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## OJJDP Update on Research

Verne L. Speirs, Administrator

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# Assessing the Effects of the Deinstitutionalization of Status Offenders

It has been almost 20 years since the movement to deinstitutionalize status offenders (DSO) began. Since its inception, DSO has been hotly debated, engendering high praise from its supporters and strong criticism from those who oppose it.

DSO called for removing noncriminal juvenile offenders from secure detention and correctional facilities and providing services to them through community-based resources. Many saw DSO as the solution to providing fair, more humane treatment for status offenders—those youth who commit “offenses” that

are illegal only for minors, such as truancy, running away, incorrigibility, curfew violations, and possession of alcohol. For others, DSO represented a shirking of public responsibility that often resulted in inadequate responses and a loss of parental authority and justice system control over seriously troubled youth.

While research has examined specific programs and services that emerged as a result of DSO, existing or previous studies have neither analyzed DSO as a reform movement nor assessed its impact over

time. Until now, no one has evaluated the effects of different DSO approaches and policies on youth or their communities.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP), recognizing this critical need for research, is funding a project to evaluate DSO and determine its impact on status offenders, their parents, youth-serving agencies, and the juvenile justice system. Researchers from the Social Science Research Institute (SSRI) of the University of Southern California are conducting this study, looking at

### From the Administrator

The debate over the most effective way to handle juvenile status offenders is a continuing one, especially when it comes to the concept of deinstitutionalization of status offenders (DSO).

Since Congress passed the Juvenile Justice and Delinquency Prevention (JJDP) Act in 1974, 51 States and territories have achieved full compliance with the deinstitutionalization mandate of the Act. Yet, up until now, no one has studied the effect DSO has had on juveniles, the juvenile justice system, or the public.

Previous research has focused on specific programs rather than on the effects DSO has had on public policy. But policymakers need to know how other jurisdictions are handling status offenders, the types of juveniles they are dealing with, and how effective their services have been.

To help answer these questions, OJJDP awarded a grant to the University of Southern California to conduct an in-depth, 3-year study of DSO. During the first year of the project, researchers analyzed State legislation regarding DSO. They are now gathering information from local jurisdictions to deter-

mine how successful various DSO strategies have been.

In keeping with our commitment to share information with juvenile justice professionals on a timely basis, we produced this *OJJDP Update on Research*. The background information and preliminary results it contains will help practitioners and policymakers as they design and implement public policies that effectively deal with status offenders.

Verne L. Speirs  
Administrator

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the DSO movement as a social reform process rather than a series of service programs, and assessing State and local approaches to DSO. The project involves:

- Analyzing State legislation to develop a description of different approaches utilized to define and handle status offenders.
- Interviewing State and local government officials, justice system personnel, public and private youth-serving agencies, and youth and their parents to document the handling and disposition of status offenders and determine the effects of different intervention strategies on delinquency and victimization.
- Conducting surveys of local service providers to assess the type and level of local services available for status offenders.

Researchers recently completed the first of these reports, *Ideological Dimensions of Status Offender Legislation*, which describes how public policy reflects major beliefs or rationales about handling status offenders. The report, which is discussed later in this *OJJDP Update on Research*, also focuses on three distinct policy approaches that have been adopted to respond to status-offending behavior and illustrates the ways in which these approaches are manifested at the local level.

## A Historical Overview

To fully understand the purpose of this research and its significance to the juvenile justice community, it is important to look at the factors that led to the DSO reform movement as well as the controversies that surrounded it. The treatment of status offenders has long been a contested issue. Some have argued that early intervention is society's best hope of forestalling future delinquent behavior and reducing victimization. Others have argued

that legal control over status offenders is a violation of youths' rights. Still others have viewed status-offending behavior as a symptom of some larger trauma or problem that required attention. These diverse opinions still exist today.

The controversy over appropriate responses to status offenders moved from its origins at the State and local levels to the national arena in the early 1970's. In 1974, DSO became a major component of the Juvenile Justice and Delinquency Prevention (JJDP) Act, significantly shaping American juvenile justice policy and practice. Federal funds were used as a "carrot" to encourage States to deinstitutionalize status offenders and to encourage local jurisdictions to establish community-based services for these youth.

Millions of Federal, State, and local dollars have been spent on the DSO movement. Vast numbers of programs were created around the country to reduce the number of juveniles in secure confinement. But still, many argued about the components of a proper approach to handling status offenders, while others questioned the Federal Government's involvement in local affairs.

As States moved toward accomplishing the mandates of DSO, significant changes took place at both State and local levels—not only in terms of programs and services, but also in the policies and legislation that shaped the juvenile justice system. While the Federal Government encouraged States to deinstitutionalize status offenders, States were free to implement their own philosophy and practical approach for handling them. This discretion led to differences in the ways States and local jurisdictions respond to status offenders.

In the years since 1974, DSO has faced increasing challenges and questions about its value, success,

and impact on correcting status-offending behavior and making productive changes in the lives of status offenders and the well-being of their communities. It is with these questions and challenges in mind that OJJDP initiated the current research project.

## The Research Strategy

The basic premise that underlies this research is that beliefs or rationales guide policy direction and change. Stated simply, there should be direct ties between the rationale or philosophy (as stated in State legislation), practice (as identified in local agency service delivery), and effect (which can be determined through the type of status offenders served by local agencies and their behavior). The research is examining this process.

Three distinct philosophies—treatment, normalization, and deterrence—are pertinent to the DSO movement. The JJDP Act, which mandated deinstitutionalization, was enacted when delinquency prevention policy was based on an approach that suggested that intervention in the lives of status offenders was necessary to prevent additional or more serious offending patterns. In this approach, also termed the treatment model, status-offending behavior was seen as a symptom of a larger problem, which, in some instances, required certain forms of control to deliver counseling or remedial services.

The treatment model faced strong challenges from an approach that argued for minimal intervention in the lives of nonserious juvenile offenders. This approach, called the normalization model, suggested diverting status offenders away from the justice system to avoid both inappropriate stigmatization and contamination through contact with serious offenders. Status-offending behavior was viewed as a normal

“growing up” response that required no official juvenile justice or social service agency intervention.

Together, these two models, treatment and normalization, formed the framework for the Federal response to status offenders: remove them from secure control in the juvenile justice system, and divert them to treatment agencies in the community.

When DSO was enacted into Federal law, a more conservative view about delinquency prevention was gaining strength. This view favored intensive treatment of status offenders through judicial control and/or secure detention, and served as the foundation of a third approach—the deterrence model. With its emphasis on sanctions as primary tools for preventing the escalation to more frequent and serious delinquent behavior, the deterrence model offers a sharp contrast to the other two approaches. Status-offending behavior is seen as a predictor of future delinquency, requiring active involvement, intervention, and control from the system.

Given these diverse philosophies, the researchers first identified States representing the three models and categorized them accordingly. A review of State juvenile statutes current through early 1987 was conducted for all States plus the District of Columbia. Analysis focused on the three issues most relevant to the legal context of the DSO movement: jurisdictional classification, secure detention, and dispositional options. Under jurisdictional classification, researchers examined how States classified status-offending behavior. For example, did they remove status offenders from the jurisdiction of the justice system? Did they classify status offenders in the same category as delinquents or with neglected children, or did they put them in a separate category?

With regard to secure detention, researchers looked at the extent to which individual statutes removed secure confinement as a response to status offenses. That is, did a State eliminate the confinement of status offenders in secure detention, or did it permit secure custody, in particular long-term custody?

Finally, focusing on dispositional options for status offenders, the researchers categorized States according to the levels and types of alternatives specified for status offenders, including emancipation; vocational, educational, and recreational programs; counseling; non-custody mental health services; fines; restitution; and probation.

Based upon this legislative review, the researchers identified seven States whose statutes clearly reflect one of the three philosophies.<sup>1</sup> They are the subjects of the remainder of the study.

Three States were categorized as normalization States. Typically, the juvenile justice system in these States has divested its jurisdiction over all or most status offenders; however, status-offending behavior may be included under the category of dependent/neglect. Secure custody is rarely an option in normalization States. Service options include intake referral to community agencies for remedial training, recreational activities, or crisis intervention, with participation on a voluntary basis.

In the two treatment States, statutory references to the need for psychological and mental health services within both secure and nonsecure settings, as well as on an outpatient basis, clearly reflect the treatment orientation. These jurisdictions tend to separate status-offending behavior from both dependent/neglect situations and delinquent behavior.

Finally, there were two States with clear deterrence patterns. In these

States, status-offending behavior is either included within the delinquent classification or is in a category by itself. Status offenders can be detained and placed in secure facilities. Nonresidential dispositions often include probation or restitution programs more closely associated with a justice model.

## Selected Local Practices

To supplement the legislative review, researchers are gathering information about local practices from a broad range of youth-serving agencies in a major city in each of the seven States. Juvenile justice and social service agencies and facilities, as well as churches, schools, and other community organizations, are being surveyed not only about their youth clientele but also about their programs, activities, and services for juveniles. Agencies with status offenders in their service populations are then selected for more detailed investigation of organizational structure, service goals and delivery patterns, and the demographics of their clients. Data from these agencies will be analyzed to determine if the beliefs or rationales, as manifested in the legislation, have been translated into local policies and practices that reflect these orientations.

Site visits and personal interviews about local practices in the seven cities produced the following initial observations:

- Police in the three cities in the normalization States arrest very few, if any, curfew violators, incorrigibles, or truants. Furthermore, police receive few, if any, referrals of status offenders. Runaways, the most persistent status offender problem in these States, receive relatively little attention from justice agencies.
- In all three normalization States, there is a current effort toward initi-

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ating a more controlling, treatment-oriented, legislative approach.

- Two different practices were evident in the two cities in the treatment States. One site transformed a centralized diversion system into a centralized treatment operation. Another was unable to adequately provide treatment services and followthrough.

- Contrasting approaches also were apparent in the deterrence States. In one city, police were involved in informal probation; truancy cases were handled through the prosecutor's office; and the court diversion project, rather than emphasizing referrals to treatment, developed a detention control assessment program and a conditional release process. The city in the other State mirrored the first several years ago in terms of services and approach; however, recently it has been changing. Its juvenile courts now emphasize a strong diversion-to-treatment philosophy, which has been translated to other local agencies and organizations.

## Additional Research Activities

In addition to the data collection activities described above, researchers will interview status offenders who were either referred to or taken in by local agencies in each of the model jurisdictions. These interviews will determine offenders' characteristics and detail their service experience. Information generated by tracking youth through the justice system and social service agencies will be used, along with interview data, to document the disposition and handling of status offenders and to examine the impact of different intervention strategies on subsequent offending and victimization patterns.

This analysis will assess the relationship of status-offending behavior to victimization and delinquency. Status offenders who have had minimal contact with the juvenile justice and social service systems will be compared to those who received various interventions and services. Parents also will be interviewed to determine their views

of the problems associated with status-offending behavior and responses to it. Finally, a small number of "street kids"—short- and long-term runaways, homeless youth, and exploited youth—will be interviewed to provide the perspectives of those for whom the services were inappropriate, ineffective, or inadequate in cities that reflect the three DSO philosophies.

For information about this and other OJJDP projects, contact OJJDP's Juvenile Justice Clearinghouse, Box 6000, Rockville, MD 20850, or call toll-free 800-638-8736.

### Notes

<sup>1</sup>Names of the cities and States being studied have been withheld to prevent contamination of the ongoing research.

*The Assistant Attorney General, Office of Justice Programs, coordinates the activities of the following program Offices and Bureaus: the Bureau of Justice Statistics, National Institute of Justice, Bureau of Justice Assistance, Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.*

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