

# THE JUVENILE OFFENDER

## Theory, Research and Applications

*by*

Robert D. Hoge

Outreach Scholarship Series



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*by*

**Robert D. Hoge**  
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**KLUWER ACADEMIC PUBLISHERS**  
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## ***PREFACE***

This book provides a discussion of advances in our understanding of the juvenile offender. These derive from psychological and criminological theory and research on the phenomenon of youth crime and from efforts on the part of social science researchers and practitioners to develop and evaluate new approaches to prevention and treatment.

The theoretical and empirical advances relate, first, to analyses of the nature and extent of youth crime. This is reflected, for example, in various descriptive and classification systems developed for characterizing juvenile offenders. Significant advances are also being made in understanding the risk factors associated with youthful criminal activity, as well as the processes linking the risk factors with antisocial behaviors. This understanding is based on theory and research relating to the correlates and causes of delinquency.

The advances in our understanding of the nature, correlates, and causes of juvenile crime are accompanied by progress in analyzing the treatment of youth in juvenile justice systems and in developing and evaluating alternative approaches to treatment. These efforts include research on decision-making within juvenile justice systems and the development of screening and assessment tools. This also includes efforts to develop and evaluate effective prevention and treatment programs for use with youths involved in criminal activity and those at risk for this activity.

This volume reviews this material in the context of two broad theoretical models. The first derives from recent psychological models of the causes of delinquency, which stress the role of interacting individual and situational variables as causal agents. The second model stresses the importance of basing interventions with juvenile offenders on a careful matching of the intervention with the criminogenic risk and need characteristics of the young person.

The book is directed toward several audiences. The first includes psychologists, other mental health professionals, and professionals such as probation officers and child care workers employed in juvenile justice systems. The book will be useful in informing them about the latest theoretical and empirical advances in the field. The second audience includes academic researchers and students who will find the book a useful survey of the latest developments in psychology and criminology relating to juvenile offenders. Finally, the book may serve as a resource for legal and quasi-legal personnel in juvenile justice systems that would benefit from exposure to the contributions being made by social scientists to the understanding of youth crime.

I would also like to acknowledge a number of organizations and individuals that have made valuable contributions to the preparation of this book. Some of the research on which the volume is based was supported by grants or contracts from the Ontario Ministry of Community and Social Services, Correctional Service Canada, Health Canada's Strategic Fund for Children's Mental Health, and Carleton University. David Simourd, Lynda Robertson, and Jane Ledingham provided comments on earlier versions of the manuscript, and I am grateful for their suggestions. I would also like to acknowledge the continuing encouragement and support from my sons, Rick and Andrew, and my partner Lynda. This book is dedicated to the memory of my parents.

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## *Chapter 1*

### *INTRODUCTION*

Criminal activity on the part of children and adolescents represents one of our most significant social issues. Its importance is reflected in public opinion polls where the issue of youth crime is nearly always cited as one of the leading public concerns. It is also reflected in the media, where reports of youth crime, particularly violent crime, inevitably receive prominent coverage. It is represented as well in the rhetoric of some politicians who build political platforms around concerns about juvenile crime and who frequently advocate drastic solutions to the “problem.” I will explore these issues in more detail in the next chapter, but I want to reflect here on some of the reasons for this concern.

This strong interest in youth crime reflects in part the centrality of children and youth in our society. Historians of childhood tell us that the concepts of childhood and adolescence have evolved very gradually over the centuries, and that our modern western conceptions are of relatively recent origin. One of the most prominent manifestations of this evolution is that children and adolescents now constitute the primary focus of family life. The preoccupation of the media and of merchandisers with adolescents and young adults further illustrates the centrality of young people in our society. This is quite a revolutionary development for, prior to this modern period, the family was primarily an economic unit and the period of childhood a very truncated one.

This general focus on youth is undoubtedly one factor accounting for our intense concern with youth crime, but there are other considerations as well. Fear of being a victim of crime is another factor. Surveys show, for example, that many young people and their parents are concerned with violence in the schools and fear for their safety. There are also data showing that many people do not feel safe

in their neighborhoods. These fears may be exaggerated in some cases, but they are real to the people holding them.

There is likely a general feeling as well that we have less control over the actions of children and adolescents than adults. There are two considerations. First, we recognize that primary responsibility for controlling the behavior of young people rests with parents, and there is a widespread feeling that many parents are unable or unwilling to meet their responsibilities in this respect. Second is the fact that in most jurisdictions the judicial and correctional systems are more "lenient" with children and adolescents than adults. Although this practice may be changing in some areas, we still generally hold young people to a somewhat different standard of conduct.

Finally, criminal activity on the part of young people often represents social conditions that we find difficult to confront. Poverty, racial prejudice, unemployment, family conflict and violence are all conditions associated with youth crime, and they also represent difficult social problems for which we often have no easy solutions. Some of our anxiety about youth crime probably reflects our feelings of helplessness in the face of these problems and perhaps some degree of guilt over our inability to solve them.

These observations about the bases for our concerns about youth crime are not intended to deny its importance. There are tremendous costs associated with these activities. First, there is the significant harm often suffered by the victims of these crimes. Physical pain and psychological trauma are often the consequences of violent crimes, and the families of victims may also suffer from these actions. Even so-called property crimes such as vandalism, shoplifting, and petty theft may result in burdensome monetary costs to individuals and organizations, as does the need to fund police and security services. There are, as well, significant costs associated with the processing of young people in juvenile justice systems and housing them in custody and other residential facilities. These costs escalate dramatically, of course, where the young person continues the criminal activity into adulthood.

We should also consider the effects of this criminal activity on the parents and siblings of the youth committing the crime. There are families that are indifferent to this criminal activity and even cases



where parents encourage the activity. These, however, are exceptions. In many cases the criminal activity of the youth places great strains on parents and has a negative impact on the functioning of the family.

One should also consider the consequences for the young person engaging in the criminal activity. It is sometimes difficult for those who are the victims of crime and for those who work closely with these youth to feel compassion for them. Some, in fact, do “get away” with their crime and some are treated in an apparently lenient way by the justice system, but many boys and girls do experience the consequences of their actions through stigmatization, periods of removal from their family and community, or, where they do not desist from their criminal actions, through continued conflicts with the justice system. In the latter case, the highest price is paid by society through its loss of a productive member of the community.

One final potential cost associated with youthful criminal activity should be noted. There are cases where politicians and members of the public have used fears about escalating rates of youth crime to propose drastic solutions. The latter may involve suspending or modifying traditional judicial rights or introducing severe punitive measures. However, these actions do not always have the desired effects and in some cases may have unintended and undesirable consequences. To illustrate, some jurisdictions in an effort to “crack down on youth crime” have increased the numbers of youths incarcerated in custody facilities. However, as we will see in a later chapter, incarcerating youths, especially low risk young people, may have the effect of increasing levels of criminal activity. Judicial systems within a democracy are fragile creations and should be tampered with only with great caution.

There are two reasons why it is important to keep in mind the significant costs associated with youth crime. First, an awareness of these costs should motivate us to continue our search for ways of reducing this serious social problem. Second, a calculation of these costs is essential in helping us evaluate the wisdom of introducing the types of intervention and treatment programs to be introduced later in this book. There are costs associated with those programs, but those

must be weighed against their potential for reducing the significant social and monetary costs associated with the criminal activity.

My purpose in writing this book is to address the various issues associated with youth crime and to bring to bear on those issues the latest empirical and theoretical developments in psychology, criminology, and other social sciences. These developments do not provide conclusive answers to these issues, but important progress is being made in developing an understanding of the correlates and causes of youthful criminal activity and the effects of alternative approaches to dealing with the problem. I will try to show in this book that applications of this knowledge can significantly improve our treatment of this important social problem.

The knowledge generated by applying social science methods to these forensic issues is important, but I think there is another sense in which our social science approach is relevant. To the extent that we embrace a rational-empirical approach to the analysis of the problem of youth crime, we are able to bring to bear on the problem a systematic and rational analysis of the issue. This is an important corrective to those analyses of criminal behavior dominated by a single theory or an over-riding political/philosophic position. Our analyses sometimes fall short of the ideal represented in this rational-empirical model, but I believe it provides the best opportunity for developing an objective and meaningful understanding of the problem of youth crime. The following section provides introductions to the issues addressed in this volume.

Chapter 2 provides a discussion of issues in the definition and measurement of youth crime. We will see there that defining the criminal act is a straightforward matter. These are injurious actions that are designated as illegal by law or statute in the jurisdiction in which they are committed. This, however, is where the simplicity ends and where we begin to confront some difficult definitional issues.

One problem arises from variability across jurisdictions in what is regarded as a criminal act. While most societies for most of recorded history have treated physical assault, murder, arson, theft and other such deeds as criminal acts, there are other actions that are designated as criminal in some areas and not in others. This is particularly true

of the so-called status offences that represent acts unique to children and adolescents (e.g., running away, truancy, habitual disobedience). These are part of the juvenile criminal code in some jurisdictions, considered as separate status offences in others, and not dealt with at all in the juvenile justice system in others. Age cut-offs constitute another source of variability across areas as does the ease with which youths can be moved from the juvenile to the adult system. As we will see, these considerations make it difficult sometimes to compare regions and countries in terms of juvenile crime rates.

The problem of definition is further complicated by the necessity to deal with criminal acts on the level of the individual. Our concern is not with individual criminal acts but with young people engaging in those acts. The complications arise, then, from the need to (a) characterize young people in terms of the nature and severity of their criminal activity and (b) place their criminal activities in the larger context of syndromes of conduct disorders or antisocial behaviors. While these represent serious definitional problems, we will see that progress is being made in developing the young offender and conduct disorder constructs.

There are as well some difficult measurement issues associated with the analysis of this criminal activity. It is necessary, first, to have a means of determining that the youth has engaged in the activity. This is typically assessed through official police and court data or self-reported criminal activity, both of which present some problems. Measurement issues also arise where we are concerned with assessing the broader constructs of conduct disorder and antisocial personality. These measurement issues will be explored more fully in Chapter 6.

Two other issues are dealt with briefly in Chapter 2. These relate to efforts to estimate the prevalence of youthful criminal activity and research on public opinions regarding youth crime. Both of these issues are highly relevant to any efforts to affect public policy in this area.

Chapter 3 is devoted to a discussion of the search for the correlates and causes of youthful criminal activity. The ultimate goal of our analysis of youth crime is the discovery of the causes of that activity. It should be understood that this search is an important one; our

capacity to make intelligent choices about the prevention and treatment of these antisocial behaviors depends very much on the quality of our understanding of the problem.

The search for the causes of criminal and other antisocial behaviors has a long history in religion, philosophy, and the social sciences, but it is only in the past 100 years or so that the issue has been approached in a systematic manner, and, as we will see in Chapter 3, it is within the past 20 or so years that really marked progress has been made in this respect. We by no means have a complete understanding of the correlates and causes of antisocial behavior, but empirical research is yielding increasingly meaningful results, and the data from that research are being incorporated into more sophisticated theoretical formulations. There can be no doubt that our knowledge about youth crime has advanced significantly.

Three key constructs are employed in this book to aid in applying this theoretical and empirical knowledge to the treatment of youthful offenders. These terms, *criminogenic risk*, *criminogenic need*, and *responsivity*, refer to characteristics of the youth or their circumstances that are relevant to: (a) the likelihood that they will engage in criminal activity (criminogenic risk factors), (b) the prevention or treatment targets likely to reduce this risk (criminogenic need and protective factors), and (c) the factors affecting the way in which the individual will respond to a particular intervention (responsivity factors). These concepts are developed more fully in the following chapters.

Chapter 4 is devoted to a discussion of the structure of juvenile justice systems and the processing of youth within those systems. The treatment of youthful offenders within juvenile justice systems may be represented as a series of decisions, usually ranging from an initial police investigation, through preadjudicatory and adjudicatory phases, and, where there is a finding of guilt, to a disposition stage. The latter may involve a variety of options, including an absolute discharge, fines, or periods of probation or incarceration. While the basic decisions represented in this processing are fairly constant, juvenile justice systems do vary rather widely in terms of their (a) basic philosophic orientation; (b) processing procedures; and (c) modes of service delivery. For example, there are systems with a

strong crime control orientation where the services are delivered in a system closely resembling the adult judicial system, and, at the other extreme, systems with a strong rehabilitation orientation where the offender is dealt with in the context of a larger child and family service system. This chapter provides an introduction to the various approaches to the judicial processing of offenders, while details regarding alternative procedures, particularly sanctioning procedures, are presented in a later chapter.

This chapter also includes a discussion of decision-making processes within juvenile justice systems. We will see that considerable research has been conducted on the way in which decisions are arrived at in these settings and the factors affecting those decisions. The operation of bias in these decision activities is one of the issues dealt with in this research and explored in this chapter.

Procedures for describing and evaluating young offender programming constitute the subject of Chapter 5. We will see that a wide range of primary, secondary, and tertiary interventions have been developed for youths engaged in antisocial behaviors or those at risk for these activities. This book is primarily concerned with the treatment of youths already involved in the justice system and the focus, therefore, is on tertiary programs (those directed toward individuals already exhibiting a pathological condition). However, primary and secondary interventions that are directed toward the general public or children at risk for criminal activity are extremely important and are discussed as well. This chapter provides an introduction to the various forms of intervention with detailed descriptions of programs provided in later chapters.

The optimal utilization of human and financial resources within juvenile justice and correctional settings depends very directly on the availability of quality information about the impact of the services they offer, and this in turn depends on the conduct of program evaluation research. This chapter provides a discussion of the importance of evaluation research and an introduction to its basic methodology.

Chapters 7, 8, 9, and 10 provide detailed discussions of specific prevention and treatment programs developed for use with juvenile offenders along with evaluation research relating to those programs.

This chapter, though, presents a more general discussion of the relative effectiveness of alternative approaches to the treatment of juvenile offending as established through program evaluation research. This includes a review of recent meta-analyses on the relative effectiveness of punitive and rehabilitative strategies. The chapter concludes with an effort to derive some principles of effective programming from the meta-analyses. This discussion is designed as an introduction to the later discussions of alternative programming approaches.

Chapter 6 provides a discussion of the important issue of assessment activities within juvenile justice systems. One of the principles of effective programming developed in this book is that decisions within juvenile justice systems should be based on valid and reliable assessments of the risk and need levels of the young person. This principle is relevant to all decisions made within these systems. To illustrate, a decision to detain a youth in custody prior to trial is often based on an assessment of their risk to commit another crime. The quality of that decision will depend directly on the quality of the risk assessment. Another example is represented in a decision to refer a youth for psychological treatment. The likelihood that the decision will have any impact on future criminal activity in the youth will depend to an extent on the quality of the assessment that guided the choice of treatment.

A basic argument developed in this chapter is that many poor decisions are made in juvenile justice systems because they are based on informal and unsystematic assessments that, in turn, yield unreliable and invalid information about the client. An effort is also made to show that the quality of this information is improved where standardized assessment measures are utilized. The chapter includes descriptions of a wide variety of standardized measures relevant to the juvenile system and concludes with a discussion of practical and ethical issues associated with forensic assessments.

Chapter 7 focuses on judicial sanctioning alternatives. There are those who believe that the use of these sanctions, particularly punitive sanctions, do more harm than good, and that we should be exploring alternatives to them. It is a reality, though, that most jurisdictions in the United States, Canada, and the United Kingdom depend primarily

on formal judicial responses to youth crime, and it important to explore the options represented in this approach.

This chapter focuses on formal processing procedures within juvenile justice systems, with an emphasis on the disposition phase following an adjudication of guilt. This includes discussions of the available range of disposition options (e.g., secure custody, probation, shock probation) as well as various models of delivering the dispositions (e.g., diversion, graduated sanctions). This is an issue that has received considerable attention from social scientists. Where available, evaluations of the various disposition options are discussed along with examples of exemplary procedures.

Chapter 8 provides an introduction to treatment strategies relevant to juvenile offenders. A wide range of treatment and counseling strategies has been developed for addressing emotional and behavioral problems in children and adolescents. These range from traditional psychotherapy through cognitive behavior modification strategies to the various family therapies. Some of these programs can be applied in any setting, while others are specifically designed for application in institutional or community settings. This chapter provides an introduction to these treatment strategies, presents examples of exemplary programs, and, where available, the outcomes of evaluation studies. It also includes a discussion of some factors associated with the effective delivery of treatments.

The following chapter, Chapter 9, considers treatment programs specifically designed for delivery to juvenile offenders in community and institutional settings. Some of these are designed for delivery in home, community, or school settings, while others, such as the multisystemic treatment programs, are designed for implementation in a range of environments. Some of the programs target delinquent behaviors while others focus more specifically on, for example, aggressive behavior or substance abuse. The emphasis in the chapter is on innovative programs for which program evaluation data are available. General issues in applying treatments in the different settings are also discussed.

It is widely acknowledged that the ultimate solution to the problem of youth crime rests with primary and secondary prevention programs, and Chapter 11 is devoted to a consideration of that topic.

These programs are based on the identification of the factors causing antisocial behaviors and are directed to the removal or amelioration of the conditions contributing to the behaviors. This can be approached through primary interventions where the conditions contributing to the behaviors are removed (through, for example, eliminating poverty or family abuse) or where children are given the competencies to cope with the conditions giving rise to the deviant behaviors. The latter is illustrated with educational programs designed to teach children to employ non-violent modes of conflict resolution. Secondary interventions that specifically target children at high risk for later antisocial behaviors represent the other approach within this category. This chapter provides discussions of many of the recent efforts in developing these programs and reflects the significant progress being made in this area.

The final chapter, Chapter 11, is devoted to a summary of the practical, research, and policy implications of the material reviewed in the volume. A major theme of the book is that significant advances have been made in our understanding of juvenile crime and in developing methods for addressing this serious social problem. This chapter provides a summary of the broader implications of these findings. This includes a discussion of the measures that can be taken by those directly involved with juvenile offenders to address their criminogenic needs and reduce the chances that they will continue to engage in criminal activities. It also includes a set of research recommendations based on recognition of the need for continuing attention to causes of youthful criminal activity and the most effective means for addressing this serious problem. The chapter also provides a discussion of some of the broader policy implications of the empirical and theoretical advances discussed in the book. These are derived from a developmental contextualism model that provides a basis for advocating effective local and national policies for serving the needs of children and families.

It may also be useful to provide at this point a statement of some of my basic assumptions regarding juvenile offending. Embracing a rational-empirical approach to the analysis of an issue such as juvenile offending requires us to assume an open mind and to follow "where the data lead us." This does not mean, though, that we cannot



accept certain assumptions or beliefs over others. It just means that we should be open to changing our minds where the evidence warrants it. In any case, I think it will be useful for the reader to understand where I stand on some of these issues at the present time.

I believe that a juvenile justice system should embrace three broad goals. First, it should engage in activities that will provide protection for the public. Any system that does not insure this will have no credibility and no public support. Second, the system should be such that the public perceives that justice is being delivered in a manner consistent with more fundamental values of the community and in a way that expresses the communities' disapproval of the criminal action. The latter goal should include some means for insuring that victims of crimes experience the feeling that their needs are being addressed. Public support for juvenile justice systems depends very directly on the extent to which this goal is met as well.

These two goals largely implicate legal and public opinion issues. The third goal, though, reflects an interpretation of the large body of psychological theory and research that has accumulated over the years. I believe it follows from this work that a third goal of a juvenile justice system should be to enhance the social, emotional, and behavioral functioning of youths and thereby reduce their chances of engaging in future antisocial actions. The rehabilitative efforts underlying this goal – whether involving therapeutic, counseling, educational, medical, or other interventions – may be delivered in conjunction with judicial dispositions or through other means, but I believe the key to addressing the problem of juvenile crime lies in this approach. The reader will now have an opportunity to evaluate this assumption by considering the information to be presented in the following chapters.