



WISCONSIN FAMILY IMPACT SEMINARS

Cost-Effective Approaches in Juvenile and Adult Corrections

WHAT WORKS? WHAT DOESN'T?

25TH Wisconsin Family Impact Seminar



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Cost-Effective Approaches in Juvenile and Adult Corrections: What Works? What Doesn't?

First Edition

Wisconsin Family Impact Seminars

*A collaborative of the Center for Excellence in Family Studies
in the UW School of Human Ecology and UW-Extension*

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Purpose and Presenters

In 1993, Wisconsin became one of the first states to sponsor Family Impact Seminars modeled after the seminar series for federal policymakers. The Seminars are designed to connect policymakers with quality research on family issues and bring a family perspective to policymaking. Family Impact Seminars analyze the consequences that an issue, policy, or program may have for families. Because of the success of the Wisconsin Family Impact Seminars, Wisconsin is now helping 25 states conduct their own seminars through the Policy Institute for Family Impact Seminars at the University of Wisconsin-Madison/Extension.

The Family Impact Seminars are a series of presentations, discussion sessions, briefing reports, and newsletters that provide up-to-date, solution-oriented research on current issues for state legislators and their aides, Governor's office staff, legislative service agency staff, and state agency representatives. The Seminars present objective, nonpartisan research and do not lobby for particular policies. Seminar participants discuss policy options and identify common ground where it exists.

"Cost-Effective Approaches in Juvenile and Adult Corrections: What Works? What Doesn't?" is the 25th Wisconsin Family Impact Seminar. For information on other Wisconsin Family Impact Seminars topics or on Seminars in other states, please visit our website at <http://www.familyimpactseminars.org>.

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Briefing Reports

Each Family Impact Seminar is accompanied by an in-depth briefing report that summarizes the latest research on a topic and identifies policy options state policymakers may want to consider. Since 1993, 25 seminars have been conducted on topics such as early childhood education and care, health care, Medicaid, and school funding. For a list of the seminar topics and dates, please visit the Wisconsin Family Impact Seminar website at <http://www.familyimpactseminars.org> (enter a portal and click on State Seminars). Each seminar has a page on which you can view the list of speakers, download the briefing report for printing, and listen to the audio of the seminar presentations.

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FIS 24	Affordable Strategies to Cover the Uninsured: Policy Approaches from Other States.....	January 2007
FIS 25	Cost-Effective Approaches in Juvenile and Adult Corrections: What Works? What Doesn’t?	October 2007

Table of Contents

Executive Summary	ix
Acknowledgements	xi
Juveniles in the Justice System: New Evidence from Research on Adolescent Development	
<i>by Laurence Steinberg</i>	1
At What Ages and in What Ways do Adolescents Differ From Adults? Do these Differences Affect Their Culpability for the Crimes They Commit?	2
Should Adolescents be Held as Accountable as Adults When They Commit Comparable Crimes?	4
Are Adolescents Able to Participate as Competent Defendants in Criminal Proceedings?	5
Can Juvenile Offenders be Reformed? Is the Juvenile or Adult System More Effective in Deterring Repeat Crimes?	7
How are State Legislatures Responding to this New Evidence on Adolescent Development?	9
Conclusion	10
References	11
Evidence-Based Public Policy Options to Reduce Criminal Justice Costs and Crime Rates	
<i>by Steve Aos</i>	13
How Does the Incarceration Rate Affect Crime Rates?	14
Using Evidence-Based Programs to Guide Corrections Policy Decisions	15
Which Rehabilitation and Prevention Programs Reduce Crime?	17
Which Programs Show Net Benefits and Save Money?	18
Some Programs Do Not Decrease Crime, But Still Can Save Money.	19
How Can Policymakers Use the Benefit-Cost Information to Create Evidence-Based Policy?	19
What Impacts do the Portfolio Options have on Prisons Beds, Incarceration Rates, and Taxpayers?	20
Conclusion and Next Steps	22
References	22

**A Policymaker’s Guide to Effective Juvenile Justice Programs:
How Important are Family Approaches?**

by Carol Anderson and Karen Bogenschneider25

Multidimensional Treatment Foster Care.....26

Adolescent Diversion Project.....27

Family Integrated Transitions.....28

Functional Family Therapy28

Multisystemic Therapy29

Nurse Family Partnership.....30

How Can Policymakers Respond?.....31

References31

Juvenile Justice in Wisconsin

by Christina Carmichael, Legislative Fiscal Bureau35

Wisconsin Juvenile Arrest Statistics35

Original Adult Court Jurisdiction and Waiver to Adult Court.....37

Juvenile Correctional Placements and Programs.....41

Statutory Daily Rates44

Youth Aids Allocations44

Glossary.....47

Selected Resources on Corrections and Juvenile Justice51

Checklist for Assessing the Impact of Policies on Families57

Executive Summary

In the last decade, the cost of corrections in Wisconsin increased from \$368 million in 1996 to \$956 million in 2006. Are there evidence-based approaches that could save tax dollars and still curb crime? For reducing juvenile crime, recent polls show the public would rather spend dollars on rehabilitation and prevention programs than on longer periods of incarceration. Are there effective programs that deter juveniles and adults who commit crimes from doing so again? In what ways do adolescents differ from adults and does this affect how they should be tried and treated in the justice system?

The first chapter is written by **Laurence Steinberg**, Distinguished University Professor of Psychology at Temple University and Director of the MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice. Last year in Wisconsin, 6,083 17-year-olds were prosecuted in adult court. Studies show that juveniles differ from adults in ways that might affect their culpability, competence to stand trial, and response to treatment. For example, adolescent intelligence mirrors that of adults by age 16, but their psychosocial maturity is not fully developed until early adulthood. Adolescents may exercise poor judgment because they are impulsive, vulnerable to peer pressure, do not look long enough into the future, and tend to underestimate the risks of a crime and overestimate its rewards. Given their immaturity, youth under age 15 are not able to participate competently in criminal proceedings. Yet adolescents do know right from wrong and should be held accountable for their crimes. Of serious youth offenders, most can turn their lives around, with only 10% becoming chronic, frequent offenders. Parents, through close monitoring, can help steer youth away from trouble. However, prosecuting youth in adult rather than juvenile court does not serve as a deterrent, with research showing it leads to more frequent and serious crimes six years later.

Next, **Steve Aos**, Assistant Director of the Washington State Institute for Public Policy, discusses evidence-based public policy options to reduce criminal justice costs and crime rates. When incarceration rates increase 10%, research shows that crime rates go down about 3%. Yet incarceration is costly and in tight budget times, many states are looking for ways to spend less on prisons, save taxpayers' money, and still curb crime. The Washington Legislature requested a cost-benefit review of evidence-based rehabilitation and prevention programs to determine which reduce recidivism and can save money in the long run. Nineteen of the 29 programs for juvenile offenders and 12 of the 18 for adult offenders produced reductions in crime and benefits that outweighed the costs. Programs for juveniles produced especially attractive future economic returns. By implementing a portfolio of evidence-based programs, states are likely to keep the crime rate under control and, at the same time, lower the long-run costs of the local and state corrections systems.

The third chapter, written by **Carol Anderson**, Professor Emerita at Cornell University and **Karen Bogenschneider**, Professor and Director of the Wisconsin Family Impact Seminars, provides a guide for policymakers on the effectiveness of family approaches in juvenile justice programs. The corrections programs

that yield the greatest return on investment are those targeted at juveniles. In a recent analysis, the five most cost-effective rehabilitation programs and the single most cost-effective prevention program deliberately worked with families: Multidimensional Treatment Foster Care (versus group care), Adolescent Diversion Project (for lower risk offenders), Family Integrated Transitions, Functional Family Therapy (on probation), Multisystemic Therapy, and the Nurse Family Partnership. This chapter summarizes how each of these programs works and what their outcomes have been. The effectiveness of these family approaches should come as no surprise given that one of the strongest predictors of juvenile crime is ineffective parenting. Many of these programs aim to recreate the powerful socialization forces of functional family life. However, the effectiveness of even these proven programs depends upon whether they are implemented properly. Policymakers can secure for families the priority they deserve in juvenile justice policy.

The fourth chapter by **Christina Carmichael** of the Legislative Fiscal Bureau explains the Juvenile Justice Code in Wisconsin. Under Wisconsin law, a juvenile is a person under the age of 18, except for violations of criminal law; since 1996, the state has prosecuted 17-year-olds as adults. Because Wisconsin has no separate juvenile court system, youth aged 10 to 16 are processed in circuit court. Counties are responsible for most juvenile delinquency-related expenses, including the \$76,300 average yearly cost of placement in a juvenile facility. Currently, the state provides counties with \$88.3 million of annual support through the community youth and family aids programs. One measure of the effectiveness of corrections programs is recidivism rates, defined as the number of juveniles released from a juvenile corrections facility who, within two years, were returned to a juvenile facility with a new adjudication or newly sentenced to an adult prison. Between 2000 and 2003, annual juvenile recidivism rates in Wisconsin ranged from about 14% to 19%.

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Juveniles in the Justice System: New Evidence from Research on Adolescent Development

by Laurence Steinberg

Distinguished University Professor of Psychology, Temple University
Director, John D. and Catherine T. MacArthur Foundation Research Network
on Adolescent Development and Juvenile Justice

Last year in Wisconsin, 6,083 17-year-olds were prosecuted in adult court. Studies show that juveniles differ from adults in ways that might affect their culpability, competence to stand trial, and response to treatment. For example, adolescent intelligence mirrors that of adults by age 16, but their psychosocial maturity is not fully developed until early adulthood. Adolescents may exercise poor judgment because they are impulsive, vulnerable to peer pressure, do not look long enough into the future, and tend to underestimate the risks of a crime and overestimate its rewards. Given their immaturity, youth under age 15 are not able to participate competently in criminal proceedings. Yet adolescents do know right from wrong and should be held accountable for their crimes. Of serious youth offenders, most can turn their lives around, with only 10% becoming chronic, frequent offenders. Parents, through close monitoring, can help steer youth away from trouble. However, prosecuting youth in adult rather than juvenile court does not serve as a deterrent, with research showing it leads to more frequent and serious crimes six years later.

Developing a just, effective juvenile justice system has proven extraordinarily difficult. Policymakers face the challenge of balancing two opposing themes—the welfare of young offenders and the protection of public safety. During the past century, juvenile justice policy has swung like a pendulum from one theme to the other.¹

Throughout most of the 20th century, nearly every state in the nation prosecuted almost all minors who violated the law in juvenile court. The courts focused, not on punishment, but on protection, treatment, and rehabilitation.² In the 1980s, violent juvenile crime skyrocketed and, right along with it, concerns about public safety. In response, legislatures in 46 states lowered the age for trying juveniles in adult court, broadened the circumstances for waiving youth into adult court, and increased the severity of penalties faced by youth in both juvenile and adult court. In the U.S., more than 200,000 youth under age 18 are tried in adult criminal court each year.³ In Wisconsin, 6,386 youth under age 18 were tried in adult court in 2006; this number includes 303 juveniles 16 and under who were transferred into adult court,⁴ and 6,083 17-year-olds who were automatically prosecuted in adult court under Wisconsin law.⁵ In 2005, there were 27,108 arrests of 17-year-olds in Wisconsin and 122 were sent to adult prison.⁶

When delinquent youth were processed in a juvenile system focused primarily on rehabilitation, the maturity of adolescents was not an especially important issue; after all, the juvenile system was established precisely because it was recognized that adolescents are less mature than adults. As juveniles are increasingly waived into adult court, questions about their culpability (i.e., blameworthiness for the crimes they commit) and their competence to participate in legal proceedings,

In Wisconsin, 6,083 17-year-olds were prosecuted in adult court in 2006.

become more important. The decisions these youth make now have enormous implications for their future.⁷

This paper draws on the latest research on adolescent development and legal scholarship to address five questions that policymakers in Wisconsin and across the country are asking about the juvenile justice system:

- At what ages and in what ways do adolescents differ from adults? Do these differences affect their culpability (i.e., blameworthiness) for the crimes they commit?
- Should adolescents be held as accountable as adults when they commit comparable crimes?
- Are adolescents able to participate as competent defendants in criminal proceedings?
- Can juvenile offenders be reformed? Is the juvenile or adult system more effective in deterring repeat crimes?
- How are state legislatures responding to this new evidence on adolescent development?

At What Ages and in What Ways do Adolescents Differ From Adults? Do these Differences Affect Their Culpability (i.e., Blameworthiness) for the Crimes They Commit?

One pillar of the U.S. legal system is that criminal punishment is based not only on the harm caused, but also on the culpability or blameworthiness of the person involved. For example, a person who robs a store with a gun to his head is punished less severely than another who willingly commits robbery. Traditionally, the courts have considered several categories of mitigating factors—factors that may affect how serious the offense is and how much punishment the offender should receive:

- Impaired decision-making (e.g., mental illness or mental retardation)
- Circumstances of the offense (e.g., threats, extreme need)
- The offender’s character (e.g. whether the offense was out-of-character and not likely to happen again)⁸

Should adolescent immaturity be added to this list of factors that the legal system takes into account? To help policymakers consider this question, the MacArthur Research Foundation on Adolescent Development and Juvenile Justice conducted a number of studies that are reviewed below.

Scientists have examined how adolescent’s thinking compares to that of adults. Because adolescents may commit a crime on the spur of the moment, however, it is also important to consider other psychological and social characteristics that influence their behavior, referred to as psychosocial maturity.

Mature intellectual ability. Studies have examined the intellectual ability of adolescents, specifically their intelligence and ability to reason. By the age of 16, adolescent thinking “closely mirrors that of adults”⁹ (see Figure 1).

By age 16, adolescent thinking closely mirrors that of adults.

Short-sighted decisionmaking. Adolescents are less likely to base decisions on future consequences than adults are. When asked how they think about taking risks, adolescents weigh short-term consequences—both risks and rewards—more heavily than longer-term ones. For example, when asked if they would prefer \$100 today or \$1,000 a year from now, adolescents more than adults opt for taking less money immediately rather than waiting for a larger sum.¹⁰

In studies of risk-taking, adolescents are also less sensitive to risks and more sensitive to rewards. When faced with a potentially risky situation, such as participating in a study of a new drug, adolescents mention fewer potential risks than adults do. In gambling situations, adolescents make decisions based more heavily on rewards than risks.¹¹

How might this affect decisions about crime? Adolescents may not make good decisions because they do not look long enough into the future. This lack of foresight, when combined with a desire for short-term rewards, may lead to bad judgment.¹²

Poor impulse control. With age, adolescents become less impulsive and less likely to seek thrills. To measure impulse control, researchers asked adolescents to solve a puzzle in as few moves as possible; a wrong move required extra moves to undo it. Adolescents take less time to consider their first move than adults do. Any adult who has played chess with an adolescent may have noticed this same impulsiveness.¹³

To examine mood swings, researchers page adolescents several times a day and ask them to report on their emotions and activities. Adolescents report more rapid and extreme mood swings than adults do.¹⁴

What does this mean in the real world? Sound decisions may be impaired by adolescent impulsiveness and emotional arousal. Juveniles' tendency to underestimate the risks of a crime and overestimate its rewards may contribute to a knee-jerk decision they may regret later.¹⁵

Vulnerability to peer pressure. Peers can pressure adolescents into taking risks that they otherwise might not take. Imagine that an adolescent is hanging out with his friends. On the spur of the moment, a friend suggests robbing a passerby to get money to buy beer. The adolescent does not go through a deliberate decision-making process, but goes along with his friends despite his mixed feelings. If he refuses, he fears his standing among his peers may suffer. A more mature person might think of ways to remove himself from the situation. An immature person facing a split-second decision might yield because of his inexperience in similar situations and inability to imagine future consequences. Moreover, the immediate rewards are many—the excitement of the potential robbery, the prospects of getting some money, and the approval of friends. These immediate rewards weigh more heavily in the decision than the long-term consequence of being convicted of a crime.¹⁶

To test the influence of peers, we conducted a study in which adolescents, college undergrads, and adults were asked to play several risk-taking games either alone or with two of their friends watching. The mere presence of friends increased risk taking in adolescents and college undergraduates, but not in adults.¹⁷

Adolescents underestimate the risks of a crime and overestimate its rewards.

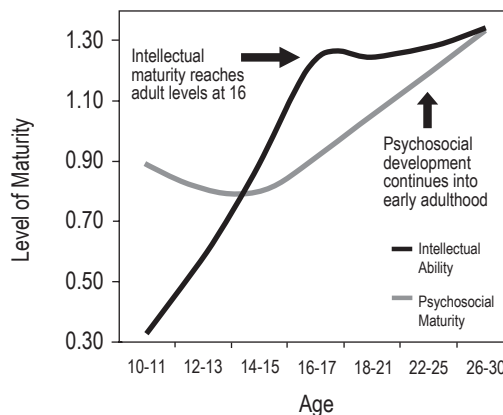
Not every teen caves in to peer pressure. However, the justice system may need to take into account that some teens may face more pressure from peers than others. For example, if a juvenile offender lives in a tough neighborhood, losing face with one's peers can be dangerous, inviting future attacks and persecution.¹⁸

Recent brain research confirms many of these findings. For example, the parts of the brain that govern thinking ahead, planning, and self control are still developing well beyond age 18. Also, several studies show that puberty may “amp up” thrill seeking and the valuing of rewards over risk. What’s more, the hormonal changes of puberty may make people more sensitive to peers and vulnerable to their influence.¹⁹

Adolescent psychosocial maturity continues to develop into early adulthood.

In sum, although by age 16, adolescents reach adult levels of intellectual maturity, psychosocial maturity continues to develop into early adulthood (see Figure 1). Adolescents do not “put facts together and draw conclusions the way adults do.”²⁰ These findings point to the need to consider whether adolescents’ lack of maturity, relative to adults, warrants them being treated differently when they face criminal prosecution. Policymakers need to ask whether the same factors that make youth ineligible to vote or serve on a jury might also be considerations when juveniles enter the justice system.²¹

Figure 1. The Immaturity Gap



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Should Adolescents be Held as Accountable as Adults When They Commit Comparable Crimes?

Sometimes culpability (i.e., blameworthiness) is confused with accountability. It is possible to view two people as similarly accountable for a crime without seeing them as having equal blameworthiness. The fact that adolescents are less mature than adults does not mean that they are not responsible for their actions and choices. Adolescents can tell right from wrong, and they should be punished when they knowingly violate the law.

At the same time, however, our justice system is grounded in the principle of penal proportionality—that the degree of punishment one receives should have something to do with the person’s state of mind at the time of the crime. For example, a young inexperienced driver who skids off the road and ends up killing someone will be held accountable for wrongful death. Yet this young person may be judged less than fully blameworthy because the death was accidental.²² Similarly, an adolescent who commits a crime because of developmentally-driven immaturity or heightened susceptibility to peer influence might be viewed as responsible, but just not *as* responsible, as an adult who committed a similar act. It is possible to create a justice system that holds youths responsible for their actions, while still taking into account the ways in which their immaturity may mitigate (but not excuse) their culpability.

Are Adolescents Able to Participate as Competent Defendants in Criminal Proceedings?

Questions of criminal culpability, which apply to the offender’s psychological state at the time of the alleged offense, are different from questions of competence to stand trial, which refer to the offender’s mental status at the time of the court proceeding. The U.S. justice system has long held that those accused of crimes should be mentally competent to understand and participate in their trial. Among the elements of competence required under law are the possession of a factual and rational understanding of the proceedings and the ability to assist one’s counsel. Trying juveniles in adult court has led to questions about whether younger adolescents have the competence and maturity to participate in criminal proceedings.

To determine whether teens differ from young adults, the MacArthur Network interviewed 1,400 individuals, aged 11-24, in detention facilities (if they were juveniles) or jails (if they were adults) and the community, from four different parts of the country. Researchers examined several aspects of the participants’ abilities relevant to their competence to stand trial. None of the findings varied by gender, race/ethnicity, socioeconomic status, or locale. Participants’ performance was compared to that of adults who had been found incompetent to stand trial.

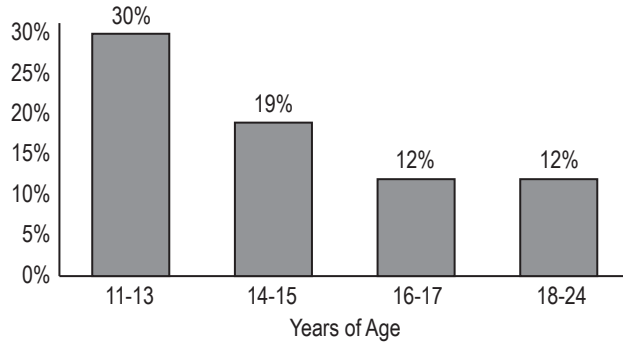
Understanding and reasoning about the trial process. Nearly one-third of 11-13 year-olds and one-fifth of 14-15 year-olds had deficits that might be serious enough to interfere with their ability to be a competent defendant in criminal proceedings (see Figure 2). Understanding and reasoning about the trial process did not differ between adolescents aged 16-17 and young adults aged 18-24.²³ Among the 11-13 year-olds with very low IQ scores, one half scored as poorly as adults who had been judged incompetent to stand trial.

Because adolescents are less mature than adults does not mean they are not responsible for their actions.

The youngest adolescents had deficits serious enough to interfere with their ability to be a competent defendant.

Figure 2. Understanding of the Trial Process

Young Teens are Nearly Three Times More Likely Than Older Teens or Young Adults to be Significantly Impaired in Reasoning or Understanding of the Legal Process



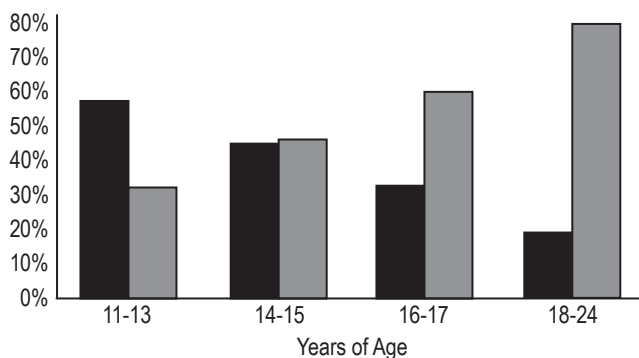
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Emotional maturity. Researchers examined the most relevant aspects of maturity in legal settings: ability to take into account long-term consequences, perceive and comprehend risks, resist peer influence, and comply with authority figures. These aspects of maturity were assessed by asking study participants to recommend the best and worst choices in a police interrogation (when one is guilty of a crime), attorney consultation, and plea agreement (that included a guilty plea and testifying against other defendants).

Overall, the youngest teens, aged 11-13, made less mature decisions than older youth. Younger teens complied with authority more often as indicated by their willingness to confess to police and accept a plea deal. Over half of 11-13 year-olds recommended confessing compared to only one-fifth of 18-24 year-olds (see Figure 3). Younger teens were also less likely to comprehend risks and the long-term consequences of their decisions.

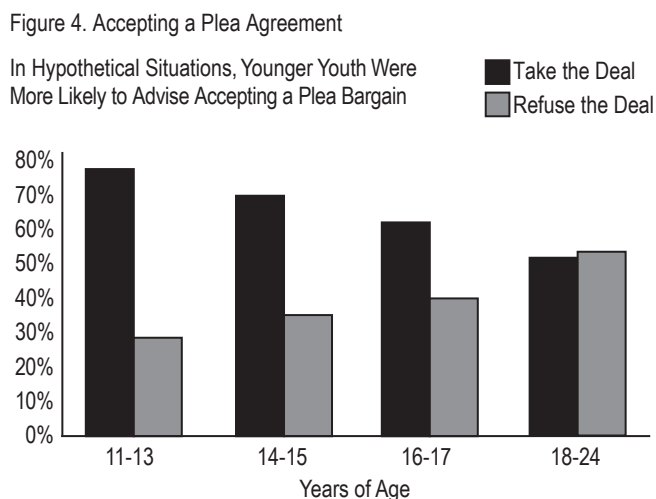
Figure 3. Emotional Maturity

In Hypothetical Situations, Youngest Teens Were More Likely to Advise Confessing or Talking to Police



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The proportion of those who advised accepting a plea agreement declined from about three-fourths of 11-13 year-olds to only one-half of young adults (see Figure 4). Once again, few statistical differences emerged among those older than 15.²⁴



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Clearly, the youngest adolescents are less able to understand the trial process and appear to be immature in other ways that may affect their ability to participate in criminal proceedings. For example, they were more likely to confess to authorities and accept a plea deal, especially if they believed that it might lead to an immediate reward such as going home.²⁵

If youth are not competent to stand trial, how can they be held accountable for the crimes they commit? A criminal justice system that ignores juveniles' lesser competence would be unfair, but one that excludes them from prosecution would be unsafe. One option being put in place in states like Arkansas and being considered in Louisiana and Ohio is developing a dual system of competence—one for adult courts and a more relaxed one for juvenile courts, and referring juveniles found not competent in criminal court to juvenile court.²⁶ These lower standards of competence in juvenile court would be accompanied by more rehabilitation and less punitive sentencing.²⁷

Can Juvenile Offenders be Reformed? Is the Juvenile or Adult System More Effective in Deterring Repeat Crimes?

Adolescence is a time of rapid change; even youth at the deep end of the juvenile justice system can often turn their lives around. In a Network study of 1,355 serious offenders, aged 14 to 17 at the time of their enrollment into the study, a majority were not involved in antisocial activities over the next three years. A surprising number—about 15%—go from committing many crimes to almost none, and fewer than 10% of the sample were chronic, frequent offenders. This study is consistent with past ones showing that only a small proportion of juvenile offenders are likely to develop into career criminals.

Studies show that only 10% of serious juvenile offenders become chronic, frequent offenders.

Researchers in the MacArthur Network conducted studies to examine what contributes to juvenile reform in the justice system itself, as well as in the individual, family, and community.

Corrections system. Researchers capitalized on a natural experiment in the New York City metropolitan area where the laws of two states collide. On the New York side of the Hudson River, juveniles as young as age 13 are charged in adult court. On the New Jersey side, nearly every juvenile under the age of 18 is prosecuted in juvenile court. Researchers followed 2,000 adolescents who committed aggravated assault, armed robbery, or burglary during 1992 and 1993; in 1999, they determined how many had been re-arrested.

Because these young offenders lived in the same area and under similar circumstances (e.g., economic opportunity, access to weapons, and gang influences), we can have greater confidence that the findings are due to differences in the justice systems. In New Jersey's juvenile facilities, for example, youth were more likely to receive rehabilitative services than they were in New York's adult facilities.

Compared to adolescents processed in New Jersey juvenile court, those processed in New York adult courts were:

- 85% more likely to be re-arrested for violent crimes,
- 44% more likely to be re-arrested for felony property crimes,
- 26% more likely to end up back in prison, and
- 35% less likely to be re-arrested for drug offenses.

Except for drug offenses, adult punishment and longer harsher sentences do not deter juveniles from crime. In fact, crimes among juveniles prosecuted in adult courts were more common and more serious; these juveniles were re-arrested more quickly, more often, and were more likely to be sent back to prison.²⁸

Individual, family, and community influences on juvenile crime. Researchers have identified several factors that help reform serious juvenile offenders:²⁹

- Psychological maturation
- Assuming adult roles (e.g., work and family)
- A new self-concept and a new resolve to turn one's life around
- A turning point in life
- Direct interventions such as alcohol or mental health treatment
- Improvements in one's neighborhood or social setting
- A supportive family

How well parents monitor their kids matters, even in high-crime neighborhoods.

For young offenders, parents are able to help keep their children away from trouble if they monitor where their teens are, know their friends, and establish firm ground rules and expectations. How well parents monitor their kids matters, even in high-crime neighborhoods.³⁰

Juvenile offenders are not all cut out of the same cloth. A lot of work remains to find out exactly what interventions work for which kids and to put those interventions in place.

How are State Legislatures Responding to this New Evidence on Adolescent Development?

Given this new evidence, many states are reconsidering their juvenile justice systems and passing new laws. The MacArthur Network reviewed what states are doing:

- Arkansas requires competence evaluations of young adolescents charged with very serious crimes before they can be transferred into adult court.
- Ohio has begun drafting juvenile competence legislation.
- The Louisiana legislature has created a task force to set guidelines for competence evaluations of juveniles.
- Louisiana, Maryland, and Virginia now require that youths have counsel at various stages of juvenile court proceedings.
- Illinois has abolished the statute under which youths charged with selling drugs in school were automatically tried as adults, and is considering other bills that would keep more youths in juvenile, rather than criminal court.³¹
- Connecticut has recently passed legislation that will raise the minimum age of adult court jurisdiction from 16 to 18.

Most states, including Wisconsin, have a separate juvenile and adult system. In Wisconsin and 13 other states, 17-year-olds are automatically prosecuted in adult court.³² The question policymakers face is whether there should be an automatic waiver of juveniles to adult court at a certain age or whether only extreme cases should be prosecuted in adult court. The evidence and some of the leading arguments for each position are summarized below.

Automatic Waiver of 17-Year-Olds into Adult Court

- Because there is no fool-proof way to identify juvenile offenders who are likely to continue a life of serious crimes, the surest way to protect the public is to lock up anyone who commits an offense, regardless of their age and the costs of doing so.
- The evidence on adolescent's inability to participate in criminal proceedings is strongest for those aged 15 and under; 17-year-olds are not different enough from young adults to warrant granting them leniency.
- Locking up even young offenders sends a strong message to would-be offenders about the costs of committing crime.
- The juvenile courts were designed in a simpler era when youths were getting into fist fights in school; adult crimes like drugs, guns, and other serious crime deserve adult punishment.
- In the absence of strong evidence that juvenile justice interventions are effective, the only acceptable option is to incapacitate serious juvenile offenders.

In Wisconsin and 13 other states, 17-year-olds are automatically prosecuted in adult court.

Prosecution of those under 18 in Juvenile Court, with only Extreme Cases Waived into Adult Court

- Based on recent evidence, juveniles are emotionally immature in several ways that may undermine their decisionmaking capacity; thus, the default should be processing adolescents under age 18 in juvenile court where they will be held responsible for their actions, but treated as less blameworthy, punished less severely, and provided more rehabilitation.
- Studies show that youth, particularly those under age 15, are not able to participate competently in criminal proceedings due to developmental immaturity; juvenile and adult courts should consider claims of incompetence based on immaturity, just as they consider claims of mental illness or disability.
- Some youth should be processed in adult court, particularly older and more violent re-offenders who have exhausted the resources of the juvenile justice system and may pose a threat to the community. Because these offenders are few in number, however, this should be the exception not the rule.
- Processing juveniles in adult court is not a deterrent. In a recent study, youth processed in adult court are more likely to re-offend. The notion that juveniles make rational decisions about whether to commit crimes based on their knowledge of the law flies in the face of what we know about adolescent impulsiveness.
- Most youth should be processed in juvenile courts because treatment and rehabilitation is more available; in polls, the public is willing to pay for corrections programs that cut crime, and would rather spend tax dollars on rehabilitation and prevention programs than longer periods of incarceration. Community-based treatment costs about one-fifth as much as incarceration.
- Interventions that severely disrupt the educational and occupational development of juveniles during their transition into adult roles are likely to have long-term costs to society.

In a recent study, youth processed in adult court were more likely to re-offend.

Conclusion

Political debate on the juvenile justice system is informed by many perspectives including the economic, moral, political, and pragmatic. Surely, one other important perspective should be that of science. Recent studies may be particularly valuable to policymakers because they have been conducted with juvenile offenders in real-world settings. The science reviewed in this article offers policy-relevant evidence about adolescents' competence to stand trial, their blameworthiness, their potential for change, and the conditions that can help juveniles become productive, law-abiding citizens. States are beginning to acknowledge this new evidence in their laws in ways that balance two conflicting priorities—the need for public safety and the welfare of young offenders who often can turn their lives around.

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Evidence-Based Public Policy Options to Reduce Criminal Justice Costs and Crime Rates

by Steve Aos
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When incarceration rates increase 10%, research shows that crime rates go down about 3%. Yet incarceration is costly and in tight budget times, many states are looking for ways to spend less on prisons, save taxpayers' money, and still curb crime. The Washington Legislature requested a cost-benefit review of evidence-based rehabilitation and prevention programs to determine which reduce recidivism and can save money in the long run. Nineteen of the 29 programs for juvenile offenders and 12 of the 18 for adult offenders produced reductions in crime and benefits that outweighed the costs. Programs for juveniles produced especially attractive future economic returns. By implementing a portfolio of evidence-based programs, states are likely to keep the crime rate under control and, at the same time, lower the long-run costs of the local and state corrections systems.

Like many states, Washington faces the prospect of constructing new prisons—a big-ticket item in any state budget. In response, the 2005 Washington Legislature directed the Washington State Institute for Public Policy to assess whether there are “evidence-based” options that can reduce the future need for prison beds, save taxpayers’ money, and contribute to lower crime rates. For our review of what works to reduce crime, we analyzed prison needs and rehabilitation and prevention programs. Prisons and effective programs are both crime-fighting resources; the primary question for the study was what combination of prisons and programs could reduce crime for less cost to taxpayers? We did not review evidence-based policing strategies because it was outside the scope of the Legislature’s directive.

The Institute’s report was published in October 2006 and the 2007 Washington Legislature used the findings to alter substantially the State’s approach toward some criminal justice policies. The Legislature shifted funding away from some previous efforts that have not proven successful and moved those funds toward evidence-based, cost-beneficial programs. In addition to shifting funding, the 2007 Legislature also increased overall funding levels for some of the most economically attractive options in the Institute’s analysis. The Legislature expects a payoff for its action. As a result of these new investments, the Legislature now expects future criminal justice costs and prison bed levels to be lower than they otherwise would be. In effect, in 2007 Washington placed a fiscal bet on these options and now must deliver the results for the taxpayers who pay for the programs.

Steve Aos

Several trends prompted the Legislature's request for a study on how to avoid future prison costs. Prison incarceration rates had roughly tripled in Washington since the mid 1970s, from about 2 per 1,000 (ages 18 to 49) to 6 per 1,000 today. Washington's prison incarceration rate is currently only about 56% of the national rate; according to 2006 estimates, it is expected to increase another 23% by 2019.

To accommodate the increasing incarceration rate, the official forecasting agency in Washington was predicting the need for about 4,500 new prison beds by 2020 and 7,000 beds by 2030. Given that a new Washington prison houses about 2,000 offenders, this amounted to about two new prisons by 2020 and three and a half new prisons by 2030. At a cost of about \$250 million to build a prison and \$45 million per year in operating costs, the fiscal implications were significant.

The purpose of the Institute's study was to answer three legislative questions: (1) what works to reduce crime, (2) what are the economics of each option, and (3) whether alternative "portfolios" of evidence-based policy options could keep crime rates down and reduce costs to taxpayers. This chapter begins with a few basics on how incarceration affects crime rates.

How Does the Incarceration Rate Affect Crime Rates?

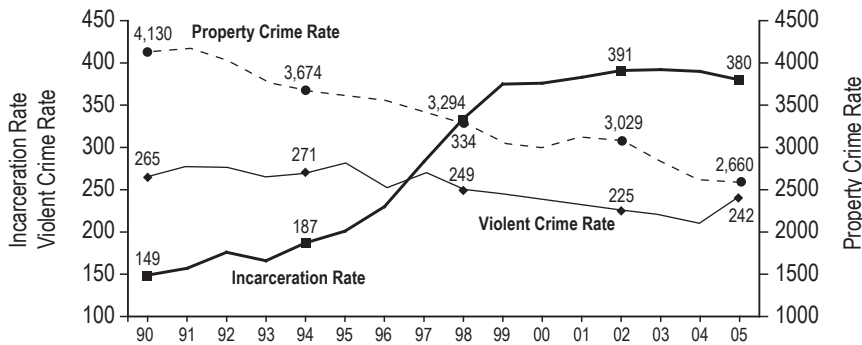
There is evidence that crime rates decline when states allocate more money to the criminal justice system. On average, increasing the number of police per capita and increasing incarceration rates decrease crime rates, particularly for certain types of crime.

A 10% increase in the incarceration rate leads to a 3.3% decrease in the crime rate.

To gauge the effect prison has on crime rates, we updated our econometric study on how state incarceration rates affect crime rates in Washington.¹ We found that a 10% increase (or decrease) in the incarceration rate leads to a statistically significant 3.3% decrease (or increase) in crime rates. Our estimated prison effect is consistent with other well-researched studies.² As incarceration rates increase more and more, however, diminishing returns begin to erode the corresponding reduction in crime. Furthermore, the effects vary significantly by the type of offenders incarcerated (violent, property, or drug offenders). In tight budget times, many states are looking for evidence-based options that can save money and still reduce crime.

Wisconsin Family Impact Seminar staff compiled some aggregate numbers for Wisconsin. In Figure 1, they show that when incarceration rates began to increase around 1997 and 1998, crime rates for violent offenses began to decrease slightly. Property offenses also decreased from 3,294 per 100,000 in 1998 to 2,660 in 2005. Of course, these results need to be examined in much more detail, but they do suggest a relation between incarceration rates and crime rates.

Figure 1. Wisconsin Incarceration and Crime Rates, 1990-2005
Per 100,000 population



Source: Figure compiled by Wisconsin Family Impact Seminar staff using data from the U.S. Department of Justice, Bureau of Justice Statistics. Crime rates: State-level crime trends database, *Reported Crime in Wisconsin*. Incarceration rates: *Prisoners in (Year)* bulletin. 1990-1993 data from Wisconsin Taxpayers Alliance.

Wisconsin's incarceration rate in 2005 was 380 per 100,000 people.

Steve Aos

Using Evidence-Based Programs to Guide Corrections Policy Decisions

Our analysis was conducted in three steps. The first step of our analysis addressed the question, “What works, if anything, to lower measured crime outcomes?” To answer this question, we analyzed 571 evaluations (mostly conducted in the United States) of adult corrections, juvenile corrections, and prevention programs. We determined what the evidence shows about the program’s ability to reduce future crime. The second step was to measure the economics of each program—did the benefits outweigh the costs? We estimated the costs and benefits of many of these programs to determine whether taxpayer dollars invested in the programs would save money in the future. Finally, we projected whether statewide implementation of alternative portfolios would affect the need to build prisons, reduce state and local costs, and cut crime rates.

Only rigorous studies were included in the analysis. For example, the evaluations had to include a comparison group that matched the characteristics of participants in the program group and received no treatment or the typical treatment. For adult and juvenile rehabilitation programs, we measured changes in recidivism (i.e., re-offense) rates. For the prevention programs, we measured the prevention of future crime. Evaluation studies of prevention programs typically measure several other outcomes in addition to crime. For example, child abuse, substance abuse, and educational outcomes are also often studied in prevention program evaluations. In Table 1, however, we show only the findings related to crime effects even though other positive (or negative) outcomes might have been found.

To make this information more useful to state policymakers, the 571 evaluations were categorized into 73 program types, such as vocational education in prison, Multidimensional Treatment Foster Care, adult drug courts, and juvenile boot camps. For example, 57 of the studies evaluated adult drug courts. These studies were statistically combined to determine drug courts’ effect on future crime and their costs and benefits. The results in Table 1 reflect the effect we expect for the “average” program. Some drug courts achieve better results, of course, and some achieve worse results. We found that the average adult drug court reduces the recidivism rate by 8%.

Table 1. Reducing Crime With Evidence-Based Options: What Works, and Benefits & Costs

Washington State Institute for Public Policy Estimates as of October, 2006	Effect on Crime Outcomes Percent change in crime outcomes and the number of evidence-based studies on which the estimate is based (in parentheses) (1)		Benefits and Costs (Per Participant, Net Present Value, 2006 Dollars)			
			Benefits to Crime Victims (of the reduction in crime) (2)	Benefits to Taxpayers (of the reduction in crime) (3)	Costs (marginal program cost, compared to the cost of alternative) (4)	Benefits (total) Minus Costs (per participant) (5)
Programs for People in the Adult Offender System						
Vocational education in prison	-9.0%	(4)	\$8,114	\$6,806	\$1,182	\$13,738
Intensive supervision: treatment-oriented programs	-16.7%	(11)	\$9,318	\$9,369	\$7,124	\$11,563
General education in prison (basic education or post-secondary)	-7.0%	(17)	\$6,325	\$5,306	\$962	\$10,669
Cognitive-behavioral therapy in prison or community	-6.3%	(25)	\$5,658	\$4,746	\$105	\$10,299
Drug treatment in community	-9.3%	(6)	\$5,133	\$5,495	\$574	\$10,054
Correctional industries in prison	-5.9%	(4)	\$5,360	\$4,496	\$417	\$9,439
Drug treatment in prison (therapeutic communities or outpatient)	-5.7%	(20)	\$5,133	\$4,306	\$1,604	\$7,835
Adult drug courts	-8.0%	(57)	\$4,395	\$4,705	\$4,333	\$4,767
Employment and job training in the community	-4.3%	(16)	\$2,373	\$2,386	\$400	\$4,359
Electronic monitoring to offset jail time	0%	(9)	\$0	\$0	-\$870	\$870
Sex offender treatment in prison with aftercare	-7.0%	(6)	\$6,442	\$2,885	\$12,585	-\$3,258
Intensive supervision: surveillance-oriented programs	0%	(23)	\$0	\$0	\$3,747	-\$3,747
Washington's Dangerously Mentally Ill Offender program	-20.0%	(1)	\$18,020	\$15,116	n/e	n/e
Drug treatment in jail	-4.5%	(9)	\$2,481	\$2,656	n/e	n/e
Adult boot camps	0%	(22)	\$0	\$0	n/e	n/e
Domestic violence education/cognitive-behavioral treatment	0%	(9)	\$0	\$0	n/e	n/e
Jail diversion for mentally ill offenders	0%	(11)	\$0	\$0	n/e	n/e
Life Skills education programs for adults	0%	(4)	\$0	\$0	n/e	n/e
Programs for Youth in the Juvenile Offender System						
Multidimensional Treatment Foster Care (v. regular group care)	-22.0%	(3)	\$51,828	\$32,915	\$6,945	\$77,798
Adolescent Diversion Project (for lower risk offenders)	-19.9%	(6)	\$24,328	\$18,208	\$1,913	\$40,623
Family Integrated Transitions	-13.0%	(1)	\$30,708	\$19,502	\$9,665	\$40,545
Functional Family Therapy on probation	-15.9%	(7)	\$19,529	\$14,617	\$2,325	\$31,821
Multisystemic Therapy	-10.5%	(10)	\$12,855	\$9,622	\$4,264	\$18,213
Aggression Replacement Training	-7.3%	(4)	\$8,897	\$6,659	\$897	\$14,660
Teen courts	-11.1%	(5)	\$5,907	\$4,238	\$936	\$9,208
Juvenile boot camp to offset institution time	0%	(14)	\$0	\$0	-\$8,077	\$8,077
Juvenile sex offender treatment	-10.2%	(5)	\$32,515	\$8,377	\$33,064	\$7,829
Restorative justice for low-risk offenders	-8.7%	(21)	\$4,628	\$3,320	\$880	\$7,067
Interagency coordination programs	-2.5%	(15)	\$3,084	\$2,308	\$205	\$5,186
Juvenile drug courts	-3.5%	(15)	\$4,232	\$3,167	\$2,777	\$4,622
Regular surveillance-oriented parole (v. no parole supervision)	0%	(2)	\$0	\$0	\$1,201	-\$1,201
Juvenile intensive probation supervision programs	0%	(3)	\$0	\$0	\$1,598	-\$1,598
Juvenile wilderness challenge	0%	(9)	\$0	\$0	\$3,085	-\$3,085
Juvenile intensive parole supervision	0%	(10)	\$0	\$0	\$6,460	-\$6,460
Scared Straight	+6.8%	(10)	-\$8,355	-\$6,253	\$58	-\$14,667
Counseling/psychotherapy for juvenile offenders	-18.9%	(6)	\$23,126	\$17,309	n/e	n/e
Juvenile education programs	-17.5%	(3)	\$41,181	\$26,153	n/e	n/e
Other family-based therapy programs	-12.2%	(12)	\$15,006	\$11,231	n/e	n/e
Team Child	-10.9%	(2)	\$5,759	\$4,131	n/e	n/e
Juvenile behavior modification	-8.2%	(4)	\$19,271	\$12,238	n/e	n/e
Life skills education programs for juvenile offenders	-2.7%	(3)	\$6,441	\$4,091	n/e	n/e
Diversion programs with services (v. regular juvenile court)	-2.7%	(20)	\$1,441	\$1,034	n/e	n/e
Juvenile cognitive-behavioral treatment	-2.5%	(8)	\$3,123	\$2,337	n/e	n/e
Court supervision vs. simple release without services	0%	(8)	\$0	\$0	n/e	n/e
Diversion programs with services (v. simple release)	0%	(7)	\$0	\$0	n/e	n/e
Juvenile intensive probation (as alternative to incarceration)	0%	(5)	\$0	\$0	n/e	n/e
Guided Group Interaction	0%	(4)	\$0	\$0	n/e	n/e
Prevention Programs (crime reduction effects only)						
Nurse Family Partnership-Mothers	-56.2%	(1)	\$11,531	\$8,161	\$5,409	\$14,283
Nurse Family Partnership-Children	-16.4%	(1)	\$8,632	\$4,922	\$733	\$12,822
Pre-K education for low-income 3- and 4-year-olds	-14.2%	(8)	\$8,145	\$4,644	\$593	\$12,196
Seattle Social Development Project	-18.6%	(1)	\$1,605	\$4,341	n/e	n/e
High school graduation	-10.4%	(1)	\$1,738	\$2,851	n/e	n/e
Guiding Good Choices	-9.1%	(1)	\$570	\$2,092	n/e	n/e
Parent-Child Interaction Therapy	-3.7%	(1)	\$268	\$784	n/e	n/e

Not shown in Table 1 are the 19 program types that we thought had inconclusive evidence at this time. You can find a full list of these programs, which include case management in the community for drug offenders, faith-based programs, and restorative justice programs for lower-risk offenders, in Exhibit 4 of the full report.³

Which Rehabilitation and Prevention Programs Reduce Crime?

As the information on Table 1 reveals, we found a number of programs that demonstrate statistically significant reductions in crime outcomes. We also found other approaches that do not achieve a statistically significant reduction in recidivism. Thus, the first lesson from our evidence-based review is that some programs work and some do not. A direct implication from these mixed findings is that public policies that reduce crime will focus resources on effective evidence-based programming, while avoiding ineffective approaches.

Column 1 of Table 1 shows the expected percent change in future crime for each of the program categories. The percentages indicate the average amount of change—compared to the participant getting no treatment or treatment as usual—that can be achieved by a typical program in that category. Some achieve better results than this, some worse. A negative percent change indicates that there is a statistically significant reduction in future crime. A zero percent change means that there is no statistically significant change in crime as a result of participation in the program. A few well-researched programs have a positive percent change, indicating that crime is expected to increase as a result of the program. Column 1 also reports the number of studies on which the estimates are based, in parenthesis.

A number of programs demonstrate reductions in crime. For example, we analyzed the findings from 25 well-researched studies of cognitive-behavioral therapy programs for adult offenders in prison and community settings. We found that, on average, these programs can be expected to reduce recidivism rates by 6.3%. To put this in perspective, our analysis indicates that, without a cognitive-behavioral program, about 63% of offenders will re-offend with a new felony or misdemeanor conviction within the next 13 years. If the same offenders had participated in the evidence-based cognitive behavioral program, the probability they would commit another crime drops to 59% (a 6.3% decrease from 63%).

For people in the adult offender system, 12 of the 18 types of programs we reviewed produced reductions in crime. Two adult offender programs show over 15% reduction in crime: intensive supervision—treatment oriented programs (16.7%) and Washington’s Dangerously Mentally Ill Offender program (20%), while the rest demonstrate a 4.3% to 9.3% drop in crime.

Nineteen of the 29 juvenile offender programs show a reduction in crime, ranging from 2.5% to 22%. Nine juvenile programs showed no effect, and one program—Scared Straight—actually showed a 6.8% increase in re-arrests.

Most of the programs in Table 1 are for general types of programming, such as drug treatment in prison or adult basic education in prison. We also report the results of several specific programs, such as a juvenile offender program called

One juvenile offender program actually shows a 6.8% increase in re-arrests.

Functional Family Therapy (FFT). The program involves an FFT-trained therapist working for about three months with a youth in the juvenile justice system and his or her family. Without the program, a youth has a 70% chance of committing another felony or misdemeanor within 13 years. Youth who participate in FFT are expected to have a 59% recidivism rate—a 15.9% decrease compared to their peers who did not participate.

The largest decrease in crime of the 73 program types we reviewed was found with a prevention program called Nurse Family Partnerships. In fact, each of the seven prevention programs we reviewed reduced crime. The Nurse Family Partnership program provides intensive visitation by nurses to low-income, at-risk women bearing their first child. The nurses continue to visit the home for two years after birth. The program has been shown to reduce the future crime of mothers by 56.2% and their children by 16.4%.

Both the Functional Family Therapy and Nurse Family Partnership programs, as well as several others in the table, are designated as Blueprint Model Programs by the Center for the Study and Prevention of Violence at the University of Colorado (<http://www.colorado.edu/cspv/blueprints/>).

Which Programs Show Net Benefits and Save Money?

The first question addresses “what works,” and the second question concerns economics. For many programs, we were able to calculate the cost of the program per participant, compared to the cost of the alternative (i.e., no treatment or treatment as usual). For some programs, we were unable to calculate the cost and, therefore, we were not able to produce a cost-benefit analysis.

For those programs demonstrating a reduction in crime in column 1, we also calculated the benefits of the reduction in crime. In our analysis, we take into account benefits to both taxpayers (in Washington) and crime victims. Taxpayers will spend less money on the criminal justice system when there is less crime. What’s more, crime victims will be spared monetary costs and reductions in quality of life.

Policymakers in other states should note that the costs and benefits conclusions are not necessarily reflective of their state. The estimates of the program *costs* are not state-specific, but the value of the *benefits* to taxpayers (column 3) are calculated for citizens in Washington State. For example, the value of benefits to taxpayers includes the cost of police, prosecutors, jail and supervision, which vary by state. The relative ranking of the net benefits (column 5), however, would likely stay roughly the same from state to state, even if the amounts changed.

Column 5 of Table 1 shows the “bottom line” estimate of the net benefit (or net loss) for each program. The programs are arranged so that those with the largest net benefit are listed first. Whereas there are many adult corrections programs that provide a favorable return, some programs for juvenile offenders produce particularly large benefits. This finding demonstrates the power of programs for juvenile offenders to affect the long-term need for prison construction and reduce future corrections budgets.

Programs for juvenile offenders produce particularly large benefits and can reduce future corrections budgets.

As an example of an adult offender program, the average cognitive-behavioral program costs about \$105 per offender to administer. These programs are typically run in groups of 10 to 15 people and involve 40 to 60 hours of therapeutic time. We estimate that the 6.3% reduction in recidivism rates generates about \$10,404 in benefits (in present value). Thus, the net value of the average evidence-based cognitive-behavioral program for adult offenders is \$10,299 per offender.

The Functional Family Therapy (FFT) for youth yields a higher net benefit of \$31,821. The average program costs, \$2,325 per juvenile participant, are due to the one-on-one time between the FFT therapist and the youth and his or her family. The 15.9% reduction in the recidivism rate generates \$34,146 in benefits to taxpayers and crime victims.

The Nurse Family Partnership program produces \$14,283 in net benefits related to the mothers and \$12,822 related to the children. The estimated total cost of the program per family for the crime reduction effects is \$6,142, which we obtained by prorating the actual total cost per family (\$9,827). We did not use the full program cost because the program, in addition to reducing crime, has been shown to reduce child abuse/neglect and increase educational test scores. The \$6,142 figure is an estimate of the crime-reduction portion calculated in one of our earlier studies of prevention programs.⁴

Some Programs Do Not Decrease Crime, But Can Still Save Money

Some programs produce no reduction in crime. This does not mean, however, that these programs are not economically viable options. For example, we included nine studies of electronic monitoring of adult offenders in our review and found no effect on re-offending. The average electronic monitoring program, which costs \$1,236, is likely implemented to offset the costs of more expensive resources such as increased use of jail time, which we estimate to cost \$2,107 per offender. Compared to the alternative, electronic monitoring saves criminal justice resources valued at \$807 per offender.

How Can Policymakers Use the Benefit-Cost Information to Create Evidence-Based Policy?

There are economically attractive evidence-based options in all three areas: adult corrections programs, juvenile corrections programs, and prevention programs. Per dollar of spending, several of the successful programs that reduce crime also produce favorable returns on investment. Public policies incorporating these options can yield positive outcomes and cost savings for a state.

The Washington legislature requested alternative implementation scenarios and their ability to reduce the future need for prison beds, save money for taxpayers, and contribute to lower crime rates. These scenarios, or portfolios, allowed the legislature to consider different combinations of options that have the ability to keep crime rates under control and, at the same time, lower the long-run fiscal costs of Washington's state and local criminal justice system. We estimated three sample scenarios, although other scenarios can easily be created.

The Functional Family Therapy program for youth produces a net benefit of \$31,821.

Steve Aos

Current Level Portfolio, where we assume that evidence-based programs already being implemented in Washington are funded at the current level. The programs are not expanded to reach more eligible people and no new evidence-based programs are implemented. The first-year cost of this package amounts to about \$41 million.

Moderate Implementation Portfolio, where existing evidence-based programs already being implemented in Washington are expanded to reach 20% of the remaining eligible population. We estimate the first-year cost of this portfolio at \$63 million.

Aggressive Implementation Portfolio, where existing evidence-based programs already being implemented in Washington are expanded to reach 40% of the remaining eligible population. Our estimate of the first-year cost of this portfolio is \$85 million.

What Impacts do the Portfolio Options have on Prisons Beds, Incarceration Rates, and Taxpayers?

If a *moderate to aggressive* portfolio of evidence-based options is implemented, Washington citizens can benefit in several ways. A significant level of future prison construction can be avoided, state and local taxpayers can save about \$2 billion, and net crime rates can be lowered slightly. As already noted, the 2007 Washington Legislature used the Institute's findings to alter its current portfolio of crime-fighting resources. As a result of these actions, the current state forecast of future prison construction has changed.

The aggressive portfolio of evidence-based programs eliminated the need for any new prison building until at least 2030.

Future Prison Construction. The typical new prison in Washington houses about 2,000 offenders. As shown in Table 2, the previous (December 2006) prison bed forecast anticipated the need for 4,543 new beds (slightly more than two prisons) by 2020 and 7,024 beds (a third prison) by 2030. (The *current level portfolio* normally has the same figures as the current forecast. We report slightly lower numbers for prison beds because the projections made by the Caseload Forecast Council had not incorporated the full impact of some recent correctional programs.) The Institute's *moderate implementation portfolio* estimated that only about one new prison would need to be built by 2020. The *aggressive implementation portfolio* essentially eliminated the need for any new prison building until at least 2030.

Incarceration Rates. From 1980 to 2006, the prison incarceration rate in Washington grew 165%, from 2.3 prisoners per 1,000 people (age 18 to 49) to 6.1 people per 1,000. By 2020, the rate was forecasted to increase to 7.5. The *current level* and *moderate implementation portfolios* slow the rate of increase of incarceration through 2030, while the *aggressive portfolio* is expected to maintain an incarceration rate roughly equal to today's level through 2020 and dip below current levels by 2030.

State and Local Fiscal Costs. Between 2008 and 2030, Washington taxpayers could save from \$1.7 billion to \$2.4 billion with the *moderate* and *aggressive* portfolios, respectively. These estimates are the net savings after taxpayers pay the annual costs of implementing the evidence-based programs each year through 2030. The rate of return in 2006 dollars of the *moderate portfolio* is expected to

be 27%, with a \$2.55 benefit for each dollar invested. The *aggressive portfolio* produces a slightly higher \$2.60 return on each dollar invested.

Crime Rates. Each of the portfolios is expected to reduce the crime rate from current levels by 2020 and 2030. However, the *current level* portfolio uses more incarceration, whereas the *moderate* and *aggressive* portfolios use more evidence-based programs and produce less of an increase in incarceration.

All three of these portfolios, which represent real increases in the level of criminal justice funding, will reduce crime. The Institute estimates that all three portfolios will reduce crime rates in Washington about the same amount. Since each reduces crime about the same amount, the important difference relates directly to costs: the *moderate* and *aggressive* program expansion portfolios are cheaper than the *current level* portfolio, which relies more on incarceration. Thus, the policy question turns on costs; all three options reduce crime about the same amount, but some portfolios are considerably cheaper.

All three portfolios reduce crime about the same amount, but some portfolios are considerably cheaper.

Steve Aos

Table 2. Estimated Effects of Three Portfolios on Prison Construction, State and Local Criminal Justice Costs, and Crime Rates

	Current Forecast (1)	Three Examples of Implementation Scenarios		
		Current Level Portfolio (2)	Moderate Implementation Portfolio (3)	Aggressive Implementation Portfolio (4)
Effects on the Prison Supply-Demand Gap				
Forecasted bed shortfall in 2020	4,543	3,821	1,988	208
Forecasted bed shortfall in 2030	7,024	5,955	3,331	306
Effects on Prison Incarceration Rate (prisoners per 1,000 18- to 49-year-olds)				
Historic rate: 1980	2.3	2.3	2.3	2.3
Historic rate: 1990	3.1	3.1	3.1	3.1
Historic rate: 2000	5.2	5.2	5.2	5.2
Historic rate: 2006	<u>6.1</u>	<u>6.1</u>	<u>6.1</u>	<u>6.1</u>
Forecasted rate: 2020	7.5	7.3	6.7	6.1
Forecasted rate: 2030	7.7	7.3	6.6	5.8
Key Financial Outcomes for the Three Portfolios				
Benefits Minus Costs to Taxpayers (millions)		\$1,096	\$1,741	\$2,367
Return on Investment to Taxpayers		24%	27%	28%
Benefit-to-Cost Ratio to Taxpayers		\$2.45	\$2.55	\$2.60
First year cost of portfolio (millions)		\$41	\$63	\$85
First biennial budget cost of portfolio (millions)		\$83	\$127	\$171
Effect on Crime Rates in Washington (felony crimes per 1,000 Washington population)				
Historic Crime Rate: 1980		71	71	71
Historic Crime Rate: 1990		62	62	62
Historic Crime Rate: 2000		51	51	51
Historic Crime Rate: 2005		<u>52</u>	<u>52</u>	<u>52</u>
Forecasted Crime Rate: 2020		48	48	49
Forecasted Crime Rate: 2030		46	47	48

Note: All estimates by the Washington State Institute for Public Policy in October 2006.

Conclusion and Next Steps

We found that if Washington legislators adopted a *moderate to aggressive* implementation portfolio, a significant level of future prison construction could be avoided, state and local taxpayers could save about \$2 billion net, and crime rates can be lowered slightly. As noted, the 2007 Washington Legislature used these findings and funded a *moderate* level portfolio.

These findings do have limitations. Although the estimates were constructed cautiously, it is difficult to take programs to a larger scale. Washington's state and local governments will need to expand current evidence-based programs significantly under the two portfolios. Central to such an effort will be the policy review and management supervision necessary to hold the programs accountable for the anticipated savings in costs and reduced crime rates.

It is one thing to model these results carefully on a computer. However, it is quite another to make them happen in the real world. In particular, state policymakers undertaking an expansion of evidence-based programs may want to establish an ongoing oversight process of the expansion. To achieve the returns on investment predicted in our analysis, it is essential to competently deliver the programs and maintain program fidelity. We learned from Washington's experience with the Functional Family Therapy (FFT) program that when the program was not implemented competently, it did not reduce crime at all.⁵ On the other hand, when it was delivered as designed, the program produced outstanding returns on investment. Thus, safeguarding the state's investment in evidence-based programs requires monitoring program delivery and making corrective changes to achieve the cost savings described in this report. Washington is now taking specific steps to do this.

Safeguarding the state's investment in evidence-based programs requires monitoring program delivery.

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A Policymaker's Guide to Effective Juvenile Justice Programs: How Important are Family Approaches?

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The corrections programs that yield the greatest return on investment are those targeted at juveniles. In a recent analysis, the five most cost-effective rehabilitation programs and the single most cost-effective prevention program deliberately worked with families: Multidimensional Treatment Foster Care (versus group care), Adolescent Diversion Project (for lower risk offenders), Family Integrated Transitions, Functional Family Therapy (on probation), Multisystemic Therapy, and the Nurse Family Partnership. This chapter summarizes how each of these programs works and what their outcomes have been. The effectiveness of these family approaches should come as no surprise given that one of the strongest predictors of juvenile crime is ineffective parenting. Many of these programs aim to recreate the powerful socialization forces of functional family life. However, the effectiveness of even these proven programs depends upon whether they are implemented properly. Policymakers can secure for families the priority they deserve in juvenile justice policy.

The research evidence is clear. The strongest predictor of juvenile crime is ineffective parenting. Specifically, 30% to 40% of the antisocial behavior of early offenders—who are more likely to become violent offenders later—is linked to harsh, inconsistent parenting during the preschool years.¹ Parents of early offenders threaten, nag, and scold but seldom follow through.² This type of parenting teaches children to resolve conflict through coercion—specifically whining, yelling, temper tantrums, or physical attacks. This aggressive behavior leads to rejection by prosocial peers, trouble with teachers, and poor school performance.³ Negative consequences snowball, and these youngsters who are poorly monitored by their parents drift into deviant peer groups⁴ and increase their use of illegal substances.⁵ Over time, they fail to develop the skills for stable work or marriages that might enable them to drop out of crime as an adult.^{6,7}

We know from science what it takes to create juvenile delinquents. But do we know how to mount programs that strengthen families and reduce juvenile crime? Do the benefits of these programs outweigh their costs to taxpayers? Steve Aos of the Washington State Institute for Public Policy answered these questions in a recent cost-benefit analysis of 73 types of corrections programs for juveniles and adults (see Aos's chapter in this report). Compared to programs for adult offenders, programs for juveniles are, on average, more effective at reducing future crime and producing benefits that substantially outweigh program costs.⁸ What's more, the six juvenile

Compared to programs for adults, programs for juveniles are most cost-effective.

Carol Anderson and
Karen Bogenschneider

programs that were the most cost-effective each deliberately worked with families. This chapter summarizes how each of these family-oriented programs work, how effective they have been in preventing or reducing crime, and what these results mean for policymakers interested in cost-effective approaches for curbing juvenile crime.

As background for the reader, Aos used a rigorous process to determine a program's cost-effectiveness. First, he reviewed 571 evaluations to determine each program's track record in preventing crime or reducing repeat offenses. To be included in Aos' analysis, the evaluations had to have a nontreatment or treatment-as-usual comparison group that was well-matched to the characteristics of the program group. Second, he considered the economics of each program, taking into account (a) whether taxpayers would end up spending less money on corrections and (b) whether crime victims would be spared monetary costs and reductions in their quality of life.

These programs are reviewed in order of cost-effectiveness, that is, their net benefit (calculated by subtracting the program's costs from its benefits to taxpayers and crime victims). First, we review the five most cost-effective rehabilitation programs—(1) Multidimensional Treatment Foster Care (versus group care), (2) Adolescent Diversion Project (for lower risk offenders), (3) Family Integrated Transitions, (4) Functional Family Therapy (on probation), and (5) Multisystemic Therapy. Then we review the most cost-effective prevention program—Nurse Family Partnership.

Multidimensional Treatment Foster Care was the most cost-effective with a net benefit of \$77,798 for each participant.

Multidimensional Treatment Foster Care (versus regular group care)

Of the 73 program types, Multidimensional Treatment Foster Care (MTFC) was the most cost-effective. The \$6,945 cost per participant is offset by benefits to taxpayers and crime victims of \$84,743, yielding a net benefit of \$77,798 for each participant.⁹ MTFC is a six- to nine-month program for youth, ages 12 to 17, with histories of serious and chronic delinquency. The courts require the youth to be placed out of the home. MTFC aims to re-create the powerful socialization forces of functional family life for these youth.

The key component in the program is the foster parent. These parents were carefully selected and thoroughly trained in parent management skills such as monitoring the teens' whereabouts, setting clear rules, tracking positive and negative behaviors, and responding appropriately and consistently. Foster parents received weekly supervision and daily phone calls where they identified problems and discussed potential solutions. Case managers were on call 24 hours per day, 7 days per week.

Youth were supervised closely, all free time was prearranged, and contact with delinquent peers was prohibited. Each youth participated in weekly individual therapy, not group therapy with other juvenile offenders. Each youth's biological family or caregiver participated in weekly therapy that included information on supervision, encouragement, discipline, and problem-solving. Entry back into their homes began with one- to two-hour visits and increased to overnight stays.

All participating youth were enrolled in public school. Program staff met with the school and support was provided if the teen had problems. Program staff was on call to remove youth from school if they became disruptive.

The consequences for breaking rules were tailored to each teen, including loss of privileges and work chores. Consequences were consistent, even for minor rule violations such as being two minutes late or not doing breakfast dishes.

Program Outcomes

Compared to youth in group care, youth in Multidimensional Treatment Foster Care:

- Committed fewer crimes; a year after out-of-home placement, 41% of teens in treatment foster care had no criminal referrals compared with only 7% of teens placed in group care.
- Ran away less often; about one-third (31%) of teens in foster care ran away from their placement compared to over half (58%) of those in group care.
- Spent half as many days in detention facilities 12 months later.
- Spent twice as much time living with parents or relatives.¹⁰

One year later, 41% of teens in Treatment Foster Care had no criminal referrals compared to 7% in group care.

For further information on this program, see <http://www.mtfc.com>. This program is also described in “Raising the Next Generation: Public and Private Parenting Initiatives” (Wisconsin Family Impact Seminar Briefing Report #14) available on the Web at http://www.familyimpactseminars.org/s_wifis14report.pdf.

Adolescent Diversion Project (for lower-risk offenders)

The Adolescent Diversion Project for lower-risk offenders provided a net benefit of \$40,623 per participant, according to AOS’s analysis.¹¹ Intervention typically occurs after the youth commits a minor offense as an alternative to typical court processing. The program is available to any teen, although the typical youth enters the program at age 14. This program focuses on the youth’s environment, namely the family, school, and work place.

Nonprofessionals or volunteers interact with the youth in agreed-upon locations of the youth’s natural environment such as the home or a community setting. College-age students are typically volunteers because they are closer to the youth in age and life experiences. Volunteers participate in six weeks of training. Following the training, volunteers attend weekly meetings and receive ongoing supervision. A volunteer works with a youth 6-8 hours each week for 18 weeks. The program also works directly with staff of the juvenile justice system.

Two intervention strategies are used in the Adolescent Diversion Project: behavioral contracting and advocacy. Behavioral contracting begins with an assessment of parent/child dynamics. Research shows that parents of delinquents are inconsistent in their discipline, use aversive controls, and focus on undesirable rather than positive youth behaviors. Parents, teachers, and others as well as the youth have the opportunity to express what they wish to see in the other. This information is then used to develop plans governing the exchange of privileges and responsibilities. A written contract identifies outcomes and specifies how progress will be assessed. This contract, which builds on the strengths and assets of the youth, is signed by the involved parties and can be renegotiated as needed.

Carol Anderson and
Karen Bogenschneider

Youth advocacy is designed to fulfill unmet environmental and social needs, while protecting the rights of the youth. An advocate assigned to the youth accepts responsibility for identifying and accessing resources and opportunities in the community.

Program Outcomes

The program:

- Reduced delinquency more effectively than traditional court processing.
- Reduced recidivism with less frequent and serious contacts with the police and court 12 months later.^{12,13}

For further information, see <http://www.msu.edu/course/psy/371/>.

Family Integrated Transitions yield a net benefit of \$40,545 per participant.

Family Integrated Transitions

Family Integrated Transitions, an intensive family and community-based treatment, promotes change in the home environment. The \$9,665 cost per participant is offset by \$50,210 in benefits to taxpayers and crime victims, yielding a net benefit of \$40,545.¹⁴ Designed to help youth ages 10-17 re-enter their communities, Family Integrated Transitions begins two months prior to release from a residential setting and continues for 4 to 6 months. Teams of four therapists work with 4 to 6 families and are available any time of the day.

Family Integrated Transitions builds a web of support based on the strengths of family, peers, school, and the neighborhood. The ultimate goal is a successful transition for both the youth and family. The intent is to increase positive behavior and reduce risk factors in the life of the youth. Family Integrated Transitions builds from three existing programs. Multisystemic Therapy functions as the core and concepts from Dialectical Behavior Therapy and Motivational Enhancement Therapy are incorporated.

Program Outcomes

The program:

- Reduced re-offending; 18 months after release, the recidivism rate for the treatment group was 27% compared with 41% in the control group.¹⁵

For further information, see <http://www.wsipp.wa.gov/rptfiles/04-12-1201.pdf>.

Functional Family Therapy (on probation)

Functional Family Therapy (FFT) is a structured family-based intervention that costs about \$2,325 per participant due, in large part, to the one-on-one time between the therapist, the youth, and his/her family. Yet because of its track record in reducing repeat crimes, it has proven to be cost-effective, yielding a net benefit of \$31,821 per participant.¹⁶ FFT focuses on youth ages 11-18 who are at-risk or are already involved with the juvenile justice system. FFT includes the youth, family, a therapist(s), and others in the community. Participating families often have limited resources, histories of failure, a range of diagnosed problems, and exposure to many interventions.

FFT is a short-term, goal-oriented intervention designed to enhance protective factors and reduce risk factors in the life of the youth. Usually, about 12 sessions are spread over three months. A trained therapist typically has a caseload of 10 to 12 families.

There are three flexible phases of the program:

Phase 1: Engagement & Motivation. The initial goal is to set the stage and establish credibility. The therapists highlight the idea that positive change can happen. Skills related to family communication, parenting, and conflict management are introduced.

Phase 2: Behavior Change. Behavior change plans are developed and implemented. These plans take into account culture, context, and the unique characteristics of each member of the family.

Phase 3: Generalization. The youth and family members prepare for the transition when the intervention is completed. Applying positive change to other family problems helps to maintain change and reduce relapses. Families are connected with community resources that support the changes, leading to greater self-sufficiency.

Training, assessment, and supervision are essential elements of this program.

Program Outcomes

Evaluations show that the program:

- Reduced re-offending for a wide range of offenses; specifically, youth committed 50%-75% fewer less-serious offenses and 35% fewer serious offenses.
- Reduced adolescent re-arrests by 20%-60%.
- Modified family interaction patterns.
- Prevented younger youth in the family from subsequent court contacts; only 20% of participating families had subsequent court contacts for siblings, compared to 40% for participants in a no-treatment group and 59%-63% for alternative interventions.
- Reduced the number of youth entering the adult criminal system.^{17, 18, 19, 20}

For further information, go to <http://www.fftinc.com>.

Multisystemic Therapy

Aos estimates the net benefit of Multisystemic Therapy (MST) to be \$18,213 per individual.²¹ MST builds on the interplay of individual, family, peer, school, and neighborhood factors in each youth's social network that contribute to antisocial behavior. The ultimate goal of the program is to empower families to create an environment that promotes healthy development while engaging family and community resources. Typically, the program extends over a four-month period of time with numerous contacts throughout a week.

Functional Family Therapy prevented younger youth in the family from subsequent court contacts.

Services are delivered in the youth's natural environments of home, school, and community. A treatment plan, designed in concert with the family, aims to strengthen parenting practices and family relations, increase time with prosocial peers, improve school performance, and create a web of support for positive changes.

Quality assurance protocols and assessment are ongoing and contribute to program effectiveness.

Program Outcomes

For serious juvenile offenders, Multisystemic Therapy:

- Reduced long-term rates of re-arrest for similar crimes by 25%-70%.
- Reduced out-of-home placements by 47%-64%.
- Improved family functioning.
- Decreased violent crime.
- Decreased recidivism for other crimes by 50%.^{22,23,24,25}

For further information, see <http://www.mstservices.com>.

The largest decrease in crime was found with a prevention program, the Nurse Family Partnership.

Nurse Family Partnership

Of the 73 program types that Aos reviewed, the largest decrease in crime was found with the prevention program, Old's Nurse Family Partnership. Because this program affects several outcomes, Aos pro-rated the costs of the program to achieve a cost-benefit value of \$14,283 per mother and \$12,822 per child. This program is designed for women with no previous live births, under 19 years of age, unmarried, low socioeconomic status, and pregnant less than 25 weeks. Nurses visit low-income mothers in their home prenatally and during the first two years of a child's life.

Visits occur weekly to monthly and last about 90 minutes. Nurses design a broad-based program in collaboration with the parent focused on improving: 1) the mother's development; 2) caregiving for the child; and 3) the family's pregnancy planning, educational achievement, and workforce participation. Nurses must participate in a two-week training course and work with no more than 25 families at a time.

Program Outcomes

This program has been evaluated with both Caucasian and African American families in rural and urban settings. Successful outcomes for the mothers were seen in the areas of life skills, problem behaviors, parenting, subsequent pregnancy, and employment. Nurse-visited women and youth fared better than those assigned to control groups for each of the program goals. In a 15-year follow-up study, the program had the following impacts on crime:

- Reduced maternal arrests by 56.2%.
- Reduced arrests on the part of the 15-year-old youth by 16.4%.²⁶

For further information, see <http://www.nursefamilypartnership.org>.

How Can Policymakers Respond?

When it comes to preventing juvenile delinquency, “there’s no place like home.”²⁷ It’s been said that families are “. . . the most powerful, the most humane, and by far the most economical system for building competence and character” in children and adults alike.²⁸ It should come as no surprise that the programs proven to be the most cost effective in reducing juvenile crime have strong family and community components. In cost/benefit analyses, these programs yield an outstanding return on investment by showing that the benefits to taxpayers and future crime victims far outweigh the annual cost of implementing the programs.

Why are family approaches so effective? These programs aim to create the powerful socialization forces of functional family life that can support a youth in their journey to adulthood. Families develop resiliency behaviors and skills that can continue to strengthen family life long after the formal program ends. So regardless of what is happening in their lives, parents can draw on these personal resources, developmentally sound parenting practices, and community supports. When parenting practices like monitoring of their children improve, it benefits the target youth as well as his/her sibling, and it works in middle class suburbs as well as high-crime neighborhoods.²⁹

One important caveat for policymakers is that family programs offer great promise; however, not every program reaches its potential. The effectiveness of a given program depends, in large part, on how it is implemented. For example, Functional Family Therapy, when implemented effectively reduced recidivism rates by as much as 30%; however, when the therapists were not trained properly, it failed to reduce crime at all.³⁰ Achieving the results reported in this chapter depends on rigorous quality control. Policymakers in Washington State have deliberately taken steps in the design of their legislation to allocate resources to ensure that programs are carried out as the designers intended.

When policymakers are faced with decisions on the juvenile justice system, they can ask themselves three important questions:

- (1) What evidence exists about whether the policy or program prevents or reduces crime?
- (2) How cost-effective is the policy or program?
- (3) In what ways does the policy or program involve families? Does it take steps to re-create the powerful socialization forces of functional family life?

Policymakers have within their control the power to secure for families the priority they deserve in juvenile justice policy.

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The most cost-effective programs for reducing juvenile crime have strong family and community components.

Carol Anderson and
Karen Bogenschneider

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Juvenile Justice in Wisconsin

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Chapter 938 of the Wisconsin statutes is entitled the “Juvenile Justice Code.” Statute 938.01 of the chapter states that it is legislative intent to promote a juvenile justice system capable of dealing with the problem of juvenile delinquency, a system which will protect the community, impose accountability for violations of law, and equip juvenile offenders with competencies to live responsibly and productively.

The sections below highlight the following areas related to juvenile justice issues: (a) juvenile arrest statistics; (b) original adult court jurisdiction and waiver to adult court of juveniles; (c) juvenile correctional placements and programs; (d) statutory daily rates for juvenile correctional services; and (e) youth aids funding provided to counties for juvenile delinquency-related services.

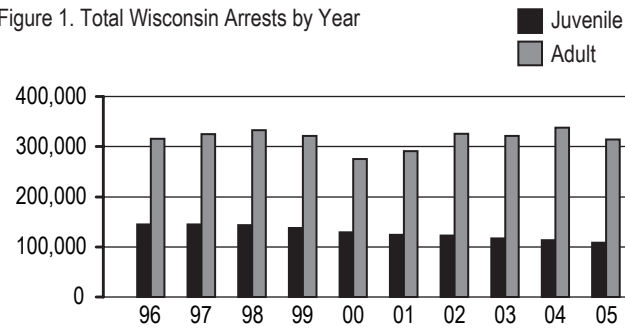
Wisconsin Juvenile Arrest Statistics

Under Wisconsin law, a “juvenile” is defined as any person under the age of 18 years, except that for purposes of investigating or prosecuting violations of state or federal criminal law, a “juvenile” does not include a person who has attained 17 years of age. Prior to 1996, 17-year-old offenders were treated as juveniles.

The national Uniform Crime Reporting (UCR) system collects data on adult and juvenile arrests. The information provided below is from the UCR system, which records 17-year-olds under the juvenile arrest category. As a result, the number of juvenile arrests likely includes individuals that Wisconsin treats as adults for criminal prosecution.

Over the 10-year period of 1996 to 2005 (the latest information available), the total number of juvenile arrests decreased by 24.9%, from 144,708 in 1996 to 108,685 in 2005. In comparison, over the same period, adult arrests have fluctuated year to year, with a high of 332,940 arrests in 1998 and low of 275,446 in 2000 (adult arrests in 2005 totaled 314,173). Figure 1 shows the total number of juvenile and adult arrests statewide for the years 1996 through 2005. In 2005, juvenile arrests comprised approximately 25.7% of all arrests in Wisconsin, while the juvenile population in 2005 comprised approximately 24.4% of the total state population. It should be noted that, while the number of juveniles arrested decreased by 24.9% from 1996 to 2005, the juvenile populations in those years were relatively similar (1,357,935 juveniles in 1996 and 1,361,705 juveniles in 2005).

Figure 1. Total Wisconsin Arrests by Year

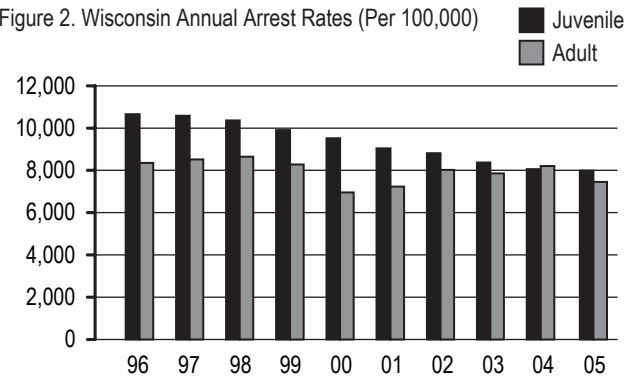


The 108,685 juvenile arrests in Wisconsin in 2005 were distributed among four, broad categories of offenses: (a) 1.5% were for violent offenses (murder, forcible rape, robbery and aggravated assault); (b) 14.6% were for property offenses (burglary, theft, motor vehicle theft and arson); (c) 21.1% were for status offenses (offenses which would not be crimes were they committed by an adult, such as liquor law violations, curfew violations and runaways); and (d) 62.8% were for other offenses (primarily disorderly conduct, drug-related violations, weapons violations, simple assault, and vandalism).

Juvenile and Adult Arrest Rates

By reviewing arrest rates (the number of arrests per 100,000 individuals) as opposed to actual number of arrests, a comparison of the number of arrests over time on a uniform basis can be made without the effect of population changes. As shown in Figure 2, the overall juvenile arrest rate decreased from 10,656 arrests per 100,000 juveniles in 1996 to 7,982 arrests per 100,000 juveniles in 2005. This represents a 25.1% decrease in the overall juvenile arrest rate over the 10-year period. Figure 2 also shows that the adult arrest rate has decreased over the same 10-year period (from 8,351 to 7,447 arrests per 100,000 population), representing a 10.8% decrease. Throughout the 10-year period, the juvenile arrest rate was generally higher than the adult arrest rate.

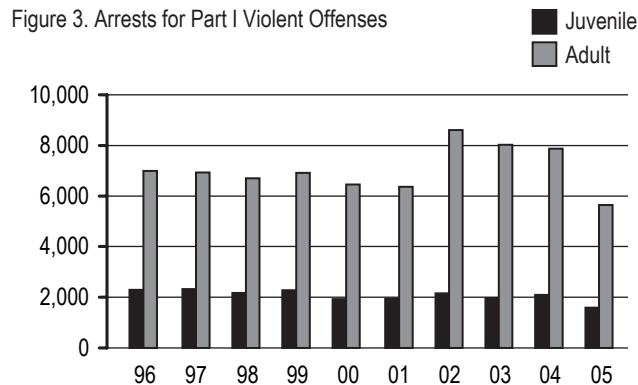
Figure 2. Wisconsin Annual Arrest Rates (Per 100,000)



Juvenile and Adult Arrests for Violent Offenses

Total juvenile arrests for Part I violent offenses as defined by the UCR (murder, forcible rape, robbery and aggravated assault) increased each year from 1988 through 1994 (from 1,151 to 2,674 arrests) but have remained below the 1994 peak level since that time. Juvenile arrests for violent offenses decreased from 2,293 arrests in 1996 to 1,584 in 2005, a decrease of 30.9% (although arrests for forcible rapes increased by

51.7% during the period). Adult arrests for Part I violent offenses decreased from 6,990 arrests in 1996 to 5,637 arrests in 2005 (although arrests for forcible rape increased by 13.8% during the period). Figure 3 shows the total number of juvenile and adult arrests statewide for Part I violent offenses for the years 1996 through 2005. In 2005, juvenile arrests comprised 21.9% of all arrests for Part I violent offenses in Wisconsin, less than the percentage of the juvenile population in the total state population (24.4%).



Original Adult Court Jurisdiction and Waiver to Adult Court

There is no separate juvenile court system in Wisconsin. Rather, the circuit courts exercising their jurisdiction under Chapter 48 (Children’s Code) and Chapter 938 of the statutes are termed “juvenile courts.” The juvenile court has exclusive jurisdiction over any juvenile 10 years of age or over who is alleged to have violated any state or federal criminal law, with the exception of youth who fall under the original jurisdiction of adult court or who are waived into adult court. Juveniles under the age of 10 who commit a delinquent act are considered to be juveniles in need of protection or services and are not subject to delinquency proceedings.

A juvenile alleged to be delinquent may be referred for juvenile court intake services by a law enforcement officer or others, including school officials or family members. An intake worker will determine whether or not to initiate formal delinquency proceedings.

In certain cases, current law provides for original adult court jurisdiction over certain juveniles, as well as discretionary waiver of other juveniles to adult court jurisdiction. As indicated previously, a juvenile pertains to those under the age of 17 years.

Original Jurisdiction of Adult Court

The adult court will have original jurisdiction over juveniles under the following conditions:

- a. If a juvenile is alleged to have attempted or committed first-degree intentional homicide or to have committed first-degree reckless homicide or second-degree intentional homicide on or after the juvenile’s 10th birthday;
- b. If a juvenile has been adjudicated delinquent and is alleged to have committed battery or assault while placed in a juvenile correctional facility, a juvenile detention facility, a secured residential care center

for children and youth or a secured group home, or against an aftercare agent or a probation, extended supervision and parole agent.

- c. If a juvenile is alleged to have violated any state criminal law and has either been convicted of a previous violation in adult court (following waiver to adult court or under the original jurisdiction of the adult court) or has criminal proceedings pending in adult court (referred to as “once waived/always waived”).

In addition, a juvenile specified in (a) or (b), who is alleged to have attempted or committed a violation of any state criminal law in addition to the violation alleged under (a) or (b), is under the adult court’s jurisdiction for all of the alleged violations if the violations can be charged in the same complaint (“joined”).

If one of the above conditions is met, the court must determine whether to retain adult jurisdiction or to transfer jurisdiction to the juvenile court (referred to as “reverse waiver”). The adult court must retain jurisdiction unless the juvenile proves by a preponderance of the evidence all of the following:

- a. That, if convicted, the juvenile could not receive adequate treatment in the criminal justice system;
- b. That transferring jurisdiction to the juvenile court would not depreciate the seriousness of the offense; and
- c. That retaining jurisdiction is not necessary to deter the juvenile or other juveniles from committing such violations.

Notwithstanding the above, a juvenile who is alleged to have attempted or committed first-degree intentional homicide or to have committed first-degree reckless homicide or second-degree intentional homicide on or after his or her 15th birthday is not eligible for reverse waiver from the adult court to a juvenile court.

Although a juvenile prosecuted in adult court is subject to the criminal court procedures and criminal penalties for adults, the adult court may impose a disposition under the juvenile justice code under certain conditions. With the exception of certain 15- and 16-year-old juveniles, the adult court will impose a juvenile disposition, in lieu of a criminal penalty, if either of the following conditions apply:

- a. The adult court finds that the juvenile committed a lesser offense that is not any of the following: (a) an attempt to commit first-degree intentional homicide on or after the juvenile’s 10th birthday, but before the juvenile’s 15th birthday; (b) first-degree reckless homicide or second-degree intentional homicide on or after the juvenile’s 10th birthday, but before the juvenile’s 15th birthday; (c) battery or assault while placed in a juvenile correctional facility, a juvenile detention facility or a secured care center for children and youth, or against an aftercare agent or a probation, extended supervision and parole agent; or (d) an offense for which the juvenile court may waive its jurisdiction over the juvenile; or
- b. The adult court finds that the juvenile committed a lesser offense that is an offense specified in (a), (b), (c) or (d) above and the court determines, based on certain criteria, that the juvenile has proved by

clear and convincing evidence that it would be in the best interests of the juvenile and of the public to impose a juvenile disposition under the juvenile justice code. The criteria used by the adult court in making this determination are identical to those used by the juvenile court in determining whether a juvenile should be waived to adult court. These criteria are described in the next section.

A separate statutory provision governs juveniles alleged to have attempted or committed first-degree intentional homicide or to have committed first-degree reckless homicide or second-degree intentional homicide on or after the juvenile's 15th birthday (including any additional crimes joined in the complaint). In these cases, if the juvenile is found to have committed a lesser offense that is not an offense specified in this paragraph, the court must impose a juvenile disposition, in lieu of a criminal penalty, if the court determines, after considering the criteria for waiver to adult court, that the juvenile has proved by clear and convincing evidence that it would be in the best interests of the juvenile and of the public to impose a juvenile disposition.

Waiver to Adult Court

A district attorney or a juvenile may apply to the juvenile court to waive its jurisdiction in any of the following situations:

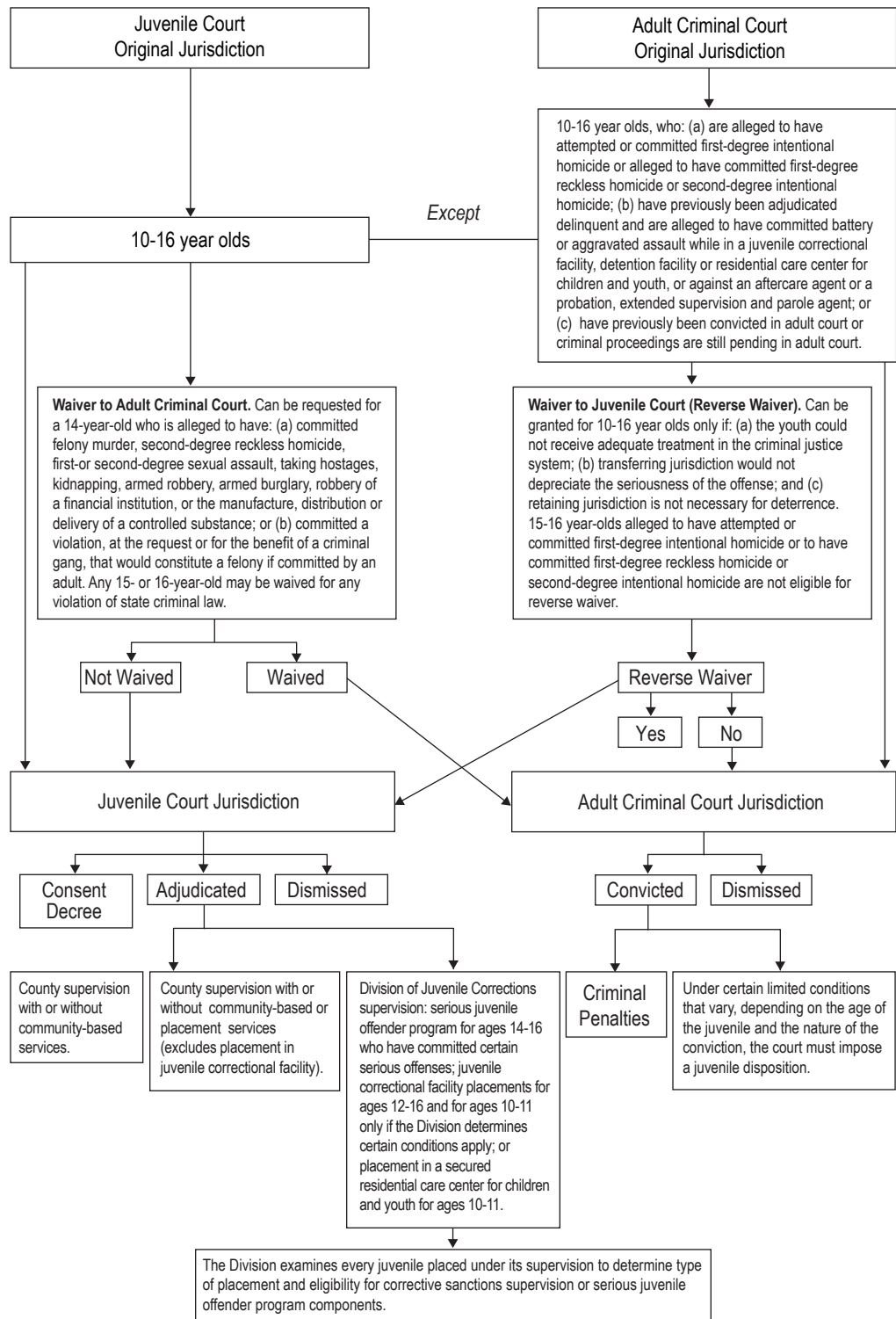
- a. If the juvenile is alleged to have committed felony murder, second-degree reckless homicide, first- or second-degree sexual assault, taking hostages, kidnapping, armed robbery, armed burglary, robbery of a financial institution, or the manufacture, distribution or delivery of a controlled substance on or after the juvenile's 14th birthday;
- b. If the juvenile is alleged to have committed, on or after the juvenile's 14th birthday, a violation at the request of or for the benefit of a criminal gang, that would constitute a felony if committed by an adult; or
- c. If the juvenile is alleged to have violated any state criminal law on or after the juvenile's 15th birthday.

The judge may also initiate a petition for waiver in any of these situations, if the judge disqualifies himself or herself from any future proceedings on the case.

The court will determine whether to waive jurisdiction based on criteria relating to: (a) the personality, including whether the juvenile has a mental illness or developmental disability, and prior record of the juvenile; (b) the type and seriousness of the offense; (c) the adequacy and suitability of facilities, services and procedures available for treatment of the juvenile and the protection of the public in the juvenile justice system; and (d) the desirability of trial and disposition of the entire offense in one court if the juvenile was allegedly associated in the offense with persons who will be charged with a crime in adult court.

If the waiver is granted, the district attorney may charge the offense he or she deems appropriate and a court or jury may convict the juvenile in regard to any offense. Figure 4 below highlights the steps for original adult jurisdiction and waiver into adult court.

Figure 4. Court of Jurisdiction



Juvenile Correctional Placements and Programs

After delinquency proceedings, if the court determines that an offense or offenses have been committed, the juvenile is adjudicated delinquent. The court then issues a written dispositional order, detailing placement conditions and specific services to be provided to the juvenile. The sections below describe the juvenile placements and programs for adjudicated delinquents which are operated by the state.

Juvenile Correctional Facilities

The Division of Juvenile Corrections in the Department of Corrections is authorized to operate juvenile correctional facilities. Currently there are two facilities for males and one facility for females for juveniles adjudicated delinquent.

The two male facilities are the Ethan Allen School, located in Waukesha County, and the Lincoln Hills School, located in Lincoln County. The female facility, the Southern Oaks Girls School, is located in Racine County. Funding for the juvenile correctional facilities is \$46.4 million in 2006-07, and is supported by counties paying statutory daily rates for correctional facility care (or by the state for serious juvenile offenders), discussed in more detail below.

Also, the Department of Health and Family Services (DHFS) operates a secured mental health unit for juveniles transferred from other juvenile correctional facilities. The Mendota Juvenile Treatment Center, located at the Mendota Mental Health Institute (Dane County), provides treatment to male juvenile offenders with complex emotional and behavioral problems. Following treatment, juveniles either are placed in the community or are returned to the facility that they came from. The Department of Corrections currently utilizes 29 beds at the Center. For 2006-07, funding of \$3,769,900 was appropriated to Corrections to reimburse DHFS for the costs of the facility's operation.

Table 1 shows the funding and positions allocated to each juvenile correctional facility in 2006-07, the funding allocated to DHFS for mental health treatment, and the actual average daily population for each facility in 2005-06 (the most recent annual data available).

Table 1. Secured Juvenile Facilities

Facility	2006-07		2005-06
	Funding	Positions	Actual ADP
Ethan Allen School	\$18,867,300	272	280
Lincoln Hills School	15,426,400	219	233
SPRITE	531,500	8	8
Southern Oaks Girls School	<u>7,812,400</u>	<u>110</u>	<u>47</u>
Subtotal	\$42,637,600	609	568
Mendota Juvenile Treatment Center	\$3,769,900		29
Total	\$46,407,500		597

The most recent demographic analysis available from the Department is for juveniles who were placed at juvenile correctional facilities in 2005. During 2005, juveniles ranged from 12 years of age to over 18 years of age (due to extended juvenile court jurisdiction). The 2005 data indicates that the average age of juveniles admitted to the institutions was 16.03 years for males and 15.95 years for females. The majority of juveniles committed to the facilities came from the populous counties of southeastern and southern Wisconsin, with 35% of male juvenile offenders and 13% of female juvenile offenders coming from Milwaukee County. Minority juveniles comprised 57% of the male institutional population and 39% of the female population admitted in 2005.

Juvenile Correctional Placement

A court may place any adjudicated juvenile in one of the juvenile correctional facilities if the following conditions are met: (a) the juvenile was found delinquent for the commission of an act which, if committed by an adult, would be punishable by a sentence of six months or more; and (b) the juvenile was found to be a danger to the public and to be in need of restrictive custodial treatment.

If the court has determined that a juvenile is not appropriate for placement in the serious juvenile offender program (discussed below), the following conditions are deemed to provide sufficient evidence for a finding that the juvenile is a danger to the public and in need of restrictive custodial treatment: (a) the juvenile has committed any one of various violent acts that would be a felony if committed by an adult; (b) the juvenile possessed, used or threatened to use a firearm while committing a delinquent act that would be a felony if committed by an adult; or (c) the juvenile illegally possessed or went armed with a dangerous weapon.

Serious Juvenile Offender Program

Certain juveniles are subject to disposition under the serious juvenile offender (SJO) program. Under the program, a juvenile is subject to supervision, care, and rehabilitation that is more restrictive than ordinary supervision in the community. A juvenile is subject to SJO placement if: (a) the juvenile is 14 years of age or more and has been adjudicated delinquent for committing a delinquent act that is equivalent to certain Class A, Class B, or Class C felonies; or (b) the juvenile is 10 years of age or more and has been adjudicated delinquent for attempting or committing first-degree intentional homicide or for committing first-degree reckless homicide or second-degree intentional homicide. An SJO disposition may be made only if the judge finds that the only other disposition that would be appropriate is placement in a juvenile correctional facility.

The SJO program provides an array of component phases, including both juvenile correctional facility and community placements, through which the juvenile may pass. The component phases are intensive, highly structured and based on both public safety considerations and the juvenile's needs. Current law provides that the Department may contract with DHFS, a county department, or any public or private agency for the purchase of goods, care and services for SJO participants. The SJO program is completely state-funded, with \$14.4 million appropriated for program costs in 2006-07. The average daily population for juveniles in the SJO program was 279 in 2005-06.

Juvenile Corrective Sanctions Program

Current law requires the Department of Corrections to provide a corrective sanctions program to serve an average daily population of 136 juveniles in not less than three counties, including Milwaukee County. Under the program, the Department evaluates juveniles in the juvenile correctional facilities and selects juveniles to be placed in the community and provided with intensive surveillance. If a juvenile violates any condition of the program, the Department may return the juvenile to facility care. Any county may request corrective sanctions services and, in September, 2006, 18 counties were being billed for corrective sanctions services. Funding for the corrective sanctions program in 2006-07 is \$3.9 million, with 46.55 positions allocated to the program.

SPRITE Program

Male juveniles placed in juvenile correctional facilities may also participate in SPRITE (Support, Pride, Respect, Initiative, Teamwork, Education), a 25-day intensive, adventure-based education program held at an off-grounds facility in Oregon, Wisconsin. The program is designed to teach juveniles problem solving, independent living skills, and responsibility through wilderness expeditions, rock climbing, problem-solving exercises, urban exploration, and community service. The program can serve 12 juveniles per month. The program also accepts juveniles directly from counties.

Girls at the Southern Oaks Girls School participate in a separate program, supervised by SPRITE staff, that currently operates one or two, eight-day sessions annually.

Recidivism of Juvenile Offenders

Effectiveness of correctional programs is often measured by examining recidivism rates. Although there are many ways to measure recidivism, reduction in the frequency and severity of offenses committed by juveniles following release is an important measure of program effectiveness. The Department calculated juvenile recidivism rates for juveniles released from 2000 through 2003 using data provided through an audit of all youth released. The Department defined recidivism as youth who were released from a juvenile correctional facility and returned to either a juvenile correctional facility with a new adjudication or sentenced to a new adult prison; or youth who were transferred to an adult prison directly from a juvenile correctional facility as a result of a new sentence.

The number of juveniles released in 2000 totaled 787 youth. As a result of new offenses, 144 of these juveniles were returned either to a juvenile correctional facility or to an adult prison (or, in some cases to both types of facilities) within a two-year period. This is a recidivism rate of 18.3%. In 2001, 833 juveniles were released from juvenile correctional facilities, with 146 returning to a juvenile or an adult facility for a new offense; a recidivism rate of 17.53%. In 2002, 756 juveniles were released from juvenile correctional facilities, with 142 returning for a new offense; a recidivism rate of 18.78%. Finally, in 2003, 672 juveniles were released from juvenile correctional facilities, with 93 returning to a juvenile or an adult facility for a new offense; a recidivism rate of 13.84%.

Statutory Daily Rates

Counties are financially responsible for costs of the juvenile delinquency-related services, except for: (a) the care of a juvenile who has been adjudicated as a serious juvenile offender; and (b) juveniles under the original jurisdiction of, or waived into, adult court and sentenced to state prison, but placed at a juvenile correctional facility. The state also pays for certain administrative costs under the state Department of Corrections for juvenile services.

The state bills each county for the cost of its juveniles placed in the state's juvenile correctional facilities and for subsequent community placements and programming for juveniles returning to the community following placement in a juvenile correctional facility. Charges are based on statutory daily rates established under each biennial budget. Daily rates for a given year are calculated by dividing the total budget for each type of care by the projected number of juveniles expected to receive that type of care in a year, divided by 365 days. Table 2 shows the statutory daily rates for the period July 1, 2006, through June 30, 2007. Based on the statutory rate, a one-year juvenile correctional facility placement would cost \$76,300.

Table 2. Statutory Daily Rates, July 1, 2006 - June 30, 2007

	<u>Amount</u>
Juvenile Correctional Facilities*	\$209
Residential Care Center	244
Group Homes	163
Treatment Foster Homes	97
Corrective Sanctions	82
Regular Foster Homes	50
Aftercare Supervision	33

*Includes transfers to the Mendota Juvenile Treatment Center.

Youth Aids Allocations

Although counties are financially responsible for most juvenile delinquency-related costs, the state provides funding support to counties through the community youth and family aids programs ("youth aids") for juvenile correctional services. In addition, counties may supplement their expenditures on juvenile services with funding from other sources, including community aids, other state aids to counties, county tax revenues, and special grant monies.

Statutory provisions specify allocations for youth aids funding, which currently totals \$88.3 million annually. Table 3 identifies youth aids allocation amounts and the distribution formula used to allocate them under current law.

Table 3. Youth Aids Allocation Formula

<u>Youth Aids Allocation</u>	<u>Amount</u>	<u>Allocation Formula</u>
Historical Base Allocation	\$78,275,500	Allocations are based on original 1979 formula and overriding factors, and are not subject to change under current law.
Alcohol & Other Drug Abuse Allocation	1,333,400	Allocated by annually calculating each county's youth aids spending on community services (defined as the basic community allocation less state spending) for the past three years, divided by statewide community programs balance. The resulting percentage is how much the county will receive of the \$1,333,400.
Supplemental Funding (1999 Act 9)	4,000,000	Allocated based on the following factors, each factor weighted equally: (a) each county's proportion of the statewide juvenile population, for the most recent year information is available; (b) each county's proportion of statewide Part 1 juvenile arrests reported under the uniform crime reporting system of the Office of Justice Assistance, for the most recent three-year period information is available; and (c) each county's proportion of the number of juveniles statewide placed in juvenile correctional facilities, a secured care center for children and youth, or a secured group home, for the most recent three-year period information is available.
Supplemental Funding (2001 Act 16)	2,106,500	Allocated based on the same three factors above, but with an override provision that no county receives less than 93% nor more than 115% of the amount it would have received if juvenile correctional placements (factor (c) above) were the sole factor used to determine county allocations.
Arrest Supplement for Small Counties	200,000	Allocated to counties with populations less than 50,000. Funding is prorated based on each county's share of Part I juvenile arrests for all counties under 50,000 in population for the most recent two-year period information is available.
Corrective Sanctions	2,124,800	Allocated to counties following the close of the calendar year. Funding is allocated based on the number of slots authorized for the program (currently 136), multiplied by the number of slots allocated to each county, as agreed between DOC and the county.
Emergency Funds for Small Counties	250,000	Allocated late in the calendar year. Only counties with populations less than 45,000 are eligible. Eligible counties must demonstrate unplanned, but appropriate, juvenile correctional facility placements.
Total	\$88,290,200	

Glossary

Adjudication

A judgment handed down to a youth in the juvenile justice system, similar to a conviction in the adult criminal court.

Blameworthiness

See culpability. Also called criminal blameworthiness.

Competence¹

The determination that offenders have a factual and rational understanding of their criminal proceedings, can participate in their trial and assist their counsel, and have the ability to decide how to plead. An offender deemed not competent to stand trial might have a mental illness or disability, for example. Some argue that a significant number of adolescents, particularly those under 15, are not competent to stand trial because of their developmental immaturity. Competence is separate from culpability (blameworthiness).

Culpability²

The degree of responsibility or blameworthiness an offender has for the crime. Culpability rests on conditions such as the offender's state of mind when the crime was committed. For example, a person who robs a store with a gun held to his head is punished less severely than a person who willingly commits a crime. Factors that have traditionally lessened an offender's culpability are: (a) impaired ability to make decisions, usually due to mental illness or disability; (b) the circumstances of the crime, such as being under stress; or (c) the offender's personal character and probability of committing another crime. Persons with lessened culpability are not exempt from punishment, but his or her punishment may be less than other offenders committing similar crimes. Some argue that being an adolescent offender reduces his or her culpability because their psychosocial maturity differs from adults.

Desistance

The process of giving up criminal activity.

Detention Facility

A facility that provides secure confinement and care for juveniles.

Disposition

The "sentencing" decision in a juvenile delinquency proceeding. The disposition might, for example, include placement in a juvenile correctional facility, community service, or restitution.

Drug Court³

An alternative court that combines judicial supervision and community-based treatment for drug offenses. Typically, drug courts manage cases quickly and make provisions for intervention to occur as soon as possible to capitalize on the crisis of the arrest and to provide immediate sanctions and incentives.

Evidence-Based Programs⁴

Interventions and treatment approaches that have been shown effective through research and evaluation studies that meet established standards of scientific rigor.

Felony⁵

A criminal offense punishable by imprisonment for a term exceeding one year.

Incarceration

Any sentence of confinement, including prison, jail, and other residential placement.

Incarceration Rate

The number of persons incarcerated per 1,000 or 100,000 people. Sometimes presented as a percentage obtained by dividing the total number of persons in prison at any point in time by the total number of adults in a relevant age group.

Jail⁶

A correctional facility designed to detain adults awaiting judicial hearings or incarcerate inmates with short sentences, generally less than one year. Jails are typically operated by local or county jurisdictions.

Misdemeanor⁷

Usually a less serious crime than a felony that is punishable by less than a year of confinement.

Mitigating Factors

Factors that make the offense less serious and influence how much punishment the offender should receive. Some factors are impaired decisionmaking, circumstances of the offense, or the offender's character and likelihood of committing another crime. Some argue that youths' immaturity could be a mitigating factor for their crimes and that consequently their punishment should be less severe than for adults committing a similar crime.

Parole⁸

A process whereby inmates can be released from incarceration and transferred to community supervision prior to the end of their sentence, given exceptional behavior and rehabilitation during incarceration and a comprehensive review by a parole board. Parole has been abolished in a number of states in recent years.

Penal Proportionality

The notion that the degree of punishment someone receives should have something to do with the person's state of mind at the time of the crime.

Probation⁹

An alternative to incarceration in which a judge releases a convicted criminal offender into the community under the supervision of a parole officer. Probation offers the offender a chance for reform and rehabilitation. The probation may be revoked if the offender violates the agreed-upon conditions.

Property Offenses¹⁰

Offenses against property including burglary, larceny, motor vehicle theft, arson, destruction of property, and trespassing.

Psychosocial Maturity

Aspects of adolescent development that are both psychological and social in nature.

Recidivism¹¹

When an offender commits a new crime. Different jurisdictions have different definitions of what qualifies as recidivism, ranging from a new arrest, conviction, or prison sentence, to re-incarceration due to a technical violation of the conditions of release. A recent Department of Corrections audit of juveniles defined recidivism as youth who were a) released from a juvenile correctional facility and returned to either a juvenile correctional facility with a new adjudication or sentenced to a new adult prison; or b) transferred to an adult prison directly from a juvenile correctional facility as a result of a new sentence.

Reverse Waiver

The transfer of a juvenile from adult court to juvenile court. The adult court in these cases has original jurisdiction unless the preponderance of the evidence proves a) the juvenile could not receive adequate treatment if convicted, b) the transfer does not depreciate the seriousness of the offense, and c) retaining the jurisdiction is not necessary to deter the juvenile or other juveniles from committing such violations.

Status Offense

Offenses that would not be crimes were they committed by an adult, such as liquor law violations, curfew violations, and runaways.

Violent Offense¹²

Threatening, attempting, or actually using physical force against a person. Includes murder, negligent manslaughter, assault, robbery, rape, sexual assault, and kidnapping.

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Selected Resources on Corrections and Juvenile Justice

by Lauren Fahey
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Wisconsin Legislative Service Agencies

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Interests: Department of Corrections, the Wisconsin court system, and felony sentencing.

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State Agencies

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Interests: Budget and policy for state justice systems—criminal and civil, information technology.

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University of Wisconsin

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State and National Organizations

Council of State Governments

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<http://justicecenter.csg.org/>

Justice Reinvestment (Overview). Available at http://justicecenter.csg.org/downloads/JR_overview_17.pdf.

The John D. and Catherine T. MacArthur Foundation Research Network on Adolescent Development and Juvenile Justice

Philadelphia, PA
<http://www.macfound.org> (Foundation website)
<http://www.adjj.org> (Research Network website)

Adolescent legal competence in court (Issue Brief No. 1, September 2006). Available at http://www.adjj.org/downloads/9805issue_brief_1.pdf.

Less guilty by reason of adolescence (Issue Brief No. 3, September 2006). Available at http://www.adjj.org/downloads/6093issue_brief_3.pdf.

The changing borders of juvenile justice: Transfer of adolescents to the adult criminal court (Issue Brief No. 5, September 2006). Available at http://www.adjj.org/downloads/3582issue_brief_5.pdf.

Do People Value Punishment More than Rehabilitation? A Study of the Willingness to Pay for Rehabilitation and Incarceration of Juvenile Offenders (PowerPoint). Available at <http://www.adjj.org/downloads/6485Microsoft%20PowerPoint%20-willingness%20to%20Pay.pdf>.

National Center for Juvenile Justice Models for Change Initiative

Pittsburgh, PA
<http://www.ncjj.org> (Center website)
www.modelsforchange.net (Models for Change website)

How Does the Juvenile Justice System Measure Up? Applying Performance Measures in Five Different Jurisdictions (Bulletin, May 2006). Available at <http://ncjj.servehttp.com/NCJJWebsite/pdf/taspecialbulletinmeasuringjjsperformance.pdf>.

Models for Change: Building Momentum For Juvenile Justice Reform (Summary). Available at <http://modelsforchange.net/pdfs/BMJJR-Summary.pdf>.

Models for Change: Systems Reform in Juvenile Justice, Illinois: System Snapshot (2006). Available at http://www.modelsforchange.net/pdfs/Snapshot%20MFC_IL.pdf.

National Conference of State Legislatures

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National Institute of Corrections

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

U.S. Department of Justice
Washington, DC
<http://ojjdp.ncjrs.gov/>

Juvenile Offenders and Victims: 2006 National Report. Available at <http://ojjdp.ncjrs.gov/ojstatbb/nr2006/index.html>.

University of Wisconsin-Extension

What Works: Effective Prevention and Intervention Programs
Family Living Programs
Madison, WI
<http://www.uwex.edu/ces/flp/families/whatworks.cfm>

The Urban Institute

Washington, DC

<http://www.urban.org/>

The Economics of Juvenile Jurisdiction (White Paper, August 2005). Available at http://www.urban.org/UploadedPDF/411208_Juvenile_Jurisdiction.pdf.

The Dimensions, Pathways, and Consequences of Youth Reentry (Report, January 2004). Available at http://www.urban.org/UploadedPDF/410927_youth_reentry.pdf.

Washington State Institute for Public Policy

Olympia, WA

<http://www.wsipp.wa.gov>

Evidence-Based Juvenile Offender Programs: Program Description, Quality Assurance, and Cost (Summary, June 2007). Available at <http://www.wsipp.wa.gov/rptfiles/07-06-1201.pdf>.

Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates (Report, 2006). Available at <http://www.wsipp.wa.gov/pub.asp?docid=06-10-1201>.

The Criminal Justice System in Washington State: Incarceration Rates, Taxpayer Costs, Crime Rates, and Prison Economics (Report, 2003). Available at <http://www.wsipp.wa.gov/pub.asp?docid=03-01-1202>.

Wisconsin Supreme Court

Planning and Policy Advisory Committee (PPAC)

Effective Justice Strategies Subcommittee (formerly Alternatives to Incarceration)

Madison, WI

Phase I: Insights and Recommendations, June 2004-June 2007 is available at <http://www.wicourts.gov/about/organization/programs/docs/phase1finalreport.pdf>.



A Checklist for Assessing the Impact of Policies on Families

The first step in developing family-friendly policies is to ask the right questions:

- What can government and community institutions do to enhance the family's capacity to help itself and others?
- What effect does (or will) this policy (or program) have for families? Will it help or hurt, strengthen or weaken family life?

These questions sound simple, but they can be difficult to answer.

The Family Criteria (Ad Hoc) Task Force of the Consortium of Family Organizations (COFO) developed a checklist to assess the intended and unintended consequences of policies and programs on family stability, family relationships, and family responsibilities. The checklist includes six basic principles that serve as the criteria of how sensitive to and supportive of families policies and programs are. Each principle is accompanied by a series of family impact questions.

The principles are not rank-ordered and sometimes they conflict with each other, requiring trade-offs. Cost effectiveness also must be considered. Some questions are value-neutral and others incorporate specific values. People may not always agree on these values, so sometimes the questions will require rephrasing. This tool, however, reflects a broad bi-partisan consensus, and it can be useful to people across the political spectrum.



This checklist can be used to conduct a family impact analysis of policies and programs.

For the questions that apply to your policy or program, record the impact on family well-being.

①

Principle 1. Family support and responsibilities.

Policies and programs should aim to support and supplement family functioning and provide substitute services only as a last resort.

Does the proposal or program:

- support and supplement parents' and other family members' ability to carry out their responsibilities?
- provide incentives for other persons to take over family functioning when doing so may not be necessary?
- set unrealistic expectations for families to assume financial and/or caregiving responsibilities for dependent, seriously ill, or disabled family members?
- enforce absent parents' obligations to provide financial support for their children?

②

Principle 2. Family membership and stability.

Whenever possible, policies and programs should encourage and reinforce marital, parental, and family commitment and stability, especially when children are involved. Intervention in family membership and living arrangements is usually justified only to protect family members from serious harm or at the request of the family itself.

Does the policy or program:

- provide incentives or disincentives to marry, separate, or divorce?
- provide incentives or disincentives to give birth to, foster, or adopt children?
- strengthen marital commitment or parental obligations?
- use appropriate criteria to justify removal of a child or adult from the family?
- allocate resources to help keep the marriage or family together when this is the appropriate goal?
- recognize that major changes in family relationships such as divorce or adoption are processes that extend over time and require continuing support and attention?

3

Principle 3. Family involvement and interdependence.

Policies and programs must recognize the interdependence of family relationships, the strength and persistence of family ties and obligations, and the wealth of resources that families can mobilize to help their members.

To what extent does the policy or program:

- recognize the reciprocal influence of family needs on individual needs, and the influence of individual needs on family needs?
- recognize the complexity and responsibilities involved in caring for family members with special needs (e.g., physically or mentally disabled, or chronically ill)?
- involve immediate and extended family members in working toward a solution?
- acknowledge the power and persistence of family ties, even when they are problematic or destructive?
- build on informal social support networks (such as community/neighborhood organizations, religious communities) that are essential to families' lives?
- respect family decisions about the division of labor?
- address issues of power inequity in families?
- ensure perspectives of all family members are represented?
- assess and balance the competing needs, rights, and interests of various family members?
- protect the rights and safety of families while respecting parents' rights and family integrity?

4

Principle 4. Family partnership and empowerment.

Policies and programs must encourage individuals and their close family members to collaborate as partners with program professionals in delivery of services to an individual. In addition, parent and family representatives are an essential resource in policy and program development, implementation, and evaluation.

In what specific ways does the policy or program:

- provide full information and a range of choices to families?
- respect family autonomy and allow families to make their own decisions? On what principles are family autonomy breached and program staff allowed to intervene and make decisions?
- encourage professionals to work in collaboration with the families of their clients, patients, or students?
- take into account the family's need to coordinate the multiple services required? Does it integrate well with other programs and services that the families use?
- make services easily accessible to families in terms of location, operating hours, and easy-to-use application and intake forms?
- prevent participating families from being devalued, stigmatized, or subjected to humiliating circumstances?
- involve parents and family representatives in policy and program development, implementation, and evaluation?

5

Principle 5. Family diversity.

Families come in many forms and configurations, and policies and programs must take into account their varying effects on different types of families. Policies and programs must acknowledge and value the diversity of family life and not discriminate against or penalize families solely for reasons of structure, roles, cultural values, or life stage.

How does the policy or program:

- affect various types of families?
- acknowledge intergenerational relationships and responsibilities among family members?
- provide good justification for targeting only certain family types, for example, only employed parents or single parents? Does it discriminate against or penalize other types of families for insufficient reason?
- identify and respect the different values, attitudes, and behavior of families from various racial, ethnic, religious, cultural, and geographic backgrounds that are relevant to program effectiveness?

6

Principle 6. Support of vulnerable families.

Families in greatest economic and social need, as well as those determined to be most vulnerable to breakdown, should be included in government policies and programs.

Does the policy or program:

- identify and publicly support services for families in the most extreme economic or social need?
- give support to families who are most vulnerable to breakdown and have the fewest resources?
- target efforts and resources toward preventing family problems before they become serious crises or chronic situations?

The Policy Institute for Family Impact Seminars aims to connect policymakers and professionals to build research-based family policy. The Institute has resources for policymakers, practitioners, and others.

- To assist policymakers, the Institute disseminates research and policy reports that provide a family impact perspective on current policy issues.
- To assist those who enact and implement policies and programs, the Institute has available procedures for conducting a family impact analysis and a number of checklists for examining how responsive policies, programs, and institutions are to family well-being.
- To assist professionals who want to create better dialogue between researchers and policymakers, the Institute provides technical assistance on what it takes to connect with policymakers, and how to establish Family Impact Seminars in their own state.
- To assist those who work with policymakers, the Institute conducts original research with policymakers on how they use research in their decisions and with professionals on what knowledge, skills, and attitudes are needed to communicate timely, high-quality research to policymakers in an accessible format.

This checklist was adapted by the Institute from Ooms, T. (1995). *Taking families seriously as an essential policy tool*. The first version of this checklist was published by Ooms, T., & Preister, S. (Eds., 1988), *A strategy for strengthening families: Using family criteria in policymaking and program evaluation*. Washington DC: Family Impact Seminar.

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Where research meets policy on family issues

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