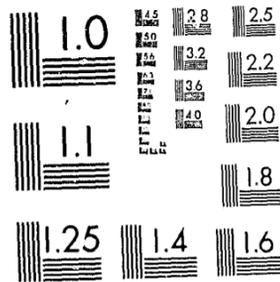


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National Institute of Justice
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5/15/81

NATIONAL EVALUATION PROGRAM

Series A
Number 7

Community-Based Alternatives to Juvenile Incarceration

35834
23

Law Enforcement and Criminal Justice
Administration
Department of Justice

Phase 1 Report

Criminal justice policymakers at all levels of government are hampered by a lack of sound information on the effectiveness of various programs and approaches. To help remedy the problem, the National Institute sponsors a National Evaluation Program to provide practical information on the costs, benefits and limitations of selected criminal justice programs now in use throughout the country.

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- Early Warning Robbery Reduction Projects
- Delinquency Prevention
- Alternatives to Incarceration of Juveniles
- Juvenile Diversion
- Citizen Patrol
- Traditional Patrol

NATIONAL EVALUATION PROGRAM PHASE I SUMMARY REPORT

COMMUNITY-BASED ALTERNATIVES TO JUVENILE INCARCERATION

By
Andrew Rutherford
Osman Bengur

NCJRS

OCT 5 1976

ACQUISITIONS

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OCTOBER 1976

National Institute of Law Enforcement and Criminal Justice
Law Enforcement Assistance Administration
U. S. Department of Justice

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ABSTRACT

Institutions for juvenile offenders, often large and isolated, have come under increasing criticism in recent years. It is often suggested that such places be closed and replaced by a range of community-based alternative programs. A number of such programs have been established and this study provides an assessment of some of their problems and possibilities. Some definitional problems were encountered, not least the meaning of community-based, which might most appropriately refer to the extent and quality of the linkages between the youths, staff, program and the community. Programs were also assessed along other dimensions, including the nature of the control exercised over youths.

The study suggests that it is insufficient to assess individual programs in isolation from the overall process of which they are a part. A fundamental issue which must be addressed is whether these new programs are in fact replacing incarceration, or merely providing a supplementary appendage to the traditional system. The connections between the new programs and the incarcerative settings which they are said to be replacing require close scrutiny. It is hoped that this study, based upon a review of the literature and a number of site visits, will introduce a note of caution in an area where belief in panaceas and the use of catchwords have often obscured the need for careful scrutiny of what is actually taking place.

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FOREWORD

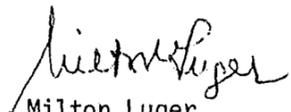
There have been many calls in recent years for the phasing out of major juvenile institutions, which have been criticized for being regimented, isolated, and ineffective in rehabilitating youth. In their place, many advocate creation of less secure community-based treatment facilities and programs.

Is the juvenile justice system actually moving in this direction? According to this study, there has been a trend towards increased use of community-based facilities but not a major decline in the use of training or reform schools. The result is that many programs are serving as a supplement to incarceration rather than replacing secure institutional care. A major exception is the network of community-based programs developed in Massachusetts since that State closed its training schools in 1970-72.

The study highlights the need to assess community-based programs as an integral part of the juvenile justice process. If not, these programs run the risk of "widening the net" -- a problem that has nagged so many of our major reforms. The study also assesses a number of other aspects of community-based programs, including the extent and quality of their clients' contacts with the community and the amount of control they exert over the youth in their care.

All of these findings should be of immediate practical benefit to planners at all levels who are facing difficult choices of how, where, and for whom to develop programs.

Although funded by the National Institute of Law Enforcement and Criminal Justice, the NEP studies dealing with juveniles were monitored by staff of the new Office of Juvenile Justice and Delinquency Prevention. Both offices look forward to more such cooperative ventures.



Milton Luger
Assistant Administrator
Office of Juvenile Justice and
Delinquency Prevention

PREFACE

This is part of a three volume report which assesses Community-based Alternatives to Juvenile Incarceration. The study was conducted by the Juvenile Justice Project, Department of Criminal Justice Studies at the University of Minnesota during 1975. It was commissioned by the National Institute of Law Enforcement and Criminal Justice as part of its National Evaluation Programs.

Volume 1 Community-Based Alternatives to Juvenile Incarceration: Final Report has these main topic areas:

- historical review
- review of literature and identification of key issues
- description of community-based programs
- assessment of field research
- research design issues
- evaluation designs that address both program and process issues

Volume 2 Community-based Alternatives to Juvenile Incarceration: Site Visit Reports contains the complete reports of the twelve site visits undertaken in this topic area during the summer of 1975.

Volume 3 Community-based Alternatives to Juvenile Incarceration: Report Summary is a summary of the final report. It is scheduled for distribution to juvenile justice planners and others with responsibilities in this field.

PROJECT STAFF

The Juvenile Justice Project, at the University of Minnesota, was responsible for two topic areas: Diversion and Community-based Alternatives to Incarceration. The project was directed by Andrew Rutherford, visiting associate professor in the Department of Criminal Justice Studies. The three coordinators were Robert McDermott, Diversion; Osman Bengur, Alternatives to Incarceration; and Earl Fish, field research. Other project staff were:

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I. INTRODUCTION: PURPOSES AND OUTLINE OF REPORT

Training and reform schools for delinquent and other youth were once viewed both with pride and optimism; today the view is considerably less sanguine. The contemporary rhetoric and the recommendations of recent national commissions have stressed the need to develop community-based alternatives to incarcerative settings. The urgency of this task was reflected in the recently enacted Juvenile Justice and Delinquency Prevention Act of 1974, which created a national Office of Juvenile Justice and Delinquency Prevention within LEAA.

This study is one of a number of Phase I Assessments of the National Evaluation Program within LEAA to focus specifically on a topic within juvenile justice. The focus has been on alternatives to the deep end of the juvenile justice system - alternatives in lieu of incarceration after an adjudication of delinquency. The study has been completed in eight months, which is the period of time established by the NEP Phase I design. Clearly such a project cannot undertake the in-depth and quantitative focus that is the aim of long-term undertakings, such as the University of Michigan's National Assessment of Juvenile Corrections. The intent of this study, rather, is to provide an up-to-date description of the current level of practice for policy makers and researchers concerned with issues that arise in the use of community-based alternatives to incarceration.

The focus of the study, and the object of this report, is to provide a qualitative perspective of community-based alternatives to incarceration based upon 1) a review of the literature relating to the key issues and research; and 2) findings from the field research covering a range of community-based programs. The field research specifically attempted to reflect the perspectives of key actors, including whenever possible, youths being processed through the system.

It is assumed from the outset that any examination of community-based programs cannot be isolated from an examination of the wider juvenile justice context within which the programs operated. This consideration has been especially important for this study as its major theme is the overall function that these programs serve in terms of providing alternatives to incarceration. An important question in this

regard is whether these programs are in fact replacing or supplementing incarceration.* It is imperative to note that giving a program a name (i.e., community-based alternative to incarceration) does not necessarily result in the intended purpose being served. Such a warning is all the more timely when certain terms become catch-phrases for funding and other purposes.

Given the range and diversity of the topic area it was necessary to limit its scope. The complete scene of probation supervision and "probation plus" programs, whereby probation departments provide more intensive supervision for youths who otherwise might have been incarcerated, was excluded from the study. A separate study of program supervision in its varying forms is recommended.

At this stage it is possible that description complicates rather than simplifies. The wide diversity of programmatic arrangements and the fluidity of the contemporary scene do not facilitate the development of neat classifications with immediate utility for policy makers and researchers. The study's conclusions introduce a heavy note of caution for those with a predisposition towards catchwords and panaceas.

* A companion report prepared by the same research team has addressed a very similar issue in the area of juvenile diversion. In that report the dominating theme is the issue of whether diversion from the juvenile justice process is actually taking place.

II. LITERATURE REVIEW - ISSUES AND RESEARCH

A. The Contemporary State of Affairs

In January, 1973, the National Advisory Commission on Criminal Justice Standards and Goals published its report. In regard to juvenile offenders the report stated in its standards that "Each correctional agency administering state institutions for juvenile... offenders should immediately adopt a policy of not building new major institutions for juveniles under any circumstances..."¹ and "All major institutions for juveniles should be phased out over the five year period."² There are few indications that the Commission's five year deadline for closing juvenile institutions is being taken seriously anywhere in the United States. The National Assessment of Juvenile Corrections finds that "the traditional training school or public institution continues to be the dominant choice for disposition of juvenile offenders."³

The one exception to the rule is Massachusetts, which closed all of its state and county training schools. No other state has so dramatically undertaken to decarcerate youths at the deep end of the system. The Massachusetts reform is the subject of a major research effort being undertaken by the Harvard Law School Center for Criminal Justice for a seven year period* (1970-1977).⁴ The research is documenting and evaluating the consequences of the abandonment of training schools in favor of a wide range of alternative programs. As such, it is the most comprehensive research ever undertaken on community-based alternatives to incarceration.⁺ Preliminary findings indicate that there is less evidence of delinquent subcultures in the alternative programs as opposed to the training schools. The recidivism results are less definitive at this time, but it does appear that the changes which have occurred have not increased public risk from youthful crime.⁸

* The Harvard research design has five components: 1) political and organizational changes at the state level and at the agency's central office; 2) political and organizational analysis of regional offices; 3) program subculture study; 4) evaluation of program organization and operation; 5) a cohort analysis.

+Though yet to be completed, the Harvard researchers have already published or otherwise made available many of the findings including a detailed analysis of political and organizational changes,⁵ and a number of useful concept papers,^{6,7}.

B. Definitional Issues: Community-Based and Incarceration

There is general agreement that an alternative to incarceration must at least differ in type from an incarcerative setting. One recent study defined incarceration as "collective residential restraint."* Generally, the central feature of incarceration is taken to be its confining nature. Such incarcerative settings clearly include prisons, jails, reformatories, training schools, and secure hospitals.

In contrast, the term "community-based" has produced considerable confusion. Claims, for example, have been made that some training schools are community-based by virtue of their location in a "community". The most thorough conceptual work that has been done on defining community-based focuses upon the nature of linkages between programs and the community.⁹ Programs, according to this definition can be differentiated on the basis of the "extent and quality of relationships between program staff, clients and the community in which the program is located..."¹⁰ In this manner, community-based programs are viewed as being along a continuum ranging from the least to the most community-based. "Generally, as the frequency, quality, and duration of community relationships increase the program becomes more community-based."¹¹

Some research evidence suggests that community-based programs may well be relatively unsuccessful in developing linkages with their community. Empey and Lubeck in their study of The Silverlake Experiment, drew attention to the shortcomings of the Silverlake program in this regard despite the fact that the group home was located in a residential neighborhood.¹² Similarly, researchers involved in the National Assessment of Juvenile Corrections caution that "community treatment can become semantic trivia for traditional programs whose physical location in an urban community is the sole basis for identifying the program as community-based."¹³ One issue that has not been addressed with respect to the community-basedness of programs is whether an offender is placed in a program located in his own community, or elsewhere. There are, again, some indications that residential community-based programs may result in removal of the youth from his or her own community, and in some instances involve being placed considerable distances from home.¹⁴

C. Program Issues and Research

1. Range of Programs

The most comprehensive information on the current range of programs is being assembled by the National Assessment of Juvenile Corrections. This study reports that community-based programs for juveniles can be found in every state, but that the number and proportions of these programs are limited and highly skewed among the states. NAJC finds a great variety of such programs ranging from group homes, halfway houses, day care, group foster care to open residential centers.¹⁵ The study outlines a number of other provisional findings:

- (1) Programs vary in size with day treatment ranging from 10 to 85 youth, and residential programs 3 to 54.
- (2) Larger group homes and halfway houses are primarily located in states that have made a determined effort to move away from reliance upon the training school, and are commonly found in urban metropolitan areas.
- (3) In no state are there sufficient programs to handle all of the juveniles who are available for referral to such programs. The researchers comment: "There is much discussion about community-based programs, but at the present, they are not a viable alternative in most of the country. Moreover, community-based programs are often initiated with federal LEAA funds on a short-term basis, and many fade away after a year or less."¹⁶
- (4) Day treatment centers and other types of non-residential programs are very much in a minority, and do not exist in some states at all.

2. Program Effectiveness

Non-residential milieu therapy as an alternative to incarceration has been subjected to some evaluation. One of the most important of these studies was an examination of the Provo program by Empey.¹⁷ Youth in the Provo program were compared with two control groups: youth on regular probation and youth incarcerated in a training school. Empey's findings after a six-month follow-up were: a) the success rate of youth placed in Provo and on probation was similar (77 percent); b) slightly more youth completed Provo than probation; c) training

school graduates recidivated nearly twice as much as the other two groups; d) after four years, the frequency of arrests (comparing pre- and post-intervention periods) decreased for the experimental group at more than twice the rate of the control group; e) costs were considerably less for the Provo program as compared with incarceration.

Another non-residential program subject to evaluation was Essexfields. The findings here note that Essexfields has a higher rate of recidivism than probation and did not differ significantly in recidivism from either group residential centers or from the state reformatory.¹⁸

In looking at these studies as a whole, Martinson concluded that such programs are "neither more nor less successful than other currently available treatment programs for similar offenders."¹⁹

With the exception of foster homes which have received little study, a number of residential programs have been evaluated. However, the validity of many of the findings has been challenged on methodological grounds. Martinson again summarizes the known effectiveness of such programs.

When recidivism is used as a criterion, the superiority of residential... milieu therapy programs over other forms of treatment is questionable, although there is some evidence that participants in such programs do no worse than those in available alternative programs.²⁰

A very comprehensive and methodologically sound study of a single group home was Silverlake.²¹ Some of Empey and Lubeck's findings were: a) the program became increasingly control-oriented over time; b) less than half the youth completed the program; c) youth who completed the program were less likely to recidivate than those who didn't; d) there was a similar reduction in delinquency between the control group (in an open institutional program) and Silverlake; e) the only difference between the control program and Silverlake was in terms of cost - Silverlake youth remained in the program slightly less than half the time the control group was incarcerated, making Silverlake considerably cheaper. Finally, in commenting on the residential aspect of the program, Empey states that there is no reason to believe that "forced residence in a community group home is superior to non-residential programming."²²

3. Program Networks

Community-based programs can exist as part of a network of alternative services. Some state agencies are becoming more sensitive to arranging both simultaneous and sequential delivery of services to youth. Research concerning program networks has been undertaken by the Harvard Law School Center for Criminal Justice. Coates and Miller have made a distinction between program sets and program strategies.²³ The total of all programs designed to fulfill a given function is defined as a program set. Strategies are specific plans which define goals on an operational level and devise a general means for attaining those goals. Specific programs are the means for implementing strategies. Coates and Miller observe that this distinction has important implications for evaluation, commenting: "Because of the rapid turnover of specific programs in a changing correctional system, the different strategies become the principal focus for evaluation with the individual programs (strategy components) being secondary."²⁴

Important as this conceptual work is, it is probably not applicable to the current scene as described by NAJC and elsewhere. With the exception of one or two states, community-based alternatives to incarceration appear to be operating in both isolation and ignorance of other such programs, and there is little evidence of intervention strategies.

4. Discretionary Justice

An assumption which has guided the development and use of community-based programs is that they can offer more humane care than correctional institutions. It has, however, been argued that many of the assumptions and procedures of prisons and training schools are being manifested in alternative programs.²⁵ An issue of particular concern in this regard is the use of discretion and the lack of distinction between the provision of rehabilitative services and control programs. Treatment in a correctional context can be used as a form of social control; it can be, and usually is, forced upon inmates/clients.²⁶ Paul Lerman, in his study of the California Community Treatment Project (CTP), often found discretionary power being defended as necessary for treatment. He noted that the heavy emphasis on treatment has almost entirely obscured the controlling activities of programs.

...The policy of right to treat can, in practice, yield more control than treatment experiences for youth. Without an alternative policy to confine and check the dominant aspects of correctional programs, there is no assurance that community treatment programs will diminish the social costs to individuals nor will they automatically be associated with social benefits for society.²⁷

D. Policy Issues

1. The Parens Patriae Tradition

Juvenile justice has been dominated by the notion of parens patriae, which was formalized by the creation of the juvenile court in 1899. The primary function of the juvenile court and corrections has been to provide rehabilitative services in "the best interests of the child." There are two major challenges to this philosophy. First, there are those who advocate a more legalistic system based upon a "justice model" of intervention: juvenile justice would be primarily concerned with providing specific sanctions for criminal offenses while making treatment voluntary.²⁸ The second challenge comes from those who see the justice system as failing to protect the public from serious offenders. Observers such as Wilson stress the incapacitative and deterrent purposes of a justice system and argue for fairly long periods of incarceration for youthful offenders who commit violent crimes or who are recidivists.²⁹ Within this context, the manner in which community-based programs are used becomes an important issue.

2. Dispositional Jurisdiction

Public concern over certain types of offenders has direct implications for community-based alternative programs, especially with regard to the dispositional process which determines the target population for community-based programs. Of particular significance is the conflict between the courts and corrections agencies as to program placement decisions. The Harvard Law School study is paying close attention to the changing relationship between the Massachusetts Department of Youth Services and the juvenile courts.³⁰ A central issue in Massachusetts is whether the courts or the agency should have the responsibility for program placement.³¹ The conflict extends to include questions as to how certain types of offenders should be handled.

3. Quality Control

The experience to date has been mixed regarding accountability and quality control of correctional programs. There has, for example, been considerable criticism and inadequate monitoring of the services provided by private agencies to delinquent youth in New York.³² While the situation is not universally poor, the overall state of monitoring of services is best summed up by a commentator on the national juvenile justice scene, who recently observed that "the most important negative aspect...of our services for children is an almost complete loss of accountability on the part of the juvenile justice organization."³³

4. Governmental Responsibility

The National Assessment of Juvenile Corrections reports a trend toward centralized state responsibility for an increasing range of juvenile justice programs. This study reports:

Everywhere we have found major problems in achieving closely meshed collaboration among services for youth offenders and other youth with related problems or characteristics. Furthermore, these problems persist at all levels of government, and of administration or operation.³⁴

5. Replacing or Supplementing Incarceration?

A fundamental policy decision concerning the role of community-based programs as alternatives to incarceration is: are community-based programs intended to replace incarceration or merely supplement its use?* If the latter option is chosen, the consequence may be widening the net of services by placing juveniles in community programs who otherwise would probably not have been incarcerated. The policy choice essentially concerns whether community-based programs should be used for youths who are at the deepest end of the system, for those youths who are incarcerated, and should large institutions be closed; or whether programs should be used for youth entering the system who are shallow end or minor offenders. The limited experience of the California Probation Subsidy program suggests that the shallow end approach may not affect the total numbers of youth being incarcerated.³⁵ The deep end approach taken in Massachusetts has been successful in decarcerating juvenile offenders and vastly reducing the availability of incarcerative facilities in the state.

* The same question is raised by Sarri and Selo in "Some Selected Findings of the National Assessment of Juvenile Corrections," paper presented at the American Correctional Association, August, 1975.

III. FIELD RESEARCH METHODOLOGY

A major task of the project was to select 12 site visit locations for the field research. To this end, information was collected concerning programs through: 1) telephone interviews and correspondence with state planning agencies, juvenile justice personnel and programs; 2) program descriptions provided by LEAA's Grant Management Information System (GMIS) and by the National Council on Crime and Delinquency; 3) a search of the available literature. From a universe of 400 programs the list was reduced to 12 site locations representative of that universe. In all, 15 programs were examined during 12 site visits.

The field research approach had three central features: 1) emphasis on client flow in a "system" rather than viewing the program in isolation; 2) participant observation model; and 3) the delineation of separate perspectives of each interview respondent. The information gathered during the site visits was qualitative in nature and focused upon the perspectives of 1) program clientele; 2) program staff; and 3) "significant others" (e.g., parents of clients, community members, and juvenile justice personnel including judges, probation officers and administrators).

IV SITE VISIT FINDINGS

Introduction

There was often considerable disparity between program descriptions studied prior to the visits and what was actually found to exist during the course of the field research. Changes in legislation, funding sources and key personnel sometimes result in radical alterations of a program's demeanor. A recurrent finding at most locations visited was a state of flux and the anticipation of yet further change.

During the course of the field work, several significant issues arose which concerned program policy, funding, and research decision making. These issues were critical where seen in the context of: a) the placement process; b) program elements; and c) factors extrinsic to the operation of programs. This section examines client selection processes; issues specific to the operation of programs; and issues which place community-based alternatives to incarceration within the broader context of funding and political considerations.

A. Placement Process

1. Intervention Points

The report has stressed the importance of viewing programs within the context of the juvenile justice process. The connections of each program visited to the relevant decision making points in the juvenile justice process were a major focus of the field research. The diagram illustrates some existing but not necessarily typical points of intervention within the juvenile justice process that were encountered as alternatives to incarceration. The first two programs (PDCP and MSA) might be termed dispositional advocacy programs and represent strategies rather than individual programs. Both programs illustrate unique forms of intervention; they act as advocates for their clients in providing sentencing alternatives at the dispositional hearing. The remaining three programs provide direct services in the form of a non-residential alternative school (METRO), an achievement home (Achievement Model I), and a family group home (the Joe Blow Family Home).

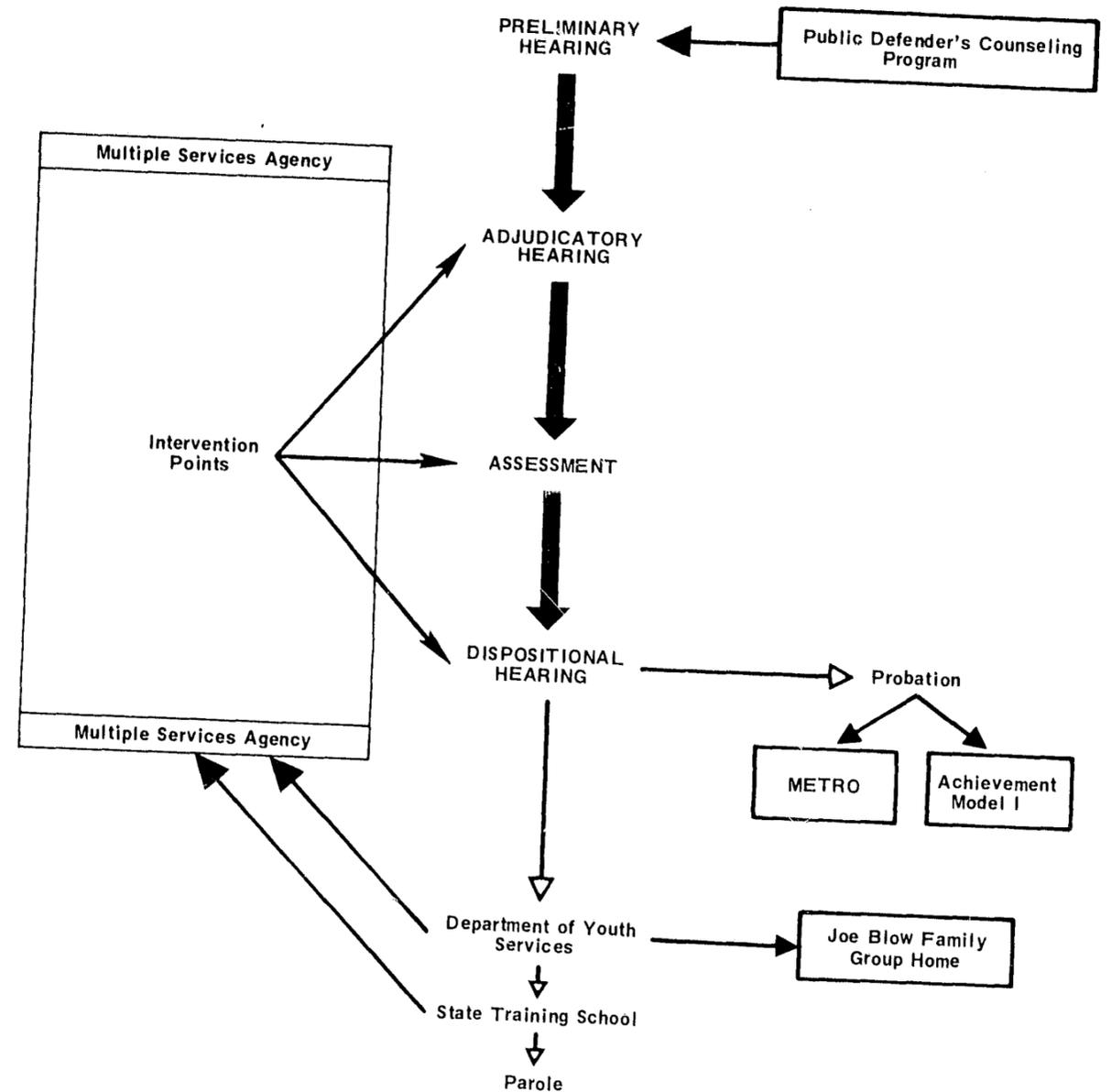
. The Public Defender's Counseling Program (PDCP) was developed by the public defender and a group of ex-offenders to provide pre-sentence counseling for indigent juvenile offenders. The initial counsel/client relationship in the program is established upon a referral from the public defender immediately upon his appointment at the preliminary hearing. The counselor's responsibility is to provide a link between the youth and possible community-based alternatives should s/he be adjudicated delinquent.* The written report is submitted at the dispositional hearing, and once the youth is placed in a community-based program, the counselor's formal relationship with the youth ends.

. The Multiple Services Agency (MSA) was developed as a response to the need for alternatives to incarceration for youths being sent to DYS training schools from a large metropolitan area of the state. Like the PDCP, MSA also provides dispositional advocacy but its intervention occurs at a later stage in the court's proceedings against the youth. The majority of referrals to the program are made following the adjudicatory hearing by the probation officer. MSA then provides an assessment of the youth's needs and submits a plan to the judge at the dispositional hearing. The judge may then send the youth to MSA. This agency utilizes individually oriented treatment plans that continue to reflect the needs of the client. Other referrals to the program come from the state department of juvenile corrections.

. The METRO program is a non-residential program for delinquent youths with educational and emotional problems. Youths are referred to METRO by the probation department following an adjudication of delinquency and placement on probation. The major criteria for referral is that the youth has fallen behind in school but is motivated to work at raising his/her academic skills. Parents and youths together must consent to involvement in the program.

* If the youth is not found delinquent, this report is not filed with the court and the PDCP ceases its contact with the client.

DIAGRAM



. Achievement Model I is one of 56 replications of the Achievement Place Model developed in Lawrence, Kansas in 1967. The program receives its referrals from the probation department. Youth must be adjudicated delinquent or dependent and placed on formal probation. The goal of the home's behavior modification treatment program is to establish, through reinforcement and instruction, important behavioral competencies. The primary treatment technique used is behavior modification through the means of a token economy. Points are earned or lost based upon the youth's behavior, and are used to purchase certain privileges including the eventual right to return home.

. The Joe Blow Family Group Home is a licensed home that receives youth from the state Department of Youth Services. Mr. and Mrs. Blow's basic concern is teaching the boys how to function in a family setting. A DYS counselor provides support to the Blow group home by operating group sessions five days a week for the youths in the home. The groups use a form of reality therapy and guided group interaction.

2. Placement Criteria

Though program placement criteria reflected the view that youths should be placed in programs according to their specific needs, the field investigations found that referral agencies (probation, DYS, etc.) depended on other factors when making their placement decisions. These included organizational considerations such as the availability of placements or the types of intervention efforts at various phases of the juvenile justice process (see diagram of intervention points in Chapter VI).

Placement criteria are also defined relative to the types of youth that should be sent to incarcerative facilities and the types of youth considered appropriate for community-based programs. In the twelve sites visited, most juvenile justice officials expressed the view that incarcerative facilities are appropriate and necessary for serious offenders. However, there are widely varying opinions as to what constitutes a serious offense. This is clearly illustrated by the fact that one third of all incarcerated youth in the United States (and in the case of girls alone, more than half) are status offenders.

The field research did reveal two broad strategies which determine the type of youth for whom community-based programs are being used: a) shallow end; and b) deep end.

a. Shallow end

The most common criteria that was found (in 8 of 12 site visits) insured the placement of relatively minor first and non-serious offenders into the community-based programs. Many of these community-based programs for shallow end offenders exist in a correctional milieu in which more youths are placed in incarcerative facilities than in community-based programs. It appears that many youths are being placed in community-based programs for whom the chances of incarceration would have been slight. It may well be that such placement criteria are widening the net to include youth who do not require any type of program.

b. Deep end

Two of the community-based programs visited exist in a state where the minimal use of incarceration necessitates community-based programs for the vast majority of juvenile offenders.* Within this context, referral criteria to community-based programs are considerably broader. In another state, MSA, an experimental program, has strict criteria in order to insure that only those youths in imminent danger of being incarcerated are referred. The program director commented that the youths in the program were "hard core," and implied that the program was pursuing a deep end strategy. The field research found that:

because of the ...criteria, 55.6 percent of all the clients of MSA were arrested for major felonies, 23.6 percent for minor felonies, 5.3 percent for major misdemeanors, 2.8 percent for minor misdemeanors, and 2.8 percent for miscellaneous delinquency. (SVR 3)

3. Client Choice

A final important placement criterion involves the question of choice. Many program staff and juvenile justice personnel feel that expressed desire to enter a program is a necessary prerequisite for successful completion of the program. The nature of this choice, however, in many instances is affected by the consequences, especially when incarceration is held as the option to not choosing the program.

* Of approximately 2000 youths being handled by the state correctional agency, less than 150 are being held in incarcerative facilities.

Despite the attempt to give the youth some say in the placement process, the placement decision is commonly made by juvenile justice personnel for the youth. Even where the explicit threat of incarceration is not used the authority of the court or correctional agency generally appears sufficient to ensure that the recommendations are followed.

B. Program Issues

1. Community-basedness

The extent, frequency and quality of linkages among program staff, clients, and the local community provide a basis for determining the degree to which programs are community-based relative to incarceration.

a. Extent and Frequency of Linkages with the Community

One aspect of incarceration is its social separation from the community. In this respect, the extent of linkages with the community is extremely limited, if not in many cases non-existent. One community-based program encountered during the field research was similar to incarceration in that it did not allow any community contact during the initial thirty days of residence.

The majority of programs visited placed varying limits on the extent and frequency of community linkages. This was particularly the case with residential programs, many of which use an achievement system to regulate the extent of community contacts. One program example illustrates how this works: "Girls on the third level and above can take 45 minute walks in the neighborhood after dinner." Attainment of a higher level brings increased contact in the form of weekend outings (SVR 2).

There is a great difference between programs which do and programs which do not limit the extent to which youths and staff interact with the community. The extent and frequency of linkages with a community are not necessarily determined by whether a program is residential or non-residential. One non-residential program which serves as an alternative school, for example, has limited linkages with the community during the enrollment period as most of the program's focus is upon classroom related activities. In contrast, two residential programs insisted on youth being present only for meals and housemeetings, and that they must return to the house by a certain time at night.

b. Quality of Community Linkages

The quality of linkages that a program has with a community is a critical measure of community-basedness. Though the extent and frequency of community linkages might be high within a particular program, quality of linkages may be lacking. For example, in one residential program examined in the field research, the youths attended the local public schools on a daily basis. Apparently the youths felt stigmatized by their identification with the group home; other students referred to them as the "San Quentin girls" and this had a profound effect on the quality of their relationships at school.

Within this particular program, quality also depended upon whether the youth was from the community in which the program was located, or from another part of the state. Girls from other parts of the state had to adjust to a new school situation and were not able to see their families often. Similarly, in another program, 60 percent of the youths were from communities other than the one in which the program was situated. Though the program emphasizes community linkages, experiences take place outside of the community to which the youth will eventually return.

The youth's own community is not involved in, nor aware of the progress the youth is making and consequently, his reintegration into his community (may) not be any easier because of his community contacts while in the program. (Research team, SVR 9)

Other programs felt that it is sometimes necessary to remove the youth from his/her own community in order to enable the youth to experience new relationships, or to alleviate some of the pressures that may have developed as a consequence of the offense that the youth committed. One interviewed youth, who is presently incarcerated in a state prison, felt that the nature of his offense made placement within his own community detrimental to his chances for rehabilitation. He stated that he was never able to overcome the stigma the community had attached to him by virtue of the offense he had committed.

Some programs which deal with older youths place a great deal of emphasis upon the youth maintaining a job within the community. Finding quality employment for youths is difficult. As far as could be determined in interviews with youth and staff in one program, the jobs the youth could get were menial, low paying and unexciting;

even these were rarely available. For those youth in job training programs, there is no guarantee that their training will lead to meaningful employment.

Sexist attitudes affect the quality of linkages; a discrepancy was noticed within one group home for girls, compared with group homes for boys. Girls' needs for meaningful activity were not considered a priority. For example, while the boys in a similar program in one state were encouraged to find jobs, the girls did volunteer work. Despite the likely possibility of holding menial jobs the girls in this particular program preferred to earn some money.

Though this study cannot draw firm conclusions on the relative quality of community linkages between residential and non-residential programs, the non-residential programs studied during this project placed a strong emphasis on the quality of linkages with the community. This was not equally true for all residential programs.

In summary, community-based programs exhibit varying degrees of community-basedness along the dimensions of extent, frequency and quality of linkages that the program has with a community. In this respect, the programs can be placed on a continuum according to their "community-basedness."

2. Control

Control in correctional programs can be examined from the perspectives of: type; degree; duration; and the use of discretion.

a. Types of Control

Incarceration, or physical confinement is one of the more extreme types of control found in correctional programs.* In many training schools visited, this type of control is manifested by confinement in a locked cell or locked facility. In those training schools where the majority of the population is not held behind locked doors or high fences, surveillance and geographical distance can be equally effective as controlling mechanisms.

* Physical abuse was reported by youths in some incarcerative facilities but its extent could not be determined.

In the field examination, only one alternative program (investigated during a site visit to a community-based program) used physical confinement for control purposes. Though it only had 15 clients at a time, it had 25 full-time staff and was located on the fourth floor of a thousand-bed public hospital. In addition to the high degree of surveillance by staff, the youths were physically confined.

All of the project-selected community-based programs used five types of control to varying degrees: achievement systems; the threat of incarceration; peer pressure; program regimentation; and surveillance.

b. Degree of Control

In most of the state training schools studied during the site visits, a high degree of control was maintained through constant surveillance; the staff closely watched youths and controlled their activities. In extreme cases, some of these incarcerative settings used four hour lock-ups or confinement in a 6' by 4' steel cage for 38 days.

None of the community-based programs maintained either the intensity or degree of control found in most of the state training schools. Five major degrees of control were evidenced in these programs and are as follows:

. Achievement Systems. The achievement system was used in over half of the community-based programs visited. The staff feel that the use of a point system compels the youth to be responsible for his/her behavior. With the accumulation of points comes privileges; the final privilege being successful discharge from the program. The point system in one program monitors the youth's behavior while the youth attends public school during the day or when the youth goes home for a weekend, by sending along activity report cards which must be filled out by teacher or parent respectively.

. Threat of Incarceration. In the majority of programs that were examined, the threat of incarceration was used as a control mechanism.* However, it was difficult to determine the extent to which the "hammer" is used within individual programs. One program did have extensive use of a detention facility on a weekend basis until this activity was prohibited by a local judge. More often, there was an implicit awareness among youths that improper behavior on their part could lead to incarceration.

*Incarceration might involve temporary placement in a local facility, or transfer to a longer-term setting, such as a training school.

. Peer Pressure. In programs which use peer pressure, the responsibility for control rests with the youth. The daily group meeting pressures individuals to conform to the dominant values of the group. Groups can, as an aspect of controlling each other's behavior, impose sanctions upon individual youths. The degree of control maintained in such programs can be quite intense. While the daily group meetings focus on establishing behavioral guidelines, constant mutual vigilance throughout all program-related activities insures a high degree of behavior control.

. Program Regimentation. Rigid scheduling in two programs is the basis for a high degree of control. One of these programs is a modified therapeutic community. Intensive counseling and highly controlled activities over an extended period of time are considered necessary for rehabilitating clients who have usually been heavy drug users for years.

. Surveillance. The fifth type of control evidenced in community-based programs is surveillance. A non-residential program employs what it calls a client tracking system to supervise youth "all the time." Counselors use detailed forms to log their efforts with youth on a daily, weekly, and monthly basis. Such a high degree of control over youths makes it a valued placement by the state Department of Youth Services.

Finally, two programs were noteworthy in functioning without any overt control techniques. In these programs, a close relationship between staff members and the youths appeared to be a more subtle control device.

To some extent, the above types of control were manifested in all the correctional programs visited, incarcerative and community-based. Where the programs differ is their emphasis on one type of control and the degree to which it is used.

c. Duration of Control

The existence of alternative community-based programs may be in some instances increasing the duration of control that programs have over youth. In one program, for example, all youth spent more time under the direct control of the alternative program than they would have in the state training school. Furthermore, the time the youths spent in the alternative program was often not counted toward their commitment period. Thus a youth could end up spending up to four months in a community-based program and still run the risk of being incarcerated without having committed any further offenses.

In more than half the community-based programs visited, the possibility existed that a youth might be incarcerated following completion or termination from a community-based program, in some cases because there was no other available placement. One youth who had completed a community-based program and was then sent to the state training school commented bitterly on the difference between time "done" in an alternative program and time "done" in a training school:

Four months in the program (community-based) may or may not get you out. (You) may just get sent up after all with another four months to do. At least (at the training school) you can do your time without being afraid of another commitment (SVR 1).

d. Discretion.

Discretionary decision making by program staff was evidenced in two major areas: in the administration of controls and sanctions, and in establishing criteria for program success and failure and length of stay. Discretionary judgements can have both positive and negative consequences. Particular sanctions can be applied by staff based upon arbitrary definitions of unacceptable behavior. In some programs, the accumulation of a record of poor behavior can result in increased length of stay or termination. Termination in two programs resulted in automatic incarceration for the youths involved. In the other programs efforts were made to insure that the administration of sanctions for specific behaviors were not capricious. However, in some cases program staff have the authority to define certain types of behavior as delinquent, and then impose sanctions which can increase the degree and duration of control over a youth.

It is of major concern that in many instances the imposition of sanctions is justified as a form of treatment. Thus, for example, in many programs increased length of stay in a program or restricting community linkages is justified for reasons of treatment.

3. Staff

Program staff are largely responsible for maintaining a balance between a positive environment and the necessary degree of control within a program. Staff background, in all programs, is considered important for relating to the youths. The apparent trend in many programs is toward a staff comprised of ex-offenders, former program

graduates, and persons who have grown up in, or experienced, an environment similar to that of the youths with whom they work. The majority of the programs examined use a para-professional staff instead of professionally trained social workers. In at least one site visit, however, the use of paraprofessional staff caused considerable controversy in the juvenile justice system which emphasized the use of probation staff and other workers with proper professional training. Two other programs placed great emphasis on a professional staff with masters degrees and formal job training with classroom instruction and workshops. These programs tended to be very structured in their approach towards youth.

An element common to all programs encountered was the high level of staff commitment to the program and the youth. Staff work extraordinary hours in the programs, feeling that their ability to provide quality services depends upon "our being there when (the youth) need us..." It was anticipated that the problem of the staff "burning out" would be regularly encountered; this did not turn out to be the case. Only once was it cited as a problem with respect to staff commitment.

Finally, in a majority of programs, a favorable impression was gained of staff-youth relationships. The best indication of the kind of relationships that staff were able to maintain came from the youth within a program. The intangible balance between caring and control maintained by staff appears to have an important effect upon the youth's view of the program. In many instances this determines whether a youth feels s/he is being helped by the program, or whether the youth primarily views the program as a controlling experience.

C. Factors Extrinsic to Community-Based Alternatives to Incarceration

1. Single Programs versus Program Network Strategies

In nine of the twelve site visits individual community-based programs operated in isolation from other programs. While individual programs may use different treatment strategies, the program itself is expected to provide the primary rehabilitative services.

The single program method of intervention can best be understood when contrasted with the program network strategy of intervention. The network strategy is used in only three of the twelve site visits. In a network strategy a number of individual programs may be used to provide several services for the individual youth either sequentially or simultaneously.

An example is provided by one program which operates as a network in itself. This program serves as a brokerage agency and uses the network strategy to offer widely varying alternative settings from minimal supervision by a voluntary advocate while the youth lives at home, to extended psychiatric treatment in a private hospital or six weeks of wilderness training. The network strategy can link programs in sequence so that a youth may undergo short-term treatment in a psychiatric hospital, followed by residence in a group home, and then return to his own home under the supervision of a community advocacy program.

2. Funding

Issues arise out of the differences between programs operated by public agencies, and programs whose services are purchased by the state and operated by private agencies. Privately operated programs appear to provide a certain flexibility lacking in publicly operated programs. This flexibility is particularly apparent in their ability to maintain staff on rigorous and unorthodox schedules.

Another area in which a privately operated program is seen as advantageous is when it is associated with a well respected local organization. As illustrated in a number of site visits, such relationships enable a program to become established and maintain considerable community support.*

Juvenile justice officials in one state cited other positive aspects of privately operated programs: a) they allow more innovation as they do not have to contend with a state bureaucracy; b) they can hire and fire personnel on the basis of ability obviating state civil service requirements; c) programs which do not work can be more easily closed or changed. This is more difficult with public programs which often continue, regardless of their effectiveness, for years.

* One of the apparent disadvantages of state operated programs is the difficulty they have in eliciting community involvement. Such programs are sometimes seen as being the responsibility of the state and not the community.

A disadvantage of the public-private liaison is that well established private programs can wield considerable power over youth placement and program development, while becoming as fossilized and resistant to change as many state agencies. In addition, some privately operated programs become tied to the funding requirements of state agencies. In one program youths had to be labeled "mentally disabled" in order to qualify for funding from the state Department of Vocational Rehabilitation. In addition, many private agencies are dependent upon funding from sources other than the state Department of Youth Services. As such, they can be forced to make substantive changes in programmatic content and/or intake policies to conform to these other funding agencies' demands.

Finally, recent status offender legislation in some states is having a profound effect on traditional funding arrangements. Some state youth corrections agencies have been mandated to handle only delinquent youths; status offenders are being picked up by child welfare agencies. One of the consequences is that many programs are no longer taking status offenders because child welfare agencies have not been able to provide adequate funding. The seriousness of this situation is illustrated by one state which has status offenders (CHINS) spending up to 45 days in detention while awaiting placement.

3. Program Costs

The wide variety of funding arrangements and the bewildering array of cost accounting formulas and procedures makes it very difficult to obtain reliable information on the cost of running community-based programs. As a result, it was difficult to substantiate cost claims made by programs and thus make a comparative analysis regarding different types of community-based programs and training schools. Three somewhat limited conclusions can be drawn: a) with one exception, the costs quoted by programs were comparatively less than the cost of incarceration quoted by state agencies; b) cost information was more easily obtainable from state-run programs than from privately-operated programs; c) some programs did not have cost figures readily available, and were unable to explain precisely how they arrived at their figures.

4. Monitoring

The monitoring of private agency programs appears to be limited or non-existent. Only one state agency, which operates its own

community-based programs, monitored the programs closely. In this case, operating procedures appeared to aid in the maintenance of relatively consistent levels of services.

5. The Political Context of Community-Based Alternatives to Incarceration

During the field visits, the overall political context of each of the programs was not always apparent. However, there were three significant exceptions to this. In one site visit the development of an experimental network, or strategy type program was influenced when key figures in the field of juvenile justice formed a policy board.* The policy board was viewed as a major breakthrough in uniting critical juvenile justice agencies to develop a policy for handling juvenile offenders. In effect, the policy board provided the mandate for the program's attempts to provide a range of alternative programs for relatively serious offenders who otherwise would have been incarcerated.

Another example comes from a state which has all but abandoned traditional forms of incarceration in favor of over 200 community-based programs. This policy has focused attention on the state Department of Youth Services' plans for those youth who are in need of secure custody. The limited availability of secure settings (a quota system limits the number of youth who may be placed in such facilities to a total of 100 state-wide)** is a constant source of friction with juvenile court personnel who feel more secure facilities are needed. This controversy illustrates a central question for the development and use of community-based alternatives to incarceration: what types of offenders can be placed in community-based programs, and what types of offenders should be placed in secure settings?

A third state more clearly illustrates the politics that surround the fundamental question of how juvenile offenders should be handled. This state has pursued a deliberate strategy of reducing the number of youth within their state training school system through the development of community-based programs. The reforms initially did not

* Members of the Policy Board include representatives of the juvenile court, police department, state child welfare agency, department of youth services, and the state attorney general's office.

** This state is one of the largest in the nation.

generate much controversy. However, eventually a battle ensued between those supporting the reforms, and those with a more punitive orientation who felt the new emphasis on community-based programs was coddling youthful criminals. Eventually a reactionary response to the department's policies resulted in a dramatic increase in the numbers of youths being incarcerated throughout the state.

In short, the policy of this state was to slowly decrease the population of its training schools while shifting to a community-based approach. However, the training schools remained in use during the attempted reforms even while community-based programs were being used for an increasing number of offenders. It is the view of some correctional observers that if training schools themselves are not closed concurrent with the creation of alternatives, then such incarcerative facilities will continue to be used at or near their full capacity despite the availability of community-based programs. This appears to have happened in this state as a consequence of its gradualist policy of decarceration.

V. CONCLUSIONS

Despite the criticism that has been leveled at juvenile institutions and the training schools, and the demands for alternatives to them, they have demonstrated great resilience. David Rothman offers an insight as to why they continue to be the major strategy for dealing with juvenile offenders.

The history of the discovery of the asylum is not without relevance that may be more liberating than stifling for us. We still live with many of these institutions, accepting their presence as inevitable. Despite a personal revulsion, we think of them as always having been with us, and therefore always to be with us. We tend to forget that they were the invention of one generation to serve very special needs and not the only possible reaction to social problems.³⁶

This study has assessed the contemporary state of community-based alternatives to incarceration. An attempt has been made to focus upon issues which have relevance for research and policy considerations. In particular, this has included immediate issues concerning the day-to-day operation of community-based programs, and extrinsic factors which place community-based programs within the context of the juvenile justice process. Qualitative data has been obtained using two techniques: 1) a review of the available literature; and 2) field research to cover a range of programs in which interviews were conducted with program participants, and juvenile justice personnel from judges to state administrators.

The program issues examined in the field research have also been raised in the research and other literature concerning the use of community-based programs. Several important findings relative to program operation have been highlighted in this report. These findings require considerably more attention from researchers and administrators alike.

A. Community-Basedness

The field research was aided by the conceptual exploration of community-based corrections undertaken by Robert Coates.³⁷ The findings of this study indicate that programs differ in important respects depending upon the linkages that are developed with the

community. The dimensions of extent, quality and frequency of community linkages still require translation into measures which determine the degree to which programs are community-based.

B. Control

In examining community-based programs, an attempt was made to distinguish between purposes of control and services. The importance of making such a distinction has been made by several researchers and most forcefully in a recently published study by Paul Lerman.³⁸ The strong impression gained from the field research in this study is that community-based programs are viewed by juvenile justice personnel primarily in terms of treatment services rather than control. In support of Lerman's findings, it appears that distinctions are rarely made by program personnel or other juvenile justice staff between activities related to the provision of treatment services for youths and those that serve a control purpose. A number of instances were observed during the field research of increased control over youth being justified by a treatment rationale. As Lerman notes:

The issue is not whether, on reasonable grounds, wards should ever be locked up. The issue is whether a correctional agency... can accept the responsibility for depriving youth of rights and privileges - and can then forthrightly address the issues associated with the administration of sanctions. If the conceptual distinction between social control and treatment is not made, then the responsibility of organizing a nonarbitrary administration of sanctions is not likely to occur.³⁹

C. Discretion

Again the findings of this study tend to support Lerman's conclusion that the wide use of discretion by program personnel results in ad hoc policymaking which has direct consequences for youths in programs.⁴⁰ Some of the consequences of discretionary decision-making observed during the field research included increased duration and degree of control over youths in programs for arbitrary purposes. Specific examples were found of youths being incarcerated because of program failure, not because they had committed another delinquent offense.

Another study which has examined the effects of discretionary decision-making found that the development of special juvenile delinquency police units was associated with higher rates of juvenile delinquency.⁴¹ The fact that juvenile justice personnel exercise enormous discretion in making diversion decisions was highlighted in a study by Cressey and McDermott.⁴² Yet policies and litigation attempting to reduce the use of arbitrary and capricious discretion have not been common in the juvenile justice field, especially compared to efforts being made in this regard in adult corrections. The few efforts in this area of juvenile justice have been almost entirely concerned with institutional and not community settings. This study's field research strongly supports the importance of developing more precise conceptions of fairness and justice; policies which place parameters around the use of discretion in programs; and the monitoring and evaluation of programs in these terms.

D. Costs

This research effort experienced considerable difficulty in obtaining reliable cost information on programs. Fiscal data is generally not recorded in a manner which allows for a careful analysis of program costs. The cost issue is receiving attention from the National Assessment of Juvenile Corrections; hopefully the methodology developed during the course of that study will aid in the development of more sophisticated cost accounting measures. The NAJC researchers have reported that states spend considerably less on community-based programs than on the operation of institutions, and that average per-offender costs were less than half the average institutionalized cost.⁴³

Careful accounting of fiscal costs is important at both the individual program level and with respect to their impact on policy decisions. Paul Lerman's reanalysis of the fiscal impact of probation subsidy in California provides an important warning that there may be unanticipated and unmeasured fiscal costs resulting from policy decisions.⁴⁴

E. Recidivism

Most research efforts in both juvenile and adult corrections have centered upon attempts to measure programs in terms of their impact upon recidivism. The accumulated research has underlined that there is little empirical evidence to support the view that community-based programs are more successful in this regard than incarceration.

Comprehensive surveys of the research literature, most recently by Martinson, show that such alternative programs are no less successful than incarcerative programs.⁴⁵ Even if it is not possible to demonstrate that alternative programs are more effective in reducing crime, it is necessary to show that the public is not being exposed to greater danger as a consequence of their operation. Measures of recidivism are clearly important, but they should not be used as the sole determinants of correctional policy.

F. The Central Policy Issue

This study has been concerned both with issues that arise in viewing an individual program and in the broader context of which programs are a part. Reference has been made to the important work being undertaken at the Harvard Law School's Center for Criminal Justice in this regard. The Center's researchers have made a distinction between programs and the strategies that they might be said to represent. This model allows for the state of flux which characterizes individual programs, and for the possibility that youths may be associated with more than one program, either simultaneously or sequentially. The Harvard study is unique in addressing both linkages between programs, and the relationship of a range of programs to wider strategies for change.⁴⁶

The role that community-based programs are playing as a strategy to provide alternatives to incarceration has been a central issue addressed by this report. The main question is whether community-based programs are in fact serving to replace or to supplement juvenile incarceration. In the majority of cases, the findings of the field research strongly indicate that community-based programs appear to be serving a supplementary rather than an alternative role. This is in concert with recently published findings of the National Assessment of Juvenile Corrections which has addressed the same issue. The University of Michigan researchers state:

The development of community corrections is not associated with reduced rates of institutional incarceration. States that place more offenders in community-based programs do not place fewer in training schools although there are several exceptions. In general as the number of offenders in community-based facilities increases, the total number of youth incarcerated increases.⁴⁷

In eight of the twelve site visits conducted by this project, community-based programs were found to be dealing with shallow end offenders who in all likelihood would not have been incarcerated had a community-based program not been available. It appears that the use of community-based programs for shallow end offenders neither limits the penetration of youth into incarcerative programs, nor reduces the level of incarceration. In this regard, an important research question to be asked is: to what extent does the development of community-based programs lead to a widening of the juvenile justice net? Although this study did encounter instances of community-based programs being used for deep end offenders as part of a strategy to reduce the number of incarcerated youth, such programs were the exception.

Given the policy directions set by the Juvenile Justice and Delinquency Prevention Act of 1974, and by a series of national commissions in favor of reducing the level of incarceration and the overall extent of control in the juvenile justice process, there remains a critical policy decision that must be made with respect to the funding and use of community-based alternatives to incarceration. This policy decision revolves around a fundamental question: should community-based programs be tied to a policy of decarceration? This study has underlined the importance of making an explicit policy decision, rather than allowing policies to develop through default, which often results in a series of unanticipated or undesired consequences. The present community-based programs might well become significant in providing alternatives to incarceration but this is generally not the case at present. If such programs are to serve that purpose, explicit policy decisions are required and the implementation of these decisions must be closely monitored.

NOTES

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- 3 Rosemary Sarri and Elaine Selo, "Some Selected Findings From the National Assessment of Juvenile Corrections." Paper presented at the American Correctional Association, Nashville, Tennessee, August, 1975.
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- 10 Ibid., p. 3.
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- 12 LaMar T. Empey and Steven Lubeck, The Silverlake Experiment: Testing Delinquency Theory and Community Intervention (Chicago: Aldine, 1971).
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- 33 Paul Nejelski and Judith LaPook, "Monitoring the Juvenile Justice System: How Can You Tell Where You're Going If You Don't Know Where You Are?" American Criminal Law Review, 12, No. 1 (Summer 1974), p. 13.
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- 35 Lerman, Loc. cit.
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