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Federal Probation

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This Issue in Brief

Restitution As Innovation or Unfilled Promise?—Author Burt Galaway discusses what we have learned about restitution since the establishment of the Minnesota Restitution Center in 1972 and in light of the early theory and work of Stephen Schafer. Noting that restitution meets both retributive and utilitarian goals for punishment, the author finds considerable public and victim support for restitution, including using restitution in place of more restrictive penalties. He cautions, however, that we must clarify the difference between restitution and community service sentencing and discusses challenges which exist for future restitution programming.

Parole and the Public: A Look at Attitudes in California.—Describing recent events in California, Author Walter L. Barkdull stresses the need for parole authorities to develop community support for the concept of parole. Public attitudes hostile to parole have been crystalized by the release of several notorious offenders at the end of determinate sentences. Community groups have discovered the power of organized action to thwart the state's ability to locate facilities and place parolees. Resulting court decisions have provided both the public and parole authorities with new rights, while legislation has imposed severe operating limitations.

Long-Term Inmates: Special Needs and Management Considerations.—Society's response to crime has contributed to a number of trends which have resulted in longer terms of incarceration for convicted felons. Determinant sentencing, modifications in parole eligibility criteria, enhanced sentences for repeat offenders, and longer terms for violent offenders have resulted in an increase in time served and a subsequent increase in the proportion of long-term inmates in state facilities. The incarceration of greater numbers of long-term inmates brings a number of programmatic and management concerns to correctional administrators which must be addressed. Using data on Kentucky inmates incarcerated as "persistent felony offenders," authors Deborah G. Wilson and Gennaro F. Vito identify the programmatic and management needs of long-term inmates and delineate some possible strategies to address this "special needs" group.

The Use of Counsel Substitutes: Prison Discipline in Texas.—Although prison discipline has changed significantly through internally and externally initiated reforms, it remains a critical aspect

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A Critique of Juvenile Sentence Reform

By Patricia M. Harris, Ph.D., and Lisa Graff*

Introduction

WITHIN THE traditional juvenile justice process, judges and other decision-makers are empowered with substantial discretion over the disposition of juvenile delinquents. Case processing is usually depicted as involving the prominent use of probation and brief institutional terms in a small proportion of cases.

In response to perceived leniency in the juvenile justice process, states have revised their juvenile codes or have otherwise adopted procedures which are designed to increase the numbers of youths who are incarcerated and to increase the length of terms of imprisonment. Approximately one-third of states have revised their juvenile justice codes over the last 10 years. Reformed codes usually include one or more of the following: provisions which broaden the offense and age requirements in waiver, allowing a greater number of youth to be transferred to the criminal court; lowered ages of jurisdiction, which allow the criminal court to routinely handle younger offenders without the need for certification; serious delinquent statutes, which ensure the prolonged incarceration of repeat offenders; and sentencing guidelines or administrative guidelines governing institutional exit, which are designed to make punishments for similar crimes more commensurate to the offense committed, as well as more uniform among offenders.

For the most part, the implementation of juvenile sentence reforms has aroused relatively little controversy in academic and policy circles, when one considers the enormity and longevity of the debates which ensued when states first turned to stiffer and less discretionary penalties in their criminal courts. Recently, however, juvenile justice reform has met with a strong wave of protest. Much of this protest has arisen in response to the introduction of the Model Juvenile Justice Code, drafted by the American Legislative Exchange Council. The adverse reaction to the proposed code is curious, given that the model code draws heavily upon Washington's system of determinate sentencing for juveniles, which has been in place in that state for several years; and given that the code neglects inclusion of such harsher provisions as lowered ages of jurisdiction and radically expanded waiver mechanisms which are already present in a number of states.

This article presents a critique of juvenile sentence reform as an aggregate effort. The intent of this analysis is not to attack any single reform proposal, but rather to raise a number of issues that threaten the integrity of reform efforts, generally. The article outlines approaches for addressing the concerns of both proponents and opponents of juvenile sentence reform and for undertaking meaningful change in the juvenile court.

What's Wrong with Juvenile Sentence Reform?

The problems with juvenile sentence reform fall into one of two categories. On the one hand, assumptions about the nature of the juvenile justice system and the character of youth crime upon which reforms are based do not withstand close scrutiny. On the other hand—were the assumptions accurate—the reforms as designed represent ineffective remedies to perceived defects in the juvenile justice process.

The Foundations of Reform are Unfirm

Critics of the traditional juvenile justice system claim that unreformed juvenile codes fail to hold youths properly accountable for their crimes. They argue, too, that juvenile crime is out of control, and that rehabilitation-focused dispositions fail to prevent recidivism among treated offenders.

The traditional system did not neglect accountability. Reformed juvenile codes are attributed with holding juveniles more accountable for the crimes they commit than unreformed codes. Reforms were needed, it was believed, because the traditional juvenile court could not impose punishments that were commensurate with the harm committed and that were uniform among offenders charged with the same offense.

The assumption to be examined is that an unreformed court holds accountability concerns in low regard. The basis for this belief is that revised codes usually increase the lengths of sentences which judges

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can impose, but this is a narrow and misleading perception.

When asking about the court's capacity to hold juveniles accountable for their acts, it is important to remember what kinds of acts juveniles are being held accountable for. Unlike the felony criminal court—the institution to which the juvenile court is often compared—the latter is both a lower *and* a felony court. The majority of the offenses it encounters are the sort that would be processed in the lower criminal court if the offenders were adults.[1] While lower criminal courts in most states are restricted in the amount of punishment that can be imposed (typically, terms of imprisonment may not exceed 1 year), in most states under unrevised codes the juvenile court can retain offenders for periods of time in excess of this amount.[2] In light of the minor nature of punishments routinely imposed by the lower criminal courts, it is difficult to perceive that the juvenile court fails to hold juveniles as accountable as adults in a large proportion of the cases which come before it.[3]

Of course, some juveniles—however few their number—are responsible for very serious felonies. It is this group that evokes the greatest concern among reformers when considering the issue of accountability, and it is with respect to the handling of the serious juvenile offender that most of the criticisms of the traditional juvenile court have centered.

One aspect of the traditional juvenile court process that is often overlooked is the diversion of juveniles to the criminal court. By means of judicial waiver, the traditional system maintains a valve through which offenders charged with serious crimes may pass to the criminal court. An evaluation by Rudman and others[4] has demonstrated that large proportions of juveniles charged with serious offenses (rape, robbery, murder) are in fact waived, and that with respect to both the imposition of custodial sentences and length of time served, certified youths are treated more severely than they would have been had they remained in the juvenile court. The point is that the traditional juvenile justice process has the means to hold youths accountable for their crimes. When sentences available to the court fall short of desired punishments, the court can and does facilitate the removal of juveniles to the criminal court with its potential for more severe penalties upon conviction.[5]

Reforms are rooted in a poor understanding of levels and patterns of juvenile crime. One impetus for reform is the perception that youth crime has spiraled out of control. This claim appears not to have the support of researchers, whose analyses document stable rates of juvenile crime when either victimization or arrest data are used. These results hold when individual offenses are considered as well.[6]

Assessments of the successfulness of rehabilitation programs are misleading. Proponents of reform point out that the traditional system has failed in its efforts to rehabilitate youth. "Proof" of this claim is found in the majority of evaluations of rehabilitation-based programs, which indicate a return to crime by many "treated" persons.

These kinds of assessments are misleading, because more appropriate comparisons are those which contrast treatment with control groups subject to purely punitive treatments. These claims are misleading, too, because they detract attention from the fact that a majority of youth do not progress to criminal careers but rather desist from crime following encounters with the juvenile justice process.[7]

Reform Measures Are Poorly Targeted

It is unlikely that sentence reforms can achieve the kinds of changes in juvenile processing that are intended. The new laws contain significant loopholes which permit the ongoing disposition of youth in the traditional manner. The reforms are incapable of selecting those youths who are the most appropriate objects of a crime control strategy.

Reforms do not provide for greater predictability and uniformity in disposition decision-making. Although one intent of reform measures is the curtailment of disparity among dispositions, the new juvenile codes contain mechanisms which allow for substantial discretionary decision-making.[8] Accord-

[1]See Donna Martin Hamparian et al., *The Violent Few.* Lexington, MA: Lexington Books, 1978, especially pp. 179-182. Hereafter cited as *The Violent Few.*

[2]See Jane L. King, *A Comparative Analysis of Juvenile Codes.* Urbana-Champaign: University of Illinois Research Forum, 1980.

[3]For a general overview of the traditional treatment of juveniles with respect to disposition severity, see Patricia M. Harris, "Is the Juvenile Justice System Lenient?" *Criminal Justice Abstracts, 18,* 1986, pp. 104-118.

[4]See Cary Rudman et al., "Violent Youth in Adult Court: Process and Punishment," *Crime and Delinquency, 32,* 1986, pp. 75–96.

[5]There is evidence that not all eligible youths are waived to the criminal court, but researchers have not attempted to explain why some youths are waived when others are not. See, for example, Joel P. Eigen, *The Borderlands of Juvenile Justice: The Waiver Process in Philadelphia.* Unpublished Ph.D. dissertation, 1977.

[6]See Philip J. Cook and John H. Laub, "The Surprising Stability of Youth Crime Rates," *Journal of Quantitative Criminology, 2,* 1986, pp. 265-277; and John H. Laub, "Trends in Serious Youth Crime," *Criminal Justice and Behavior, 10,* 1983, pp. 485–506.

[7]See Lyle W. Shannon, *Assessing the Relationship of Adult Criminal Careers to Juvenile Careers.* Washington, DC: Office of Juvenile Justice and Delinquency Prevention, 1982; and Joan Petersilia, Peter W. Greenwood, and Marvin Lavin, *Criminal Careers of Habitual Felons.* Santa Monica, CA: The Rand Corporation, 1977.

[8]For a description of the provisions of the codes of the states described here, see Ursa Institute, *Institutional Commitment and Release Decision-Making for Juvenile Delinquents: Implications of Determinate and Indeterminate Approaches Volume II State Summaries.* San Francisco, CA: The Ursa Institute, 1983. See also American Legal Exchange Council, *Model Juvenile Justice Code* (draft), 1987; Sue Carter, "Chapter 39, The Florida Juvenile Justice Act: From Juvenile to Adult with the Stroke of a Pen," *Florida State University Law Review, 11,* 1984, pp. 921-948; and Comment, "The Serious Young Offender under Vermont's Juvenile Law: Beyond the Reach of Parens Patriae," *Vermont Law Review, 8,* pp. 173-202.

ing to Georgia's serious offender statute, for example, judges can commit each eligible youth as either a "designated felon" (a decision which leads to the imposition of stiffer penalties) or a "delinquent" (a decision which imports a more traditional penalty). Among the criteria to be decided by the judge in making this decision are the "best interests of the juvenile." In Colorado, which also has a serious delinquent statute, early exit from institutions can be obtained for "exemplary behavior." In Arizona, where there are now administrative guidelines governing the timing of a youth's release from institutions, length of stay can actually be adjusted to reflect the child's best interest.

Both Washington's Juvenile Code and its offspring, the proposed Model Juvenile Code, contain "manifest injustice" clauses which enable reconsideration of the determinate penalties to be imposed by each code for different categories of offenders. The Model Juvenile Code also calls for the consideration of various mitigating circumstances prior to the setting of penalties.

Various schemes for enhancing rates of youths waived to the criminal court are similarly prone to circumvention. In Minnesota, youths over 16 years of age are supposed to be tried as adults for enumerated offenses or combinations of enumerated offenses and specific prior histories of adjudication, but this requirement can be set aside when there is a finding of a youth's amenability to treatment. Both Vermont and New York have provisions which allow the criminal court for sentencing. According to the Florida Juvenile Justice Act, motions for waiver that are filed by a state's attorney can be overruled by the court.

Thus while a new "hard line against juveniles" is often attributed to the present era of juvenile sentence reform, it would appear that few of the harsher provisions are written in stone, and that the "bark" of juvenile sentence reform may be worse than its bite.

Expectations about impact of reform on juvenile crime are unfounded. Opponents of reform object to new sentence measures on the basis that juvenile crime has been decreasing over the last few years.[9] The point that critics appear to be making is that decreased involvement by juveniles in crime has somehow "relieved" pressure upon the juvenile justice system to control delinquency. The underlying assumption is that when pressure exists, the kinds of reforms embodied in revised juvenile codes would be legitimate crime control strategies. We disagree.

It is true that juvenile sentence reform promises a new hard line against juvenile crime. Reforms purport to fight juvenile crime by identifying and removing serious, repeat offenders from circulation; and by providing generally harsher penalties for a larger group of offenders. Thus, crime control under revised codes will allegedly be achieved through selective incapacitation, and through deterrence. But for several reasons, increased crime control is an unlikely achievement.

First, research has produced a surprisingly consistent body of knowledge about the so-called "careers" of juvenile delinquents. Studies employing official arrest data have shown that much of the crimes engaged in by juveniles are relatively minor; that roughly 7 percent of the sampled juveniles are responsible for the majority of offenses; that no routine escalation in offense seriousness can be noted among repeat delinquents; and that under 2 percent of juveniles studied commit violent crimes.[10] Serious and repeat offenders are difficult to isolate. Much has been written about the ungainly task of identifying the repeat adult offender;[11] the lessons are no less relevant when considering delinquent behavior. On the topic of delinquency, researchers agree that there is little likelihood of predicting either violent or chronic offenders with any meaningful rate of success[12] and that the prospects of successfully predicting those offenders who will be both chronic and violent are particularly dim.[13]

Second, there is evidence that serious delinquent statutes' criterion of two or three prior offenses may in fact be a good predictor of youths about to *desist* from further criminal activity. Six percent of 4,079 individuals studied by Lab[14] using three birth cohorts from Racine, Wisconsin were responsible for the majority of offenses attributed to the cohorts, two-thirds of which desisted in criminal activity by the fourth offense.[15] Of course, conclusions drawn

[9]See Allen F. Breed and Robert L. Smith, "Reforming Juvenile Justice: A Model or an Ideology?" in Center for the Study of Youth Policy, *Juvenile Justice Reform: A Critique of the A.L.E.C. Code.* Minneapolis, MN: Hubert H. Humphrey Institute of Public Affairs, 1987, especially pages 24-26.

[10]See Marvin E. Wolfgang, Robert M. Figlio, and Thorsten Sellin, *Delinquency in a Birth Cohort.* Chicago: University of Chicago Press, 1972; *The Violent Few,* supra note 1; Paul E. Tracy, Marvin E. Wolfgang, and Robert M. Figlio, *Delinquency in Two Birth Cohorts: Executive Summary.* Washington, DC; Office of Juvenile Justice and Delinquency Prevention, 1985; and Janice L. Ereth et al., *Violent Delinquents: A Wisconsin Study.* Madison, WI: Youth Policy and Law Center, 1984; Steven P. Lab, "Patterns in Juvenile Misbehavior," *Crime and Delinquency, 30,* 1984, pp. 293-308.

[11]See, e.g., Stephen D. Gottfredson and Don M. Gottfredson, "Selective Incapacitation?" *Annals of the American Academy of Political and Social Science, 478,* 1985, pp. 135-149; and Michael Gottfredson and Travis Hirschi, "The True Value of Lambda Would Appear to be Zero: An Essay on Career Criminals, Criminal Careers, Selective Incapacitation, Cohort Studies and Related Topics," *Criminology, 24,* 1986, pp. 213-234.

[12]Lyle W. Shannon, "Risk Assessment vs. Real Prediction; The Prediction Problem and Public Trust," *Journal of Quantitative Criminology, 1,* 1985, pp. 159-189.

[13]Elizabeth S. Piper, "Violent Recidivism and Chronicity in the 1958 Philadelphia Cohort," *Journal of Quantitative Criminology, 1,* 1985, pp. 319-344.

[14]See Lab, supra note 9.

[15]Similar results were also found by Rojek and Erickson, using a sample of 1,619 juvenile offenders from the Pima, Arizona juvenile court. See Dean G. Rojek and Maynard L. Erickson, "Delinquent Careers," *Criminology, 20,* 1982, pp. 5-28.

from juvenile crime data are misleading if desistence is merely the product of an offender's progression from the juvenile to the criminal justice system and the subsequent termination of one system's jurisdiction. However, followup of the same Racine cohorts through adulthood indicates that desistence should not be explained in this manner.[16]

Obviously, the low likelihood that repeat offenders will commit four or more crimes is a concern which enters into debates over the legitimacy of rehabilitation-focused dispositions as well. In fact, maturation effects have been used as the basis for criticisms of some treatment programs.[17] The point here is simply that expectations of increased crime control through the types of sentence reforms which have been enacted in various states may be unreasonable in light of available research.

Third, even if there were agreement that rates of "true positives" as identified by various studies provided a sufficient foundation for policies of selective incapacitation as embodied by various reform measures, the criteria employed by the statutes simply do not address the kinds of variables which have been correlates of delinquency in the vast body of research on this topic. Serious delinquent statutes, presumptive waiver mechanisms, and sentencing guidelines for juveniles invariably emphasize the seriousness of the current offense and length of prior record. While these two variables often surface as significant correlates of behaviors studied in criminal justice research—most notably, in attempts to predict decisions made about adult offenders at various points in the justice process[18]—they have been shown to be far less important, and often irrelevant, in the prediction of delinquency.[19]

Reforming Reform

The juvenile court is undergoing rapid changes despite unclear objectives and carefully thought-out strategies for effecting change. We suggest the reevaluation of key assumptions surrounding reform efforts and the recognition of concerns shared by both reformers and retentionists. We encourage the development of tools and techniques that can assist in addressing shared concerns.

Question Basic Assumptions

The choice of a sentencing rationale should not be predicated upon current assessments of juvenile crime. The questions of sentencing purpose and amount of crime by youth are not logically linked. For example, if a person's behavior is believed to be deserving of a particular punishment, it is no less deserving of that punishment when 100 juveniles commit the same crime as when only five juveniles commit the crime.

This is not the same as saying that the measurement of youth crime is irrelevant to carrying out the aims of the juvenile justice process, for numbers of crimes committed can and do in fact affect the types of punishments or treatments decision-makers are able to impose. That is, when populations of adjudicated juveniles swell, decision-makers may be forced to turn away from incarceration as a means for providing punishment to more fiscally sound measures as intensive supervision or restitution. The point is not to endorse the widespread incarceration of juveniles whenever budgets permit, but only to demonstrate that the aims of the juvenile justice system need not be tied to changes in the numbers of youth offending. Amounts of crime do not in and of themselves establish a *prima facie* case for a particular sentence philosophy.

The question of purpose should not be conditioned entirely upon the demonstration of success by sentencing technologies or correctional programs espousing that particular aim. Negative results can be interpreted in a number of ways. When talking about what works and what does not work, both reformers and retentionists paint with unrealistic, broad strokes. Proponents of juvenile sentence reforms quickly summarize the findings of evaluations of rehabilitation-based programs as airtight proof that rehabilitation is beyond reach, while conclusions to the contrary are asserted by juvenile court supporters who just as quickly point to a handful of carefully designed, implemented, and evaluated programs which bear positive findings.

The question of what should be the philosophy of the juvenile court, and the question of whether and to what extent that philosophy can be best actualized, are very separate issues. To use a hypothetical example, an undesirable means for crime control such as widespread executions of known criminals can have desirable results in the form of decreased recidivism. On the other hand, desirable means for crime control, such as certain treatment programs, do not always bring about desirable reductions in crime.

[16] See Lyle W. Shannon, *Assessing the Relationship of Adult Criminal Careers to Juvenile Careers.* Washington, DC: Office of Juvenile Justice and Delinquency Prevention, 1982.

[17] See, for example, Richard McCleary and Michael D. Maltz, "An Artifact in Pretest-Posttest Designs: How It Can Mistakenly Make Delinquency Programs Look Effective," *Evaluation Review, 4,* 1980, pp. 521-534.

[18] For an overview, see Stephen D. Gottfredson and Don M. Gottfredson, "Accuracy of Prediction Models," paper presented to the National Research Council's Panel on Criminal Careers, Woods Hole, Massachusetts, July 1984.

[19] See, for example, David P. Farrington and Donald J. West, "A Comparison between Early Delinquents and Young Aggressives," *British Journal of Criminology, 11,* 1971, pp. 341-358; and Joan McCord, "Some Child Rearing Antecedents of Criminal Behavior in Adult Men," *Journal of Personality and Social Psychology, 9,* 1979, pp. 1477-1486.

Negative results are not always, and perhaps are never, an indication that policy-makers should adopt contrary ideologies. Instead, negative results help policy-makers to recognize inefficient or ineffective strategies for goal attainment. It is possible to use a recent example to illustrate this point. The new Model Juvenile Justice Code has been criticized on the basis that sentencing guidelines—on which dispositions in the new code would be based—have been proven unmanageable and ineffective when used in the criminal court.[20] In fact, a careful look at the evidence does not support such a gross generalization with its radical conclusion. To the contrary, studies indicate that guidelines can reduce decision variability when practitioners are involved in their creation. Moreover, where guidelines appear ineffective, full implementation may have been absent; where no decreases in crime could be noted, policy-popular measures were found to have been substituted in the grid in the place of other factors known to have greater predictive utility.[21] The preceding helps to indicate how negative evaluations can help policy-makers to correct errors in the design or implementation of their sentencing guidelines. The evaluations do not indicate that guidelines should be abandoned.

An emphasis on rehabilitation does not mean that the juvenile justice system is disinterested in crime control, as opponents of juvenile sentence reform at times seem to indicate. Crime-control, and rehabilitation, are not mutually exclusive, although critics of juvenile sentence reform often make it appear that way. Rehabilitation is as much concerned with the prevention of recidivism as are incapacitation and deterrence strategies. As long as any crime control aim is of interest, the juvenile justice system is concerned with controlling risk.

Build Tools and Techniques for Risk Control

The juvenile justice process is often characterized as an informal process. Some undesirable effects of informality include poor record-keeping and research which has been less rigorous than that carried out on adult populations. There is a need for serious attempts to create meaningful classification systems for juvenile offenders, if improved risk control is to be accomplished. There is a need to recognize that improved risk control does not require overhaul of the traditional juvenile justice process.

The juvenile justice system currently lacks tools which can assist in crime control, in the form either of rehabilitation or incapacitation. The juvenile justice system lags well behind the criminal justice system when it comes to risk management. Far less research has been undertaken in the area of juvenile classification than in adult offender classification,[22] with the effect that classification systems for juveniles are mainly personality inventories which are used not to predict recidivism but to enhance post-adjudication treatment planning. The widely used I-level system, for example, which was developed in California for application in correctional treatment settings, allows the user to distinguish among such delinquent subtypes as "manipulators," "immature conformists," and "cultural identifiers,"[23] and although correlations between inventory scores and offense history can be established, the classification system does not in itself distinguish the high-risk from the low-risk repeat offender.

On the other hand, many lessons have been learned in the area of adult offender classification, and these lessons should be heeded by all parties seeking to improve juvenile justice. One of the most significant of classification lessons is that there is no one classification instrument that services all offenders. Followup of the behavior of a sample of New York City probationers initially assigned to risk categories using the Wisconsin instrument has indicated that classification instruments are not generalizable from one population from the next, with the effect that some variables will have greater predictive utility with respect to some groups of offenders than others.[24] If classification instruments need to be adjusted to reflect variation among different groups of adult offenders, it would seem reasonable to expect that juveniles will require classification tools that vary somewhat from the most successful tools used on adults and that the instruments may need adjustment from one jurisdiction to another.

The production of classification tools for use either in treatment or risk control requires improved information systems in juvenile justice agencies. Juvenile justice agencies typically maintain low information quality, such that it often is not possible to determine the exact offense a youth has been charged with or adjudicated on. Records should reflect "aggravated assault" or "simple assault," in place of the overused and misleading category of "assault,"

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[20] See Breed and Smith, supra note 7, especially pages 371-38.

[21] See Stephen D. Gottfredson and Don M. Gottfredson, "Tools for Structuring Court Discretion: What Do They Work for and Why Don't They Work Better?" *Criminal Justice Policy Review, 1*, 1986, pp. 268-285.

[22] S. Christopher Baird, Gregory M. Storrs, and Helen Connelly, *Classification of Juveniles in Corrections: A Model Systems Approach.* Washington, DC: Arthur D. Little, Inc., 1984.

[23] For a description of the I-level system, see Carl F. Jesness, *Sequential I-Level Classification Manual.* Sacramento, CA: Carl F. Jesness, 1974.

[24] Kevin N. Wright, Todd R. Clear, and Paul Dickson, "Universal Applicability of Probation-Risk Assessment Instruments: A Critique," *Criminology, 22*, 1984, pp. 113-134. See also Todd R. Clear and Kenneth W. Gallagher, "Probation and Parole Supervision: A Review of Current Classification Practices," *Crime and Delinquency, 31*, 1985, pp. 423-445.

if meaningful classification systems are to be developed and if accurate depictions of juvenile crime trends are to be drawn.

Risk control aims do not demand increased use of incarceration. One of the strongest "mindsets" among juvenile court reformers which helps to explain revised codes' reliance on incarceration is that crime control is best achieved through incapacitation. There is some evidence that institutionalization does not improve on the amount of crime control produced by alternate programs[25] or even probation.[26]

Reevaluate the capabilities of the traditional system. Proponents of reform should attempt to address their concerns of juvenile justice reformers within the framework of the traditional system. Improvements in crime control and increased accountability can be accommodated without the kinds of legislation changes which have been adopted by various states over the last 10 years.

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[25]See, for example, Peter W. Greenwood, "Promising Approaches for the Rehabilitation or Prevention of Chronic Juvenile Offenders," in P. Greenwood (ed.), *Intervention Strategies for Chronic Juvenile Offenders.* New York: Greenwood Press, 1986.

[26]See Joan Petersilia, Susan Turner, and Joyce Peterson, *Prison Versus Probation in California: Implications for Crime and Offender Recidivism.* Santa Monica, CA: The Rand Corporation.

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