



Building a Juvenile System of Tomorrow

By Jeffrey A. Butts*

Introduction

The decline of crime rates in recent years has allowed lawmakers to focus more on cost-effectiveness and the impact of juvenile justice policy. Juvenile justice systems throughout the nation have been focusing more on down-sizing correctional facilities, and the number of juvenile offenders in residential facilities declined in most states between 2000 and 2008.

Policy Context

- Incarceration is no longer an automatic response for juvenile offenders in many jurisdictions across the nation.
- Traditionally, it was more cost-effective for city and county governments to send youthful offenders to state institutions because the confinement costs were covered by the state.
- This excessive reliance on incarceration not only involved high costs; it did not improve public safety.

The Role of Secure Confinement

Numerous policy decisions and actions taken by state legislators, judges, prosecutors, police officials, probation workers, and correctional facility administrators determine how many and what type of offenders are seen as suitable for confinement.

- Many juveniles are placed in secure confinement for reasons other than the offense(s) with which they were charged.
- Numerous studies have shown that institutional settings involve an inherent conflict between control and treatment; the subculture of confinement may breed violence rather than suppress it.
- Other research has shown that length of stay in institutional settings does not contribute to crime rate decline; more incarceration does not result in less recidivism.

Three Models of Reform

A growing number of states recognize the need for a more localized, flexible juvenile justice system that provides confinement when necessary, but only if and when other services and sanctions are inappropriate. When confinement is necessary, the facility should be close to the offender's home so that family ties may be maintained and community re-entry and aftercare planning can be effective.

In recent years, three basic strategies have been used to introduce this approach in juvenile justice systems still dependent on state-operated confinement facilities. The John Jay College report describes these strategies: 1) Resolution; 2) Reinvestment; and 3) Realignment.

1. Resolution Models: Achieving system change with leadership, managerial influence, and will power.

Examples:

- Massachusetts
 - In the 1960s, the leader of the Massachusetts Department of Youth services closed the state's large juvenile facilities and developed a network of community-based programs.
- Utah
 - In the 1970s, state officials closed Utah's juvenile correctional facility and reduced the total number of secure beds from 350 to 60.
- Missouri
 - Since the 1990s, Missouri officials have moved hundreds of youth out of the state's traditional juvenile correctional facilities and into community-based services and small, regionally distributed residential programs.

Achieving reform with managerial resolution means that ongoing resolution is necessary to sustain reform, which is why a number of states have expanded their reform strategies to include more durable forces.

2. Reinvestment Models: Enacting change through financial incentives that encourage state and local governments to reduce spending on confinement and to invest in community-based programs.

Examples:

Reclaim Ohio

- Requires counties to pay higher proportion of costs for intervening with youthful offenders when intervention includes correctional placement.

- Supports more rehabilitation and treatment to meet the needs of adjudicated youth, but judges retain the authority to incarcerate juvenile offenders when necessary.

Redeploy Illinois

- Allocates state funds to participating counties for the provision of treatments and intervention programs for at-risk youth. Secure confinement requires more local expenditures than in-home supervision.

Texas Reinvestment

- Senate Bill 103 prohibited institutional commitments for misdemeanor offenders and provided \$58 million to county probation departments to support community-based youth services.

3. Realignment models: Implementing change using organizational and structural modifications.

Examples:

Wayne County, Michigan

- County officials signed an agreement with the Michigan Department of Human Services to shift the responsibility for managing adjudicated youth to the county from the state.
- Using a mix of local and state funds, the Juvenile Assessment Center/Care Management Organization (JAC/CMO) was created.
- The JAC/CMO is a privatized system in which substance abuse and mental health providers teamed with case managers and youth workers to provide all services and supervision for juvenile offenders, including out-of-home placement.
- The JAC is now the entry point for all juveniles referred by law enforcement

California Senate Bill 81

- Introduced a requirement for counties to pay for youth placements on a sliding scale
- Counties seeking to confine offenders adjudicated for minor offenses such as drug possession must pay up to 100% of the costs of confinement.
- More recently, Senate Bill 81 transferred most juvenile justice responsibilities to counties, with the goal of removing all but the most violent offenders from state facilities and into local programs.

Policy Concerns about Implementing Strategies

1. Issues with Equity

- Smaller towns and rural areas may not have the resources to provide appropriate interventions for every type of youthful offender; they need help from the state.
- Hybrid reform models may help this issue.

2. Restricting access to juvenile confinement may increase demand for criminal (adult) alternatives including prison

3. Changes in structure and policy can have unintended consequences

- Some of the expanded funding sources in Wayne County came from behavioral health agencies.
- It became customary in Wayne County to speak of delinquent offenders in terms of their “disorders”.
- This created bias and stigma.

- **State and local policymakers should pursue reform systematically and transparently, with ongoing efforts to monitor and evaluate results.**
- **For long-term, more permanent change, realignment strategies may be best.**

***Material gathered from**

References

Aryna, Neelum, Eric Lotke, Liz Ryan, Marc Schindler, Dana Shoenberg, and Mark Soler (2005). *Keystones for reform: Promising juvenile justice policies and practices in Pennsylvania*. San Francisco, CA: Youth Law Center.
<http://www.jlc.org/mfc/keystonesforreform.pdf>

Bloomberg, Michael (2010). Press Release 520-10: December 21, 2010. Office of the Mayor of New York City. New York, NY.
<http://on.nyc.gov/pr520-10>

California Department of Corrections and Rehabilitation, Office of Research (2010). *2010 juvenile justice outcome evaluation report*. Sacramento, CA: California Department of Corrections and Rehabilitation.
<http://1.usa.gov/qwDfIK>

Council of State Governments Justice Center (2009). *Justice reinvestment in Texas: Assessing the impact of the 2007 Justice Reinvestment Initiative*. New York, NY: Author.
Dawood, Noor (2009). *Juvenile justice at a crossroads: The future of Senate bill 81 in California*. Berkeley, CA: Prison Law Office.
<http://www.prisonlaw.com/pdfs/SB81report.pdf>

Deschutes County (2010). *Juvenile community justice: 2010 annual report*. Bend, OR: Author.

<http://bitly.com/deschutesjj>

DiMaggio, Paul J. and Walter W. Powell (1983). The iron case revisited: Institutional isomorphism and collective rationality in organizational fields. *American Sociological Review*, 48(2): 147-160.

Feld, Barry C. (1981). A comparative analysis of organizational structure and inmate subcultures in institutions for juvenile offenders. *Crime & Delinquency*, 27(3): 336-363.

Ferriss, Susan (2010). Steinberg calls for social services shift to California counties. *Sacramento Bee*, May 30, 2010.
<http://bitly.com/ferriss2010>

Fight Crime: Invest in Kids (2011). *Redirect New York*. Washington, DC: Author.
<http://www.fightcrime.org/state/new-york/redirect-new-york>

Gest, Ted (2002). *Oregon's experiments to reduce juvenile crime*. Washington, DC: University of Pennsylvania, Jerry Lee Center of Criminology, Forum on Crime & Justice.
http://www.sas.upenn.edu/jerrylee/programs/fjc/paper_oct02.pdf

Governor David Patterson's Task Force on Transforming Juvenile Justice (2009). *Charting a new course: A blueprint for transforming juvenile justice in New York State*. New York, NY: Author.
<http://bitly.com/nytaskforce>

Hannay, Jayme (2004). *Oregon demonstration program finds local treatment and prevention efforts more effective than incarceration of at-risk youth*. Princeton, NJ: Robert Wood

Johnson Foundation.
<http://www.rwjf.org/reports/grr/044660.htm>

Hockenberry, Sarah (2011). Special analysis of Juvenile Residential Facility Census 2000 and 2008: Total juvenile offender populations by state. Pittsburgh, PA: National Center for Juvenile Justice.

Hockenberry, Sarah, Melissa Sickmund, and Anthony Sladky (2011). Juvenile Residential Facility Census, 2008: Selected findings. *Juvenile Offenders and Victims: National Report Series Bulletin*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice [NCJ 231683].
<https://www.ncjrs.gov/pdffiles1/ojjdp/231683.pdf>

Holman, Barry and Jason Ziedenberg (2006). *The dangers of detention: The impact of incarcerating youth in detention and other secure facilities*. Washington, DC: Justice Policy Institute.
<http://bitly.com/jpi2006>

Illinois Juvenile Justice Initiative (2006). *Redeploy Illinois: SB1145 Fact Sheet*. Chicago, IL: Author.
<http://bitly.com/redeploy2006>

Illinois Juvenile Justice Initiative (2008). *Redeploy Illinois Annual Report: Implementation and impact*. Chicago, IL: Author.
<http://bitly.com/redeploy2008>

Krisberg, Barry (2005). *Juvenile justice: Redeeming our children*. Thousand Oaks, CA.: Sage

Publications.

Krisberg, Barry, James Austin and Patricia A. Steele (1989). *Unlocking juvenile corrections: Evaluating the Massachusetts Department of Youth Services*. San Francisco, CA: National Council on Crime and Delinquency.

Krisberg, Barry, Linh Vuong, Christopher Hartney, and Susan Marchionna (2010). *A new era in California juvenile justice*. Oakland, CA: National Council on Crime and Delinquency.
<http://bitly.com/krisberg2010>

Latona, Carl J., Cynthia J. Smith, and Daniel L. Chaney (2006). *Advocating success: A groundbreaking approach to juvenile justice*. Detroit, MI: The Juvenile Assessment Center.

La Vigne, Nancy, Rebecca S. Neusteter, Pamela Lachman, Allison Dwyer, and Carey Anne

Nadeau (2010). *Justice reinvestment at the local level: Planning and implementation guide*. Washington, DC: Urban Institute.
<http://bitly.com/UI2010>

Lee, Bethany R., Charlotte L. Bright, Deborah V. Svoboda, Sunday Fakunmoju and Richard P. Barth (2011). Outcomes of group care for youth: A review of comparative studies. *Research on Social Work Practice*, 21(2): 177-189.

Levin, Marc. (2008). *Measuring performance in the juvenile justice system*. Austin, TX: Texas Public Policy Foundation.
<http://bitly.com/Levin2008>

Levin, Marc (2010a). Getting more for less in juvenile justice: *Innovative and cost-effective approaches to reduce crime, restore victims, and preserve families*. Austin, TX: Texas Public Policy Foundation.
<http://bitly.com/Levin2010a>

Levin, Marc (2010b). *Juvenile justice*. Austin, TX: Texas Public Policy Foundation.
<http://bitly.com/Levin2010b>

Little Hoover Commission (2008). *Juvenile justice reform: Realigning responsibilities*. Sacramento, CA: Author.
<http://bitly.com/LittleHoover>

Lowenkamp, Christopher T. and Edward J. Latessa (2005). *Evaluation of Ohio's Reclaim funded programs, community correctional facilities, and DYS facilities: Cost-benefit analysis supplemental report*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
<http://bitly.com/RECLAIM2005>

Maloney, Dennis and Deevy Holcomb (2001). In pursuit of community justice: Deschutes County, Oregon. *Youth and Society*, 33(2), 296-313.

Mason, Janet (1999). *Reform act. Raleigh, NC: The North Carolina Department of Juvenile Justice and Delinquency Prevention*.
<http://bitly.com/nY6BWf>

Mattingly, John and Vincent Schiraldi (2010). Wrong way to punish youths. *The Times Union*, August 23, 2010.
http://bitly.com/times_union2010

Mendel, Richard A. (2010). *The Missouri model: Reinventing the practice of rehabilitating juvenile offenders*. Baltimore, MD: The Annie E. Casey Foundation.
<http://bitly.com/Mendel2010>

Mennel, Robert M. (1973). *Thorns and thistles: Juvenile delinquents in the United States, 1825-1940*. Hanover, NH: The University Press of New England.

Miller, Jerome G. (1991). *Last one over the wall: The Massachusetts experiment in closing reform schools*. Columbus, OH: Ohio State University Press.

Moon, Melissa M., Brandon K. Applegate and Edward J. Latessa (1997). RECLAIM Ohio: A politically viable alternative to treating youthful felony offenders. *Crime & Delinquency*, 43(4), 438-456.

Mulvey, Edward P., Laurence Steinberg, Alex R. Piquero, Michelle Besana, Jeffrey Fagan,

Carol Schubert, and Elizabeth Cauffman (2010). Trajectories of desistance and continuity in antisocial behavior following court adjudication among serious adolescent offenders. *Development and Psychopathology*, 22(2): 453-475.

National Juvenile Justice Network (2011). *Bringing youth home: A national movement to increase public safety, rehabilitate youth and save money*. Washington, DC: Author.
<http://bitly.com/NJJN2011>

New York State Juvenile Justice Advisory Group (2010). *Tough on crime: Promoting public safety by doing what works*. New York, NY: Author.
<http://bitly.com/NYSJJAG>

Nieto, Marcus (1996). *The changing role of probation in California's criminal justice system*. Sacramento, CA: California Research Bureau.
<http://1.usa.gov/Nieto1996>

North Carolina Department of Juvenile Justice and Delinquency Prevention (2011). *2010 Annual Report*. Raleigh, NC: Author.
<http://bitly.com/NC2010>

Ohlin, Lloyd, Alden Miller, and Robert Coates (1977). *Juvenile correctional reform in Massachusetts*. Washington, D.C.: Law Enforcement Assistance Administration, U.S.

Department of Justice.

Platt, Anthony M. (1969). *The child savers: The invention of delinquency*. Chicago, IL: University of Chicago Press.

Right on Crime (2010). *State initiatives: Texas*. Austin, TX: The Texas Public Policy Foundation.
<http://bitly.com/RightonCrime>

Sickmund, Melissa, T.J. Sladky, and Wei Kang (2011). *Census of Juveniles in Residential Placement databook*. Online.
<http://www.ojjdp.gov/ojstatbb/ezacjrp/>

Smith, Robert L. (1972). *A quiet revolution: Probation subsidy*. Washington, DC: Office of Juvenile Delinquency and Youth Development.
<http://1.usa.gov/Smith1972>

Steinhart, David (2011). Personal correspondence from David Steinhart of California.

Stuiber, Paul, Victoria Flood, James Chrisman, Kellie Monroe, Desiree Morris, and Robert

Sommerfeld (1999). *Youth Aids: An evaluation*. Madison, WI: Legislative Audit Bureau.
<http://bitly.com/WI1999>

Tyler, Jasmine L., Jason Ziedenberg, and Eric Lotke (2006). *Cost-effective youth corrections: Rationalizing the fiscal architecture of juvenile justice systems*. Washington, DC: Justice Policy Institute.
<http://bitly.com/JPI2006>

Wayne County Children & Family Services (2010a). *Comprehensive statistical report through fiscal year 2010: Juvenile justice services, Wayne County care management system*. Detroit, MI: Author.
<http://bitly.com/Wayne2010a>

Wayne County Children & Family Services (2010b). *Key performance measures and outcomes: Juvenile justice services through FY 2010*. Detroit, MI: Author.
<http://bitly.com/Wayne2010b>