

Approved: _____
Date

4-11-97

Date

MINUTES OF THE HOUSE SELECT COMMITTEE ON CORRECTIONS AND JUVENILE JUSTICE.

The meeting was called to order by Chairperson Joe Kejr at 10:00 a.m. on March 28, 1997 in Room 529-S of the Capitol.

All members were present except: Representative Phill Kline, Excused

Committee staff present: Tricia Pierron, Legislative Research Department
Jerry Donaldson, Legislative Research Department
Jill Wolters, Revisor of Statutes
Lynn Workman, Committee Secretary

Conferees appearing before the committee: Mark Gleeson

Others attending: See attached list

Chairman Kejr recognized Representative David Adkins who resumed his information on the Juvenile Justice Act. He reported on the history of where we're at and where the Juvenile Justice System flow chart is being modified by our reforms and give the committee a brief history of the Juvenile Justice progress being made in Kansas. (Attachment # 1)

Chairman Joe Kejr recognized Mark Gleeson, Office of Judicial Administration, spoke in favor of **HB 2506**. (Attachment # 2) The Office of Judicial Administration suggested that the language in **HB 2543**, introduced in the House Appropriations Committee on March 27, 1997, either be adopted in place of the language in this bill or the language in **HB 2506** be eliminated and **HB 2543** be strongly supported as an alternative to Senate Bill 187 which they opposed.

Chairman Kejr handed out written testimony submitted by Teresa Markowitz, Commissioner of Commission of Children and Family Services. (Attachment # 3)

Minutes of the prior meetings we passed out. Representative Adkins made a motion to approve the minutes. The motion was seconded by Representative McKechnie.

The next meeting is scheduled for March 31, 1997.

Campaign for an Effective Crime Policy

PUBLIC POLICY REPORTS:

A Series of Reports on Major Issues in Criminal Justice

The Violent Juvenile Offender: Policy Perspectives

July 1996

Select Committee on Corrections
& Juvenile Justice
3-28-97
Attachment #1 - 1st 300

ABOUT THIS PAPER

"THE VIOLENT JUVENILE OFFENDER: POLICY PERSPECTIVES" was prepared by Walter J. Dickey, Special Counsel for Policy for the Campaign for an Effective Crime Policy, in consultation with the Steering Committee and Staff of the Campaign, in order to advance discussion and debate about policies to address juvenile violence.

ABOUT THE CAMPAIGN FOR AN EFFECTIVE CRIME POLICY

Launched in 1992 by a group of criminal justice leaders, the non-partisan Campaign for an Effective Crime Policy encourages a less politicized, more informed debate about one of our nation's most difficult problems.

The Campaign's petition, "A Call for a Rational Debate on Crime and Punishment," has been endorsed by more than 1100 criminal justice professionals, elected officials and community officials in all 50 states and the District of Columbia.

The Campaign is guided by a Steering Committee and a National Advisory Committee that include representation by corrections, law enforcement, legislators, judiciary and others. The Campaign is coordinated by The Sentencing Project.

We do not endorse candidates or promote specific legislation. We do work to educate other leaders, the media and the public about the relative effectiveness of various strategies for improving public safety.

We have made recommendations for federal crime policy, and published policy reports on mandatory minimum sentencing, boot camp prisons, drug courts, and the relationship between imprisonment and the crime rate.

Our second national conference, "Crime and Politics in the 1990's: Creating Demand for New Policies," was held February 15-17, 1996, in Arlington, Virginia. The more than 300 participants from 37 states included crime experts, leaders in state and local government, law enforcement, business, higher education, victim organizations and community groups. Conference materials, policy reports and other information can be ordered through our publications list, available on request.

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The Violent Juvenile Offender: Policy Perspectives

Foreword

In three short years we will observe the 100th Anniversary of a most significant American experiment, the Juvenile Court. Much of what is happening today in federal and state legislatures affecting youth policy leads many to ask whether there will be a separate juvenile court in 1999.

Most changes affecting the existence of juvenile courts concern the transfer of youthful offenders to adult criminal courts, decisions about whether the judge, prosecutor, or automatic transfer laws are responsible for transfers, and greater emphasis on punitive sanctions than on rehabilitation. Many are questioning the impact of these changes with regard to public safety and to changing adolescent behavior.

Policy based on knowledge brings successful outcomes; policy based on rhetoric and knee-jerk reactions brings failure. This paper attempts to apply the existing knowledge about youth and crime to the policy arena. If policymakers choose not to build on the knowledge, we can expect the end of a separate juvenile court before the 100th Anniversary. If, however, policymakers reflect upon national experience and base decisions upon current knowledge, we stand a chance at preserving a system for children and developing a balanced approach to juvenile justice that will serve us all well, and into the next century.

Another important issue this paper addresses concerns the research agenda. Some relevant questions are:

1. What really happens to youths when they are placed in the adult court system?
2. When does a person become an adult for the purpose of accountability and punishment, and who should answer this question?
3. Is there a sound legal basis for a separate juvenile justice system?

The Campaign for an Effective Crime Policy presents this paper to encourage a rational debate on these critical issues. We hope it will contribute to knowledge-based policy.

Judge Frank Orlando (Ret.), Director
Center for the Study of Youth Policy
NOVA University Shepard Broad Law Center
Fort Lauderdale, Florida

Member, National Advisory Committee
Campaign for an Effective Crime Policy

The Violent Juvenile Offender: Policy Perspectives

Executive Summary

While violent crime rates overall have declined somewhat in recent years, violent crime by juveniles is rising. Public concern and media attention have helped fuel legislative action. Some of the new laws, however, may be more effective in expressing outrage than in solving the problem.

A more informed discussion about the problem and various approaches to solving it is needed. Citizens and policymakers will benefit from making intelligent use of research and the expertise of practitioners.

The dimensions of the problem include the following:

- **A small proportion of juveniles involved in violent crime:** Although juveniles comprised 19% of all persons arrested for a violent crime in the U.S. in 1994, this represented less than one-half of one percent of all juveniles. The 19% proportion is 4% higher than in 1988, but also 4% lower than in the mid-1970's. Juvenile arrests for violent crimes — murder, rape, robbery and aggravated assault — accounted for six percent of all juvenile arrests in 1994.
- **Increasing lethal violence among juveniles:** Several trends in juvenile violence have emerged in recent years. The number of juveniles murdered in 1994 was 47% greater than in 1980, while overall murders rose only 1% during the period. Most of this increase has taken place among black juveniles, whose rates have doubled, while white rates have remained stable. Though a small portion of all violent crime, lethal violence rates have increased most among the youngest teenagers. While overall murder rates in the U.S. declined by 4 percent from 1990 to 1994, homicides by teenagers aged 14-17 rose 22%.
- **Juvenile offenders and their victims are disproportionately urban minority males:** Eighty-six percent of juvenile violent crime arrests in 1994 involved males. White males accounted for 48%, and black males for 50%, of such arrests. Although blacks are 15% of the juvenile population, more black than white juveniles have been murdered each year since 1986. Black juveniles were murdered at a rate six times higher than the rate for white juveniles in 1994.
- **Juvenile violence concentrated geographically:** FBI data show that more than half of juvenile homicide arrests in 1993 occurred in six states — California, Texas, Illinois, New York, Michigan and Florida. According to one analysis of the most recent FBI data, 30% of juvenile homicide arrests in 1994 occurred in four cities — Chicago, Los Angeles, New York and Detroit — while 90% of U.S. counties had no more than one juvenile homicide.
- **Inner-city drug markets linked to violence:** Juvenile arrests for violent crime, and particularly for homicide, began to climb steeply in 1985, coinciding with the introduction of crack cocaine into inner-city neighborhoods. The drug industry began recruiting and arming juveniles, triggering a demand for guns among other young people, for their own protection or for status. Widespread diffusion of illegal firearms into these communities set the stage for increasing murder rates. Most of the increase has taken place among black juveniles, whose rates have doubled, while white rates remained stable.
- **Use of firearms by juveniles:** The increase in juvenile homicides from the mid-1980's through 1994 is attributable entirely to firearms — four times more juveniles were murdered with guns in 1994 than in 1984, while the number of juveniles murdered with weapons other than firearms remained constant. Murder rates have risen most steeply among youth aged 14-17, an age group predicted to increase 20% by the year 2005.

Some who promote "tough on crime" policies assume that less crime will be committed if offenders get the "message" that harsh punishment will result. However, both crime rates and recidivism rates for juveniles climbed significantly in California during a 10-year period when juvenile incarceration rates also increased steeply. Most investigations of transfer of juveniles to adult court have not found positive effects on crime deterrence.

Further, there is evidence that transfer to adult court may increase recidivism of juveniles. Findings of a recent Florida study indicated that juveniles transferred to adult court were more likely to be incarcerated and to serve longer sentences than youths remaining in the juvenile system, but upon release more of the transferred juveniles were rearrested, and sooner, than their counterparts, and their new offenses were more likely to be felonies. Other studies have found similar trends.

Research, practice and common sense point to the need for prevention as well as punishment of crime. Neither prevention nor justice system interventions alone will suffice.

- The National Research Council recommended systematic problem-solving efforts by practitioners and evaluators to diagnose specific violence problems and design preventive interventions. Public health strategies and problem-oriented policing offer promising models. Some communities have reduced delinquency through joint efforts to identify risk factors and create effective interventions.
- Recent findings by the RAND Corporation suggest that certain early intervention programs are more cost-effective than building and operating new prisons. RAND reported that a \$1 million investment in graduation incentives for disadvantaged students could prevent 258 serious crimes per year. Investing that amount in parent training could prevent 160 crimes a year, while the same \$1 million spent on building and operating new prisons for one year could prevent 60 crimes.
- Research indicates that community-based programs can provide effective supervision and treatment for the great majority of juvenile offenders. A system of graduated sanctions has proven as effective as, and sometimes more effective than, traditional incarceration programs, and generally costs far less. The "truly violent few" require secure custody, eventually followed by intensive supervision and reintegration into the community.
- Lethal youth violence can be reduced by making it more difficult for young people to obtain firearms, and by reducing the fear that drives much of the demand for guns. State and federal laws already prohibit juveniles from carrying guns; the challenge is to design effective ways to reduce both the supply and the demand. Significant progress has been demonstrated in Boston, using coordinated interventions to disrupt illegal firearms markets and suppress gang activity.

Young offenders must be held accountable for criminal behavior. Improving public safety, especially in the most impacted neighborhoods, is an urgent priority. While recent legislation has increasingly focused on mandatory sentencing and on early and automatic transfer of juveniles into the adult criminal justice system, research and evaluation of existing programs show that other approaches may do more to reduce juvenile violence, at lower cost to taxpayers.

Crime policy should be better informed by the research on youth violence and the data on outcomes of various strategies to reduce it. There are no "quick fixes" for this problem and further research is certainly needed, but we do have important information to guide policy decisions.

Outrage at violent juvenile crime is justified. To answer it with tough-sounding but ineffective solutions is not.

THE VIOLENT JUVENILE OFFENDER

Policy Perspectives

INTRODUCTION

Violence in America, especially rising levels of lethal violence by juveniles, is a matter of great concern to the nation. In response, there has been a bi-partisan political competition to crack down on juvenile offenders with increasingly punitive measures.

In recent years, a considerable volume of legislative action at the state and federal level has emphasized such "tough" remedial approaches as early and automatic transfer of juveniles into the adult criminal justice system and greater reliance on long periods of confinement for those convicted of violent offenses.

Meanwhile, researchers and juvenile program specialists have learned a great deal about "what works" in dealing with juvenile offenders, and about specific interventions that help to prevent and reduce violence in homes, schools and communities. The research literature indicates that, except for the "truly violent few," community-based graduated sanctions for juvenile offenders are at least as effective as, and sometimes more effective than, traditional incarceration programs, and generally cost far less.¹ New research indicates that some early intervention strategies including parent training and incentives for youth to graduate from high school are more cost-effective than long-term incarceration of adult offenders.² And, new and promising interventions have been developed to reduce lethal violence by disrupting illegal firearms markets.³

Policy should reflect what is known about the effectiveness of strategies to reduce juvenile violence. This report summarizes key data and major research findings on violent juvenile offenders and various policy approaches. We hope that the report will contribute to a discussion of reasonable and effective responses to a serious national problem.

I. STATISTICAL DIMENSIONS OF THE PROBLEM

- **A small proportion of juveniles involved in violent crime:** Although juveniles comprised 19% of all persons arrested for a violent crime in the U.S. in 1994, this represented less than one-half of one percent of all juveniles. The 19% proportion is 4% higher than in 1988, but also 4% lower than in the mid-1970's.⁴
- **Juvenile arrests for violent crimes:** In 1994, 150,200 juveniles were arrested for violent crimes — murder, rape, robbery and aggravated assault — accounting for six percent of all juvenile arrests. Of the juvenile arrests for violent crime, murder made up the smallest portion, with a total of 3,700 arrests. Aggravated assault accounted

for the most juvenile arrests for violent crime, at 85,300, followed by robbery at 55,200 and rape at 6,000.⁵

- **Increasing lethal violence among juveniles:** Several trends in juvenile violence have emerged in recent years. The number of juveniles murdered in 1994 was 47% greater than in 1980, while overall murders rose only 1% during the period. Most of this increase has taken place among black juveniles, whose rates have doubled, while white rates have remained stable.⁶
- **Juvenile violence concentrated geographically:** FBI data show that more than half of juvenile homicide arrests in 1993 occurred in six states — California, Texas, Illinois, New York, Michigan and Florida. According to one analysis of the most recent FBI data, 30% of juvenile homicide arrests in 1994 occurred in four cities — Chicago, Los Angeles, New York and Detroit — while 90% of U.S. counties had no more than one juvenile homicide.⁷
- **Use of firearms by juveniles:** The growth in juvenile homicide victimizations from the mid-1980s through 1994 is attributable entirely to firearms.⁸ Four times more juveniles were murdered with guns in 1994 than in 1984, while the number of juveniles murdered with weapons other than firearms remained constant.⁹ Juvenile gun homicide victims are disproportionately black. Between 1990 and 1994, firearms were used in the murder of 71% of black juvenile victims and 54% of white juvenile victims.¹⁰

The Data in Context

Criminologist Alfred Blumstein suggests that the soaring rate of juvenile homicide began with the large-scale introduction of crack cocaine into inner city neighborhoods beginning in 1985. The drug industry began to recruit and arm juveniles, and in turn, other teenagers not involved in the drug industry armed themselves for their own protection or for status in the community, further escalating lethal violence.¹¹

Demographic Changes Suggest Need for Proactive Intervention

Though a small portion of all violent crime, lethal violence rates have increased most among the youngest teenagers. While overall murder rates in the U.S. declined by 4 percent from 1990 to 1994, homicides by teenagers aged 14-17 rose 22%.¹²

The number of teens in the 14-17 age group will increase 20% by the year 2005, according to James Alan Fox, who also projects that the population growth for males 14-17 will be significantly greater for blacks than whites. Given the link between age demographics and crime rates, Fox and others foresee a potential future wave of violent crime unless large-scale efforts are made to educate and support today's young children.¹³

Estimates of future juvenile violent crime rates vary, involving projections of demographic increases in the population and various potential social or justice system interventions. For the year 2010, some estimates of increased rates of juvenile violence range from 22-145% higher than today.¹⁴

II. JUVENILE OFFENDERS AND VICTIMS

Whatever definition is used to describe violent juvenile offenders, this small group shares many attributes. Offenders are disproportionately male,¹⁵ older adolescents,¹⁶ minorities,¹⁷ urban,¹⁸ from dysfunctional families,¹⁹ alcohol and drug abusers,²⁰ and low academic achievers.²¹ In addition they have access to guns²² and have friends who are involved in delinquent activity.²³

Most violent behavior is learned behavior, acquired by early exposure to violence in the family or in high-crime, disorganized neighborhoods. Witnessing violence or experiencing physical abuse in childhood may increase the risk of violent adolescent behavior by as much as 40 percent. The lack of effective social or cultural organization in neighborhoods with concentrated poverty is closely linked to high rates of violence, crime and substance use. Poor neighborhoods that are effectively organized tend to have low rates of violent behavior, crime and drug abuse.²⁴

Disorganized neighborhoods can be devastating to families — with high rates of transiency, there are few support networks or effective social controls. Residents experience discrimination, chronic unemployment and social isolation from the labor market. Gang activity and drug distribution networks provide violent role models and opportunities to participate in the illicit economy. Young people are at high risk of being victimized and of participating in violence. Many have not developed competencies, social skills or self-discipline. Lacking a significant stake in mainstream society or the future, many abandon conventional goals, drop out of school and adopt dysfunctional lifestyles.²⁵

The majority of violent juveniles initiate violent behavior early in their careers, belying the assumption that there is a progression from nonviolent to violent offenses.²⁶ A link may exist between violent juvenile crime and subsequent adult violent offenses, but that link has not been firmly established.²⁷ National self-report studies indicate that the age of highest risk for initiation of serious violent behavior is 15-16, and that the risk of initiating violence after age 20 is low.²⁸

As with all other age groups, violent juvenile offenders tend to victimize people like themselves. Their victims are disproportionately male (with the exception of rape victims). Young victims and offenders are the same race 75 percent of the time;²⁹ thus victims are disproportionately black and Hispanic. In 1990 blacks were 41 percent and Hispanics 32 percent more likely to be victims of violent crime than whites.³⁰ Young offenders generally know their victims, attacking at random infrequently.³¹

III. IMPACT OF INCARCERATION ON JUVENILE CRIME

Lawmakers need to know what impact they can reasonably expect from various policy options to stem rising rates of violence. Research provides some useful insights on the effects of two currently popular responses — increased incarceration of juveniles and the transfer of juveniles to adult court.

Young offenders should be held accountable for criminal acts early on — swift, meaningful and proportionate consequences should follow criminal behavior whenever possible. This is a fundamental goal of the justice system and can be accomplished in a wide variety of ways. In practice, the options are often unnecessarily limited to two: prison or probation. With very large caseloads and inadequate funds, probation has often been ineffective — fuelling calls for greater use of incarceration.³²

Incarceration achieves one key goal of the justice system: incapacitation of repeat serious and violent offenders. Although a very small proportion of all juvenile offenders, these individuals require secure confinement while they remain a threat to the community, and aftercare services to promote successful reintegration into their communities. Although incarceration may incapacitate a convicted offender, its impact on crime rates and recidivism is much less clear.

Little Evidence of Deterrent Effects or Reduced Recidivism

David Altschuler compared changes in three measures of the national juvenile incarceration rate with changes in the juvenile violent crime arrest rate. He found that there was a substantial increase in the number of juveniles in both juvenile and adult institutions during the 1980s: 1) one-day counts of confinement in public juvenile correctional facilities increased 45 percent from 1979 to 1989; 2) the number of juveniles admitted to public facilities increased by 9 percent from 1978 to 1988; and 3) the number of annual admissions of juveniles to adult prisons increased by 30 percent from 1984 to 1990. Despite this, juvenile arrests for violent crime index offenses also increased, from 388 youth arrests per 100,000 juveniles in 1989 to 459 arrests per 100,000 in 1991. Altschuler concluded that the statistics "certainly suggest that the increase in incarceration and waiver did not have a general deterrent effect."³³

Case studies of states which have increased juvenile incarceration show little impact on recidivism as well. Following Washington state's 1977 implementation of mandatory transfer of juveniles to adult court for certain offenses, and presumptive and determinate sentencing, violent offenders were more likely to be incarcerated.³⁴ A study of three Washington state jurisdictions before and after the system was revised indicated no change in the recidivism rate for one community and an increase in recidivism in the other two jurisdictions.³⁵

California presents a case of what one author has called an extreme example of a revised juvenile justice system.³⁶ Mirroring changes made in its adult system, California passed statutory and administrative policies to toughen penalties in its juvenile system, beginning in 1978. Juvenile release guidelines were modified to increase the length of stay in secure detention for fourteen offense categories, and statutory changes provided for the expanded use of transfer to adult court. Between 1978 and 1987, the state's juvenile incarceration rate increased to 498 juveniles per 100,000 — more than double the national average of 208.³⁷ Yet the recidivism rate also increased — from 44.5 percent in 1978 to 58.4 percent in 1985.³⁸

Despite caution in reading these studies, which do not take into account other factors which might affect crime rates, it is evident that increased incarceration of juveniles is not a crime reduction panacea.

IV. IMPACT OF TRANSFER OF JUVENILES TO ADULT CRIMINAL COURT

States have increasingly "toughened" statutes governing transfer of young offenders from juvenile court to adult court. Many have increased the use of transfers, and permitted transfer at younger ages and for a broader range of offenses.³⁹ This approach is portrayed as sending a message to adolescents that they will face harsher punishment for serious crime, thus deterring some from engaging in criminal activity. Incarcerating young offenders in adult prisons is also intended to reduce the future toll of violent crime.

Types of Waivers for Transfer to Adult Criminal Court

Most states have long allowed juvenile court judges to waive jurisdiction over a case and transfer a juvenile into criminal court (judicial waiver), with some limits on age and type of offense, and based on assessment of the child and the specific case. Beginning in the 1970s, many states responded to the juvenile crime problem by passing additional laws which mandate transfer of juveniles into adult court for specific offenses (legislative exclusion) or allow prosecutors greater discretion in transferring juveniles into adult court (prosecutorial discretion). Nationally the number of judicially waived cases increased 41 percent from 1989 to 1993.⁴⁰ In 1995 seventeen states further expanded their waiver statutes.⁴¹

National data indicate that the majority of judicially waived cases do not involve crimes against the person. For instance, in 1993 (the most recent year for which data are available), 42 percent of waived cases were crimes against the person, compared with 38 percent property crimes, 10 percent drug offenses, and 9 percent crimes against public order.⁴² National data are not available for the kinds of offenses waived using legislative exclusion or prosecutorial discretion, but state studies of these policies in general indicate that the same kinds of crimes are being waived through legislative or prosecutorial means as by judicial waiver, again with fewer than half involving crimes against the person.⁴³

Transfer to Adult Court May Increase Recidivism

A recent study of Florida's system indicates that transfer of juveniles into adult courts may exacerbate rather than reduce recidivism. Comparing 2,738 matched pairs of transferred and nontransferred offenders, Donna Bishop *et al.* found that 30 percent of youths waived into adult court were rearrested between the time of case closure and the end of the next calendar year, compared to 19 percent of the youths who remained in the juvenile system. Further, transferred juveniles were likely to reoffend more quickly than their non-waived counterparts, and their new offenses were more likely to be felonies. The authors suggest that while transferred juveniles were more likely to be incarcerated and to serve longer sentences than youths who remained in the juvenile system, their reoffense patterns negated any incapacitative benefits that might enhance public safety.⁴⁴

In a comprehensive empirical study of judicial waiver in Minnesota, Marcy Podkopacz and Barry Feld found that over a two-year period, 58 percent of the transferred juveniles were convicted and sentenced for a new offense compared to 42 percent among those retained in the juvenile system. They concluded that, "if legislatures and courts intend to deter youths from committing additional offenses by subjecting those who persist in delinquency to the more severe punishment of the adult criminal justice system, our data indicate that they are not achieving that goal."⁴⁵

Most investigations of transfer to adult court have found no positive effect on crime deterrence. Eric Jensen and Linda Metsger's study of legislative waiver in Idaho compared juvenile crime rates for murder, aggravated assault, forcible rape, and robbery from 1976 through 1980 — the Idaho statute was passed in 1981 — with rates for the same crimes from 1982 through 1986. They concluded that transfer did not have a deterrent effect on violent crimes.⁴⁶ Simon Singer and David McDowall studied violent juvenile crime rates in New York before and after that state's legislative transfer statute was passed and found no significant relationship between transfer and the rates of homicide and assault.⁴⁷

The placement of children tried as adults in adult jails and prisons has resulted in instances of sexual abuse and murder by adult inmates. To date, juveniles in adult institutions have been found to be five times more likely to be sexually assaulted, twice as likely to be beaten by staff, and 50% more likely to be attacked with a weapon than those in a juvenile facility.⁴⁸

Rationale for Jurisdiction of Juvenile Court

The premise that children are not little adults and should not be treated as adults was the basis for establishing the juvenile court almost a century ago. Traditional roles of the juvenile court include protection of the community, constructive punishment, accountability, rehabilitation and development of competency that enable children to become contributing members of society. The National Council of Juvenile and Family Court Judges holds that:

Juvenile delinquency jurisdiction should be to age eighteen in every state. In most cases, juvenile offenders can be effectively maintained in the juvenile justice system. In rare instances, the most violent offenders cannot be rehabilitated within the juvenile system and should be transferred for adult prosecution. However, the decision to transfer should only be made by the juvenile or family court judge.⁴⁹

The Council further recommends that the court promote greater public confidence and community participation through relaxation of some confidentiality and secrecy rules.⁵⁰ Resources have not kept pace with rising caseloads that have strained the juvenile courts as well as probation and all other community agencies serving youth. Rather than abandoning the premise of the juvenile system and its mission to correct and rehabilitate youth, judges and other experts argue that it should be improved, strengthened and adequately funded.

V. COMPREHENSIVE APPROACHES TO REDUCING VIOLENT JUVENILE CRIME

Research, practice and common sense point to the need for prevention as well as punishment of crime. Many groups have called for more balanced and comprehensive approaches, including collaborative problem-solving efforts at the local level.

In a 1993 review of the research on violence, the National Research Council asked "what effect has increasing the prison population had on levels of violent crime?" and concluded "apparently, very little." The report suggests that "preventive strategies may be as important as criminal justice responses to violence." In recommending a strategy to improve the understanding and control of violence, the Council noted that the array of potential interventions is very broad. Systematic problem-solving efforts to diagnose specific violence problems and design preventive interventions should be undertaken collaboratively by practitioners and evaluators. The results should then be used to refine and replicate successful efforts.⁵¹

A Comprehensive Strategy

Building on prevention research and on evaluation of juvenile programs, a "Comprehensive Strategy for Serious, Violent and Chronic Juvenile Offenders" was developed by the U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention (OJJDP) in 1995.⁵² The strategy combines a risk-focused delinquency prevention approach and graduated sanctions for young offenders.

A Risk-Focused Delinquency Prevention Approach

Juveniles at risk of delinquent behavior are the focus of these efforts to prevent future crime. Based on work by the group Developmental Research and Programs, Inc. (DRP), this approach calls for identifying youth at greatest risk of becoming involved in

delinquent activity and involving them in activities that provide opportunities for healthy social, physical and mental development.⁵³

Violence prevention involves a variety of interventions coordinated by various local agencies and groups. Recommended prevention programs focus on identifying at-risk juveniles through assessments of individual characteristics, family influences, school and peer group influences, and neighborhood and community risk factors. Specific prevention programs include peer mediation, parent training, recreation programs, vocational training and gang interventions.⁵⁴

Evaluation of Crime Prevention Measures

A recent study by Peter Greenwood *et al.* of the RAND Corporation offers a comparison of the cost-effectiveness of some early intervention programs with lengthy imprisonment, the latter exemplified by California's "three strikes" law. Effectiveness was measured by the estimated reductions in arrest or rearrest rates associated with each approach, based on follow-up evaluations of behavior problems and crimes committed by participants in each type of intervention.

The study contrasted a \$1 million investment in several intervention programs and found the following crime reductions:

- Cash and other incentives for disadvantaged students to graduate from high school — 258 crimes prevented per year.
- Parent training and therapy for families with very young children who show aggressive "acting-out" behavior — 160 crimes prevented per year.
- Monitoring and supervising high-school-age teens already known to have engaged in delinquent behavior — 72 crimes per year.
- In-home prenatal visits with ongoing home visits and day care during the first six years of a child's life — 11 crimes per year, assuming the effects may diminish by adolescence.

Spending the same \$1 million on building and operating new prisons for one year would prevent 60 crimes per year, according to the study. The California "three strikes" law will produce a 21 percent reduction in crime at a cost of \$5.5 billion per year, the study notes, while an expenditure of just under \$1 billion on graduation incentives and parent training could yield a potential reduction in crime of twice that rate.⁵⁵

Graduated Sanctions

Based on an extensive analysis of "what works" with young offenders, the National Council on Crime and Delinquency (NCCD) found that programs using a system of graduated sanctions and a continuum of treatment and rehabilitation services can improve the operation of the juvenile system, hold juvenile offenders accountable for their behavior, decrease the cost of juvenile corrections and safely retain young offenders in the juvenile system without recourse to the adult system.⁵⁶

As recommended in OJJDP's comprehensive strategy, the graduated sanctions include:

- **Immediate intervention** targets first-time offenders (misdemeanants and nonviolent felons) and low-level repeat offenders (generally repeat misdemeanants) for nonresidential community-based programs. The approach calls for neighborhood resource teams, diversion, informal probation, school counselors serving as probation officers, mediation with victims, community service, restitution, day-treatment programs, outpatient alcohol and drug abuse treatment, and peer juries.⁵⁷
- The next step, **intermediate sanctions**, models an intensive supervision program involving individualized plans of decreasing levels of restrictiveness as well as drug testing, weekend detention, inpatient alcohol and drug abuse treatment, challenge outdoor programs, community-based residential programs, electronic monitoring, and boot camp programs.⁵⁸
- The more extreme sanctions involve **secure confinement**, including community confinement, training schools, and aftercare for repeat serious and violent offenders. This level is reserved for "the violent few."
- **Reintegration**, or aftercare, services include supervision, treatment and assistance in a gradual transition back into the community.

NCCD found a number of specific components are critical to the effectiveness of graduated sanctions. At all levels of a graduated sanctions system, programs that "work" are those which address individual problems and deficits by building on the youth's strengths, have an underlying developmental rationale and try to deal with the individual's social context. They provide opportunities for youth achievement and decision-making, clear and consistent consequences for misconduct, and enriched educational and vocational programming.

Systematic case management from intake to discharge is an essential component of successful programs, which also provide individual treatment plans that address family issues, peers, school and work. Finally, the NCCD says, successful programs emphasize gradual

reintegration of juveniles into their homes and communities, with intensive aftercare services.⁵⁹

Evaluation of Graduated Sanctions Programs

The research literature indicates that, except for the "truly violent few," community-based graduated sanctions are at least as effective as, and sometimes more effective than, traditional incarceration programs, and generally cost far less, according to NCCD's study.⁶⁰

Jeffrey Fagan⁶¹ studied the effects of the Violent Juvenile Offender (VJO) programs in Memphis, Newark, Boston, and Detroit. VJO programs used a three-phase approach involving secure care, community-based residence, and community reintegration. They emphasized strengthening a youth's bonds with family members, schools, and the workplace; achievement and participation in workplace, school, and family activities; social learning; and treatment of problem behaviors and special intervention needs.

Fagan compared recidivism rates for VJO participants with control group participants "in mainstream juvenile corrections programs." All participants studied were selected after they were adjudicated of a violent crime — defined as homicide, aggravated assault, armed robbery, kidnapping, forcible rape or sodomy, attempted murder, or attempted rape. Fagan found that in Boston and Detroit, VJO youths committed fewer reoffenses than control group juveniles for the first two years, but that there were no significant differences between the rearrest rates for the experimental and control groups in Newark and Memphis. This was attributed to a failure to implement the VJO program properly in those cities. In all cities studied, control group juveniles committed violent reoffenses earlier than experimental group participants.

The Florida Environmental Institute (FEI) program has three phases similar to the VJO program — a residential stay in a remote, secure facility, visits to home communities to obtain job placements and strengthen family relationships, and release to the community with aftercare. Sixty-three percent of participants were committed to FEI for crimes against the person.⁶² Three years after release, only one-third of FEI juveniles had been convicted of a new offense. A study of the FEI program and six other juvenile justice programs in Florida similarly found that 36 percent of FEI participants had a subsequent juvenile court contact compared to 47 to 73 percent of participants in other programs.

A 1993 study compared the seriousness and extent of recidivism among two groups of serious juvenile offenders; one group was enrolled in the Lucas County, Ohio, Intensive Supervision Unit (ISU), which provided community case-management and surveillance services, while the comparison group was incarcerated and then released to parole. The study found no significant differences in reoffense rates during the groups' first 18 months in the community, other than more technical violations for the ISU group. The ISU, however, cost \$6,020 per year, compared to \$32,320 for incarceration.⁶³

The Massachusetts juvenile system utilizes graduated sanctions, relying heavily on community-based programs for most committed juveniles. The state's secure facilities for juveniles house no more than twenty offenders each, and are reserved for the most serious offenders, approximately 15% of all juvenile commitments. Research on the Massachusetts system in 1989 showed that recidivism rates were as good or better than most other states, and the state saved an estimated \$11 million annually.⁶⁴ This individualized approach was designed to enable movement of offenders in either direction on the continuum, consistent with assessment of progress or any public safety risk.

Violence Reduction through Public Health and Problem-oriented Policing Models

Another noteworthy approach to violence reduction is suggested by Mark Moore and Jeffrey Roth.⁶⁵ They, too, are skeptical that incapacitation and deterrence through confinement can substantially reduce violence and they doubt the rehabilitative effects of incarceration of adults and juveniles as a measure for violence prevention.

These researchers studied the movement toward community- or problem-oriented policing and public health strategies for dealing with violence. Both models stress prevention and teach that "many opportunities to prevent violence do not depend on controlling or redeeming perpetrators."⁶⁶ Instead, public health and problem-oriented policing initiatives offer promising avenues for dealing with violence problems directly. The authors' suggestions are not prescriptive but literally problem-solving in nature:

Both approaches recognize that violence or its consequences may be preventable not only by changing individuals' behavior but by changing their physical or social environments — for example, by isolating illegal firearms, alcohol, drug markets, or lone employees who handle cash from places where unemployed young men congregate. Finally, both approaches begin with the notion that a community's violence level may be reducible in either of two ways: through a relatively sweeping intervention, such as reducing media violence, or by accumulating small reductions in violence, each achieved by finding and solving some specific problem that underlies a cluster of violent events occurring at one location, involving one set of perpetrators and victims, or arising from one kind of situation. In short, both approaches seek significant reductions in overall violence by solving one underlying problem at a time.⁶⁷

New Frontiers: Reducing Gun Violence

One promising application of theoretical strategies to reduce youth violence is underway in Boston, where researchers have found that gangs are involved in the majority of youth victimizations in high-crime neighborhoods, and that the most serious offenders are well-known to probation officers and local police. Disruption of illegal gun markets,

combined with concerted pressure on gang violence, is being tested by an interagency working group.

The Boston Police Department, working with the Bureau of Alcohol, Tobacco and Firearms, has found that tracing guns used in crime and questioning arrestees about gun traffic generates the leads necessary for a focused attack on illicit gun sales.

Police, probation, parole, federal and state prosecutors and gang outreach workers are working to "train" gangs out of violence by enforcement of available laws and probation/parole conditions on gangs who commit gun and other violent crimes, along with the explicit message that gang violence will invariably draw this kind of attention. Involvement of community organizations is also important to the strategy.⁶⁸

Innovative approaches to reducing gun violence are being implemented in other jurisdictions, using legislation, research, technological and environmental changes, law enforcement, prevention and early intervention programs and comprehensive initiatives.⁶⁹

VI. POLICY IMPLICATIONS

We are facing an urgent problem that, if not addressed effectively, will spread more misery through our inner-cities and further undermine public morale. In response, the nation is embarking on a course that could alter our approach to juvenile justice for decades to come. Before proceeding further on this course, a more informed discussion about the problem and various approaches to solving it is needed.

Practitioners who work with young offenders caution that age-appropriate, individualized interventions with violent adolescents are far more likely to produce positive change and development of pro-social competencies than the practice of shifting youth into the more impersonal adult system where few positive influences are available. The findings of numerous studies are consistent with this professional observation.

We suggest that the following issues be considered:

- Responses to youth violence that focus on increased use of mandatory sentencing, longer terms of confinement and the increased transfer of juvenile offenders into the adult system have not reduced the juvenile crime rate in states where they have been extensively employed. Further, there is evidence that transfer to adult court may actually increase recidivism.
- It is essential to hold young offenders accountable for criminal acts early on. Juvenile courts need resources to protect the public and to ensure that young offenders are required to take responsibility for their actions. Graduated sanctions, using community-based programs, can provide effective supervision and treatment for

the great majority of offenders. "The truly violent few" can be most effectively managed and treated in small, secure facilities.

- Lethal youth violence can be reduced by making it more difficult for young people to obtain firearms, and by reducing the fear that drives much of the demand for guns. State and federal laws already prohibit juveniles from carrying guns; the challenge is to design effective ways to reduce both the supply and the demand. Innovative local programs are showing great promise in this regard.
- Research, practice and common sense call for prevention as well as punishment of crime. Recent findings by the RAND Corporation suggest that early intervention through parent training and high school graduation incentive programs is effective in preventing later criminal activity by young people. Further, because these programs prevent more crime from occurring than do "three strikes" and similar laws, the prevention programs are more cost-effective, according to RAND.
- Crime prevention and public safety are increasingly recognized as a joint responsibility of police, probation and parole, schools, recreation, public health, child welfare and social service agencies, local community groups, businesses and religious organizations. It is possible to reduce delinquency through joint efforts to identify risk factors and to design appropriate interventions.

Policy built on knowledge gets results. We can better serve the goals of reducing violence and improving public safety by using sound information to tailor solutions to the problem, than by relying on formulas that have more political than practical effect.

ENDNOTES

1. "What Works With Juvenile Offenders?" Barry Krisberg, Elliott Currie, and David Onek, Criminal Justice, ABA, Summer 1995, p. 61.
2. "Diverting Children from a Life of Crime, Measuring Costs and Benefits," Peter W. Greenwood, Karyn E. Model, C. Peter Rydell and James Chiesa, RAND, 1996.
3. "Youth Gun Violence in Boston: Gun Markets, Serious Youth Offenders, and a Use Reduction Strategy," David M. Kennedy, Anne M. Piehl and Anthony A. Braga. Program in Criminal Justice Policy and Management, John F. Kennedy School of Government, Harvard University, April 18, 1996.
4. "Juvenile Offenders and Victims: 1996 Update on Violence," Howard N. Snyder, Melissa Sickmund and Eileen Poe-Yamagata, Statistics Summary, OJJDP, February 1996, p. 14.
5. Snyder, supra, p. 10.
6. Snyder, supra, pp. 1-3.
7. "An Analysis of Juvenile Homicides: Where They Occur and the Effectiveness of Adult Court Intervention," Eric Lotke, National Center on Institutions and Alternatives, and Vincent Schiraldi, Center on Juvenile and Criminal Justice, Washington, D.C., 1996.
8. Snyder, supra, p. 2.
9. Snyder, supra, p. 24.
10. Snyder, supra, p. 3.
11. "Youth Violence, Guns, and the Illicit Drug Industry," Alfred Blumstein, Carnegie Mellon University, 1994.
12. "Trends in Juvenile Violence - A Report to the United States Attorney General on Current and Future Rates of Juvenile Offending," James Alan Fox, Ph.D., Dean, Northeastern University. Prepared for the Bureau of Justice Statistics, U.S. Department of Justice, March 1996.
13. Fox, supra, p. 3.
14. Snyder, supra, p. 15.

15. Arrest and conviction data show that approximately 90 percent of violent juvenile offenders are male. However, victim surveys conducted by the Census Bureau indicate that 20 percent of violent juveniles are female. This discrepancy may be the result of several factors: that victims are reluctant to report victimization by a young female to the police; police are less likely to arrest and charge females; or prosecutors are more reluctant to prosecute females. Violent Juvenile Offenders: An Anthology, Robert A. Mathias, Paul DeMuro and Richard S. Allinson, eds., National Council on Crime and Delinquency, San Francisco, CA, 1984, p. 15.

16. The number of violent crimes committed by juveniles under the age of twelve is negligible. Each subsequent juvenile age group, however, commits increasingly more violent crime. The Adolescent Criminal: An Examination of Today's Juvenile Offender, R. Barri Flowers, McFarland and Co., 1990, p. 23.

17. White youths comprise approximately 80 percent of the nation's juvenile population and are responsible for approximately 47 percent of arrests for violent juvenile crime. Flowers, supra, p. 24.

Black youths make up 15 percent of the juvenile population and are responsible for approximately 52 percent of arrests for violent juvenile crime. Juvenile Delinquency: Historical, Cultural, Legal Perspectives, Arnold Binder, Gilbert Geis, and Bruce Dickson, MacMillan, p. 17; Flowers, supra, p. 24.

Black juveniles participate disproportionately in group crimes, particularly robbery. This provides a partial explanation for the high number of black youths arrested for violent crimes. Although only one person may have been victimized, there often will have been several perpetrators. Binder, supra, pp. 17,18.

The increase in the juvenile homicide rate, however, can be mainly attributed to an increase in gun homicides committed by black juveniles, claiming other young black youths as victims. "Juvenile Crime, Grow Up Time," Donna Hunzeker, State Legislatures, May 1995, p. 16.

Hispanic youths make up five percent of the nation's juvenile population and are responsible for approximately 14.5 percent of violent juvenile crime arrests. Hispanics generally are treated as an ethnic rather than racial group and, depending upon the individual arrested, categorized as either black or white for racial statistical purposes. Thus Hispanics are included in the data cited in the text on juvenile crime committed by black and white youth. The statistics cited here, however, are from separate studies which categorize youth by ethnicity rather than race. Binder, supra, p. 17.

18. Violent juvenile crime, like most crime, is concentrated in urban areas. Per capita reported crime rates in cities with a population of more than one million exceed those of suburban areas by a ratio of five to one and of rural areas by ten to one. "Social Organization and Differential Association: A Research Note from a Longitudinal Study of Violent Juvenile Offenders," Craig Reinerman and Jeffrey Fagan, 34 Crime & Delinquency 3, July 1988, p. 311; Mathias, supra, p. 21; Theories of Delinquency: An Examination of Explanations of Delinquent Behavior, Donald J. Shoemaker, Oxford University Press, 1984, pp. 70-87.

19. Families of violent juveniles also tend to have low income status. According to one study, the median income of violent juveniles' households was half that of the national average. Flowers, supra, p. 26; Mathias, supra, p. 94; Shoemaker, supra, p. 119; Myths and Realities: Meeting the Challenge of Serious, Violent and Chronic Juvenile Offenders; 1992 Annual Report, National Coalition of State Juvenile Justice Advisory Groups, Washington, DC, 1993, pp. 16,17.

There appears to be a compelling connection between family violence and violent juvenile behavior. Almost every study of violent juveniles reveals a history of violence in the home. Many of these children experience or observe physical brutality, sexual abuse, and neglect while growing up. This most frequently takes the form of witnessing domestic battery between adults in the home. Mathias, supra, p. 95; The Connections Between Youth Problems and Violence in the Home: Preliminary Report of New Research, Philip W. Rhoades and Sharon L. Parker, Youth Development Bureau of the Department of Health and Human Services, Oregon, 1981, p. 24; When Children Kill: The Dynamics of Juvenile Homicide, Charles P. Ewing, Lexington Books, 1990, pp. 22-23; Violent Families and Youth Violence, Fact Sheet No. 21, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, Washington, DC, 1994.

Many violent juvenile offenders are not the first in their families to have contact with the criminal justice system. One study found that 40 percent of violent juveniles reported that their father or stepfather had been arrested, and that of this group, 60 percent of the fathers had spent time in prison. Fifty-eight percent reported that they had a sibling who had been arrested, and of this group, 40 percent of the siblings had actually served time. Mathias, supra, p. 96. As a result, the threat of arrest and conviction may serve as less of a deterrent to crime given youths' familiarity with the criminal justice system as part of their family life.

20. Drug and alcohol abuse is prevalent among violent and juvenile offenders. Most sociologists do not view substance abuse as a cause of violent crime, however, but rather see both problems as the result of the same troubled environment in which many violent juveniles find themselves. Binder, supra, p. 540.

21. Most violent juveniles have significant academic difficulties and show little interest in school even if their intellectual capabilities are average or better than average. One study found that 49 percent of violent juveniles had not attended school regularly immediately prior to offending. Mathias, supra, pp. 96,97; Ewing, supra, p. 19.

22. Firearms are much more readily available to urban juveniles today than they were just fifteen years ago. This fact is reflected in the skyrocketing gunshot homicide rate, especially among black youths. Juvenile offenders' use of guns in homicides increased 78 percent between 1987 and 1991. Juveniles and violence: Juvenile Offending and Victimization, Fact Sheet No. 19, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, 1994, p. 1. Black youths are arrested for weapons violations at a rate three times that of White youths. OJJDP Fact Sheet No. 19, 1994, p. 1.

23. Violent juveniles tend to make friends with other youths who they believe engage in delinquent behavior. Offenders in one survey stated that they had friends who had been questioned by the police (84 percent), taken into police custody (63 percent), placed on probation (78 percent), and sentenced to jail or prison (66 percent). The response was based solely on the child's belief that his friends engaged in such behavior, not on actual arrest statistics. A juvenile's perceptions of peer group delinquent behavior, even if exaggerated, may strongly affect his own actions.

The juveniles surveyed indicated significant amounts of gang involvement but reported that their gang affiliations were almost always unrelated to their violent offense. Eighty-nine percent of the study group reported that their violent offense was not committed with other gang members, and 94.5 percent stated that the offense was unrelated to their gang affiliation. Mathias, supra, pp. 100-105.

24. "Youth Violence: An Overview," Delbert S. Elliott, Center for the Study and Prevention of Violence, March 1994, p. 2.

25. Ibid.

26. Mathias, supra, pp. 85-92; Binder, supra, p. 518.

27. Understanding and Preventing Violence, Albert J. Reiss, Jr. and Jeffrey A. Roth, eds., National Academy Press, 1993, p. 374. Of forty-four studies of career criminality which Reiss and Roth reviewed, only seven had data sets which "could provide minimally adequate information about violent crimes in criminal careers." Of these, only two focused on the incidence of violent offenses after an initial juvenile violent offense; neither was conducted in the United States.

28. Elliott, supra, p. 1.

29. Flowers, supra, p. 22,26; Mathias, supra, pp. 24,25.

30. Reiss, supra, p. 4.

31. Injustice for Juveniles: Rethinking the Best Interests of the Child, Ira M. Schwartz, Lexington Books, 1989, p. 28.

32. "A Crime Control Rationale for Reinvesting in Community Corrections," Joan Petersilia, Spectrum, Summer 1995.

33. "Tough and Smart Juvenile Incarceration: Reintegrating Punishment, Deterrence and Rehabilitation," David M. Altschuler, 14 St. Louis University Public Law Review 217, 1994.

34. "Holding Juveniles Accountable: Reforming America's Juvenile Injustice System," Ralph A. Rossum, 22 Pepperdine Law Review, 907, 1995.

35. The Washington State Juvenile Justice System Reform: A Review of Findings, Anne Schneider and Donna Schramm, 1 Criminal Justice and Policy Review 211, pp. 231-232, 1986. Schneider and Schramm compared the recidivism rates in Yakima, Spokane, and King County Washington, for 1975 (two years before the juvenile justice system revision) with 1979 (two years after the revision). They found that the reoffense rates increased from 33 percent to 43 percent in King County during that period and from 24 percent to 31 percent in Spokane. The reoffense rate in Yakima increased from 24 percent to 25 percent, but the authors did not regard this as a significant change. They commented that, given their study design, "[I]t is not possible...to separate the effects on law enforcement behavior from the effects on the youths. A different study design is needed to assess the impact of the justice model on recidivism...."
36. "Cracking Down on Juveniles: The Changing Ideology of Youth Corrections," Martin L. Forst and Martha-Elin Blomquist, 5 Notre Dame Journal of Law, Ethics, and Public Policy, 323, 1991.
37. Forst, supra.
38. The California Legislature's Blue Ribbon Commission on Inmate Population Management, Final Report, 1990, cited in Forst and Blomquist, supra.
39. "Juvenile Crime and Justice State Enactments 1995," Donna Lyons, 20 State Legislative Report, National Conference of State Legislatures, 1995.
40. Snyder, supra, p. 28.
41. Lyons, supra, pp. 13,14.
42. Snyder, supra, p. 29.
43. "How Juveniles Get to Criminal Court," Melissa Sickmund, OJJDP Update on Statistics, 1994.
44. "The Transfer of Juveniles to Criminal Court: Does It Make a Difference?," Donna Bishop, Charles E. Frazier, Lonn Lanza-Kaduce and Lawrence Winner, 42 Crime and Delinquency, 171, 1996.
45. "The End of the Line: An Empirical Study of Judicial Waiver," Marcy Rasmussen Podkopacz and Barry C. Feld, 86 Journal of Criminal Law & Criminology, 449 at 490,91, 1996.
46. "Waiver of Juveniles to Criminal Court," Eric L. Jensen and Linda K. Metsger, 31 Idaho Law Review 174, 1994.

47. "Criminalizing Delinquency: The Deterrent Effects of the New York Juvenile Offender Law," Simon I. Singer and David McDowall, 22 Law and Society Review 521, 1988. The authors did find a decrease in the crime rates for rape and arson but suggested that the evidence against the effect [of waiver] is clearly much stronger than that in support of one. They also found that the number of juvenile robbery arrests decreased but stated that evidence of the waiver laws on robbery was weak.
48. "The Comparative Impacts of Juvenile and Criminal Court Sanctions on Adolescent Felony Offenders," Fagan, Schiff and Orden, National Institute of Justice, U.S. Dept. of Justice (1991); "Violent Youth in Adult Court: Process and Punishment," Rudman, Hartstone, Fagan and Moore 32 Crime & Delinquency 75 (1986).
49. "Children and Families First: A Mandate for America's Courts," National Council of Juvenile and Family Court Judges, Reno, Nevada, July 1993.
50. Ibid.
51. Reiss, supra, summary, p. 19.
52. Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders: Program Summary, John J. Wilson and James C. Howell, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, 1993.
53. Wilson, supra, p. 9.
54. Wilson, supra, p. 25.
55. Greenwood, supra, pp. 22-36.
56. Guide for Implementing the Comprehensive Strategy for Serious, Violent and Chronic Juvenile Offenders, James C. Howell, ed., Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, 1995, pp. 14,15.
57. Wilson, supra, p. 20.
58. Wilson, supra, p. 21.
59. Krisberg, supra, pp. 60,61.
60. Krisberg, supra, p. 61.
61. "Treatment and Reintegration of Violent Juvenile Offenders: Experimental Results," Jeffrey A. Fagan, 7 Justice Quarterly 233, 1990.
62. Howell, supra, p. 155.

63. Krisberg, supra, p. 24.
64. Krisberg, supra, p. 25.
65. Reducing Violent Crimes and Intentional Injuries, Jeffrey A. Roth and Mark H. Moore, National Institute of Justice, U.S. Department of Justice, 1995, p. 2.
66. Roth, supra, p. 5.
67. Roth, supra, p. 5.
68. Kennedy, supra.
69. "Reducing Youth Gun Violence: An Overview of Programs and Initiatives," OJJDP, May 1996.

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Testimony to the Select Committee on Corrections and Juvenile Justice

in Support of House Bill 2506

Office of Judicial Administration

March 27, 1997

Mr. Chairman, members of the Committee, thank you for the opportunity to testify in support of House Bill 2506. My name is Mark Gleeson and I am the Family and Children Program Coordinator with the Office of Judicial Administration. I will be brief since I have previously testified before the House Judiciary Committee.

It is important to move the process of change forward as quickly as possible. If community juvenile justice programs are to be operational in each judicial district by July 1, 1999, it will be necessary to submit local county budgets for calendar year 1999 to county commissioners as early as May, 1998. This is a huge task requiring the Commissioner to establish parameters around which programs are to be developed, appoint conveners and facilitators, train the conveners and facilitators, and provide the necessary technical assistance each community team will require to comply with House Bill 2506.

It should be noted that during the same time the Commissioner is facilitating the development of statewide community juvenile justice programs, he is also hiring and training Juvenile Justice Authority staff, and implementing the transfer of youth center operations, field services, and juvenile intake and assessment to the Juvenile Justice Authority. This is complex but not impossible. It can, however, only be accomplished if the Commissioner has at his disposal, the requisite resources and flexibility to implement this ambitious transformation. If planning and development resources are not included in this years budget, substantial adjustments to the implementation schedule will be necessary.

New Sections 28 through 32 and Section 75 eliminate the Corporation for Change and transfers funds to the Office of Judicial Administration. There are two other bills, Senate Bill 187 and House Bill 2543 (introduced in the House Appropriations Committee on March 24, 1997) which also eliminates the Corporation for Change and transfers funds to the Department of Social and Rehabilitation Services (SRS) and the Office of Judicial Administration (OJA). Although the Revisors office did a very good job of incorporating language we suggested into House Bill 2506, the language in House Bill 2543 is more complete and descriptive regarding the transfer of property, personnel, and funds to SRS and OJA. Therefore, we request the language contained in House Bill 2543 either be adopted in place of the language in this bill, or, the language in House Bill 2506 be eliminated and House Bill 2543 be strongly supported as an alternative to Senate Bill 187 which we oppose.

Select Committee on Corrections
& Juvenile Justice
3-28-97
Attachment #2
3-28-97
10:00

Section 53 provides district courts the option of adopting district court rules for the administration of "intermediate" intervention programs. This language is not consistent with other sections which refers to "immediate" intervention programs and should be changed to maintain consistency.

Finally, Section 57 directs the Commissioner to designate a risk assessment tool to be used by the court in sentencing juvenile offenders. Our position on this matter has not changed since our previous testimony. We believe the selection of a uniform risk assessment tool to be used in each judicial district should be made by the Supreme Court and not the Commissioner of Juvenile Justice. There are two principle reasons for this: First, it is inappropriate for an executive branch agency to make such a determination for the judicial branch. Second, the selection of which risk assessment tool is to be used has a potential, significant workload impact on the operation of the courts and, therefore, is a decision which should be made by the court.

Thank you for the opportunity to testify.

MG:jld

KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES
Rochelle Chronister, Secretary

Select Committee on Corrections and Juvenile Justice
HB 2506 regarding Juvenile Justice Reform
March 28, 1997

Mr. Chairman, Members of the Committee, I am submitting testimony in behalf of Secretary Chronister.

First, I wish to acknowledge our appreciation for the attention this Committee has given to amendments requested by SRS. You have been most responsive. However, I do want to call your attention to Section 38, K.S.A. 38-1507(a)(2). Lines 22 and 23 which reads, in part, ". . . disclosure of the reports and records is in the best interest of the child." We request "is in the best interest of the child" be deleted and be replaced with, "are necessary for proceedings before it and are otherwise admissible in evidence, except that access shall be limited to in camera inspection unless the court determines that public disclosure is necessary for the resolution of an issue pending before it." The court or an administrative hearing officer needs to be able to order release when such release is in the interest of justice or public safety and could be detrimental to the child.

I would also call your attention to Section 40, K.S.A. 38-1522(e), line 10. As this now reads, SRS would not investigate allegations of abuse/neglect when an employee of the juvenile justice authority is a subject of the report. The basis for SRS not being responsible to investigate allegations of abuse or neglect involving an employee of SRS is to avoid any conflict of interest. Now that the juvenile justice authority will be considered another state agency, it would seem appropriate for SRS to investigate as they do with all other employees of state agencies.

Section 43, K.S.A. 38-1604(d) provides that when a juvenile has been adjudicated a juvenile offender and a child in need of care, the juvenile justice code shall apply and this we support. However, we believe that the following sentence (lines 15 through 18) in subsection (d) is unnecessary and will prove to be very confusing. It could have the unintended consequence of allowing judges, hearing juvenile offender matters, to order SRS to provide services when in fact during that time period the child is under the jurisdiction of the juvenile justice authority. It is already clear that SRS services are accessible to any child or family in need of and eligible for services and seems unnecessary to repeat in this sentence.

Thank you for the opportunity to submit our comments.

Teresa Markowitz,
Commissioner
Commission of Children and Family Services

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Select Committee on Corrections & Juvenile Justice
3-28-97
Attachment #3