and mental health systems, schools, law enforcement, social services, and other systems, are jointly engaged in the planning, development, and operation of the juvenile justice system. Reform of the juvenile justice system must be part of a broad, comprehensive, communitywide effort to eliminate factors that place juveniles at risk of delinquency and victimization, enhance factors that protect them from engaging in delinquent behavior, and use the full range of resources and programs within the community to meet their varying needs. It is essential that in engaging the community in this undertaking, the juvenile justice system also include greater public access to both court proceedings and system operations. Enhancing public involvement in the juvenile justice system will ensure an appropriate role for victims, a greater understanding of court operations, and a higher level of system accountability to the public.

**Elements of an Effective Juvenile Justice System**

The most effective juvenile justice interventions are swift, certain, consistent, and appropriate. To meet these objectives, an effective juvenile justice system must:

- **Include a mechanism for comprehensively assessing a juvenile** when he or she first enters the system, in order to determine both the risk to the community and appropriate interventions and sanctions.
- **Have the capacity to provide a range of treatment services**, from family counseling to outpatient drug treatment to out-of-home care.
- **Incorporate increasingly severe sanctions and enhanced treatment services** when a juvenile fails to respond to initial interventions or is involved in a particularly serious or violent offense as a first-time offender.

Juveniles must be aware that the juvenile justice system will hold them accountable for their delinquent misconduct and that continued violations of the law will subject them to increasingly severe sanctions, including secure confinement. An effective system of graduated sanctions should also include the option of transfer to the criminal justice system for those serious, violent, or chronic juvenile offenders who are not amenable to treatment in the juvenile justice system or whose misconduct inherently justifies transfer.

A successful juvenile justice system requires specialized programs to adequately address the unique needs of each juvenile offender and the challenges posed by some juveniles, including gang members, sex offenders, drug offenders, members of racial and cultural minorities, female offenders, and juveniles with disabilities. In addition, the system needs trained staff at all levels and a monitoring/evaluation system to track its success.

Effective, fair, and appropriate graduated sanctions that hold juvenile offenders accountable, particularly community-based programs and services, help juvenile offenders avoid continued involvement in delinquency and crime and are usually less expensive than incarceration. The Comprehensive Strategy describes promising and effective programs at each of these graduated sanction levels (immediate, intermediate, and secure confinement).

An effective juvenile justice system does not use detention as a sanction, instead using detention resources only for those preadjudicated juveniles who must be detained, based on their risk of reoffending, harming themselves or others, or failing to appear at future proceedings, factors that can be assessed through the application of objective criteria. For adjudicated delinquents, an effective juvenile justice system includes a full range of graduated sanctions that begins with comprehensive risk and needs assessments and includes aftercare for juveniles returning to the community from out-of-home placements. The entire process needs to be complemented by quality case management. Each of these critical components is described below.
Preadjudicated Detention

The use of preadjudication detention of juveniles is becoming one of the most difficult problems for the juvenile justice system. As the number of juveniles taken into custody has increased, so has the rate of detention. Detention facilities in many jurisdictions are filled beyond capacity. To control the large increase of juveniles admitted to juvenile detention programs and facilities, objective risk assessment criteria must be developed to assist courts in ensuring that only dangerous youth and those most likely to flee are placed in intensive pretrial supervision programs, monitored by electronic or other forms of home detention, or detained in facilities. Innovative alternatives to traditional detention need to be developed. In addition, every effort should be made to reduce the length of detention. State laws and procedures should provide for adjudicatory hearings within expedited but appropriate periods for all juveniles, particularly those who are detained. Adjudicated delinquents, including those who are going to be placed, should be moved to placement options with as little delay as possible. This means that placement options need to be expanded as part of a system of graduated sanctions.

Overcrowding and length of time held are only part of the preadjudication detention issue. Many detention facilities also have untrained staff, inadequate educational programming, and a lack of medical, mental health, recreation, and social services. Additional resources should be devoted to providing diagnostic services in detention programs and facilities and offering short-term therapeutic services to this population. Accomplishing these goals will require the commitment of all parties in the system and legislative authorities to ensure that the necessary resources and system changes are developed and put in place. Once this is done, detention populations can be reduced and shortened periods of detention can be put to productive use for those juveniles who require detention prior to adjudication.

Graduated Sanctions for Adjudicated Delinquents

**Comprehensive risk and needs assessments.** In order to achieve both accountability and rehabilitation, an effective juvenile justice system assesses each adjudicated juvenile offender to determine a treatment plan based both on need and on offender risk to the community. This requires a balancing of criteria that focus on the seriousness of the delinquent act, the potential risk for reoffending, the risk to public safety, and the offender's rehabilitation needs. The needs assessment must be thorough enough to determine the set of issues that system services can help the juvenile address within the context of family, school, peer group, and community settings. In some situations, the assessment of a juvenile offender may lead to probation or placement in a community-based program. In all cases, assessment should lead to a clearer understanding of appropriate system responses that ensure the public safety.

**Immediate intervention.** The vast majority of juvenile court appearances are for nonviolent offenses. In 1996, 4.7 percent (approximately 135,100) of all juvenile arrests were for violent crimes (murder, rape, robbery, or aggravated assault). For minor offenders (misdemeanors), some serious offenders (nonviolent felonies), and many repeat minor offenders, the juvenile justice system requires a variety of resources, including mentoring, restitution and community service, nonresidential programs and services such as day treatment, and community-based facilities that are designed to reduce the probability of reoffending. These community-based facilities should be small and open, located near juveniles' homes, and involve participants in program planning, operation, and evaluation. Intervention programs should foster family participation in treatment and facilitate the establishment of law-abiding patterns of behavior.

**Immediate Intervention: Restitution and Community Service**

A study of Utah's juvenile court conducted by the National Center for Juvenile Justice for OJJDP shows that for informally handled and adjudicated cases involving robbery, assault, burglary, theft, auto theft, and vandalism, recidivism is lower for juveniles placed on probation or ordered to make restitution than for juveniles placed on probation without a restitution order. This study is consistent with an earlier OJJDP-funded national evaluation of restitution, which found such programs effective in reducing delinquency. These programs also respond to some key needs of victims by holding juvenile offenders accountable and restoring their loss. OJJDP has expanded the principles underlying restitution and community service into a system improvement model called Balanced and Restorative Justice. (See J.A. Butts and H.N. Snyder, Restitution and Juvenile Recidivism: Update on Research, Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, September 1992 (NCJ 137774).)

**Immediate Intervention: Mentoring**

A rigorous experimental design evaluation of the Big Brothers Big Sisters mentoring program matched 487 treatment youth with 472 control youth in 6 outcome areas: antisocial activities; academic performance, attitudes, and behaviors; relationships with family; relationships with friends; self-concept; and social and cultural enrichment. Numerous positive results were documented: participants were 46 percent less likely to start using illegal drugs, 27 percent less likely to start drinking alcohol, and 32 percent less likely to hit someone; they were 52 percent less likely to skip a day of school and 37 percent less likely to skip a class; they improved their academic performance slightly; and they improved their relationships with their parents and peers. These differences between program and nonprogram youth were found to exist 18 months after the program youth began their involvement in the program and indicate that properly designed and implemented mentoring programs can have a positive impact on youth. (See J.P. Tierney and J.B. Grossman, Making a Difference: An Impact Study, Philadelphia, PA: Public/Private Ventures, 1995; and J.B. Grossman and E.M. Garry, Mentoring—A Proven Delinquency Prevention Strategy, Bulletin, Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, April 1997 (NCJ 164834).)
Intermediate Sanctions: Delinquency Treatment Program

Multisystemic Therapy (MST), a nonresidential delinquency treatment program developed by Dr. Scott Henggeler of the Medical University of South Carolina, views individuals as being "nested" within a complex of interconnected systems, including the family, community, school, and peers. The MST treatment team may target problems in any of these systems for change and use the individual's strengths in these systems to effect that change. Treatment teams, which usually involve three counselors, provide services over a 4-month period for about 50 families per year. In one evaluation, the recidivism rate 4 years after treatment was 22 percent for MST youth, 72 percent for youth receiving individual counseling, and 87 percent for youth who refused either treatment. These evaluation results are a strong indicator of program effectiveness.

Intermediate Sanctions: Residential Program

The Thomas O'Farrell Youth Center (TOYC), located in rural Maryland, is a 38-bed, unlocked, staff-secure residential program for male youth committed to the Maryland Department of Juvenile Services. The typical TOYC youth has many prior court referrals, generally for property crimes and drug offenses. On average, youth stay at the center for 9 months and then receive 6 months of community aftercare. The TOYC philosophy is to create a community of dignity and respect for all its members. This positive social environment is at the core of all TOYC activities. Each youth who completes the TOYC residential program has a specialized aftercare plan and receives postrelease services from two aftercare workers—including assistance in reentering school, vocational counseling, crisis intervention, family counseling, transportation, and mentoring. Aftercare workers contact the youth at least 12 days per month during the aftercare period.

An NCCD evaluation found that the majority (55 percent) of the first 56 TOYC graduates had no further court referrals in the postrelease period (an average of 11.6 months). The study also showed a dramatic decline in the number of offenses committed by youth after their stay at TOYC. In the 12 months prior to placement in TOYC, the 56 youth were charged with 219 offenses, an average of almost 4 court referrals each. However, in the year after leaving TOYC, these youth were charged with just 51 offenses, a decline of 77 percent. NCCD also observed that youth who committed new crimes after leaving TOYC were likely to commit less serious offenses than before.

Immediate Intervention: Day Treatment

The Bethesda Day Treatment Center Program in West Milton, PA, is a model day treatment program. Initiated with OJJDP formula grant funds, the program is currently funded through county service contracts. The center's services include intensive supervision, counseling, and coordination of a range of services necessary for youth to develop skills to function effectively in the community. The program provides delinquent and dependent youth, ages 10 to 17, with up to 55 hours of services a week without removing them from their homes. A unique program feature requires work experience for all working age clients, with 75 percent of their paychecks directed toward payment of fines, court costs, and restitution. A preliminary study revealed recidivism rates far lower than State and national norms.
Secure Corrections

The Florida Environmental Institute (FEI), also known as "The Last Chance Ranch," targets some of the State's most serious and violent juvenile offenders. Located in a remote area of the Florida Everglades, FEI offers both a residential phase and a nonresidential aftercare program. Two-thirds of the youth referred to FEI are adjudicated delinquents from the criminal justice system. Yet, because of FEI's strong emphasis on education, hard work, social bonding, and aftercare, recidivism rates of juveniles who have gone through the program are substantially less than those of youth who have completed traditional training school programs: 30 percent as compared with 50-70 percent.

Intensive aftercare. Intensive aftercare, or "community care," programs, which provide appropriate levels of social control and treatment services for juveniles returning to the community from out-of-home placements, are an essential part of the continuum of services and sanctions that form an effective juvenile justice system. Properly implemented, aftercare can serve to protect public safety by monitoring the juvenile's reintegration into the community while developing his or her capacity to overcome negative influences (risk factors for delinquency) by enhancing the skills needed to become a productive and law-abiding member of society.

Standard aftercare programs, staffed by overburdened parole officers or aftercare personnel who focus solely on social control, are ineffective in modifying the behavior of high-risk juvenile "parolees" over the long term.19 Youth who successfully complete institutional programs should not be abruptly returned to the environment where the misconduct occurred without high levels of supervision and transitional support. Successful aftercare programs begin developing an offender's aftercare plan early in the residential placement, create links to the youth's family and school throughout treatment, and provide high levels of both social control and treatment services.

Five principles characterize model intensive aftercare:

- Prepare youth for progressive responsibility and freedom in the community.
- Facilitate youth-community interaction and involvement.
- Work both with the offender and with targeted community support systems, such as families, peer groups, schools, and the workplace, to facilitate the youth's constructive interaction with these groups and gradual community adjustment.
- Coordinate needed resources and opportunities, and develop community support.
- Monitor reintegration into the community to ensure its success.

Implementation of an Effective Juvenile Justice System

An effective juvenile justice system complements effective prevention11 with early intervention and graduated sanctions and uses tools available to improve system operation. The implementation of such a system can be supported and strengthened by a State and local statutory and administrative framework, which should do the following:

- Include the overall principles of prevention, early intervention, and graduated sanctions in the purpose clause of the State's juvenile code.
- Provide for appropriate interagency oversight and management structures to support the juvenile justice system, including assistance in program implementation, data collection, information sharing, and evaluation.
- Provide adequate funding at both the State and local levels.

Several basic elements characterize sound juvenile justice system administration:

- A State-level interagency coordinating/oversight entity that focuses on juvenile justice matters.

Aftercare: Community Reintegration

OJJDP is demonstrating the principles of intensive aftercare in three communities (Denver, CO; Las Vegas, NV; and Norfolk, VA). The Virginia Department of Youth and Family Services applies this model to its Intensive Parole Program. The program consists of an interdisciplinary screening process and treatment plan; a complete assessment (physical, psychological, educational); intensive counseling and treatment team meetings with parents; a reintegration plan that identifies services and service providers; increased surveillance and judicial reviews; adolescent and parent groups in the community; and incentives. (Program description provided by Norfolk Court Service Unit/Beaumont Juvenile Correctional Center, December 1995.) (See D.M. Altschuler and T.L. Armstrong, Intensive Aftercare for High-Risk Juveniles: A Community Care Model, Program Summary, Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, September 1994 (NCJ 147575).)
Case Management and Service Integration

The Norfolk (Virginia) Interagency Consortium (NIC) sets policy on placements for high-risk youth and is a promising example of using interagency assessment teams to make placements. NIC exists under Norfolk's Police Assisted Community Enforcement (PACE) program, which was designed to involve community resources in solving problems and working with police. NIC and PACE are governed by a board of representatives of health agencies, social services, police, education, juvenile services, and other agencies—in addition to parents and private citizens. The consortium ensures coordinated delivery of comprehensive services, including access to a pool of State funds.

Although NIC has not been systematically evaluated, statistics show that crime has dropped markedly in neighborhoods targeted by the umbrella PACE program. According to one 1993 report, crime decreased by 29 percent in target areas, police reported fewer service calls, and on-street drug trafficking and gunfire dropped significantly. Participants also believed the program had reduced fear of crime in target neighborhoods. (See R.C. Cronin, *Innovative Community Partnerships: Working Together for Change*, Program Summary, Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, May 1994 (NCJ 147483).)

- Regional/local advisory boards and regional offices within the State juvenile justice agency responsible for developing and implementing local juvenile justice plans and managing local service delivery systems.
- Uniform funding mechanisms for county and city juvenile justice systems, facilities, programs, and services that foster the pooling of resources. This would be done through a fund distribution formula that is based on a statewide analysis of juvenile delinquency by adjudications and commitments to State programs and facilities. This formula also factors in the current per diem cost of a commitment to a State institution. Local juvenile justice systems should be given fiscal incentives to reduce the number of commitments to costly State institutions or out-of-State programs and facilities for juveniles who could be appropriately placed in local community-based programs and services.

**Conclusion**

OJJDP's intensive review of juvenile justice programs that work, coupled with the findings of 30 years of studies by premier researchers such as Alfred Blumstein, Gil Botvin, Richard Catalano, Delbert Elliott, Jeffrey Fagan, David Farrington, J. David Hawkins, James C. Howell, David Huizinga, Candace Kane, Barry Krisberg, Mark Lipsey, Rolf Loeber, Cheryl Maxson, Walter Miller, David Olds, Howard Snyder, Cathy Spatz-Widom, Irving Spergel, Terence Thornberry, and Gail Wasserman, among many others, points the way toward understanding the crucial elements for success in State juvenile justice systems. A carefully conceived, properly implemented, and adequately funded juvenile justice system in the 21st century can be expected to bring about the following benefits:

- **Increased juvenile justice system responsiveness.** The system will provide additional referral and dispositional resources for law enforcement, juvenile courts, and juvenile corrections. It will also require system components to increase their ability to identify, process, evaluate, refer, and track juvenile offenders.
- **Increased accountability.** Juvenile offenders will be held accountable for their behavior, decreasing the likelihood of their development into serious, violent, or chronic offenders and tomorrow's adult criminals. The juvenile justice system will be held accountable for controlling serious and chronic delinquency while also protecting society. Communities will be held accountable for providing community-based prevention and treatment programs and competency and life-skills development resources for juveniles.
- **Increased community involvement.** Involving the community in the juvenile justice system makes it more visible, understandable, and effective and enables the system to deliver justice more swiftly and more appropriately—critical factors for decreasing recidivism.
- **Decreased costs of juvenile corrections.** Applying the appropriate assessment and graduated sanctions and developing the required community-based resources should significantly reduce the need for more high-cost beds in training schools and make existing beds available for the most serious and violent offenders. Savings could be used to fund treatment in community-based services, programs, and facilities and to support additional prevention programs.
- **Increased program effectiveness.** A body of knowledge has been gathered about the characteristics of serious, violent, and chronic offenders and about what works in treatment and rehabilitation. However, successful intervention in the delinquent and criminal careers of juvenile offenders will require more information about what works best, for whom, and under what circumstances. Followup research and rigorous evaluation of programs implemented as a part of this strategy should produce valuable data.

The most effective long-term response to the problem of juvenile delinquency and violence lies in improving the juvenile justice system and working to prevent delinquency before it occurs. A balanced and responsible approach to juvenile crime that coordinates law enforcement, courts, detention and corrections, treatment, and prevention resources in a cost-effective manner can serve to reduce juvenile crime and make the Nation's communities safer and better places to live.

**Additional Information**

For additional information on training and technical assistance for a range of juvenile justice improvements and for training guides, Reports, Bulletins, and Fact Sheets on effective delinquency prevention and intervention programs, contact the Juvenile Justice Clearinghouse at 800-638-8736 or send your request via e-mail to askncjrs@ncjrs.org or www.ncjrs.org/ ojjhome.htm.

**Endnotes**

of Juvenile Justice and Delinquency Prevention, December 1993 (NCJ 143453).

Under a December 1993 OJJDP grant, NCCD, in partnership with DRP, conducted an exhaustive search of empirically evaluated prevention and intervention programs. The program search yielded information on 209 promising or effective programs. The most promising programs—based on both descriptive information and evaluation data—are identified in OJJDP's Guide for Implementing the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders, Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, May 1995 (NCJ 153681).

3. These three goals form the basis of the balanced and restorative justice framework being adopted by jurisdictions across the country to balance the needs of victims, the community, and the juvenile. (See G. Bazemore and M. Umbreit, Balanced and Restorative Justice, Program Summary, Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, May 1995 (NCJ 149727).)

Many juvenile justice systems incorporate some of the Comprehensive Strategy's programs and policies, but none has brought this approach to scale by committing the necessary resources.


8. Since closing its traditional training schools in 1972, Massachusetts has relied on a sophisticated network of small, secure programs for violent youth coupled with a broad range of highly structured, community-based programs for most committed youth. Secure facilities are reserved for the most serious offenders. A study revealed recidivism rates equal to or lower than those of other jurisdictions.

Massachusetts has also saved an estimated $11 million yearly by relying on community-based sanctions.


11. Countless prevention programs have proven effective in reducing the factors in a child's life that can lead to delinquency. The Program of Prenatal and Early Childhood Home Visitation by Nurses helps women improve their health-related behaviors and their quality of infant care-giving and also increase their personal development. Interim results from an extensive 15-year longitudinal study are quite positive. Program participants posted a 75-percent reduction in State-verified cases of child abuse and neglect, a 32-percent reduction in emergency room visits during the second year of life, an 80-percent increase in unmarried women participating in the workforce, and a 43-percent reduction in subsequent children borne by unmarried women as compared with counterparts assigned to comparable services. Similarly, the High/Scope Perry Preschool Program fosters social and intellectual development in children ages 3 to 4 and strengthens the family unit through parent training and vocational assistance. The Research Foundation reports that by the time the participating children reached the age of 19—14 years after they completed this 2-year program of developmental preschool and weekly home visits—only 31 percent had ever been arrested, as compared with 51 percent of a control group.

In addition, by the time the Perry participants turned 27, the number who had been arrested five times or more was one-fifth that of the control group.

12. OJJDP has recently initiated an intensive training partnership with five States (Florida, Iowa, Maryland, Rhode Island, and Texas) to demonstrate the Comprehensive Strategy in up to six sites in each State.

13. A report from OJJDP's Study Group on Serious and Violent Juvenile Offenders is forthcoming.

References


