



Employment and Social Services
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Dealing with Violent Juvenile Offenders¹

Executive Summary

Despite recent drops in juvenile crime, including violent juvenile crime, there is little dispute among experts, policymakers, and the general public that the rates of juvenile crime and violence remain too high. Juveniles are not just the perpetrators, however, they are also the victims. Juveniles are more than two-and-a-half times more likely to be the victims of violent crime than adults. While the recent decreases are encouraging, much remains to be done.

Rates of violent juvenile crime are declining.

The good news is that Governors and policymakers now have more information available to them as they strive to design more effective treatment and prevention strategies. Through rigorous evaluations, research has begun to identify which program models and strategies reduce crime and violence and which do not. This research can help policymakers make critical funding decisions. For example, understanding that the majority of juvenile crime—especially violent juvenile crime—is committed by a minority of youth suggests that there is a need for effective identification and differentiation strategies and targeted high-impact efforts. Targeted interventions aimed at this small group of juvenile offenders will conceivably have the greatest impact on crime reduction and maximization of resources. There is also a strong link between child abuse and neglect and later violent offenses. While not all abused or neglected youth become offenders, an overwhelming percentage of violent youth come from abusive backgrounds. Any comprehensive violence reduction strategy should also look at ways to reduce the incidence of child abuse and neglect.

Understanding the factors that increase a youth's chance for becoming violent is important. It is equally important, however, to understand the factors that decrease the chances of a youth becoming violent. Regardless of risk, most youth do not commit violence. Rather, they are protected by a source of personal assets that keep them from offending. State strategies that recognize the role and influence of risk factors, yet build upon the characteristics of youth which protect them from risk, hold the key to a long-term, comprehensive violence reduction strategy.

The majority of juvenile crime is committed by a minority of youth. For example, the juvenile violent crime index for 1995 indicates that less than on half of one percent of juveniles were responsible for all indexed violent crimes that year.

Source: H. N. Synder, Juvenile Justice Bulletin: Juvenile Arrests 1995, February 1997, 4.

States are at the forefront of establishing juvenile policy. Through executive branch agencies and leadership, governors can promote targeted intervention efforts, innovation, research, and inter- and intra-agency coordination. They can form independent commissions and use the legislative agenda to promote effective and comprehensive violence reduction strategies and programs that tap into current research.

Introduction: A Changing Environment

Beginning in the mid- to late 1980s and lasting until around 1994, juvenile crime rates in the United States rose precipitously in virtually all categories. However, the last few years have seen a significant lessening of this trend. Currently, the overall juvenile crime rate is comparable to what it was prior to 1985 and about average for the last thirty years. This decline has caused researchers to revise predictions downward of a major spike in youth violence early in the new millennium. With few exceptions, however, the juvenile crime rate remains unacceptably high.

While dealing with violent juvenile offenders is not a new issue, there have been many significant changes policymakers should be aware of including a change in the pattern and nature of juvenile crime and violence. Research indicates that while individual juveniles do not commit more violent acts today than youth fifteen years ago, more juveniles are being arrested for committing violent crimes.² Given this, among other things, states will need more intermediate sanctions and other nontraditional options to incarceration to meet this increased need.

Despite these challenges, there have been positive developments in dealing with violent juvenile offenders. Scientific advances in understanding what works in treatment are allowing policymakers and providers to build on proven practices in designing effective treatment systems. While this body of research is still growing, its potential impact on improving the effectiveness of dealing with violent juvenile offenders is significant.

Changes in the legal context surrounding violent juvenile offenders also has altered the landscape that policymakers work within. Whether policymakers welcome these changes or not, they need to understand their impact as they seek solutions for dealing with violent juvenile offenders

Trends of Juvenile Violence

In examining the trends of juvenile crime and violence, arrest rates are only one source of important information. A comprehensive examination of current trends also considers victimization data.

Table 1
Principles of Effective Service Delivery

1. Delivered Early
2. Multicomponent, Multitargeted
3. Problemsolving, Focused
4. Family Focused, Support Development
5. Structured, Planned, Goal-Oriented, Consistent Methods
6. Bring Together/Work with all Relevant Systems
7. Focuses on the Ecology of the Problem and its Solutions
8. Strong Case Supervision with Adequate Caseloads
9. Regular Opportunity for Case Discussion, Skill Development, and Professional Satisfaction of Direct Service Providers
10. Service Intensity Based on Case Need, Not Service Provider or Agency Scheduling Conveniences

Source: Dr. Patrick Tolan, May 1999.

Violent Crime Index

The juvenile violent crime index is a composite of various violent crimes including murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault.³ It provides an overview of the scope of juvenile violence. For example, in 1995, there were 147,700 indexed violent crimes committed by juveniles. This figure, when compared to 1986 data, indicates a 67 percent increase in juvenile arrest for violent crime.⁴ Although more recent data indicate a lessening of this trend, this statistic is significant.

Juveniles are more than 2.7 times more likely than adults to be the victims of violent crime and be injured as a result. For example, in 1994, the victimization rates for juveniles as compared to adults was 116 per thousand versus 43 per thousand for adults.⁵

Homicide

Juvenile homicides rates began to rise in 1984 and peaked in 1994, when juveniles were implicated in 16 percent of all homicides. In 1995, despite a 17 percent decrease in the number of homicides committed by juveniles nationwide, 2,300, juveniles were implicated in 1,900 murders.⁶

Between 1985 and 1995, nearly 25,000 juveniles were murdered in the U.S. (2,600 in 1995 alone).⁷ One third of these murders occurred in ten counties.⁸ This represents a 66 percent increase in the number of juveniles murdered between 1985 and 1995. Nearly all of this increase was firearm-related.

Overrepresentation of Minorities

Homicide. In terms of total crime, white juveniles accounted for 69 percent of all arrests and black juveniles accounted for 28 percent. Prior to 1987, there were roughly equal numbers of white and black juvenile homicide offenders, but after 1987, the majority of juvenile homicide offenders were black. As of 1994, 61 percent of all juvenile homicide offenders were black.⁹

Custody Facilities. Despite attempts to curb the disproportionate representation of minorities in custody facilities, this number has actually increased. While 32 percent of the U.S. population ages ten to seventeen were classified as minorities in 1995, minorities made up 68 percent of the detention center population. Similarly, the minority proportion in public long-term facilities (such as training schools) rose from 56 percent in 1983 to 69 percent in 1991. In 1995 it was 68 percent.¹⁰

Child “Maltreatment”

An overwhelming percentage of violent juvenile offenders were abused or neglected as children. In many ways, abuse and neglect statistics provide an indicator of future risk. Youth with a history of maltreatment have a 25 percent greater risk for a variety of problems, including violence, substance abuse, teen pregnancy, poor school performance, and mental illness.¹¹

Between 1980 and 1994 reports of child maltreatment rose 154 percent. “Maltreatment” is defined as physical abuse, sexual abuse, emotional abuse, and educational neglect. In 1993, more than 2.8 million children were identified as maltreated, and in 1994 nearly 2 million reports of child abuse or neglect were filed with child protective service agencies. Some of this increase is linked to a greater willingness to report suspected abuses, but incidences of child abuse and neglect remain high.

Female Offenders

Although the numbers of female offenders is significantly less than males, rates of offenses by females continues to increase while similar offenses by males have decreased. For example, between 1992 and 1996, the number of juvenile females arrested for violent offenses increased 25 percent with no similar increase for males. Similarly, juvenile female arrests for property crime offenses (burglary, larceny-theft, motor vehicle theft, arson) increased 21 percent, while juvenile male arrests in this category decreased 4 percent.¹²

Risk Factors for Predicting Youth Violence

Violent behavior is the result of a complex interaction of individual, contextual (family, school, and peers), situational, and community factors.¹³ Recognizing what factors predict juvenile violence is essential since juveniles with the most risk factors are five times to twenty times more likely to engage in serious, violent, and chronic offending.¹⁴

Several key characteristics—family, peer and school factors, neighborhood, environment, and daily activities—play essential roles in determining the risk of a juvenile becoming violent.¹⁵ However, the “most powerful” demographic predictors of individual violent criminality are gender, age, and race.¹⁶ The majority of violent juvenile offenders are males who begin this behavior by age fifteen.

Table 2 orders risk factors, in conjunction with developmental sequencing of life experiences, associated with serious violent juvenile offending. This chart can be a guide to help gauge the risk of a youth becoming violent over the various stages of childhood and adolescence. For example, a practitioner who sees a male infant who has had a neurological trauma, who has a difficult temperament, and has a young mother who shows signs of depression and is a substance abuser, will know the child is at risk of becoming a violent offender later in life. With this understanding, preventative measures can be taken which may reduce the chances of the child becoming violent.

Table 2.

Approximate Order of Risk Factors Relevant to the Developments of Disruptive and Serious Delinquent Behavior¹⁷

Prenatal/Infancy	Toddler/Preschool	Middle Childhood/ Early Adolescence	Mid-Adolescence/ Early Adulthood
<p>Risk Factors Emerging During Pregnancy and From Infancy Onward</p> <p>Child</p> <ul style="list-style-type: none"> Difficult temperament Hyperactivity/impulsiveness/attention problems Low intelligence Male gender Neurotoxin/neurological insult Pregnancy and delivery complications <p>Family</p> <ul style="list-style-type: none"> Young mother Maternal depression Parental substance abuse/antisocial or criminal behavior Poor parent-child communication Poverty/low socioeconomic status Serious marital discord 			

(continued)

Prenatal/Infancy	Toddler/Preschool	Middle Childhood/ Early Adolescence	Mid-Adolescence/ Early Adulthood
<p align="center">Risk Factors Emerging From the Toddler Years Onward</p> <p>Child Aggressive/disruptive behavior Lying Risk-taking and sensation seeking</p> <p>Family Lack of guilt, lack of empathy Harsh and erratic discipline practices</p> <p>Community Maltreatment or neglect Television violence</p>			
		<p align="center">Risk Factors Emerging From Mid-Childhood Onward</p> <p>Child Stealing and general delinquency Depression Precocious behavior: sex and substance use Positive attitude toward problem behavior Victimization and exposure to victimization</p> <p>Family violence</p> <p>School Poor parental supervision Poor academic achievement Truancy</p> <p>Peer Negative attitude toward school Delinquent peers/siblings Peer rejection</p> <p>Community Residence in a poor neighborhood</p>	
		<p align="center">Risk Factors Emerging From Mid-Adolescence Onward</p> <p>Child Gun ownership Drug dealing Unemployment</p> <p>Family School dropout</p> <p>Peer Gang membership</p>	

Source: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, *Juvenile Justice Bulletin: Serious and Violent Juvenile Offenders*, May 1998.

Strategies to Reduce Youth Violence

Significant advances in the design and formation of effective crime prevention strategies have occurred during the last several years. Policymakers should be aware of these developments to understand what programs work in reducing crime and violence and what elements keep youth from becoming violent. This section highlights some of the recent research on effective programs, details the protective factors that seem to keep youth from becoming violent, and features some promising state practices.

Programs

Table 3 highlights what works and what does not in the provisional findings of a systematic review of 500 scientific evaluations of crime and drug abuse prevention practices. The list is considered “provisional” by the research’s authors because most crime prevention programs have not undergone rigorous evaluation. As more research becomes available, this list will grow. Featured as models that work in reducing reoffending in juveniles are vocational training, family therapy, parent training programs, and programs that teach social and “thinking” skills. Practices shown not to be effective in reducing juvenile crime include arresting juveniles for minor offenses, boot camps, and “scared straight” programs. (For more information on what works, what doesn’t, and what’s promising go to the [Preventing Crime Website](#).)

Table 3.

<p>What Works</p>	<ul style="list-style-type: none"> ❖ For Infants: Frequent home visits by nurses and other professionals. ❖ For Preschoolers: Classes with weekly home visits by preschool teachers. ❖ For delinquent and at-risk preadolescents: Family therapy and parent training. ❖ For Schools: <ul style="list-style-type: none"> —Organizational development for innovation, including use of school teams. —Communication and reinforcement of clear, consistent norms. —Teaching of social competency skills. —Coaching of high-risk youth in “thinking skills.” ❖ For older male ex-offenders: Vocational training reduces repeat offending. ❖ For rental housing with drug dealing: Nuisance abatement action on landlords reduces drug problems in privately-owned rental housing. ❖ For high-crime spots: Extra police patrols. ❖ For high-risk repeat offenders: <ul style="list-style-type: none"> —Monitoring by specialized police units. —Immediate incarceration upon reoffense reduces their crime. ❖ For domestic abusers who are employed: On-scene arrests reduce repeat offenses. ❖ Incarceration of offenders who will continue to commit crimes: Works with more active and serious offenders. Diminished returns with less serious/active offenders. ❖ For convicted offenders: Rehabilitation programs with risk-focused treatments. ❖ For drug-using offenders in prison: Therapeutic community treatment programs.
<p>What Doesn't Work</p>	<ul style="list-style-type: none"> ❖ Gun “buyback” programs: Although reducing the number of guns on the street, programs operated without geographic limitations on eligibility of people selling guns back fail to reduce gun violence. ❖ Community mobilization against crime in high-crime poverty areas: Fails to reduce crime in those areas. ❖ Police counseling visits to homes of couples days after domestic violence incidents: Fails to reduce repeat violence after an arrest or warrant. ❖ Counseling and peer counseling of students in schools: Fails to reduce substance abuse or delinquency and can increase delinquency. ❖ Drug Abuse Resistance Education (D.A.R.E.): Fails to reduce drug abuse when the original DARE curriculum is used. ❖ Drug prevention classes focused on fear and other emotional appeals, including self-esteem: Fails to reduce substance abuse. ❖ School-based leisure-time enrichment programs: Includes supervised homework and self-esteem exercises; fails to reduce delinquency risk factors or drug abuse. ❖ Summer jobs or subsidized work programs for at-risk youth: Fails to reduce crime or arrests. ❖ Short-term, nonresidential training programs (including Job Training Partnership Act and JOBSTART) for at-risk youth: Fails to reduce crime. ❖ Diversion from court to job training as a condition of case dismissal: Fails to reduce adult offending, but increased offending in juvenile program. ❖ Neighborhood watch programs organized with police: Fails to reduce burglary or other target crimes, especially in higher crime areas where voluntary participation often fails. ❖ Arrest of juveniles for minor offenses: Causes them to become more delinquent in the future than in policy exercise discretion or use alternatives to formal charging. ❖ Arrests of unemployed suspects for domestic assault: Causes higher rates of repeat offending versus nonarrest alternatives. ❖ Increased arrests or raids on drug market location: Fails to reduce violent crime or disorder for more than a few days. ❖ Storefront police offices: Fails to prevent crime in surrounding area.

	<ul style="list-style-type: none"> ❖ Police newsletters with local crime information: Fails to reduce victimization rates. ❖ Correctional boot camps using traditional military basic training: Fails to reduce repeat offending after release. ❖ “Scared Straight” programs where minor juvenile offenders visit adult programs: Fails to reduce participant reoffending and may increase crime. ❖ Shock probation, shock parole, and split sentences adding jail time to probation or parole: Fails to reduce repeat offending compared to similar offenders under community supervision. Increases crime rates for some groups. ❖ Home detention with electric monitoring: Fails to reduce offending for low-risk offenders in comparison to standard community supervision without electronic monitoring. ❖ Intensive supervision on parole or probation (ISP): Does not reduce repeat offending compared to normal levels of community supervision; varies by site, with some exceptions. ❖ Rehabilitation programs using vague, unstructured counseling that does not specifically focus on each offender’s risk factors: Fails to reduce repeat offending. ❖ Residential programs for juvenile offenders using challenging experiences in rural settings: Fails to reduce repeat offending as compared to standard training schools.
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Adapted from The National Institute of Justice Research in Brief, “Preventing Crime: What Works, What Doesn’t, What’s Promising” (July 1998).

Asset Development

Also known as protective factors, assets are personal characteristics that protect youth from a host of high-risk antisocial behaviors, including substance abuse, dropping out of school, delinquency, and violence. While risk factors are a key component in understanding and identifying potentially violent youth, it is just as important to recognize the factors that keep youth from becoming violent. It is these factors that keep the majority of youth, despite living in poor and high-crime areas, from becoming involved in serious delinquency.¹⁸

Research has begun to identify these assets. For example, the Search Institute has identified forty developmental assets considered as key factors in enhancing the health and well-being of young people. These assets are divided into two main categories, external and internal assets. External assets focus on the positive experiences that young people receive from people and institutions, including positive adult relationships, family support, and caring schools and neighborhoods. Internal assets are the internalized qualities that guide choices and create a sense of centeredness, purpose, and focus for youth. These include items such as doing homework, integrity, honesty, and planning and decisionmaking skills. A complete list of [Search](#)’s assets are listed in Table 4.

Table 4.

Asset Type, Asset Name and Definition

EXTERNAL ASSETS

Support

Family support: Family life provides high levels of love and support.

Positive family communication: Young person and her/his parent(s) communicate positively, and young person is willing to seek advice and counsel from parent(s).

Other adult relationships: Young person receives support from three or more nonparent adults.

Caring neighborhood: Young person experiences caring neighbors.

Caring school climate: School provides a caring, encouraging environment.

Parent involvement in schooling: Parent(s) actively involved in helping young person succeed in school.

Empowerment

Community values youth: Young person perceives that adults in the community value youth.

Youth as resources: Young people are given useful roles in the community.

Service to others: Young person serves in the community one hour or more per week.

Safety: Young person feels safe at home, at school, and in the neighborhood.

Boundaries and Expectations

Family boundaries: Family has clear rules and consequences and monitors youth's whereabouts.

School boundaries: School provides clear rules and consequences.

Neighborhood boundaries: Neighbors take responsibility for monitoring youth's behavior.

Adult role models: Parent(s) and other adults model positive, responsible behavior.

Positive peer influence: Young person's best friends model responsible behavior.

High expectations: Both parent(s) and teachers encourage the young person to do well.

Constructive Use of Time

Creative activities: Young person spends three or more hours per week in lessons or practice in music, theater, or other arts.

Youth programs: Young person spends three or more hours per week in sports, clubs, school organizations, and/or community organizations.

Religious community: Young person spends one hour or more per week in activities in a religious institution.

Time at home: Young person is out with friends with nothing special to do two or fewer nights per week.

INTERNAL ASSETS

Commitment to Learning

Achievement motivation: Young person is motivated to do well in school.

School engagement: Young person is actively engaged in learning.

Homework: Young person reports doing at least one hour of homework every school day.

Bonding to school: Young person cares about her/his school.

Reading for pleasure: Young person reads for pleasure three or more hours per week.

Positive Values

Caring: Young person places high value on helping other people.

Equality and social justice: Young person places high value on promoting equality and reducing hunger and poverty.

Integrity: Young person acts on convictions and stands up for her/his beliefs.

Honesty: Young person tells the truth even when it is not easy.

Responsibility: Young person accepts and takes personal responsibility.

Restraint: Young person believes it is important not to be sexually active or to use alcohol or other drugs.

Social Competencies

Planning and decisionmaking: Young person knows how to plan ahead and make choices.

Interpersonal competence: Young person has empathy, sensitivity, and friendship skills.

Cultural competence: Young person has knowledge of and comfort with people of different cultural/racial/ethnic backgrounds.

Resistance skills: Young person can resist negative peer pressure and dangerous situations.

Peaceful conflict resolution: Young person seeks to resolve conflict nonviolently.

Positive Identity

Personal power: Young person feels he/she has control over things that happen to me.

Self-esteem: Young person reports having a high self-esteem.

Sense of purpose: Young person reports that my life has a purpose.

Positive view of personal future: Young person is optimistic about her or his personal future.

Source: The Search Institute, 1999.

Promising State Practices

In implementing policy to address juvenile violence, states have had success in taking what has been learned and applying it.

Targeted Crime Prevention Strategies. These strategies rely heavily on crime data, including mapping areas of high criminal activity and identification and surveillance of the most active criminals in an area. These efforts tend to take careful aim at the most active and violent criminals and high-crime areas and to use a zero-tolerance policy in the arrest and prosecution of offenders, both juveniles and adults. For these efforts to be successful, they require coordination among many entities, including law enforcement, prosecutors, corrections, and other state agencies. Examples include Maryland's HotSpot Communities Initiatives, Department of Justice, Office of Justice Program's Operation Weed and Seed, Delaware's Operation Safe Streets, Operation Cease Fire in Boston, and Operation Safe Neighborhoods in Baltimore. Although tailored for each area, these initiatives use similar approaches in their reliance on research and in targeting the most active criminals.

More information can be found on targeted efforts in the Appendix of this *brief*.

Lengthening the Stay of Juveniles in Institutions. Several states have lengthened the institutional commitment of juveniles to promote skills development and address other problems. For example, Florida extended the length of commitment after research indicated that youth who were committed for shorter stays were actually reoffending at a higher rate than youth who were in for more serious offenses but had a longer commitment. This difference in recidivism rates was attributed to the number and intensity of services received, such as education, socialization skills, mental health services, and substance abuse services.

Balanced and restorative justice. States also report success in promoting strategies that use a balanced and restorative approach for working with youth, including violent youth. This model aims to balance the needs of the community, the victim, and the offender. Components include a continuum of

graduated sanctions, restitution, community service, and competency development of offenders. The balanced and restorative approach allows serious and violent youth to be incarcerated and less involved youth to be treated in the community.

Research. Many states have initiated rigorous and directed scientific research projects with universities. Such collaborative research is extremely important since accurate information about juvenile crime is often difficult to piece together. Key information is often divided among different agencies and organizations and lead juvenile justice agencies may not have the capacity or resources to pull this information together. Collaborative research can help to bridge that gap.

Michigan's Trauma Project is an example of such an initiative. For the Trauma Project, Michigan's juvenile justice agency, in particular its training school, partnered with the University of Michigan to conduct several studies examining juvenile offenders, including violent juveniles and sexual offenders. In addition to providing more accurate information about their offender population, these studies have improved treatment capacity within the state facility in terms of professional staff development and improved treatment modalities.

Such efforts may not necessarily be unique, but they are essential for planning purposes and for improving treatment options. More information on joint and collaborative research is available in [Viewing Crime and Justice in a Collaborative Process](#).

Improved State Planning Processes. States also are having success integrating specific needs of local areas in the state juvenile justice plan. This allows state and local needs to shape the state juvenile justice plan and can also be used to identify and obtain funding for services.

An example is Florida, where the state juvenile justice plan is initiated through a county and district planning process. Each county has a council dedicated to juvenile justice issues that creates a countywide juvenile justice plan and forwards it to a district board. Similar to the county councils, the district boards are dedicated to juvenile justice issues and are comprised of representatives from each of the county boards. The district boards create district plans that are forwarded to the state agency where they are modified and incorporated into the state plan.

In Oregon, public safety coordinating councils are legislatively mandated to produce local safety coordinating plans. These plans outline the coordination of services for juveniles within the counties. Although not statutorily mandated, Utah has a similar structure whereby local councils produce safety plans. These plans are then incorporated into the state juvenile justice planning process.

Making Policy in a Changing Legal Landscape

Policymakers should be aware that there have been many changes in the legal landscape in dealing with juveniles offenders. Policymakers may either welcome or oppose these changes, but they need to be aware of their impact as they strive to implement effective juvenile violence reduction strategies. Three changes are important to note: the laws governing jurisdiction of juvenile crime, the development and use of specialized courts for social problems, and the role of judges.

Laws Governing Jurisdiction of Juvenile Crime. In response to juvenile crime rates states have amended laws on juvenile offenders, making them tougher and making it easier to try juveniles as adults. States also have enacted laws strengthening parental responsibility for juvenile offenses and victims' rights law. Between 1992 and 1995, forty-one states passed laws making it easier for juveniles to be tried as adults in criminal courts.¹⁹ While many of these changes are unique to individual states, table 5 provides an overview of the various transfer classifications that states have adopted in dealing with juvenile offenders.

Table 5.

Transfer Classification	Definition	State Use (as of December 1997)
Discretionary Waiver	A juvenile court judge may waive jurisdiction and transfer the case to criminal court typically based on factors outlined in the <i>Kent v. United States</i> [383 U.S. 541 (1996):566-67] decision.	All but five (Connecticut, Massachusetts, Nebraska, New Mexico, and New York)
Mandatory Waiver	A juvenile court judge must waive jurisdiction if probable cause exists that the juvenile committed the alleged offense.	Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Louisiana, North Carolina, North Dakota, Ohio, Rhode Island, South Carolina, Virginia, West Virginia
Presumptive Waiver	The burden of proof concerning a transfer decision is shifted from the state to the juvenile. Requires that certain juveniles be waived to criminal court unless they can prove they are suited for juvenile rehabilitation.	Alaska, Arizona, California, Colorado, District of Columbia, Illinois, Kansas, Minnesota, Nevada, New Hampshire, New Jersey, North Dakota, Pennsylvania, Rhode Island, Utah
Direct File	The prosecutor decides which court will have jurisdiction over a case when both the juvenile and criminal courts have concurrent jurisdiction. Also known as prosecutor discretion or concurrent jurisdiction.	Arizona, Arkansas, Colorado, District of Columbia, Florida, Georgia, Louisiana, Massachusetts, Michigan, Montana, Nebraska, Oklahoma, Vermont, Virginia, Wyoming
Statutory Exclusion	Certain juvenile offenders are automatically excluded from the juvenile court's original jurisdiction. Also known as legislative exclusion or automatic transfer.	Alabama, Alaska, Arizona, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Louisiana, Maryland, Massachusetts, Minnesota, Michigan, Montana, Nevada, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Utah, Vermont, Washington, Wisconsin

Reverse Waiver	A criminal court judge is allowed to transfer “excluded” or “direct filed” cases from criminal court to juvenile court for adjudication.	Arizona, Arkansas, Colorado, Connecticut, Delaware, Georgia, Iowa, Kentucky, Maryland, Michigan, Nebraska, Nevada, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Vermont, Virginia, Wisconsin, Wyoming
Once an Adult, Always an Adult	Once a juvenile is convicted in criminal court, all subsequent cases involving that juvenile will be under criminal court jurisdiction.	Alaska, Arizona, California, Delaware, District of Columbia, Florida, Hawaii, Idaho, Indiana, Kansas, Maine, Michigan, Minnesota, Mississippi, Nevada, New Hampshire, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Washington, Wisconsin

Source: “State Legislative Responses to Violent Juvenile Crime: 1996–97 Update,” *OJJDP Juvenile Justice Bulletin*, November 1998.

Development and Use of Specialized Courts for Social Problems. Many states also have formed special courts, such as family, handgun, and drug courts. While specialized courts are not a new to judicial systems or designed to deal exclusively with juveniles, these courts are being used more extensively to deal with social problems. Drug courts, for example, were originally designed “to relieve congestion in traditional criminal courts by placing nonviolent drug offenders in a cooperative, nonadversarial court setting where they take responsibility for both their crimes and their futures.”²⁰ These courts have five basic elements: immediate intervention, nonadversarial adjudication, hands-on judicial involvement, treatment programs with clear rules and goals, and a team approach (judge, prosecutor, defense, treatment provider, corrections).²¹

Michigan’s Muskegon County Juvenile Court’s In-Home Intensive Treatment Program (IITP) is an example of effective integration of a court in a treatment program. IITP works with young offenders and their families to keep youth out of residential placements. IITP is an intensive outreach program that promotes accountability and competency development. The court is an integral part in this program model, working closely with probation officers, conducting regular reviews of youths’ progress, and providing sanctions and rewards where appropriate. (More information on IITP can be found by contacting Michigan’s Family Court Division, Fourteenth Judicial Circuit, Muskegon, Michigan 49442, 616/724-6530.)

Specialized courts may be limited by the location and nature of the issues they address, but they provide another option for states to consider.

Role of Judges. The changing role of judges is closely related to the development of specialized courts. While judges have always had an impact on shaping policy, they are now much more active in promoting policy change and program development. The impetus for this “therapeutic jurisprudence” is that judges have seen the same problems and offenders repeatedly and have been unable to restrict the flow into the courtroom, even though these problems impede effective (and beneficial) adjudication of cases.²² As a result, judges have become active in promoting the development of traditional and alternative treatment programs and in the shaping of policy. Table 6 highlights some of the more salient changes in the role of judges.

Table 6.

A Comparison of Transformed and Traditional Court Processes	
Traditional Process	Transformed Process
<ul style="list-style-type: none"> • Dispute resolution • Legal outcome • Adversarial process • Claim- or case-oriented • Rights-based • Emphasis placed on adjudication • Interpretation and application of law • Judge as arbiter • Backward looking • Precedent-based • Few participants and stakeholders • Individualistic • Legalistic • Formal • Efficient 	<ul style="list-style-type: none"> • Problem-solving dispute avoidance • Therapeutic outcome • Collaborative process • People-oriented • Interest- or needs-based • Emphasis on postadjudication and alternative dispute resolution • Interpretation and application of social science • Judge as coach • Forward looking • Planning-based • Wide range of participants and stakeholders • Interdependent • Commonsensical • Informal • Effective

Source: Warren, Roger K., “*Reengineering the Court Process*,” Madison, Wisc., Presentation to Great Lakes Court Summit, September 24–25, 1998.

States’ Challenges in Designing Effective Violence Reduction Strategies

While there clearly has been progress in dealing effectively with violent juvenile offenders, there are still areas that states continue to struggle with. These issues are divided into treatment issues and system issues.

Treatment Issues

Lack of Adequate Mental Health and Substance Abuse Services for Juveniles. Many states, have an inadequate supply of quality mental health and/or substance abuse services for incarcerated and nonincarcerated youth—especially for youth who cannot afford to pay for treatment. Consequently, states’ juvenile justice systems become the treatment system of default. These youth may or may not receive adequate quality services and often the youth with the most need end up in more costly, less effective residential facilities where underlying issues remain unaddressed.

Expanded identification and assessment will help states to better differentiate between juveniles in need of residential treatment and those who could benefit from less costly community-based treatment. However, without adequate and viable nonresidential treatment options for youth who are not a threat to public safety, competing for bed space will remain an issue.

In addition to an appraisal of treatment capacity and need, implementing effective and ongoing quality assurance and evaluation processes will help to ensure that the standard of services provided remains high. Given the wide range in quality of treatment in and out of the juvenile justice system, this systemwide assessment is crucial as states form their strategic plan for dealing with violent juvenile offenders.

Sexually Abused/Abusing Youth. Whether the actual number of sex-related offenses has increased or there is better reporting, some states have seen a rise in the number of identified juvenile sexual assault offenders and victims. Unfortunately, many states do not have adequate treatment facilities to meet this growing need and expanding treatment is difficult. Sexual offenders are one of the most problematic populations to serve. Providers are wary of working with offenders or are not appropriately skilled, offenders are a risky population to work with in the community, the efficacy of treatment is difficult to assess, and offenders often require separate secure facilities in residential programs. Expanding treatment capability to meet needs and ensure that services provided are appropriate and effective can be a daunting task. Without appropriate, immediate, and early intervention, many young sexual offenders will continue this behavior into adulthood.

Identification/Assessment. The majority of juvenile crime is committed by a small minority of juveniles. It is these serious, chronic, and violent offenders that account for the largest percentage of juvenile crime, especially violent crime. Typically youth who commit lesser offenses are treated the same as offenders of more serious and chronic crimes. As a result, resources are drawn away from higher-need youth—including available residential treatment—meaning the younger, less serious offenders penetrate the system deeper than is necessary. Better identification, assessment techniques, and tools make it possible to target resources toward those who need services the most. By investing in strategies that promote this type of differentiation, states can maximize their dollars and achieve a more efficient and responsive system.

System Issues

Organizationally Fractured Juvenile Justice Systems. In many states, components of the juvenile justice system fall under the auspices of different agencies and organizations, including juvenile courts. This fragmentation raises numerous issues, including the use of detention and residential facilities, information sharing, and service gaps. Many young offenders are identified early in their criminal careers when interventions are more likely to have a positive impact and are typically less expensive. However, these youth often do not receive adequate services until after they have committed more serious offenses. A more unified juvenile justice and treatment system could better align services and responsibilities across agencies to provide more comprehensive and effective strategies.

Service Gaps. Service gaps often exist between institutionalization and aftercare and between early identification and treatment. For example, a youth who is identified as being at-risk a social service

organization, a school, or a community-based organization is not provided adequate services (or even no services at all) until that youth commits an offense serious enough to be noticed by the juvenile justice system.

Conclusion

The good news is that incidents of juvenile crime, including violent crime, are decreasing and that research has identified best practices and programs that work in preventing future crime. Research also emphasizes that it is never too late—nor too early—to implement these strategies. The bad news is that too many juveniles remain involved in criminal activities, including violent crime.

Policymakers can significantly impact the rates of violent juvenile crime by targeting the small minority of serious, chronic, and violent juvenile offenders responsible for most juvenile crime and by promoting strategies that build on the strengths which prevent youth from committing violence. Governors' leadership can promote effective treatment and prevention options, can tap into many nontraditional resources, and can promote efforts that portray youth in a positive light engaged in productive activities.

Note: This brief draws on presentations from an executive policy forum on dealing with violent juvenile offenders, hosted by Michigan Governor John Engler, and cosponsored by NGA's Center for Best Practices and the National Institute of Justice, May 1999. This forum was the second in a series of three executive policy forums on juvenile and criminal justice issues and state best practices. The first forum, on combating school violence, was hosted by Governor James B. Hunt Jr. of North Carolina. The third executive forum, will focus on integrated and cross-cutting strategies to address family violence.

Appendix

Resources

[“National Evaluation of Weed and Seed”](#)

This brief details NIJ’s Weed and Seed Program, which aims to identify, arrest, and prosecute violent offenders, drug traffickers, and other criminals operating in target areas. It also features neighborhood revitalization efforts to prevent and deter further crime. National evaluation of eight Weed and Seed sites is included. For more information, contact DOJ, Office of Justice Programs, National Institute of Justice, 810 Seventh Street N.W., Washington, D.C. 20531.

[Preventing Crime: What Works, What Doesn’t, What’s Promising](#)

This report highlights the findings of 500 evaluations of crime prevention programs and identifies what works, what doesn’t, and what’s promising. Strengths and limitations of programs are closely examined as well as different research methods used to decide what works in the prevention of crime. More information is available at the DOJ, Office of Justice Programs, National Institute of Justice, 810 Seventh Street N.W., Washington, D.C. 20531.

[“Therapeutic Jurisprudence and the Emergence of Problemsolving Courts”](#)

This article discusses the emergence of therapeutic jurisprudence, where courts focus on, among other things, positive therapeutic outcomes for individuals. More information is available by contacting DOJ, Office of Justice Programs, National Institute of Justice, 810 Seventh Street N.W., Washington, D.C., 20531.

[Viewing Crime and Justice from a Collaborative Perspective: Plenary Papers of the 1998 Conference on Criminal Justice Research and Evaluation](#)

Papers include the changing role in community partnerships, relationship between science and practice, and research on the battering of women. For more information, contact DOJ, Office of Justice Programs, National Institute of Justice, 810 Seventh Street N.W., Washington, D.C. 20531.

[The Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders](#)

A bridge between treatment and legal remedies is the Office of Juvenile Justice and Delinquency Prevention (OJJDP) *Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders*. This strategy is “based on the establishment of a continuum of juvenile delinquency prevention, early intervention, and graduated sanctions, programs, that are built on research, driven by data, and focused on outcomes. The continuum starts with prenatal prevention and includes community-based prevention services based on a risk and resource assessment, immediate interventions, and a range of graduated sanctions that include institutional care and aftercare services. The prevention, early intervention, and graduated sanctions, services, and strategies are key points along the continuum and are designed to reduce and control the risk factors that contribute to delinquent behaviors and ensure public safety.”²³

[Juvenile Justice at the Crossroads](#)

This document's report is based on proceedings from 1996 OJJDP national conference. The conference featured presentations on effective approaches to reducing juvenile crime and violence, and findings of leading researchers.

[Female Offenders in the Juvenile Justice System](#)

This document analyzes increasing patterns in the arrest, management, and placement of violent female offenders. Between 1989–93, there was a 55 percent increase in arrests of females for violent offenses. This report presents various strategies to address this challenge. For more information contact the National Center for Juvenile Justice, 710 Fifth Avenue, Pittsburgh, Pennsylvania 15219-3000.

[Minorities and the Juvenile Justice System](#)

This report reviews research on minorities in the juvenile justice system and identifies existing programs and policies. For more information, contact DOJ, Office of Justice Programs, OJJDP, 810 Seventh Street N.W., Washington, D.C. 20531.

[OJJDP Research: Making a Difference for Juveniles](#)

This report summarizes key initiatives undertaken by OJJDP's research division, from 1996 to 1998. Included is a review of critical findings, highlights of innovative research efforts, and information on emerging research, including that on very young offenders, school violence, and girls in the juvenile justice system. More information on this study is available by contacting DOJ, Office of Justice Programs, OJJDP, 810 Seventh Street, N.W., Washington, D.C. 20531.

[Recent Trends in Violence-Related Behaviors Among High School Students in the United States](#)

This report in *The Journal of the American Medical Association* (JAMA) measures the trends in nonfatal violent behaviors among adolescents in the U.S. between 1991 and 1997. Research is presented that demonstrates apparent declines in fighting and weapon carrying among U.S. adolescents. The report is available through JAMA reference 1999; 282:440-446.

[Report to Congress on Juvenile Violence Research](#)

This report highlights the findings of studies funded by congressional directive. Among the findings is research that shows young African-American males are disproportionately involved as violent offenders and as victims of violence. This study also highlights four areas of intervention—gangs, guns, high-risk juveniles, and locations and times of highest risk for juvenile violence. More information on this report is available through the DOJ, Office of Justice Programs, OJJDP, 810 Seventh Street N.W., Washington, D.C. 20531.

[State Legislative Responses to Violent Juvenile Crime: 1996–97 Update](#)

This report is an update from a 1996 study of changes in jurisdictional authority, sentencing, corrections programming, confidentiality of records and court hearings, and victim involvement in juvenile proceedings undertaken by states from 1992 through 1995. This report details reforms passed

by additional states during the preceding two years. More information can be obtained by contacting the DOJ, Office of Justice Programs, OJJDP, 810 Seventh Street N.W., Washington, D.C. 20531.

Organizations

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[Juvenile Justice Clearinghouse](#)

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[National Clearinghouse on Families and Youth](#)

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[The Search Institute](#)

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End Notes

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² Melissa Sickmund, Howard N. Snyder, and Eileen Poe-Yamagata, *Juvenile Offenders and Victims: 1997 Update on Violence* (Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, 1997), 24.

³ *Ibid.*, 17.

⁴ *Ibid.*

⁵ *Ibid.*, 4.

⁶ *Ibid.*, 12.

⁷ *Ibid.*, 1.

⁸ *Ibid.*

⁹ Howard N. Snyder, "Known Juvenile Homicide Offenders by Race, 1980–1995," adapted from Melissa Sickmund, Howard N. Snyder and Eileen Poe-Yamagata, *Juvenile Offenders and Victims: 1997 Update on Violence*. (Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, 1997).

¹⁰ Sickmund et al, 42.

¹¹ Department of Justice, Office of Juvenile Justice and Delinquency Prevention, *OJJDP Research: Making a Difference for Juveniles* (Washington, D.C.: Department of Justice, August 1999), 8.

¹² J. Budnick Kimberly, Ellen Shields-Fletcher, "What About Girls?" *OJJDP Fact Sheet*, no. 84 (September 1998).

¹³ Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, *Juvenile Justice Bulletin: Serious and Violent Juvenile Offenders* (Washington, D.C., May 1998), 3.

¹⁴ *Ibid.*

¹⁵ Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, *Report to Congress on Juvenile Violence Research* (Washington, D.C.: Department of Justice, July 1999), 5.

¹⁶ *Ibid.*

¹⁷ Department of Justice, *Juvenile Justice Bulletin*, 4.

¹⁸ *Ibid.*, iii.

¹⁹ Sickmund, et al., 30.

²⁰ National Drug Court Institute, *Drug Courts: A Research Agenda* (Alexandria, Virginia: National Drug Court Institute), 1.

²¹ David Rottmand, and Pamela Casey, *A New Role for Courts?* (Washington, D.C.: National Institute of Justice Journal, July 1999), 15.

²² *Ibid.*, 13.

²³ Office of Juvenile Justice and Delinquency Prevention, "Update on the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders," *Fact Sheet No. 83* (September 1998).