

## New Report Urges Community-Based Rehabilitation for Youth, Not “Adult Time”

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A recent report released by the American Youth Policy Forum is one of the strongest statements to date warning of the consequences of incarcerating juvenile offenders and pointing out recent programs that surpass incarceration in preventing youth from becoming career criminals. The report takes aim especially at the practices of “juvenile transfer”—making a youth stand trial in adult court rather than juvenile court—and institutional punishments—requiring youth to leave their homes and communities and go to group homes, juvenile detention centers, or adult prisons. The report’s author, Richard A. Mendel, urges policy makers to give local juvenile justice agencies incentives to use rehabilitation efforts that directly address the youth’s familial and community causes of delinquency, reserving institutional confinement for those who cannot be helped any other way.

Mendel says that funding more research-based and early intervention efforts among a broad coalition of educational, social service, and juvenile justice agencies has proven its effectiveness but continues to be all but ignored by each of the 50 state juvenile justice systems and that of the District of Columbia. He also points out that the community-based rehabilitation options are far less expensive than incarceration and exact less damage on the well-being of the young offenders. New options need to be considered, Mendel says, for those youths who do require removal from their communities. The juvenile justice system in America has all that it needs to significantly curb juvenile delinquency. It lacks only the leadership needed to implement policy changes that research shows are more effective, less harmful, and significantly less costly than present policy.

What follows is a summary of Mendel’s findings:

**1. Adult punishments for youths are based on public frustration and political posturing of “getting tough on crime,” not on sound research.** Media exposure of extreme instances of juvenile violence in recent years has provided support to a policy that is otherwise untenable: the increasingly common transfer of juvenile offenders to the adult criminal justice and penal system. Increasing numbers of states punish youths as adults and expand the range of offenses for which youths can be tried and punished as adults. Proclaiming youthful offenders as “superpredators,” politicians and members of the juvenile justice system have literally turned the clock back on youth that commit crimes. Yet, at the same time that “superpredators” were supposed to be wreaking growing amounts of increasingly violent havoc upon society, the nation as a whole experienced a drop in juvenile crime, especially violent crime. Mendel believes that “media hype” created the image of the youth superpredator” at the same time that youth crime actually declined throughout the 1990s. The rallying call of “adult time for adult crime” signifies a fundamental shift in the American way of thinking about juvenile crime. Although the United States was the first country to create a separate justice system for children beginning in the late 19th century, over the past decade, most states have reneged on this earlier policy of giving youth a second chance. Public fear and frustration have produced the conditions that are eroding this fundamentally American invention.

**2. Research into the causes of juvenile crime has been routinely ignored by the juvenile justice system.** Important advances have been made in understanding which youth commit crimes, why they commit crimes, how they become career

criminals, and what factors must be addressed in order to stop them early. For example:

- Only about 6% to 8% of all boys commit most of all juvenile crime. Therefore, prevention of youth criminality should attempt to identify and target the youth at the greatest risk of becoming involved in criminal activity.
- Childhood is an important time for building protective factors that may prevent the development of youth becoming career criminals. Early intervention and prevention cannot be neglected in formulating solutions to juvenile criminality.
- Juvenile delinquents who will become serious offenders may follow a number of similar developmental tracks that can be identified early and averted through careful intervention.
- The age-old dispute between individual responsibility and environmental responsibility has been discarded in favor of the “risk factor” and “protective factor” model. Scholars can identify a number of “risk factors” that do not cause juvenile delinquency but may increase the likelihood that a youth will become delinquent when more risk factors are present. Effective solutions to juvenile crime must try to negate these risk factors and enhance conditions with protective factors that buffer youth from adversity.
- Family problems including frequent family conflict and a family history of criminality, neglect, abuse, or separation are considered common risk factors in fostering juvenile criminality.
- Peer groups that support deviant behavior heighten a youth’s chances of engaging in similar behavior.
- Youth criminality tends to diminish as the youth becomes an adult. Most juveniles who commit crimes—even serious crimes—are not destined to become career criminals. Punishment of youthful offenders should account for the fact

that these offenders, Mendel says, “are teenagers exercising bad judgement—sometimes catastrophic judgement—succumbing to peer pressure and temporarily losing control. These youth should be punished for their crimes, but punished in ways that do not seriously damage their future life chances” (p. 16).

### **3. Several inexpensive methods of rehabilitating young offenders have been repeatedly shown to be effective at curbing youth criminality but continue to be ignored by decision makers of the juvenile justice system.**

Substantial evidence points to successful, community-based solutions that reduce the recidivism rates among juvenile offenders and are not nearly as burdensome on the public purse as is incarceration. Indeed, Mendel says that most juveniles who are incarcerated are not a danger to themselves or to society and rarely will they become career criminals. (It is in prison that young offenders learn to be violent, career criminals from delinquent peers and hardened criminals.) Most teens are in jail for nonviolent offenses, the most prevalent of which are drug possession and trafficking. This type of offense does not always require confinement in institutions that expose youth to violent, career criminals. Thus, many efforts have been studied and found to be effective in helping rehabilitate youth within their own homes and communities. Two methods, Multisystemic Therapy (MST) and Functional Family Therapy (FFT), are highlighted by Mendel, but a number of other strategies are described. All methods can work with the youth and his family within the community and rarely require any youth to be incarcerated or placed in group facilities. The effectiveness of these methods is traced especially to two things. One is their identification of family dynamics that create problems among the youth. The other is their removal of the youth from peer environments in which he is surrounded by other offenders.

**4. Present policies remain abusive and counter-productive.** The juvenile justice system routinely uses numbers like the recidivism rate (the percentage of incarcerated individuals who have been convicted

of new crimes within a given amount of time following their release). Mendel says that by its own figures, the present system simply is not working, nor is it the only workable or available choice.

- *Institutional punishments create problems.* The report blames the juvenile justice system for investing too heavily in institutional punishments aimed at scaring youth out of becoming criminals by putting them around other delinquents or hardened adult convicts. When they are kept under these conditions—especially given the teenage tendency to “follow the crowd”—youth become more likely to leave the institution with more criminal tendencies and to commit increasingly serious crimes.
- *Institutional conditions harm many youths.* Youth become more likely to be victims or perpetrators of violence, including murder and sexual assault, under harsh institutional conditions. Additionally, minority youth are more likely to be victims of violence at the hands of the corrections officers, and their civil and human rights are routinely violated.
- *By their own logic, “get tough on crime” policies do not work.* Laws stiffening the punishments prosecutors could use against juvenile offenders were passed throughout the early 1990s after an unprecedented peak of juvenile violence that was touched off by the introduction of crack and other new drugs in American cities in the 1980s. The logic of the “get tough on crime” policies is to fight juvenile delinquency by “upping the ante” for would-be juvenile offenders. If youth think twice, they will understand that it is not worth all the problems jail time entails. If they do not think twice, they are, at the very least, “out of society’s hair” for a while. Mendel shows that this logic is not working on either count. While proponents of hard time for youth say that declining youth crime rates show that their policy works, the idea that increasingly harsh punishments deter youth from committing crime is weakened by

several facts. Cities and states implementing transfer policies have often experienced increases in juvenile crime that were not experienced by cities and states that did not implement transfer policies. In many cases, these policies broaden the number of crimes for which transfer is an option that nonserious and first-time offenders can be and often are prosecuted as adults and issued harsh punishments. Additionally, with so much strain on the adult criminal justice system already, many serious offenders end up serving minimal amounts of time anyway, less than that served by youth prosecuted in juvenile court. Thus, transfer laws, by increasing the demands put on the adult criminal justice system, do not even remove criminals from society.

Many options are available to the juvenile justice system. Worries about youth not serving enough time for serious crimes can be taken care of by using “blended sentences,” in which a youth serves part of his sentence, until 18, in a juvenile facility, and part of his sentence in an adult facility. But these should be the last options, says Mendel. Early intervention in the lives of youth and the use of new methods of rehabilitation and prevention for youth at high risk for delinquency can address some of the continuing problems of our juvenile justice system and help youths to overcome some of the problems that may cause them to get involved with the juvenile justice system.

The report is available at <http://www.aypf.org/mendel/index.html>.

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