



Critical Choices: New Options in Juvenile Crime Policy

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The Sentencing Project is a national non-profit organization which promotes sentencing reform and the use of alternatives to incarceration through program development and research on criminal justice issues.

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Critical Choices: New Options in Juvenile Crime Policy

As juvenile crime rates continue to fall, new policymakers in the 106th Congress and state houses and legislatures nationwide have a valuable opportunity to reconsider legislative strategies and funding priorities to support young people and their families and to increase public safety. This paper provides an analysis of current trends in juvenile crime and reports on crime reduction programs that have proven successful. The most important information can be briefly summarized:

- Dire predictions that the nation is about to be overwhelmed by a new breed of predatory and violent juveniles have no basis in fact;
- Juveniles are far more likely to be the victims of violence than its perpetrators; and
- Prevention and rehabilitation are the proven, cost-effective ways to keep down juvenile crime.

Juvenile Crime in Perspective

For the past few years, debate on juvenile justice has been dominated by talk of “the coming generation of super-predators.”¹ A dramatic rise in violent juvenile crime has been projected as the inevitable consequence of a rising juvenile population and a more ruthless generation of kids. In preparation for this “coming storm of juvenile violence,”² legislatures have focused on punitive measures, many of which ignore research on sentencing, programming and the different developmental stages and special needs of children. States have increased requirements that certain categories of youth crime be transferred from juvenile to criminal courts, removing judicial discretion in many cases.³ The 105th Congress came close to passing a bill (S.10) that would have conditioned federal funds on increased transfers, led to more children being held in adult jails and transferred the prosecution of certain juvenile crimes from state to federal court – proposals that were strongly challenged by experts in the field.

The Myth of the Super-Predator –

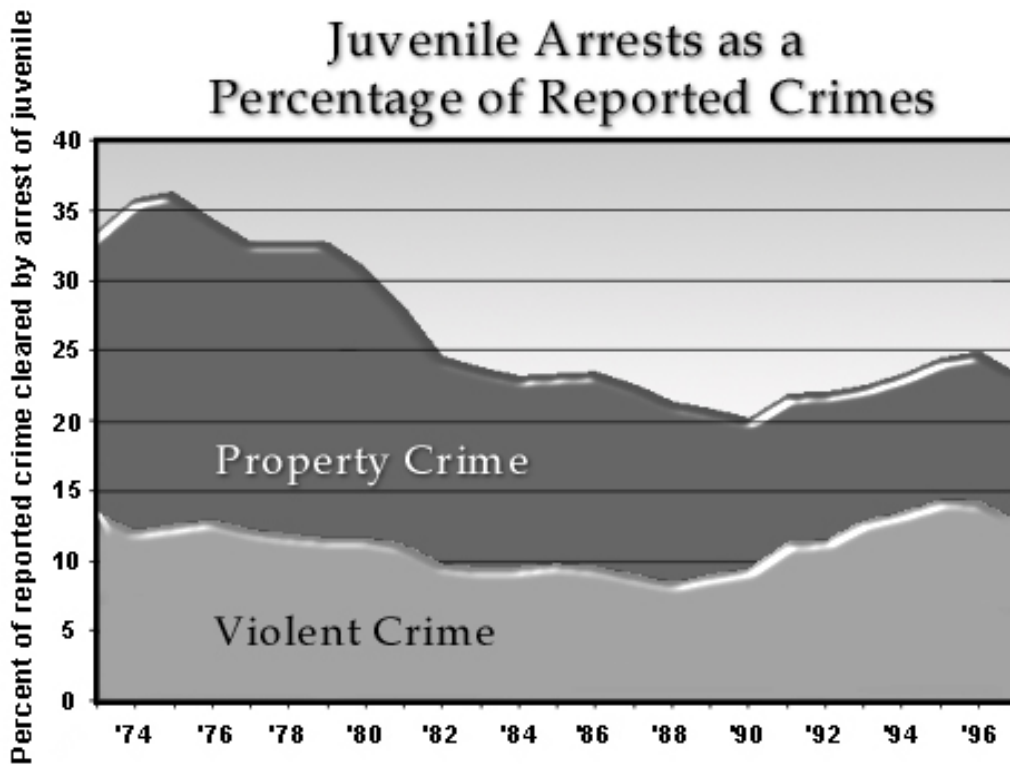
Recent data on juvenile crime gives policy makers good reason to reconsider whether increased draconian measures are necessary or sound public policy. First, it is now clear that John DiIulio's prediction that “by the year 2010, there will be approximately 270,000 more juvenile superpredators on the streets than there were in 1990”⁴ is alarmist and without foundation. Based on earlier studies that show 6% of the *adolescent* population is responsible for the majority of

juvenile crime, he erroneously assumed 6% of the *entire* additional juvenile population (everyone from birth to 18 years) would be committing serious crimes in 2010.

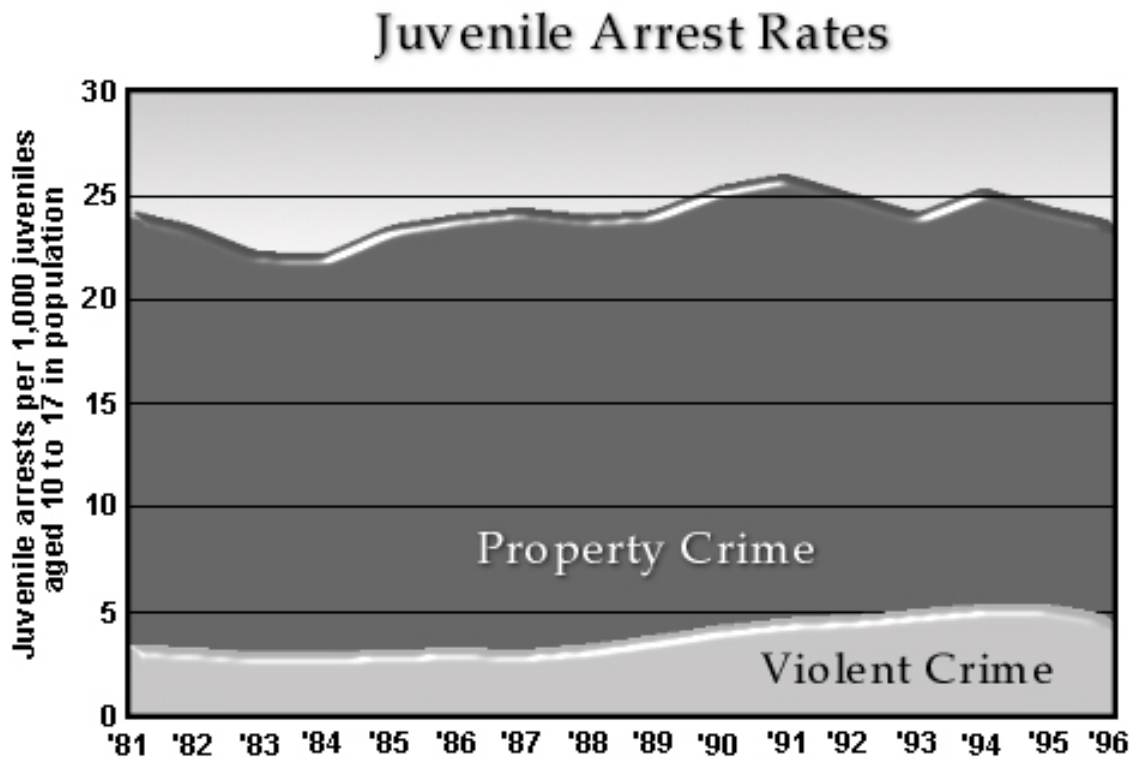
Second, there is no reason to assume that an increase in the juvenile population inevitably means an increase in violent crime. As Franklin Zimring points out in his recent book, the rate of youth violence increased in the late 1980s even as the youth population declined, and youth violence is currently decreasing although the population is growing.⁵ While a higher proportion of young men in their crime prone adolescent years increases the potential for a rising crime rate, demographics are not necessarily destiny. Many factors influence the crime rate and many interventions can be initiated to minimize the likelihood that young people will become involved in crime.

Juvenile Crime Trends –

Trends in juvenile crime provide no evidence that young people have become more crime prone or dangerous than in past years. The juvenile proportion of all arrests for serious violent crime in 1996 was about average for the preceding twenty-five years, while the percentage of property-crime arrests involving juveniles has actually declined throughout most of this period.⁶



Only a small proportion of the juvenile population engages in crime and those that do are far more likely to commit property crime than violent crime.⁷ The arrest rate for violent crime for juveniles has fluctuated between three and five per thousand over the last 15 years.⁸



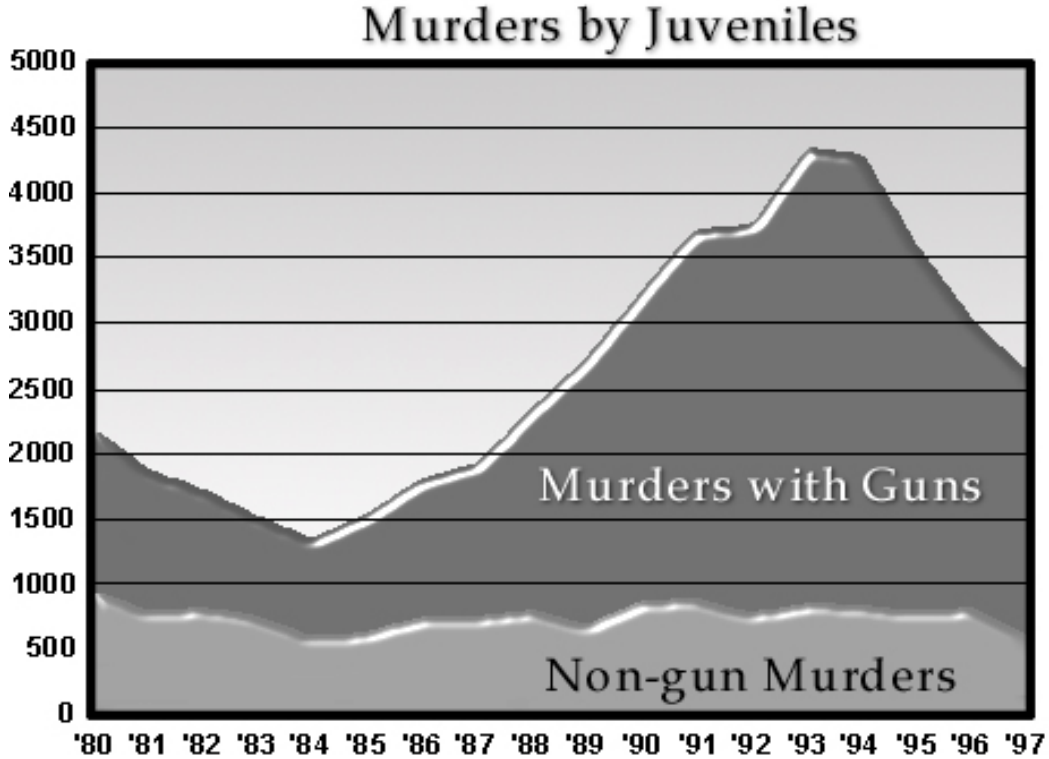
There is however one category of crime that did diverge significantly from the overall trends during this period.

Juvenile Murders –

Murder by teens remained at a relatively constant level for the decade before 1985, but then underwent a large and disturbing increase. In 1993 the rate peaked, followed by a 39% drop in juvenile arrests for murder by 1997.⁹ However, the rate remains well above the levels of the early 1980s.¹⁰ This overall rate hides two very different trends. Until 1985, the rate of gun and non-gun homicides showed little divergence. Over the next ten years, non-gun homicides continued at the same rate. The shocking rise in the numbers was caused entirely by homicide with guns.

Experts generally agree that the large sudden increase in gun killings was tied to the development of crack markets in the inner city where fierce turf wars were waged and juveniles

were actively recruited by the organizers of the markets. As more guns came onto the streets, more juveniles began to carry them for self-defense and the number of deaths spiraled. The sharp decrease seems to be the result of the “stabilization” of the drug markets and a concerted effort by police to keep guns out of the hands of juveniles.



While the homicide rate remains unacceptably high, the percentage of juveniles involved is small. At the peak in 1993, there were about 3,800 juvenile arrests for murder. By 1997, this was down to 2,500 out of a population of more than 30 million juveniles between the ages of 10 and 17. And, despite some shocking multiple school shootings during the 1997-98 academic year, both the National School Safety Center and the National Center for Education Statistics report that school violence is not getting worse and children remain very much safer in school than in the community or their homes.

Juvenile Victims –

In 1997, 2.8 million adolescents were victims of violent crime and another 9 million witnessed serious violence. The Department of Health and Human Services found that in 1996, three million children were reported maltreated or abused and estimates that more than half a million suffered serious injury. The National Center for the Prosecution of Child Abuse estimates that approximately 2,000 children die each year as a result of child abuse. Almost 90% of the

perpetrators of child abuse are parents or other family members.¹¹ Most violent behavior is learned behavior. All too often, it is learned through early experiences in the family. Children who are abused or neglected are far more likely than other children to engage in crime.

Research suggests that exposure to violence during childhood increases the risk of violent behavior during adolescence by as much as 40%.¹² A recent study of male prisoners found that 68% reported some form of early childhood victimization before age 12 – either physical abuse, sexual abuse, or neglect – and 35% had been subjected to very severe violence.¹³ While not all children subject to abuse become criminals, reducing levels of child abuse and neglect would decrease levels of subsequent offending, as well as enhancing the quality of life for many thousands of children.

Recognizing this, the Department of Justice has begun a collaborative effort with other federal agencies to improve and strengthen the public response to violence against children, the Children Exposed to Violence Initiative. This effort will assist states and localities to develop prevention and intervention initiatives focusing on children exposed to violence. In May 1999, a National Summit on Children Exposed to Violence will bring together experts in law enforcement, mental health, child development and related fields to examine research and develop further strategies to improve the lives of children.

Policy Implications

The Good News –

Young people in general are no worse, though no better, than children of the previous generation. And, as children have always done, most of them will outgrow their adolescent delinquency as they outgrow adolescence. Consequently, the focus on harsh and punitive sanctions is being replaced by a more measured and thoughtful approach to the problems of violence based on new information from the extensive recent research about causes and prevention.

The Work to be Done –

Though rates are declining, we cannot be complacent about current levels of juvenile crime. Many of today's juveniles face problems – the availability of drugs and guns, dysfunctional families and communities, abuse, poverty, poor education and job prospects – which make them particularly vulnerable to becoming offenders and victims of crime. Public policy and expenditures that focus on relieving these problems will help to keep kids out of serious trouble and give them the tools to grow into responsible citizens. Even John DiIulio, the long-time proponent of tough-on-crime federal policies to deal with juvenile super-predators, now argues that “given the abused,

neglected, and otherwise severely at-risk life circumstances of most youth who go on to become serious offenders ... it is a profound mistake to think that violent crimes by and against juveniles can be prevented or controlled simply or mainly by increasing the punitiveness of the juvenile justice system....”¹⁴

Successful Programs for Reducing Juvenile Crime

Many programs that improve the quality of life for children *and* increase public safety have been implemented and systematically evaluated for their effectiveness.¹⁵ Other promising new initiatives have been developed based on principles that have been proven effective. The extensive recent research shows that the most successful programs are those which focus on children and young people within their social environment – family, school, community, peers. The programs which are briefly described here are representative of those kinds of interventions. They are designed to strengthen families, encourage good parenting and strengthen community support systems, as well as, and as a means to, helping young people deal with their individual problem behaviors. These examples are only a few among many such tried and tested programs.

Supporting Children and Families

- **Prenatal and Early Childhood Nurse Home Visitation** – Studies conducted in Elmira, New York, and Memphis, Tennessee, evaluated a program of home visits by nurses to low-income, first time mothers during pregnancy and through the first two years after birth. Fifteen years later, the children of mothers who received visits were 60% less likely to have run away, 55% less likely to have been arrested, and 80% less likely to have been convicted of a crime than juveniles in the control group whose mothers had not received home visits.¹⁶ These and other home visitation programs have been particularly successful in reducing child abuse and neglect which are well known risk factors for juvenile delinquency.¹⁷
- **Quantum Opportunities Program (QOP)**– QOP is a high school graduation incentive program providing education, training, employment, development and service activities, coupled with a sustained relationship with a peer group and a caring adult, over the four years of high school for small groups of disadvantaged teens. The program also provides financial incentives to increase participation and completion of the program. Two years after the program ended, the average number of arrests for QOP participants was half that of

the control group. Participants were also only half as likely to be on welfare, and more than twice as likely to be enrolled in college.¹⁸

Rehabilitating Children in Trouble

- **Multisystemic Therapy (MST)** – MST targets chronic, violent or substance abusing juvenile offenders ages 12 - 17 and their families. The program provides intensive intervention by case workers to address the problems of the juveniles within their families and communities and to put appropriate demands on them and their families for responsible behavior. The major goal of MST is to empower parents with the skills and resources needed to raise teenagers and to empower youth to cope with family, peer, school, and neighborhood problems. Evaluations of MST have demonstrated reductions of 25 - 70% in long-term arrest rates (e.g., juveniles who had participated in the South Carolina MST program were arrested at half the rate of a control group receiving more usual justice system interventions), reductions of 47-64% in out-of-home placements and decreased mental health problems for serious juvenile offenders.¹⁹
- **Multidimensional Treatment Foster Care (MTFC)** provides alternative care for teenagers with histories of chronic and severe criminal behavior at risk of incarceration. Community families are recruited, trained, and closely supervised to provide the adolescents with treatment and intensive supervision at home, in school and in the community; clear, consistent and enforced limits; positive reinforcement for appropriate behavior; a relationship with a mentoring adult; and separation from delinquent peers. Family therapy is also provided to the youth's biological family. Compared to a control group, MTFC youth had significantly fewer arrests and less hard drug use in the follow up period and 60% less incarceration.²⁰

Alternatives to Incarceration

More children are being held in secure detention facilities than ever before, leading to severe overcrowding and escalating costs. Children held in overcrowded detention centers have less access to education, less opportunity to participate in religious activities and other constructive programs, and fewer family visits. Without appropriate programming and treatment, they will leave the centers at greater risk of committing further crimes. If alternative programs are available

which will keep juveniles crime-free, large public expenditures on construction and operation of facilities can be avoided, with positive benefits to public safety.

- **The Juvenile Detention Alternatives Initiative** – In test sites in Cook County, Illinois, Multnomah County, Oregon, and Sacramento County, California, local criminal justice professionals have developed objective detention screening procedures to ensure that secure detention is used only where necessary. Working cooperatively with police, prosecutors, and community programs, court officials modified procedures to make the time between arrest and disposition shorter, improved the fact-finding process to help decide what to do with each individual child, and put in place a range of alternative programs that address young people's problems without locking them up. The alternatives include community programs such as monitored home detention, structured day-long activities, improved probation supervision, temporary shelters and a variety of community and family supports necessary to ensure that children come to court and remain crime free while their cases are pending.²¹
- **Juvenile Drug Courts** -- Based on the success of adult drug courts, juvenile drug court programs are being implemented for drug-involved juvenile offenders. The courts provide immediate and continuous court intervention that includes requiring the child to participate in treatment, submit to frequent drug testing, appear at regular and frequent court status hearings, and comply with other court conditions geared to accountability, rehabilitation, long-term sobriety, and cessation of criminal activity. Juvenile drug courts require the family to be closely involved in the treatment process -- a number of them require parents to participate in special parent groups that provide both support and the opportunity to develop parenting skills. The drug court judge not only oversees the child's performance and progress and the family's, but also brings together the schools, treatment resources, and other community agencies to work toward achieving the drug court's goals.²²

Supporting Victims and Strengthening Communities

- The OJJDP's **Balanced and Restorative Justice Model (BARJ)**.²³ Restorative justice is designed to heal the harm that has been done to the individuals and to the community involved in a criminal act. Victims and community members become central to the justice process, meeting with the offender, helping the offender to recognize the harm done, and defining the appropriate restitution to be made. Offenders are held directly accountable to the people they have harmed, and the response to the offense is focused on restoring the

emotional and material losses of the victims and restoring community safety and social harmony. The BARJ model includes victim-offender mediation, family group conferencing, community service, restitution, and work experience. It is being adopted and adapted in a number of jurisdictions; for example, in the Victim-Offender Meetings and Victim Restoration Program in Dakota County, Minnesota, and the Travis County Neighborhood Conference Committees in Austin, Texas. Evaluations of these programs are not complete. However, earlier studies of victim offender mediation found that victims who took part were far more likely to be satisfied with the justice system response to their case and significantly less fearful of being revictimized. Offenders who met their victim were far more likely to successfully complete their restitution obligation to the victim and committed considerably fewer and less serious crimes when compared with similar offenders who did not meet with their victims. Research in Canada on circle sentencing (where communities, victims and families of the offender are involved in deciding on the appropriate response to the offense) also found a very significant reduction in further criminal behavior.²⁴

Other documented programs have been effective in keeping guns out of the hands of children and reducing the devastating gun violence associated with drug markets, reducing levels of violence in school, and reducing adolescent drug and alcohol use and abuse.

[See Appendix A for further information on the programs described here]

Public Support for New Approaches

In addition to being a positive step toward strengthening families and making communities safer, these alternative approaches to preventing juvenile crime are likely to receive strong public support. Studies of public attitudes to youth crime show: strong support for prevention programs; recognition that children are different from adults and should be treated differently; and support for community sanctions.²⁵ They also demonstrate a strong belief in the need for young people to accept responsibility when they break laws – an element addressed most effectively in the restorative justice approach.

Legislators and policy makers working on juvenile justice issues have a wealth of information available to them about what is happening to young people and what works to turn them away from crime. Policies backed by sound information can replace the politics of hysteria based on anecdotes and faulty statistics that characterized last year's "debate" on youth crime.

Appendix A

Sources of Further Information

Juvenile Programs

Preventing Crime: What Works, What Doesn't, What's Promising
NCJ 165366
National Criminal Justice Reference Service
Box 6000
Rockville, MD 20849-6000
Phone: 800-851-3420
www.ncjrs.org

Reducing Youth Gun Violence: An Overview of Programs and Initiatives
and
Guide for Implementing the Balanced and Restorative Justice Model
Juvenile Justice Clearinghouse/NCJRS
P.O. Box 6000
Rockville, MD 20849-6000
Phone: 800-638-8736 Fax: 301-519-5600
www.ncjrs.org/ojjhome.htm

Juvenile Detention Alternatives Initiative: Progress Report
and
Pathways to Detention Reform
The Annie E. Casey Foundation
701 St. Paul St.
Baltimore, MD 21202
Phone: 410-547-6600 Fax: 410-547-6624:
www.aecf.org

Investing in our Children: What We Know and Don't Know About the Costs and Benefits of Early Childhood Interventions
and
Diverting Children from a Life of Crime: Measuring Costs and Benefits
RAND
1700 Main Street
P.O. Box 2138
Santa Monica, California 90407-2138
Phone: 310-393-0411 Fax: 310-393-4818
www.rand.org

Blueprints for Violence Prevention
Center for the Study and Prevention of Violence
University of Colorado at Boulder
Campus Box 442
Boulder, CO 80309-0442
Phone: 303-492-8465 Fax: 303-443-3279
www.colorado.edu/cspv

Internet Resources

Campaign for an Effective Crime Policy
www.crimepolicy.org

ABA Juvenile Justice Center
www.abanet.org/crimjust/juvjus/home.html

Youth Law Center
www.youthlawcenter.com

Children's Defense Fund
www.childrensdefense.org

Juvenile and Criminal Justice Center
www.cjcj.org

Department of Justice:
www.usdoj.gov

Bureau of Justice Statistics:
www.ojp.usdoj.gov/bjs

National Criminal Justice Reference Service:
www.ncjrs.org

Office of Juvenile Justice and Delinquency Prevention (OJJDP):
www.ojjdp.ncjrs.org

National Institute of Justice:
www.ojp.usdoj.gov/nij

Organized Crime™ - A Crime Statistics Site:
www.crime.org

Prevention Yellow Pages
www.tyc.state.tx.us/prevention

Endnotes

1. Representative Bill McCollum, Chair of the House Subcommittee on Crime, testifying before a House Committee on Early Childhood, Youth, and Families, April 30, 1996.
2. *The State of Violent Crime in America: A First Report of the Council on Crime in America*, New Citizenship Project, January 1996.
3. Patricia Torbet and Linda Szymanski, *State Legislative Responses to Violent Juvenile Crime: 1996-97 Update*, OJJDP Juvenile Justice Bulletin, November 1998.
4. John DiIulio, *How to Stop the Coming Crime Wave*, Manhattan Institute, 1996
5. Franklin E. Zimring, *American Youth Violence*, Oxford University Press, 1998.
6. Howard N. Snyder, *Juvenile Arrests 1997*, OJJDP Juvenile Justice Bulletin, December 1998.
7. While robbery arrests are currently more than 20% below 1980 levels and rape arrests at their lowest rate since 1977, arrests for aggravated assault did show a significant increase. From a low point in 1984, they rose to almost double the 1980 rate and still remain 50% above. However, as Professor Zimring (*supra*) points out in a detailed analysis, neither victimization surveys nor self-reported assault offenses show any great variation in assault rates over that period, suggesting that increased arrest rates for assault reflect changes in police reporting and policy rather than increased rates of violence.
8. Howard N. Snyder, *Juvenile Arrests 1997*, OJJDP Juvenile Justice Bulletin, December 1998.
9. *ibid*
10. James A. Fox, *Homicide Trends in the United States*, BJS Crime Data Brief, January 1999.
11. Department of Health and Human Services, Fact Sheets on *Child Abuse and Neglect* and *Child Fatalities*.
12. Delbert Elliott, *Youth Violence: An Overview*, paper presented at the Aspen Institute's Children's Policy Forum, Children and Violence Conference, February, 1994.
13. Robin Weeks and Cathy Spatz Widom, *Early Childhood Victimization Among Incarcerated Adult Male Felons*, April 1998.
14. John DiIulio, *Federal Crime Policy: Time for a Moratorium*, Brookings Review, Winter 1999.
15. For recent evaluations see, e.g., Lawrence W. Sherman, et al., *Preventing Crime: What Works, What Doesn't, What's Promising*, National Institute of Justice, 1997; and the

Blueprints for Violence Prevention series describing ten model programs from the Center for the Study and Prevention of Violence at Colorado University directed by Dr. Delbert Elliott.

16. David Olds, Peggy Hill, and Elissa Rumsey, *Prenatal and Early Childhood Nurse Home Visitation*, OJJDP, *Juvenile Justice Bulletin*, November 1998.
17. For program evaluation see *Blueprints for Violence Prevention*, Center for the Study and Prevention of Violence at Colorado University.
18. *ibid.*
19. *ibid.*
20. *ibid.*
21. More information on the initiative is available from The Annie E. Casey Foundation, 701 St. Paul St. Baltimore, MD 21202 (ph: 410-547-6600 fax: 410-547-6624: www.aecf.org). Publications include *Juvenile Detention Alternatives Initiative: Progress Report* (1997) and a new series *Pathways to Detention Reform*, describing the strategies, procedural changes, leadership, and program innovations developed through the Initiative (available in the spring of 1999).
22. *Juvenile and Family Drug Courts: An Overview*, Office of Justice Programs Drug Court Clearinghouse and Technical Assistance Project, 1998.
23. *Implementing the Balanced and Restorative Justice Model*, Office of Juvenile Justice and Delinquency Prevention, December 1998
24. Mark S. Umbreit, *The Impact of Restorative Justice*, Center for Restorative Justice and Mediation, University of Minnesota, January 1997.
25. For example, focus groups conducted by Belden, Russonello & Stewart for the Youth Law Center's *Building Blocks for Youth* initiative, 1998.