The Life-Style Violent Juvenile

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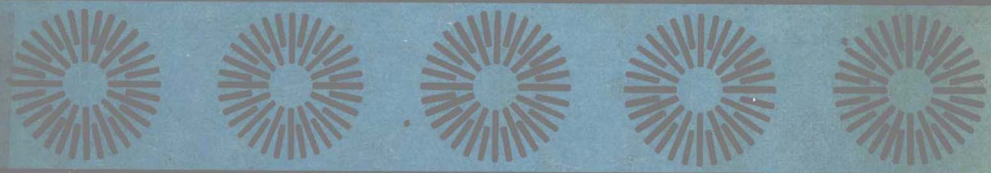

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The Life-Style Violent Juvenile

The Secure Treatment Approach

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The Life-Style Violent Juvenile

To Richard Soney Allen, the best face-to-face professional in the field of juvenile violence I have ever known, and to the residents and staff of Andros II (1972).

Foreword

If prisons—as Dostoevski said in the nineteenth century and Winston Churchill in the twentieth—are the gauge of the level of a civilization, then the manner in which we regard and handle the truly violent offender is the touchstone of the correctional system itself.

This is particularly true with regard to the violent juvenile, who is today the object of a higher level of public fear, political demagogy, and legislative effort than in any prior period. Progress in the direction of reform within the correctional system is not an easy path—the pendulum is, regrettably, a more accurate metaphor for describing our attitudes towards the treatment of the convicted adult or juvenile offender. Today's swing of that pendulum is ever more toward the punitive. Incarceration is increasingly advocated as the only—and the best—instrument for dealing with the law breaker, short of capital punishment, which is itself winning ever wider support.

This is exemplified in the 1978 gubernatorial campaign in Massachusetts where the most successful contender in the recent primary urged the restoration of the death penalty and the imposition of mandatory sentence laws for repeated offenders, including juveniles. His victory exemplifies the support that such repressive programs seem to be gaining everywhere.

Meanwhile our senior senator calls for "significant punishment," tantamount to a jail term "in a special facility" for violent juvenile offenders, thus echoing the threat of a recent president that, "If juveniles are big enough to commit vicious crimes against society, they are big enough to be punished by society."

Such declarations by persons in high office are being written into legislation. Witness the recently enacted New York State law empowering the transfer of cases of children as young as thirteen to the criminal court; authorizing their appearance before the grand jury, making them liable to indictment; and allowing them to be confined, by age sixteen, in adult correctional facilities.

The crimes that may invoke these adult criminal procedures and penalties include those which characterize the violent young offender: homocide, arson, kidnapping, rape and other serious sexual offenses, burglary, and robbery.

No reference is found here to "aid, encouragement, and guidance," which has been the basic philosophy of the juvenile process since 1899, nor to "need and condition" rather than the nature of the act committed, as the proper guide to court action in behalf of juveniles.

As the authors of this book correctly point out, any attempt to assay the characteristics of the "violent offender" is fraught with tremendous prospects of error. A leading publisher of works in criminology recently announced the imminent release of no less than nine works devoted exclusively to the "dangerous offender." Society sees serious juvenile misconduct as a peril to

personal safety and community stability. No more than 6 percent of young people charged with delinquency can be called "violent," yet, despite their small percentage, these deeply disturbed young people are responsible for as much as two-thirds of the total of serious offenses committed by persons under the age of seventeen.

Sodom and Gomorrah were doomed for want of ten men who were without sin. Today, many in high places in academia, law enforcement, corrections, and our state and national legislatures stand ready to jettison all the advances made in the past hundred years of special handling in the juvenile justice system in order to ensure that this 6 percent do not go unchecked.

The authors rightly stress that if the truly dangerous offender can be culled from the mass of juveniles charged with delinquency, the way will then be clear to reduce drastically the number of institutional slots currently used for the warehousing of their less seriously delinquent peers. Our states vary widely in their use of noncustodial facilities for delinquents. According to a 1975 national survey, six states confine *all* delinquent children committed to state care. At the other end of the scale, Massachusetts confines only 6 percent in institutions. The remaining 94 percent are out in the community in a wide variety of facilities, including their own homes, halfway houses, group and foster homes, camps, and special schools.

For even the most violent and dangerous young offender, unless he is to be locked up for life as the recently enacted New York State statute authorized, will sooner or later be set free. And, as the authors of this book make abundantly clear, imprisonment teaches young people nothing as lasting or helpful to their continued criminal behavior as the lessons learned from their confréres in confinement. It is an old saw that prisons are institutions of advanced studies in the finer points of crime. This is compounded today by unprecedented brutality between guards and inmates as well as between inmates; the prevalence of sexual abuse, individually and en masse; and traffic in alcohol, drugs, and even weapons.

Despite the fact that it has the lowest incarceration rate for juveniles of any of the fifty states, Massachusetts has seen no concommitant increase in its crime rate. The state-wide murder rate, which stood at 134 in 1974 (two years after the juvenile training schools in Massachusetts were closed) fell to 76 in 1977–close to a 50 percent reduction. At the same time a Department of Corrections preliminary study revealed a drop in the percentage of prisoners received at adult correctional institutions who have had early delinquent records.

What price imprisonment of children, then? If we can carve away from the total adjudicated juvenile population those in need of intensive therapy, and provide them with secure and meaningful programs under highly skilled and carefully selected personnel, we can continue and extend the resort to nonincarceration for the 90 percent plus of all other young offenders. Intensive care, such as herein described, costs four or five times more than custody in the

average training school. But if we expend the higher amount for a very small number, we shall, in the long run, make extraordinary savings in correctional dollars.

The decision six years ago to close the Massachusetts juvenile institutions was spurred by the finding that the longer children had been confined, and the more stringent the conditions under which they had been held, the higher was their recidivism rate. From a Borstal school for girls in distant New Zealand comes a confirming datum: disciplinary reports dropped from 859 to 32 and absconders dropped from 10 to 0 when the average length of stay was reduced from 12 months to 6 and the resident population was reduced from 78 to 54.

It would be a *reductio ad absurdum* to state, on the basis of such findings, that if all penal institutions were to be abolished then crime would disappear. But the reciprocal is valid enough because the best of today's reform schools daily graduate boys and girls back into our communities who are more criminally wise, more dehumanized, and more convinced of their innate worthlessness than when they went in.

Delinquents, says Erik Erikson, are convinced that they are incapable of ever producing anything of value. The youngster who has been sorely abused throughout his life may feel that the only recourse left to him is to give as good as he has received. To abuse such a person, however outrageous his resultant behavior, by imposing more of the same treatment he has already received at the hands of society, is to doubly victimize the victims of the racism, injustice, and discrimination, which is characteristic of the minorities who fill our ghettos. Like "Pirate" in the Introduction, they turn their hatred of themselves outward into hatred of society.

So this book is most timely in its reasoned and carefully developed plan for alternatives to present dealing with the seriously disturbed young people whom we call violent offenders. It is also, appropriately, a follow-up to an earlier book by Yitzhak Bakal, *Closing Correctional Institutions,* which describes the Massachusetts experience. Taken together, these books can provide information and encouragement to all who, with the authors and with this writer, advocate a moratorium on new penal construction, leading to the ultimate reduction in total cell capacity for all offenders, juvenile and adult.

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Introduction

Public reaction to crimes of violence has always been characterized by a mixture of fear, fascination, and a strong need for retaliation. Such emotionally charged responses render any objective treatment of the subject difficult, if not impossible. Theories on crime causation have also been hotly debated by criminologists and social scientists. Students of this subject can't help but be struck by the extent, diversity, and contradictions of these theories.

Nevertheless, criminologists studying the etiology of violence fall into two general groups. One group of investigators has focused on the individual violent offender, attempting to explain such behavior in individual, personal orientation. Inquiry into the offender's heredity/biology/psychosocial development generally assumes that the answer to such behavior can be found within the individual. Such theories use the medical model as their point of departure and assume that abnormalities and illness are at the base of such behavior.

Another diametrically opposed point of view is held by the second group of criminologists who assume that sociological and cultural factors are the underlying causes of violent acts. Most current theories of the etiology of violence take the second position as their point of departure. Terms such as "socialized delinquents" or the "subculture of violence" became the cornerstone of theories explaining delinquency and violence in youth.

The lack of congruency between these two approaches suggests that it is one thing to explain the violent behavior of one individual person and yet it is another thing to explain violence among youth. These are two different and often uncomplimentary levels of analysis of the problem.

This book deals with intervention strategies for treatment of the life-style violent youth. Such youth's behavior cannot be explained by analyzing only his personal, individual behavior but must also include analyzing the subculture he follows. In explaining the subculture of violence, sociologists describe these youths as ones who identify with neighborhood codes and value systems, that support, enhance and give specific direction to violent behavior. Such theories see the violent offender's aggression as part of his personality and most often cannot be explained as an emotional disturbance.

Even when an emotionally disturbed youngster joins and participates in violent acts, it is the group subculture that directs, controls, and molds the youth's behavior. Theories explaining violence among youth suggest that rebellion often directs such behavior. Violent juvenile offenders' behavior, according to one investigator, Albert Cohen, can be explained by the youths' rejection of the value system and the behavior taught them by schools. It is a kind of reverse behavior to the one taught by the school. Thus impulsiveness and need for instant gratification, becomes the dominant mode of behavior.

Another theory argues that violence among youths is a form of masculine

protest. Youngsters who grow up in fatherless homes, often controlled, supervised and directed by females at home and at school, resort to behavior that could validate their role as adult males. This involves drinking, fighting, and sexual conquests (including violent behavior against women). Vandalism can certainly be explained as a form of proving one's manhood and masculinity. Similarly, assaults on women, the elderly and children shows a strong preoccupation with needs for power while mugging and armed robbery are acts to achieve specific economic results.

Shaw and McKay in their classic work *Juvenile Delinquency in Urban Areas* discovered that over a period of thirty years in one neighborhood in Chicago, the delinquency rate among juveniles remained high despite the changes in population. Thus, certain economic and sociological conditions, (not the individuals), kept the level of delinquency high.

Criminologists studying the violent subculture emphasize that the group codes of behavior have a strong impact on the individual. Violent behavior as such becomes a learned process and there are rewards for excelling in such activity. Members of such groups do not feel guilty about their acts because they have developed attitudes and have acquired strong identification with such goals.

Marvin E. Wolfgang describes the subculture of violence as: "congested groups of people sharing a belief, a value system, and a set of attitudes and habits concerning the ready resort of violence in a setting where violence is indeed not only tolerated, but often encouraged and sometimes required in certain kinds of interpersonal situations."*

Despite their small percentage, the life-style violent youths are the source of much fear and anxiety. Public concerns are not unfounded. Since they tend to act as a group, these youths can grow in number and become more dangerous and threatening in those places where anomie and other sociocultural disintegration are present. Furthermore, we are referring to youth who can unleash irrevocable damage upon helpless and innocent people who need to be protected from them.

Intervention strategies with the life-style violent youth must be found and this book provides a detailed plan for such strategies. It must be stressed that lack of approaches and policy of action have been one of the main reasons for the public's lack of confidence in the juvenile justice system.

The proposed Secure Treatment Unit described in this book stands in sharp contrast to the conventional way of dealing with such youth. These children have generally been warehoused in secure settings where they graduate into more delinquency and violence. They enhance their reputation and enrich their contacts. They are either oppressed or treated with a laissez-faire attitude and end up getting more freedom to do what they please, thus crystalizing their belief that might makes right.

*Marvin Wolfgang, "Contemporary Perspectives on Violence," in *Violence and Criminal Justice,* ed., Duncan Chappell and John Monahan (Lexington, Massachusetts: D.C. Heath and Co., 1975).

The Secure Treatment Unit described in this book does not separate between treatment and security. No treatment and rehabilitation can be provided without the protection for all residents. Without such security we are forfeiting the basic human need and rights of the inmate. Such secure settings should provide not only controls, limits, and discipline, but also nurturance and positive reinforcement. Too many controls will bring repression and too little will invite violence and delinquent subculture. The balance is crucial. A swing in any direction destroys the program's effectiveness. Planning is of the essence. A secure setting that is poorly planned and sloppily run will quickly become destructive and despite all good intentions, stigmatizing and repressive. It is important to note that this unit's main goal is to change youth's behavior and violent behavior is a primary target for change. This largely calls for reeducation and not therapy, and demands a high degree of staff training supported by a network of services within and outside the unit.

This book has involved many years of planning. It is based upon the authors' experiences in working with hard core youths at the Andros program in Massachusetts and subsequent years of research including interviews with violent youths, evaluations of programs, attempting to provide care in secure settings and setting community-based network for delinquent children and their families.

The book starts with an interview with a youth who is a gang member in New York City. This interview provides a unique and rare look at this young person's thoughts, ideas, feelings, attitudes, and ways of operation. We strongly felt that such a presentation can introduce the readers very quickly to the dilemmas and complexities of dealing with these kinds of youths. The book is organized from the general to the specific. It starts with a short overview of the juvenile justice system, then proceeds to describe some of the basic characteristics of the lifestyle violent juvenile.

In chapter 1, there is a discussion of "waiver" as a way of ignoring the problem of such youths rather than dealing with it. The rationale to providing a closed setting is outlined in subsequent chapters. The remaining chapters describe the need for maximum security, the concept of differential treatment, and the planning of a secure treatment facility. There is a thorough discussion of the way the unit operates, including intake, population size, staff training, as well as many aspects of treatment, education, and other programmatic considerations.

The book also contains case histories, a detailed architectural plan showing the physical plant, and charts outlining different phases of treatment. Unlike other books which are general and theoretical on this subject, this book makes an attempt to provide a detailed and specific plan of action. It is our feeling that this would be one way to push the act of the care and custody of such youths from theory into practice. It is our hope that those who are interested in the subject can use it as a point of departure for experimentation and further study.

Since institutionalization has generally produced poor results the question is

what are the possible outcomes of the Secure Treatment Unit. It is this author's opinion that these youth need confinement, even if it is just for society's protection. Furthermore, research has generally been referring to negative results of training schools and detention centers where warehousing has been the main intervention strategy with little or no attempt to have an impact upon these childrens' emotions, attitudes, belief system and their way of operation.

Thus, with proper planning and intervention as described in this book, positive results are very possible indeed.

Interview with "Pirate"

The following interview between Andrew Vachss (V) and "Pirate" (P) took place somewhere in New York City in 1977. Names and locations have been changed to preserve confidentiality.

V: Under what circumstances did you first make contact with the Blood Devils? How did it come down?

P: Well, years back, I was in the Young Hawks gang; I was a War Counsellor. We bumped against each other once in a while, and most of them I met by face, and recognized their faces when I got locked up . . . cops had grabbed a couple of us, but we never got acquainted to know each other until I left the Young Hawks and I moved out [to another neighborhood] and I met the Blood Devils.

V: How did you become a member?

P: I did a lot of crazy shit.

V: Can you explain any of that?

P: The President had something for you to [to do] to get into it at a certain position . . . you had to do something, and I wanted War Counsellor, so I just had to arrange a meeting with another gang . . . go by myself and actually set it up . . . and I did.

V: That was your only initiation? That was all you had to do?

P: Well, I had to do other things. Like go to Central Park and rape . . . which I did. Mug somebody. And the last, what they call your Last Performance, is we went downtown to the white folks neighborhood and I did pretty nasty things, I beat this white dude with a baseball bat that had nine-inch nails across. All they wanted was to see if I had the heart to do something so I wouldn't be able to back out [at a later date].

V: Did you do these things acting with other guys, or did you do these things alone?

P: Well, they were there.

V: They were there to observe you?

P: Yeah. But I guess I did it because I really wanted to get into them. I felt if I don't they'll think a lot of other things about me which I know I'm not, so I just went . . . it happened.

V: But then they became convinced, right?

P: Yes.

V: Were these particular acts the first time you did any such things? Was that rape the first rape you ever participated in?

P: No.

V: Was hitting somebody with a baseball bat the first time you did that?

P: With a baseball bat? Yeah.

V: Was the mugging the first mugging you were involved in?
P: No.
V: How old were you when you first got involved with this type of activity?
P: Eleven, maybe ten.
V: When you were that age, and you were engaged in this type of activity, did you act alone or with other individuals?
P: Well, there was a whole bunch of us just being together. We was always together. And we noticed that a lot of people would come out with gangs, and if you weren't in one and you were just walking, that they would beat you up and I mean really hurt you, and you know I was tired of getting hurt, you know, for no reason. So I decided to hurt people. And we decided to get just a certain gang together with that name [Young Hawks].
V: That's the way you saw things; that you would have to hurt people or they would hurt you?
P: Right.
V: Is that the way it still is?
P: In most places, I hear it is.
V: When is the first time you came into contact with the police? How old were you?
P: Eleven, twelve.
V: What was the charge?
P: They accused me of suspicion of beating up this old man with a couple of other guys. And I was there, but I know they didn't see me and I figured I'd get away from there quick so they asked for my mother and I told them she was out. And I needed somebody old to get me out [to claim he was a relative or guardian] so we always had somebody old in the crowd, that can just go there and talk some shit and get us out. Most of the time it was easy, I would just be locked up in a room [at the local precinct] and there would be signing of papers and I would get out.
V: That was at the precinct, right? What about the Youth Center?
P: That's worse than the streets. I mean if you were there, if you would just get there . . . they would cause some kind of initiation and get a couple of guys in a corner and just boogie on you. And boogie on you good.
V: Did that happen to you?
P: It happened to me, yeah. I had to make up a choice. See, I was in C-2, and there was this room with around twenty-nine or thirty people, young dudes, and every day that I was in there, I was even . . . I would like a couple and dislike a couple. And the ones that I disliked, I had to do something about it.
V: What did you do?
P: I fought a lot. I mean I used to hit them with a lot of different things. I hurt them a lot. Just to show them that I wasn't the type of person you could push around that easy.

V: How long were you there?

P: One year. One year for being in Central Park. See, I had just gotten out of school and we went down to the Park, and there was a couple of us and we all ran, and somebody got hurt . . .

V: How bad?

P: They say it was bad. I mean whoever got hurt, I don't know . . .

V: You didn't do this particular thing?

P: No. and I was caught. When they took us in, they recognized me by the clothes I was wearing and the way I was dressed and I was just sent in.

V: Who does most of the violence in your organization, the older guys or the younger guys?

P: The younger guys. I mean, the older guys, most of them just like to lay up with their lady, like to settle down. The young guys are just trying to keep what they been fighting about for quite a while.

V: How much do you understand about the criminal law? Let me ask you this question: when you are under sixteen, do you know that you can not be sent away to an adult prison? Do you know that?

P: Yeah.

V: But you know that *now* you can, right? In other words, if you are caught after the age of sixteen . . .

P: Seventeen!

V: Sixteen!

P: I don't know. I guess that would be what they call your first offense . . . so you wouldn't go in?

V: You wouldn't go in?

P: I am *asking*; you wouldn't go in?

V: Sure you would. If you are past the age of sixteen even by one day, you're the same as an adult, and if you were to commit an act of serious violence, you could certainly be incarcerated. Does that surprise you?

P: Yeah. At that point, you're an adult?

V: Yes.

P: So . . . you'll go in mostly with anything anyway. They'll put you somewhere . . . a reform school and being in jail is practically the same thing.

V: You think you could do time as an adult, right?

P: Yeah. If it's worth it.

V: What would make it worth it? Give me some examples of what would make it worth it.

P: Hurting somebody who's hurting me or my people or done something that we disagree with completely. I would go out and . . .

V: How about someone who hasn't done anything to you?

P: To me personally?

V: To you or your people. A rape of somebody that you never saw before . . . is that worth it?

P: I won't think about it. If I have to, I wouldn't think about it. I'd just do it.
V: What would be the circumstances that would make you do it? What kind of situation would you have to be in?
P: Not a deep one. I can hurt you for any reason, if I dislike you for the reason, I'll do it. If it's small and I dislike it, I'll hurt you.
V: Do other people have the same attitude towards you? In other words, do people just hurt you . . .
P: They've done it. I've walked the street and just because I walked on the wrong side of the street or because I wore my jacket a different way I've gotten hurt. Actually hurt. And I feel they've done it to me, I've learned, through the people I am with, if you are going to live and survive out here, best do it that way.
V: Hurt people before they hurt you?
P: If you got the chance, yeah.
V: Do you figure just about anybody would hurt you if they got the chance?
P: That's right.
V: The police would hurt you?
P: Police would hurt me.
V: Regular citizens would hurt you?
P: They've done it.
V: What would you do if you got arrested tomorrow for something serious like a robbery or a rape?
P: What would I do? I wouldn't do nothing.
V: You'd just go along with whatever happens?
P: That's right. Try to keep it away from these people as much as possible.
V: How are decisions made inside the Blood Devils? How do people decide on what happens?
P: We have on the table six people, and we are the ones who sit and talk.
V: You are one of the six, right?
P: Right. And we'll try to bring it down to the easiest thing of talking but if like a President and a Vice President says "No" and four of us says "Yes," we have to vote it again for the simple reason that they are up there. And we respect them.
V: Are you going to be up there?
P: If they need me and I got the chance, yes.
V: Do you expect that to happen?
P: It will happen.
V: What's the difference between your gang and the Savage Skulls?
P: They'll do things we probably wouldn't think of doing . . . like going out and blowing clubs for one person.
V: Blowing up the whole club because of something one person did?
P: Because of one person, right. And we disagree with that completely. Letting youngsters go out for us is out. I wouldn't let nobody thirteen or ten years