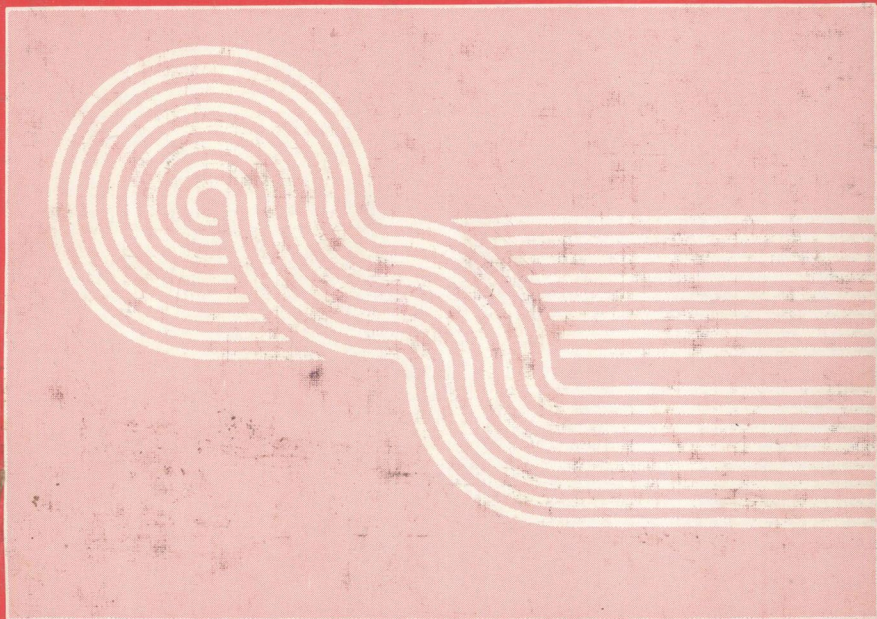


# **EVALUATING JUVENILE JUSTICE**

**EDITED BY  
JAMES R. KLUEGEL**



SAGE RESEARCH PROGRESS SERIES IN CRIMINOLOGY

VOLUME 29

# EVALUATING JUVENILE JUSTICE

Volume 29

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## **EVALUATING JUVENILE JUSTICE**





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## **CONTEMPORARY JUVENILE JUSTICE Responding to Public Mandates for Change**

**Criminology**, as other social science disciplines, responded enthusiastically to the invitation offered as part of the "Great Society" program of the 1960s to aid in the solution of social problems. As scholars whose subject of study is among the problems of most public concern, we have been able to command a large share of the governmental funds allocated to research on ameliorating social problems. As a result of the inflow of funds criminology and criminal justice have been "growth industries" in the last two decades. Even in the late 1970s, when the fortunes of other areas of study in the social sciences were waning somewhat, criminology maintained its vitality as an area of research funding. Indicatively in the 1970s researchers in criminology were able to acquire funds to carry out several large field experiments to evaluate proposed new and ongoing policies and practices for crime reduction, such as the Texas and Georgia experiments in providing released felons with transitional unemployment payments to reduce recidivism (Rossi et al., 1980).

In other circumstances this might be a time for the discipline to engage in self-congratulation. Until recently we seemed to have gained some recognition that we can make important contributions to criminal justice practice both as initiators and evaluators of policy. Further, few would deny the claim that the sophistication and quality of research on issues of criminal justice have markedly improved in the last two decades as scholars from several social science disciplines have been attracted to research in the area by the challenge policy-relevant research presents and by the resources available to carry it out. Instead of self-congratulation, however, the discipline seems to be currently engaged in much more self-criticism and self-defense. Through numerous publications in the last several years policy researchers have engaged in a

wide-ranging dialogue on such topics as whether or not treatment programs have any benefit (Fishman, 1977; Gendreau and Ross, 1981; Gottfredson, 1979, 1982; Martinson, 1974; Palmer, 1975; Roesch and Corrado, 1979; Wilson, 1975) and the worth of evaluation research itself (Corrado, 1981; Hackler, 1978, 1979; Roesch and Corrado, 1981).

One reason for this dialogue is, of course, that the social reform and treatment orientations that prevail among policy advocates have been the subject of vigorous attack by some scholars, politicians, and, at least indirectly, public opinion (Jensen 1981). The strong public and political sentiment for the thesis that social reforms and treatment programs for reducing crime have failed has been accompanied by public and political demands for new policy. Seemingly under the assumption that since social reform and treatment have failed, deterrence must work, or by the virtue of a desperate desire to try something “new” (at least “new” in contrast to the assumed liberal orientation of the recent past) much sentiment has been generated for deterrence or for “getting tough on criminals.” Demands for such change have been made at all levels of criminal justice, including the area of focus in this volume—juvenile justice.

The chapters presented in this volume share the theme of evaluating publicly mandated change in juvenile justice practices. The issues discussed and the programs evaluated in these chapters reflect the seemingly abrupt shift in ideological emphasis that characterized the decade of the 1970s—from the liberal emphasis on programs to divert certain youths from juvenile court processing to the conservative emphasis on identifying serious or career delinquents for special treatment and, in many cases, more adult-like adjudication and dispositions. Collectively, these chapters present one response to public and political demands for change in juvenile justice practice: Treat all such mandates equally by subjecting them to the same type of scholarly scrutiny of their potential benefits and drawbacks; by subjecting proposed new policies to experimentation; and by evaluating the results of such experiments accordingly to professional standards, with at least the collective effort to maintain professional detachment from the implications of research results. In many respects the response by policy researchers in juvenile justice has followed the prescriptions for establishing an experimenting society (Campbell, 1969).

At present, however, there seems to be a suspicion that this means of response to publicly mandated change may be denied, all or in part, to policy researchers in juvenile justice and criminal justice more broadly. This suspicion is implicit or explicit in the literature cited earlier that defends evaluation research from the multiple sources of recent attack. Further, there is some fear that even if the prevailing belief that past policy research has failed to produce useful results does not lead to its end altogether, it may so constrict inquiry as to make it frustrating and perhaps unproductive exercise. This sentiment is expressed implicitly in the article by Saul and Davidson in this volume. They

conclude that, as currently operated, juvenile diversion programs serve to widen the net of social control by involving juveniles who otherwise would be informally handled and released. Yet, they suspect that if diversion programs would operate to avoid referral of cases not originally targeted for diversion, they may be beneficial. This is, of course, in part a call for the kind of follow-up inquiry that often results from initial research on policy. But as Saul and Davidson lament, federal funds for further research on diversion are now disappearing, and thus the prospects for such follow-up research appear bleak.

In the recent past we have had to think little about how to respond to public mandates for change in juvenile justice practice, since both public attitudes and political leadership supported the emphasis on social reform and treatment that prevailed among advocates. Now it appears that we must give this issue more careful thought. Put directly, how does policy research on juvenile justice avoid becoming the baby thrown out with the bath water? In the remainder of this chapter I will discuss two lines of response to the current political and public demands for a change that, in my view, may be beneficial.

## **SUGGESTED RESPONSES TO THE NEW MANDATES**

### **“Stay the Course”**

The first line of response, I suggest, should be to keep responding to requests to initiate and evaluate new juvenile justice programs when the opportunity is presented. To borrow a phrase of some current political popularity, we should “stay the course” as best as possible in this time of lesser public support.

One point in favor of this response is that it may well be easier to persevere in the roles of initiators and evaluators of juvenile justice policy than in the same roles for adult criminal justice. Corrado (1981: 27) makes the point that “unlike adult criminal justice policies, few politicians appear to be willing to give up on humanistic policy toward juveniles.” If the kinds of new programs for juvenile justice that have been proposed recently are indicative, there is some evidence to support Corrado’s claim. Indeed, the kinds of programs advocated now for juvenile justice seem to be a compromise between the general belief that treatment programs have failed to reduce crime and the unwillingness of politicians and the public to believe that children as a class are untreatable. That is, the effort to find “serious” or “career delinquents” seems to embody a belief that treatment programs have failed because they were not separately targeted to the incorrigible minority on the one hand and the treatable majority on the other. Moreover, as Platt (1964) argued, the idea of treatment historically has been part of the “child saver” philosophy of juvenile justice that has its roots in conservative ideology. Thus, even in times of conservative political dominance it is unlikely that juvenile justice will be asked to abandon a treatment orientation.

Although the ideas of initiating or evaluating new policy that is restricted in content by ideology or public attitudes may not appeal to many researchers, the alternatives of having programs initiated by persons who may have a limited working knowledge of juvenile justice or evaluated only by the ideologically committed may be less appealing. Furthermore, taking on these tasks may permit one to serve an educative function for politicians and the public. The point that some programs for social reform or treatment have not worked as intended does not mean that *any* program for punishment or deterrence will work has been made effectively in the academic "nothing works" dialogue (Gendreau and Ross, 1981). However, it seems likely that politicians and the public will pay more attention to the results of actual experiments in implementing "get tough" programs than they do to academic discourse. The educative potential of this kind of research is underscored in McDermott's discussion in this volume of research to identify and treat serious juvenile offenders. Much attention in recent years has been given to chronically violent youth, with the attendant belief that they are disproportionately responsible for juvenile crime. As McDermott notes, however, contrary to the myth of the prevalence of chronically violent youth, a large-scale project to identify serious juvenile offenders to be the subjects of experimentation with special treatment programs encountered major difficulty because not enough of them could be enlisted to support experimental research.

The injunction to stay the course also applies to disciplinary commitment to the enterprise of evaluation research itself and to the development of evaluation research methodology. Bearers of bad tidings frequently suffer from their hearers' desire to "shoot the messenger" and there is some indication of this sentiment concerning evaluation research in criminal justice (e.g., Hackler, 1978, 1979). There is a danger that a retreat from the field produced by a reduction in research funds may become full scale. Corrado (1981) offers several persuasive reasons for why it should not be, and perhaps the most telling is that lost in the nothing works discussion is the fact that evaluation studies have demonstrated that *some* programs do work. A lull in research activity provides the opportunity to scrutinize why research shows that some programs have worked and others have not. Positive or negative findings may result from the theory motivating a particular program, the operationalization of the program in practice, or in the research methods employed. Retreat from the fields provides an opportunity to consider the respective roles of the above factors in producing the collective body of results on specific criminal justice practices. In this regard the current attention to self-review and self criticism in the field may be beneficial in the long run if its results in a codification of what we have and have not learned, and in an agenda for further research to address what we do not know.

## **Understanding the Sources of the Public Mandate for Change**

The second area of response to public mandates for change, I suggest, should be to seek a better understanding of the sources of public demands for change in criminal justice, with the aim of informing the public of what has been accomplished and encouraging public awareness of the problems and prospects of policy experimentation and evaluation. While substantial research attention has been paid to public fear of crime, research on other topics that may contribute to our understanding of the sources of public demand for specific policy—such as perceptions of criminal justice practice and beliefs about the causes of crime—is largely lacking (for a review of public opinion data in these areas, see Margarita and Parisi, 1979).

There are reasons for not being optimistic about the possibilities of changing public opinion to favor greater support for policy research. Perhaps the major reason lies in the seeming susceptibility of public beliefs about crime and criminal justice practice to political influence. One reading of trend data on public beliefs about crime and criminal justice supports an inference of their susceptibility to change in conformity with the ideological orientation of the party in power. The substantial decline in public endorsement of social reform and rehabilitation as the preferred methods of crime reduction and the increase in sentiment for get tough solutions, punishment and incarceration, in the 1970s (Margarita and Parisi, 1979; Flanagan et al., 1982) does, of course, coincide with a period of ascendancy in the influence of conservative politics.

The association of public demands for tougher policy with the growth in the fortunes of conservative politics may well argue for efforts at political influence rather than direct appeals to the public. However, it is not clear from public opinion data alone that the growth in public sentiment for get tough solutions did not originate entirely or partly independent of political efforts to encourage it. An equally plausible interpretation of trend data is that the success of conservative politics was facilitated by independently growing public sentiment that liberal programs emphasizing social reform and treatment have failed to produce results. If public mandates for change have arisen independently of political efforts to shape them, then efforts at political influence, even if successful, may not be sufficient to renew political commitment to support for the broad-ranging policy research program established in the last two decades. Politicians are reluctant to support policy that visibly runs against public sentiment (Burnstein, 1979).

I suggest as a starting point in efforts to inform public opinion that much can be gained from attention to findings from the field of social cognition—specifically to research on what might be called ordinary or common principles of inference about cause (for an excellent review, see Nisbett and Ross, 1980).

Research in this area underscores the prevalence of certain errors of causal inference in common causal interpretation. To illustrate the potential benefit of this work for understanding the sources of public mandates for change, I discuss here the implications of four such errors for inferences about crime causation and public demands for change:

- (1) *The fundamental attribution error*—the tendency to overemphasize dispositional causes (i.e., properties of individual actors such as personality traits and motivation) and underemphasize situational causes (supraindividual or structural factors). In deriving the conclusion that greater deterrence and secure confinement are needed, the public seems to be assuming that the increase in the crime rate is due to an increase in the motivation of persons to commit crimes. The idea that crime has increased because the opportunities to commit crime have increased due to aggregate change is a lifestyle (fewer married persons, more women working), the ease of committing property crime, and so on (i.e., the opportunity theory of Cohen et al., 1980), for example, seems not to be part of public thinking about factors leading to increased crime.
- (2) *The saliency principle*—in thinking about causation overemphasis is given to factors that are highly visible, immediate, or affect-laden relative to less salient causes. This principle seems to lie in part behind the public concern with finding and incarcerating violent criminals as a solution to the general crime problem, since violence has strong salience to persons.
- (3) *The resemblance criterion*—is the assumption that causes should share the salient properties of or resemble the consequences. Since the consequences of crime are characterized as bad, it seems to be assumed that the causes of crime must also be inherently bad. This assumption leads to an ignorance of the possibilities that certain crimes may be committed as calculated rational acts, and that increases in crime may be the result of factors considered affectively neutral or positive—such as the increase in the proportion of working women, increasing affluence, the freedom permitted in a mobile society, and the like. It also seems to bias persons toward explanations of crime that involve postulated “bad” characteristics of persons or societies as its causes.
- (4) *The principle of “hydraulic causation”*—persons may acknowledge the existence of multiple causes, but they often act consistent with a unitary cause assumption by treating hypothesized causes as if they were in competition in a zero sum game. This principle may underlie the public rush to embrace deterrence and incarceration as solutions to the crime problem. It appears that the public views the three major proposed solutions to the crime problem—social reform, treatment, and deterrence—as candidates competing for sufficiency as the cause of reduction in crime. Thus, assumed evidence that the first two solutions have failed is taken to mean that deterrence must work.

One general point from the above examples is that the logic of public reasoning about crime causation and control may be quite different from that employed by policy researchers. We cannot simply assume that the arguments

we make to each other in support of the worth of a long-run commitment to policy research in criminal justice will be effective in convincing the public of the worth of this enterprise. To construct effective arguments to be placed before the public, we need to understand better the assumptions the public makes about crime and criminal justice and the principles of inference they use in deriving conclusions about what should be done to reduce crime.

## OVERVIEW

The chapters in this volume focus on two areas of mandated change in juvenile justice policy in recent years. Chapters 2, 3, and 4 examine programs for either diverting certain youths from juvenile court (Chapters 2 and 3) or preventing and treating delinquency by means of community involvement (Chapter 4). Chapters 5, 6, 7, and 8 focus on the more contemporary concern with identifying and treating or controlling the serious juvenile offender.

The chapters by Rausch and Logan and by Saul and Davidson present findings from ongoing juvenile diversion projects concerning the potential unintended negative consequences of these programs in practice of widening the scope of involvement with juvenile justice rather than the intended reduction. Both studies find evidence for some widening of scope, and propose that this unintended negative consequence stems from the operating philosophy and organizational imperatives of current juvenile justice systems. The authors differ somewhat in their conclusions. Saul and Davidson conclude that diversion programs as currently implemented are of ambiguous value, but they may benefit their clients if the means to avoid current problems of implementation were overcome. Rausch and Logan, on the other hand, conclude that the results of diversion programs in practice largely argue for favoring decriminalizing status offenses over efforts to divert status offenders.

Morash discusses the issues involved in and presents research findings on the use of existing community programs to prevent and control delinquent behavior. This research examines adolescent self-reports of involvement and experience with community programs in two parts of Boston. Morash concludes with a discussion of common errors in thinking about the potential effectiveness of community programs for juvenile corrections, and the implications of these errors for producing results that are less effective in the real world than thought to be in the ideal world.

The chapter by McDermott provides a critical discussion of one aspect of the contemporary mandated attention to treating or controlling the serious juvenile offender—defining criteria for categorizing and selecting juveniles for special handling as serious offenders. McDermott's extensive discussion of the practical, conceptual, legal, and moral issues involved in defining and selecting serious juvenile offenders cautions against any rush to embrace programs



targeted at this group as a simple solution to juvenile crime problem. Such programs are potentially beneficial to serious and nonserious offenders, to juvenile practitioners, and to the public, but McDermott cautions that there are many issues and questions that policy researchers and practitioners must address as they consider implementing them.

The next two chapters present findings from studies of juveniles who make up part of the group conventionally labeled "serious juvenile offenders." Fagan et al. (Chapter 6) use data collected as part of the Violent Juvenile Offender Program to profile characteristics of chronically violent juvenile youths. Further, they present the rudiments of an integrated theory of violent delinquency. Feldman and Caplinger (Chapter 7) present results of an experiment to evaluate the effectiveness of treating antisocial youths in integrated groups, composed predominantly of prosocial youths. The motivation for their research came from the observation that the typical program for antisocial youths, whether conducted in institutions or in a community setting, involves treatment among peers also identified as antisocial and thus provides plentiful deviant role models and peer reinforcements for antisocial behavior.

The last chapter concerns gang violence, a problem that for several reasons seems to have special salience for the public and the mass media. Maxson and Klein describe the structure of a gang intervention program developed in accord with the current emphasis in criminal justice on deterrence. Their description of the numerous problems that have developed in the short history of this intervention again underscores the point that the lack of success of treatment or social reform programs does not guarantee that any deterrence program will be effective. Problems of implementing such programs due to interinstitutional conflict, the political nature of interventions, media involvement, and so on characterized past gang intervention programs and continue to place limits on the success of contemporary, deterrence-oriented gang intervention efforts.

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