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**SOCIAL AND LEGAL POLICY DIMENSIONS OF
VIOLENT JUVENILE CRIME**

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SOCIAL AND LEGAL POLICY DIMENSIONS OF VIOLENT JUVENILE CRIME

Throughout history, societies have feared their young (Gilbert, 1986). To the observer of contemporary delinquency policy, it seems that the modern era in this country is no exception. In 1982, more than 400,000 youths were admitted to state and local detention centers (Krisberg et al., 1986). In this decade, over 600,000 juveniles have been released each year from public and private correctional facilities (Krisberg et al., 1984). Though crime and violence have always been the province of the young (Zimring, 1977),¹ responses to youth crime today have departed from earlier views that juvenile offenders are neither criminal nor "responsible" for their acts. In the past decade, over 40 states have simplified the procedures and eased the criteria for treating juvenile offenders as adults (Hamparian et al., 1982). Now, adolescent offenders are subject to the full penalties of the criminal law, and are confined for longer terms in harsher conditions. Arguably, these trends are related to the public's fear of violent juvenile crime and its belief that there is little to be done about it.

What to do about violent delinquents has been a difficult question as well as a perpetual problem since the first juvenile court was established in 1899. In the 1960's, Americans began to ask important questions about youth violence. The National Advisory Commission on Civil Disorders, also known as the Kerner Commission, assessed the factors underlying the urban riots of the late 1960s. The National Commission on the Causes and Prevention of Violence, also known as the Eisenhower Commission, concluded in 1969 that the United States was the world's leader in rates of homicide, assault, rape and robbery.² Juvenile arrests for violent crime increased dramatically in the 1960's, and reached an all-time high in the mid-1970's, when they began to recede (Strasburg, 1984). Juvenile arrest rates decreased steadily in the decade since 1975, but increased by nine percent from 1984-86. Yet the number of juveniles arrested in 1986 remains lower than a decade earlier, as the adolescent population continues to decline.

Some basic facts about violence by juveniles are widely accepted. Cohort studies agree that violence often is a random occurrence within a pattern of offenses usually including nonviolent crimes (Wolfgang, Figlio and Sellin, 1972; Hamparian, Shuster, Dinitz and Conrad, 1978; Shannon, 1980; Rojek and Erikson, 1982; Hartstone and Hansen, 1984; Piper, 1985). Like most crime, adolescents are disproportionately involved in violent crimes (Strasburg, 1984; Weiner and Wolfgang, 1985). Victimization data, self-reports and official records agree that males commit more violent and serious crimes than females (Laub, 1982; Elliott and Huizinga, 1984; Weiner and Wolfgang, 1985).

Juvenile violence is primarily an urban phenomenon (Kornhauser, 1978; Shannon, 1984). Regardless of the crime measures used, rates of violent crime for both juveniles and adults increase as the geographical focus approaches the inner city (Laub, 1983). Within inner cities, minority adolescents generally have higher arrest rates for violent crimes than adolescents living elsewhere (Wolfgang et al., 1972; Strasburg, 1984; Comer, 1985), though self-report surveys find few differences between black and white youths in urban areas (Hindelang, Hirschi and Weis, 1981; Elliott and Huizinga, 1987).

Since the Kerner Commission issued its now famous warning about the growth of two "separate and unequal societies" in America's largest cities,³ new social knowledge has emerged on the close relationship urbanism and violent youth crime. Using victimization data, Laub and Hindelang (1981) identified neighborhood characteristics where high rates of adolescent violence were reported: social areas with high rates of poverty and unemployment, concentrations of minority populations, and dense housing patterns (primarily not owner-occupied). Shannon (1984) found that the concentration of urban correlates had profound effects on individual offending patterns and the development of criminal careers. Sampson (1986, 1987) also illustrated how the concentrations of poverty and unemployment effected not only violent crime rates but also potential moderating influences such as family stability and other informal social controls. The continuing hardening of poverty in inner cities in this decade (Wilson, 1987), together with stable but persistently high rates of violent juvenile crime, has led Curtis (1985) to describe youth violence in this era as a "slow riot."

In the two decades since the Kerner and Eisenhower commissions, the perception and reality of juvenile violence has ignited public fear, evoked strong rhetoric to "tough" with violent juvenile offenders, and gave support to significant changes in juvenile justice policy. Looking back over this period, several factors contributed to rather dramatic changes in juvenile justice. Citing evidence from treatment research that "nothing works" (Martinson, 1974; Lipton, Martinson and Wilks, 1975), a policy debate began nationwide on the appropriate judicial forum to adjudicate violent crimes by juveniles. Critics of the juvenile court suggested that its rehabilitative dispositions were ineffective in controlling youth violence and inappropriate for the seriousness of violent juvenile crimes (Wilson, 1983; Feld, 1983; Regnery, 1986).

A second factor was the dramatic increase in violence by juveniles in the 1960's, and their continuing high rates in the past decade. The national commissions on violence and crime in the 1960's (Curric, 1985), and later presidential commissions in this decade (President's Task Force on Violent Crime, 1982, hereafter "Task Force") illustrated the

steadily growing intolerance of the "permissiveness" of the courts and demands for more punitive and incapacitating dispositions for those who commit for assaultive crimes or who are chronic offenders. Despite their small numbers, they were perceived as a sufficient threat to community safety to justify basic changes in juvenile justice philosophy and policy (Task Force, 1982). These reactions also were part of a more general law and order trend in public opinion about crime and justice, reflected in the growing prison and jail populations throughout the period.

Together with earlier criticism of the informality of juvenile court proceedings and Supreme Court decisions attacking the disparity in due process protections for juveniles charged with violent crimes, basic questions were raised about the *parens patriae* philosophy of the juvenile court (Wilson, 1983; Feld, 1987). The juvenile justice system was challenged to demonstrate that it could at once serve the "best interests of the child" while protecting his or her due process rights, at the same time effectively rehabilitating juvenile offenders while addressing growing concerns over the rights of victims and community safety. Lacking evidence that effective rehabilitation of violent youths was possible in the juvenile justice system, public policy embraced other crime control paradigms -- deterrence and incapacitation through increases in the severity of legal sanctions. The policy consequences were widespread efforts to apply criminal sanctions to violent delinquents (Fagan, Forst and Vivona, 1987a; Feld, 1983), or to drastically reduce or eliminate the jurisdiction of the juvenile court (Wolfgang, 1982).

Accordingly, doubts on the efficacy of juvenile court dispositions, together with public intolerance of violent crime, placed violent juvenile offenders at the center of an ideological debate between proponents of the juvenile justice philosophy, and its rehabilitative dispositions, and advocates of a retributive or punishment-based system whose purposes are to deter and incapacitate offenders. The demand for changes in the legal paradigms of juvenile justice arguably are related to the apparent weaknesses of the rehabilitative interventions which are at the heart of juvenile court dispositions. Lacking demonstrably effective correctional interventions, which also can provide credible sanctions and address community protection concerns, juvenile court critics have turned to punishment philosophies to control violent juvenile crime. Increases in the waiver of juveniles to criminal court directly reflect the lack of public and judicial confidence in the effectiveness of juvenile court sanctions and dispositions. As the juvenile and criminal courts begin to resemble one another in process and punishment, doubts are raised about the necessity of a separate juvenile court (Farrington, Ohlin and Wilson, 1986). Thus, the future of a specialized court for juveniles may rest on its dispositional

competence in dealing with violent crimes by juveniles. Whether correctional programs can effectively treat and control violent juvenile crime will influence if not determine, the outcome of this debate.

Research in this decade on violent juvenile crime provides new empirical evidence which bears on this debate. The results of evaluations of community corrections programs for serious and violent offenders suggest new directions for effective treatment and reintegration within the juvenile justice system, and has implications for juvenile justice policy and the jurisprudence of adolescent violence. Also, new evidence on the fairness, equity, and consequences of waiver call for careful consideration of these decisions. Waiver is a "compared to what..." decision, and the recent evidence on the "treatment" to which youths may or may not be amenable becomes particularly important in this debate. These developments are reviewed here, and their implications on the policy dimensions of violent juvenile crime are appraised.

Recent Evidence on Effective Interventions for Juvenile Offenders

"Nothing Works?"

The social history of the "nothing works" doctrine is an oft-told story. Martinson's (1974) article pronouncing that "almost nothing works" is one of the most frequently cited articles in the criminal justice literature, and fueled the rise to prominence of crime control ideologies based on deterrence and incapacitation. The abandonment of rehabilitation was seconded by criminal justice reformers who were frustrated with the abuses of rehabilitation and the inequities it fostered in differential terms and conditions of punishment. The justice model (See: Fogel, 1976, 1977), and the determinate sentencing schemes it fostered, was an effort to establish "fairness" as the primary policy dimension of criminal justice decision making. The fairness argument was critical of rehabilitative programs which resulted in some people remaining under social control longer than others, simply to remain in treatment programs of dubious value. Correctional policies void of rehabilitative content, emphasizing simply proportionate punishment based on characteristics of the offense and not the offender, presumably would better serve both offenders and society.

The "nothing works" argument came at the crest of growing skepticism about the effectiveness of rehabilitation. Several reviews of the treatment evaluation literature concluded that rehabilitative efforts do not work (Bailey, 1966; Robison and Smith, 1971;

Cook and Scioli, 1975; Wright and Dixon, 1977). The inconclusive results of later studies comparing community-based interventions with incarceration in juvenile corrections (Murray and Cox, 1979; cf, Maltz et al., 1979) further strengthened the arguments against rehabilitation as a sentencing policy.⁴

It was about five years after Martinson's first published pronouncement, and the publication of more elaborated version (Lipton, Martinson and Wilks, 1975), that analyses of the rehabilitation literature revealed the complex relationship between treatment, subsequent behaviors, and evaluation research. The reasons why rehabilitation worked, or the limitations of the evidence both for and against rehabilitation, became evident.

Most obvious was the limitations in research design. Several reviewers noted that the rehabilitative failure argument presumes rigorous treatment evaluations which correctly reject hypotheses about the effects of various interventions (Sechrest, White, and Brown, 1979; Gottfredson, 1982; Fagan and Hartstone, 1984; Rezmovic, 1984). Yet this has hardly been the case. For example, neither statistical nor experimental controls were consistently applied (Logan, 1972); accordingly, no attribution of effects was possible. Problems with outcome measures characterized other weaknesses, including a tendency to rely on dichotomous measures of recidivism based on rearrest. Also, outcome measures often were insensitive to incremental changes in behavior, such as reduction in the rates, severity of crime, or intervals between crimes. Study periods often were too short to adequately detect long-term gains, while in other studies they were too long to determine incremental effects.

The conclusion that "nothing works" was based more on the absence of empirical evidence that treatment is effective, rather than on conclusive evidence that treatment does not work. However, no proof is not the same as disproof, and the weakness of the evaluation literature provided no compelling evidence against rehabilitation. Accordingly, the surveys of treatment evaluations which pointed out the weaknesses of their designs were misinterpreted as persistent claims that treatment was ineffective.

Second, rehabilitation programs were marked by inconsistencies between theories and intervention practices, or outcome measures which expressed the intervention goals. More often, the absence of theory led to widely divergent intervention practices. They often were not well grounded in the theories and causal assumptions which explained delinquent behavior. Cressy's (1958) observation appears to hold true for the more recent efforts: rehabilitation tends to label as theory anything that programs do. Finckenaue's (1984) survey of juvenile corrections found that intervention strategies were vulnerable to fads, untested clinical insights, and repackaged traditional approaches. These strategies

often were shaped by "pop psychology" than by theory or empirical knowledge of what works or why. Sometimes, what was intended was not what was evident in the program. Some programs are often atheoretical, relying on the vision or zeal of staff to achieve behavioral changes (Greenwood and Zimring, 1981). Lacking a clear theory about why crime persists or stops, and without bridges from theory to practice, evidence accumulated that what was practiced did not work. Yet the mismatch between theory, practice, and research more likely explained the inconsistent findings.

Finally, most studies paid insufficient attention to the degree to which the intervention was actually implemented. Evaluators often speak of "the program" or "the treatment" as if the experience of each program client was identical (Mark, 1983). This often led to the use of a simple treatment variable, where treatment is an all-or-nothing matter, in models designed to estimate intervention effects (Cook and Poole, 1982). However, this assumption of a "black box" has been challenged in the recent evaluation literature (Sechrest and Redner, 1979; Cook and Poole, 1982; Mark, 1983; Rezmovic, 1984). Program participants often have a variety of experiences within an ostensibly uniform program. These assumptions can lead to erroneous conclusions that a treatment was ineffective, when, in reality, implementation was too inadequate or uneven to afford a valid test of the program. The failure to address these issues in analyses of treatment interventions can lead to misinterpretations of results as negative or critical (Cook and Poole, 1982). As Sechrest and Redner (1979) point out: "Any conclusions about whether a treatment is effective or not must be reached in full knowledge of just how strong the treatment was" (p.23).

Apparently, studies often have concluded that treatments were ineffective when they should have concluded that weaknesses in treatment implementation made it difficult to form conclusions on their effectiveness (Rezmovic, 1984). Sechrest, White, and Brown (1979) and others have found this to be particularly true for correctional interventions. If evaluations have been performed on poorly implemented correctional intervention programs, then the "nothing works" doctrine and the delinquency policies which flow from it seem unfounded. It is more likely that innovative methods have not been well tested, and that worthwhile programs have been overlooked or incorrectly classified as ineffective.

While the limits of the critical literature on rehabilitation were detailed, new evidence accumulated on the reasons why some things worked while others failed. Ironically, the "nothing works" critique itself was methodologically flawed. It was based on claims of ineffectiveness which in fact really were problems in evaluation research.

Yet, the reviews by Logan (1972), Bailey (1966), Lipton et al. (1975) and Wright and Dixon (1977) reported results of both strong and weak designs together. When the strongest studies in these reviews are selected for a closer look, the trends in treatment effectiveness appear consistently strong: among those studies cited in these reviews which used control groups and careful implementation analysis, more than half revealed positive treatment effects (Gottfredson, 1982). For example, that of the studies rated as methodologically strongest by Lipton et al. (1975), 19 of 40 (48 percent) had positive results.

Not only were the interpretations selective, but the methods of analysis in these reviews also left open other views of treatment effectiveness. Palmer (1975) reviewed the rehabilitation literature from the 1960's and disputed earlier criticisms of the California programs by disaggregating findings according to the quality and nature of the intervention. Lerman (1975) revealed how organizational and policy perspectives influence the outcomes of interventions and can undermine otherwise effective programs or mask their results. Maltz et al. (1979) illustrated how the selective application of statistical techniques can influence the results and lead to misinterpretations of effects. Gottfredson (1979) illustrated how erroneous and selective interpretations of rehabilitative failures result from the confusion of theory with determinism, and ideological assumptions about what is or is not a cause of crime and whether it is mutable, and the theoretical void in most correctional interventions.

Accordingly, the "nothing works" doctrine led to critical thinking about the quality and validity of the evidence, and more careful analysis of the claims of treatment effectiveness or failure. It also gave rise to new strategies for program development and attention to the strength of evaluation designs.

Some Things Work

As the "nothing works" doctrine was being disputed, new studies identified effective interventions for juvenile and criminal offenders. Romig (1978) reviewed evaluation results and identified principles for effective intervention. Neithercutt (1978) documented 12 community-based treatment programs for serious juvenile offenders and analyzed the organizational characteristics and treatment strategies of effective programs. Greenwood and Zimring (1985) similarly analyzed the characteristics of private programs for serious juvenile offenders that were demonstrably effective. Gendreau and Ross (1980) disputed the basic finding from the 1970's, and later found empirical support for

effective rehabilitation programs in the evaluation literature of this decade (Gendreau and Ross, 1987). Evidence of positive effects of correctional interventions appeared to increase as researchers and program staff devoted greater effort to the important linkages between theory, practice, and research strategy.

At the same time, new strategies for correctional interventions for violent juvenile offenders were evolving. The use of small, community-based corrections programs spawned new issues and controversies within juvenile corrections. In 1972, Massachusetts' state training schools for juvenile offenders were closed and replaced by a diversified network of small, community-based programs. That era also marked the beginning of critical research studies on a variety of innovations in juvenile corrections, from the early experiments in Provo (Empey and Erickson, 1972) and Silverlake (Empey and Lubeck, 1971), to community treatment of juvenile offenders in California (Lerman, 1975), to the important studies on the Massachusetts reform (Coates et al., 1978) and the UDIS program in Chicago (Murray and Cox, 1979), recent research on the impact of juvenile court interventions in Utah (Austin et al., 1987), and evaluations of private community-based programs for serious juvenile offenders (Greenwood and Zimring, 1985; Greenwood and Turner, 1987). These smaller, community-based programs shared important characteristics: a diverse network of small, community-based programs with intensive supervision and reintegration efforts. They were developed and studied with a variety of correctional populations, in diverse areas of the country, and in varying social and economic contexts. Their effectiveness and relevance to policy depends on answers to the important questions of public safety -- are diversified networks of small corrections programs for juvenile offenders more effective in reducing recidivism and protecting public safety than institutional approaches for adjudicated youths?

Collectively, recidivism in small community-based programs is about the same if not better than in large institutional programs, particularly for the critical one year period following return to the community from residential placement. While institutionalization does not result in lower recidivism rates than non-incarcerative sanctions with close supervision in the community, neither does it worsen criminal careers. This finding was true in the early community corrections experiments in Provo and Silverlake, and in the UDIS and the recent Utah research. Beyond that initial reentry time, many other social and environmental factors intervene to influence behavior patterns. The extent to which skills and behaviors learned in programs are internalized and carry over into the youth's life in the community is a critical question for understanding recidivism, and also for determining effective programs. Accordingly, the

research over the past decade shows that a diversified network of small community programs can control youth crime as well as large, expensive institutional models, at a lower cost and under far more humane conditions.

These efforts have sparked a controversy among researchers and professionals on their interpretation, and the effectiveness of programs and policies for serious juvenile offenders which stress small, diversified correctional interventions and intensive community supervision. Conflicting interpretations of otherwise similar findings are aggressively argued (Murray and Cox, 1979; cf., Lundman, 1986). Accordingly, several important questions and controversies from the early research remain unanswered. The early experiments included both violent and other offenders, and did not address their differential effectiveness on the critical violent juvenile offender population. Experimental designs were not often used, making it difficult to look comparatively at program results. Followup periods were often limited to one year, and did not examine the conditions of the re-entry supervision or neighborhood context for longer periods. Despite many common characteristics, strategies also were uneven in their attention to important theoretical issues which bear on why youths commit crimes and why they may or may not stop. The answers to these questions will likely influence debates not only on design of youth corrections programs, but also on the future of a specialized court for juvenile offenders.

The Violent Juvenile Offender Program: A Critical Experiment

The VJO Program was designed as a critical experiment to resolve many of these questions. Four urban juvenile courts participated in the study.⁵ Violent youths were selected based on specific violent crimes in their committing and prior offenses. The offense categories included homicide, aggravated assault, armed robbery, and forcible rape.⁶ About 70 percent were adjudicated for armed robbery or aggravated assault, about 17 percent for murder, and 13 percent for forcible rape. Participants were randomly assigned to experimental programs (N=122), or (N=105) youths in mainstream juvenile corrections. Most (90 percent) were black, all were males, and their average age was 16.4 years. Their prior records included an average of 8.1 petitions and 3.25 adjudications, excluding the committing offense. Recidivism analyses included the incidence and severity of official criminality, the time to rearrest, and self-reported criminality.

The intervention model incorporated principles derived from an integration of strain, control and learning theories, with specific attention to early childhood

socialization factors associated with violent delinquency (see: Fagan and Jones, 1984, for the derivation of the theory, and Fagan, Rudman and Hartstone, 1984, for a description of the model). It also built on the earlier research which described successful practices in diverse settings. The program included credible and logical sanctions which address the public safety and fairness dimensions of juvenile court dispositions while maintaining their focus on rehabilitation. An experimental design, with continuous measures of intervention and a range of outcome measures over a three year followup period, provided a rigorous test.

The program model was characterized by two unique features. First, the program design emphasized theory and its synthesis with contemporary juvenile corrections practices. Second, interventions emphasized reintegration of violent delinquents into the community, with continuity of the intervention principles and practices into the community living phase of program. Thus, while the VJO program tested innovations in treatment interventions, it also tested reintegration strategies designed to strengthen correctional intervention. Traditional corrections practice often invests the majority of its attention and resources to secure care for violent juveniles, and also to treatment interventions within closed institutional programs. While most youths adjust well to institutional settings, their highest risk for failure occurs during the first few months after return to the community when they first begin to manage the contingencies of community life (Greenfield, 1985). The reintegration emphasis specifically addressed the decay of treatment effects in the early months after community re-entry in three ways: transition from institutional to community settings with continuity of services and interventions, enhanced methods of control and supervision for juvenile offenders in the neighborhood social milieu, and interventions designed to teach youth to live within the relatively unstructured and often frustrating life in the neighborhood. Accordingly, the VJO experiment was a test of policies which emphasize investment of correctional attention and resources in the latter stages of intervention, and also strategies to insure its continuity with the earlier residential phases.

Table 1 summarizes the recidivism results for experimental and control youths, for a range of recidivism indicators. For each indicator, the percent difference between experimental and control groups is reported, together with the statistical significance from the appropriate test for the experimental-control difference.⁷ A maximum percent difference of 100 percent is reported, due to the small N's and the resulting sensitive and skewed distributions of the data. The scores for controls are the base for calculating the percent differences, since marginal improvements over the performance of mainstream

juvenile corrections are of interest to policy and theory. A negative value indicates that the control group had a lower recidivism score than experimental youths.

The findings suggest a relationship between implementation and positive intervention effects. The prevalence of rearrests and reincarceration differed little for experimental and control youth. However, significant effects were found for the number of felony arrests, violent crimes, and time to first rearrest for all crime types. Self-reports also were lower in these programs, for all offenses and specifically for violent crimes. In Boston, where implementation of the experimental model were strongest, significant reductions were obtained in the rate but not the prevalence of rearrest. In Memphis, implementation analyses showed that the program principles actually were in stronger evidence in control programs. There, the controls had lower recidivism rates. Accordingly, where the program design was well implemented, and where its underlying theoretical principles were in strong evidence, significantly lower recidivism rates for violent, serious and total crimes were observed.

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When the results were disaggregated by time at risk, similar results were observed. In sites with stronger implementation, the delay in first rearrest also was significantly longer in the experimental programs. This was true for all offenses, felony offenses, and the violent offenses which defined program eligibility. The recidivism indicators were internally consistent, as well -- when significant differences were found in a program, they were not confined one indicator or another, but tended to occur across several recidivism measures. This consistency was evident for both one- and two-year at-risk periods. The delay in first rearrest is particularly important, and reflects the importance of the reintegration strategy. The effects of the experimental programs or their elements of theory and practice (as evident in the control program in Memphis) may have endured longer, helping them to avoid a return to crime. Second, crime may have been delayed for experimental group youths due to more intensive and constructive community supervision.

The social outcomes of experimental and control youths also were examined. Enhanced educational and vocational opportunities were a basic part of the intervention strategy. There are obvious practical and theoretical implications for emphasis on these social deficits. These are necessary social and economic skills for entry into conventional social roles and opportunities, and accordingly are highly correlated with desistance from delinquency. Also, opportunities for positive experiences in these domains were thought

to be important in socializing youths to reject criminal opportunities and behaviors, to develop social competencies in dealing with daily life events, and in raising youths' stakes in conventional activities and the perceived cost of rearrest.

Few differences were found between experimental and control youths on the social outcome indicators. Most youths continued to live with their parents or stepparents (from 50 to 60 percent across the four sites). Their school achievements were comparably poor -- the percent completing high school varied from 12.5 percent (Detroit experimentals) to 33.3 percent (Newark controls). Most had worked since their return from the VJO or control program, ranging from 71.5 percent (Memphis experimentals) to 100 percent (several groups). Only for those working at the time of the interview was there a significant difference -- in Boston, 75 percent of the experimentals were working compared to 29 percent of the controls ($p < .10$). It is uncertain whether these results reflect intervention effects or simply the backgrounds of those who consent to interviews.

Social integration scales also revealed few consistent patterns, whose interpretation was complicated by small sample sizes. The social integration scales included three types -- social bonds (for example, attachment and involvement in school or work), perceptions of social setting (for example, work environment, peer delinquency, or violence in the neighborhood), and psychosocial scales (for example, substance abuse problems, locus of control). Though specific scales were significantly different between experimentals and controls, there were few consistent patterns across indicators or within programs.

Movement into and out of delinquency, even the most disturbing and aggressive behaviors, occurs predictably for many youths. It appears from these findings that the social integration factors which initiate or maintain delinquency may be unrelated to its cessation. Intervention had little discernable effects on the social indicators of school, work or family, nor did it strengthen the social bonds which are thought to be part of the etiology of delinquency. Yet there were indications of reduced recidivism for experimental youths. Accordingly, there is reason to believe that some aspects of program participation may have contributed to these effects, though without significantly altering the social status or social integration of the participants.

Why Some Things Work

In sum, the various outcome measures suggest a complex and sometimes conflicting view of the impact of the experimental interventions programs. There was a general association across a range of recidivism indicators between strong implementation of the

underlying theoretical principles and structures of the program design and lower recidivism rates. For the range of recidivism indicators, experimental youths in Boston consistently had lower recidivism scores than controls. Most percent differences exceeded 25 percent, and several were over 100 percent lower. About half were statistically significant. The indicators in Detroit generally were large, positive percent differences, particularly for avoidance of rearrest and self-reported crimes. Yet there also were several negative differences between experimentals and controls. On balance, the differences for Detroit experimentals suggest positive impacts from intervention. Memphis had few statistically significant differences other than negative findings for rearrest indicators. Self-reported crimes for experimentals were lower than controls. Other effects were either small or not statistically significant. Indicators in Newark either showed small intervention effects or were negative. Overall, table 1 illustrates the generally positive effects associated with strong implementation of this experimental model, and the corollary negative effects of weak implementation in Newark and Memphis.

The experiment emphasized reintegration in two ways -- early reintegration activities preceding release from secure care, and intensive supervision in the community with emphasis on gradual reentry and development of social skills to avoid criminal behavior. The stability of the findings across at least two years of follow-up suggest that the reintegration strategy can help avert the abrupt return to criminality after program release which marked the early experiments in community corrections such as Silverlake and the Provo experiment. The withdrawal of the program supports following return to the community in these early experimental programs stands in contrast to the concerted efforts in these programs to continue interventions during the often difficult transition from institutional to community contexts.

In particular, the delays in return to crime for experimental youths suggests that the reintegration strategy also is an effective crime control strategy. Though the data do not describe relative behavioral changes beyond the two year period, parole research consistently cites the initial six month period following release as the critical period of highest risk of recidivism. The results suggest the value of a reintegration strategy, with early emphasis on return to the community, for investment of correctional resources to achieve results at least comparable and perhaps more effective as current correctional policy.

The findings comparing programs further suggest that rearrest probabilities are influenced less by the length or even the nature of incarceration than the quality of

intervention. The recidivism outcomes also suggest that the length of intervention may be less important in influencing rearrest than is the intensity of service and its orientation toward community living skills. For example, Detroit youths in the experimental program spent nearly one year in secure care prior to transitional placement and community reintegration. Yet they had significantly longer street time without rearrest and violent crime. For example, looking only at the average length of stay in secure care, longer incarceration stays are not associated with less recidivism. The results suggest that inadequate care and supervision following release increases recidivism probabilities, especially in contrast to reintegration services with intensive treatment in a transition residence and close supervision in the community.

Though social bonds or even social status was unaffected by intervention, the process of intervention may have had strong effects on social competence and youths' beliefs in their ability to achieve goals and perform socially appropriate behaviors. The emphasis on social learning specifically rewarded behaviors such as achievement of educational goals or non-violent methods of resolving personal conflicts. In turn, these social skills can hasten a youth's entry into conventional life roles -- worker or student, neighbor, and social affiliations with others in conventional life roles (and in turn, reduced involvement in a delinquent peer network). Two processes occur in this transition from adolescence to adulthood. First, entry into these life roles may increase the perceived costs of further wrongdoing. Second, success in conventional roles builds social competencies and increases the personal rewards of participating in non-criminal activities. Such social reinforcements are basic to the processes of strengthening social bonds (Fagan and Jones, 1984). By rewarding these new social skills, the social learning emphasis of the experimental program simply may have hastened the otherwise natural processes of cessation and maturation which reduces most delinquent behavior as adolescence ends.

These findings are consistent with previous research about "prisonization" and the "counter-deterrence" of long-term incarceration without adequate attention to reintegration issues (Wheeler, 1978; Coates et al., 1978). New strategic investments in juvenile corrections should include transitional placements and rigorous community supervision to shorten the period of correctional care. Moreover, it appears that these strategies can assure public safety as well if not better than lengthy and costly correctional institutional interventions, and in more humane conditions. The strategy requires that intervention is rooted in sound theory and valid practices, and implemented with care and integrity.

The VJO experiment suggests that there need be neither ambivalence nor conflict regarding the balance between treatment and punishment. Reintegration strategies are effective crime control strategies which still blend punishment with opportunities for social development in a correctional setting. These programs were effective for minority youths from neighborhoods with the highest concentrations of poverty, unemployment, poor housing and other correlates of crime and violence. The programs neither risked nor worsened public safety, and optimized the use of expensive secure care resources. The creation of effective dispositional options within the juvenile justice system bears directly on controversies over the jurisdiction of the juvenile court, the selection of juvenile offenders for removal to the criminal justice system, and the intersection of crime control and other urban and social policies.

The Criminalization of Juvenile Violence through Judicial Waiver

The "nothing works" doctrine gave rise to a vigorous debate on the appropriate forum for the adjudication of felony offenses committed by juveniles. Critics of the juvenile court suggested that its sanctions and dispositions are ineffective in deterring subsequent crimes and inappropriate for serious crimes. The persistent high rates of juvenile violence, together with criticisms of procedural informality and disparate punishment, led to significant changes in the jurisprudence of serious juvenile crime. The perceived ineffectiveness of rehabilitation directly attacked the positivistic foundations of the juvenile court, and served as the central argument to reduce or restrict its boundaries (Wolfgang, 1982; Wilson, 1983; and Regnery, 1986). Policies shifted perceptibly in the 1970's from individualized dispositions and rehabilitation toward punitive sanctions based on theories of deterrence and incapacitation. The "best interests of the child" policy was overshadowed by concerns for community safety, individual responsibility, due process and retributive punishment of juvenile offenders (Miller and Ohlin, 1985). A natural response by legislatures and judges was to expand the use of criminal court sanctions for serious and violent juvenile offenders (Feld, 1987).

Changing Legal Paradigms in Juvenile Justice

The traditional separation of juvenile and adult jurisdiction at age 18 was the statutory boundary for determining the judicial forum in which to adjudicate illegal

behaviors by adolescents. The earliest juvenile court statutes recognized that certain offenders were not amenable to the rehabilitative dispositions of the juvenile court, and established procedures for waiver (or transfer) of jurisdiction from juvenile to criminal court. The changing legal philosophy toward adolescent crime led to a variety of strategies to remove or exclude violent offenders from juvenile court jurisdiction. Common among states were three strategies to remove or exclude "dangerous" or violent offenders from juvenile court jurisdiction. First, several states have reduced or eliminated juvenile jurisdiction for specific offense/offender categories, in effect a "legislative waiver." The most common strategy was to reduce the age of majority specifically for serious, violent, or repeat felony offenders, and have these cases originate in criminal court (Feld, 1987). For example, felony offenses for youth 13 or older⁸ originate in criminal court under the Juvenile Offender Law in New York. Other states have expanded the discretion of prosecutors through the creation of concurrent jurisdiction, a procedure known as "prosecutorial waiver." In Nebraska, Michigan, Florida, and Massachusetts, for example, prosecutors may elect the court of original jurisdiction for certain categories of adolescent offenses and offenders.

In selected jurisdictions, prosecutors have used their discretion to relocate entire classes of offenses and offenders from juvenile to criminal court. In Phoenix and Miami, for example, prosecutors routinely file waiver (transfer) motions, most often granted, to transfer specific types of juvenile cases to criminal court (Fagan et al., 1984b). Their intent is to seek longer sentences in secure institutions, lacking confidence in the sanctioning certainty (patterns) and conditions in juvenile jurisdiction. Also, their actions may be an attempt to stave off criticisms of juvenile justice by removing problematic cases (Bortner, 1986).

The most common strategy to criminalize juvenile violence has been expanded use of judicial waiver. This approach authorizes the juvenile court judge to make the transfer decision. The judge must identify, often within vague statutory guidelines, those juvenile offenders amenable to the rehabilitative ministrations of the juvenile justice system and those whose behaviors require the punitive sanction of the criminal justice system. Broad discretion surrounds the transfer decision (Wizner, 1984; Rudman et al., 1986). This raises the important issue of whether this type of discretion results in decisions that are inequitable, discriminatory, or inconsistent, an important consideration given the harsh consequences of transfer.

Many states have simplified the procedures and eased the criteria for transfer⁹ to criminal court jurisdiction. Since 1978, over 41 states have passed legislation to expand

the use of waiver (Hamparian et al., 1982). The offense categories have been expanded, age eligibility reduced for some or all offense types, and other criteria (e.g., "heinousness of the offense," "dangerousness to the community," "amenability to treatment") have been simplified or added to facilitate the transfer of juveniles to criminal court for prosecution. New Jersey passed transfer legislation in 1983 explicitly shifting the burden of proof on "amenability" and "dangerous" from prosecutors to defense counsel. That is, defense counsel now must disprove prosecutorial allegations that an adolescent is ineligible for juvenile jurisdiction.

Transfer remains today the most widespread mechanism for removing juveniles (adolescents below the age of criminal liability) to the criminal court (Hamparian et al., 1982). Transfer is one of the most extreme responses to serious juvenile crime. In all but three states,¹⁰ statutes empower a juvenile court judge to decide, with varying degrees of statutory guidance, whether to transfer certain juveniles charged with specified offenses to adult court for prosecution (Hamparian et al., 1982). The judicial decision to waive a youth to criminal court recognizes that for certain offenses and offenders, juvenile justice system sanctions may--because of jurisdictional limitations or ideological considerations--be insufficient to accomplish the twin goals of punishment and rehabilitation. Waiver statutes assume, moreover, that some youth are simply beyond rehabilitation--that is, not amenable to treatment in the juvenile justice system.

Transfer is itself a severe sanction, with potentially harsh consequences: extended detention in jail, a protracted adjudicatory process, a felony conviction resulting in social and legal sanctions, and a lengthy sentence at a secure correctional institution (Rudman et al., 1986). Judicial waiver or transfer is a sanction of last resort for the juvenile court due to its low incidence, the potential severity of punishment in criminal court, and the ultimacy that waiver implies for an adolescent offender (Zimring, 1982; Emerson, 1981).¹¹ Waiver in effect is an expulsion from the juvenile court. Accordingly, the transfer decision does more than choose a judicial forum for an accused youth. It invokes a jurisprudential philosophy that governs the nature of the proceedings as well as the purpose and severity of the sanctions. It also raises the important issue of when a child is no longer a child, specifically whether factors other than age are relevant for removing some youth from juvenile court jurisdiction.

Yet there has been little research to examine the nature, determinants, or consequences of the judicial transfer decision for violent juvenile offenders. Specifically, there is little information about the types of offenses or offenders that meet judicial perceptions of the "dangerousness" or "amenability to treatment" standards found in

transfer statutes. Hamparian et al. (1982) analyzed the application of judicial waiver statutes and found little explanation for the high degree of variation in transfer decisions. Keiter (1973) studied characteristics of youth transferred to criminal court in Cook County, Illinois. Keiter's study, a retrospective analysis, suggests that lack of decision-making criteria "invites abuse" in the transfer decision. Eigen (1981) examined the determinants of waiver in Pennsylvania for homicide and robbery. For interracial offenses, race carried significant weight in the outcome of the transfer decision, as did the prior incarceration history of the accused youth.

As part of the VJO Program, the judicial transfer decision in juvenile courts was examined for youth charged with violent offenses. The research examined the patterns and to determinants of transfer decisions in terms of offense and offender attributes and their bearing on the concepts of "amenability" and dangerousness." Sanctions in the criminal court and juvenile court for violent offenders, waived and retained, were compared to assess waiver's policy goals: are sanctions harsher and more certain in criminal than in the juvenile court, the fundamental rationale for the use of waiver. The research also examined the consequences of transfer: what happens to transferred youth? In which types of facilities are they placed, and what are the punitive and rehabilitative contexts in those placements?

Data were collected on violent juvenile offenders from 1981-1984 in five urban juvenile courts.¹² In each jurisdiction, judicial waiver was the mechanism for removing juvenile offenders to the criminal court. Samples were youths charged with the same violent offenses who were considered for transfer to criminal court. For each youth (N=201), a petition for transfer had been filed by the prosecutor. Eligibility and offense criteria were identical to those which defined the sample.

Who is Transferred?

Transfer rates varied widely by locale -- in Boston, 21 percent of the youths considered for transfer were waived, compared to 31 percent in Detroit, 41 percent in Newark and 71 percent in Phoenix. The statutory criteria for waiver were fairly consistent in these sites, though vague and standardless (Fagan and Piper, 1988). Certainly, prevailing philosophy and crime control policy will determine the rate of transfer. However, the comparative characteristics of the justice systems may also bear on the wide gap in rates. For example, statutes in Arizona limit juvenile court involvement beyond age 18, which in turn limits the length of incarceration, while in Tennessee and

Michigan the availability of long-term incarceration within the juvenile system offers greater dispositional options and punishment opportunities.

Fagan and Piper (1988) analyzed the differences between waived and retained youths in this sample. Minorities were transferred more often than whites, though few whites were considered for transfer. This hints broadly at racial disparity. Transfer decisions occur long after other decisions have occurred, when racial disparity may have selectively limited the participation of whites at later stages of processing (McCarthy and Smith, 1986). Still, disparities are evident in the transfer decision, even after controlling for prior record and the type of committing offense.

Other important factors predicting the transfer decision were age at first juvenile court appearance (initiation at a younger age more often resulted in transfer), prior record (longer histories), but not age at committing offense. Instead, more salient to the transfer decision was the time between age at offense and the end of juvenile corrections jurisdiction -- in other words, the available period for punishment. Moreover, prior record interacted with type of offense and site in explaining transfer decisions. Type of offense also was an important factor, though the specific offense type which predicted transfer varied by site. For example, 61 percent of youths charged with homicide were transferred in Detroit, compared to 33 percent in Newark and 20 percent in Phoenix. Armed robbery resulted in transfer in 29 percent of the Boston cases, but 86 percent in Phoenix. The relationship between age at offense, punishment opportunity, type of offense and the transfer decision is quite complex and changeable from one site to the next.

Since earlier analyses showed inconsistent patterns across sites in factors contributing to transfer outcomes, higher order analyses were conducted to identify the relative combinations of factors which could explain the transfer decision. Table 2 shows the model for each site and an aggregate model combining sites with site as a dummy variable. The model also included specific violent offenses to determine if transfer decisions within sites are driven by particular offense types.

INSERT TABLE 2 HERE

Table 2 shows that the models were significant at each site and had modest explanatory and classification power. Race was a significant factor only in Detroit, though it also was a weak contributor. The most consistent contributors were age at offense, age at onset, and youths charged with homicide. In three of the four sites, specific offense types contributed to the model, though only homicide contributed in more

than two sites. In general, offense type was a stronger contributor than individual (offender) characteristics in two of the four sites. The results suggest that the outcomes of judicial waiver decisions vary across sites, but also the factors which explain transfer vary from court to court. Moreover, the transfer decision also appears to incorporate factors not specified by statute, such as punishment opportunities or other dimensions which tap the subjective orientation of judges and prosecutors.

Comparative Sanctions in Juvenile and Criminal Court

Most theorists agree that swift and sure punishment is a central component of an effective system of sanctions. The celerity and certainty of the court's response are important influences on how the justice process is perceived and the lessons learned from a sanction (Van den Haag, 1975). For example, social learning theorists suggest that the more time which elapses from offense to sanction, the weaker is the linkage between behavior and consequences (Jensen, 1978). The punishment imposed forms the substance of the sanction. The presumption of a "leniency gap" is based on two notions about juvenile court: sanctions are less certain--offenders less often are found "guilty" of their offenses and less frequently are punished--and not as harsh--the length and harshness of punishment are not as severe for juvenile court sanctions. Yet these criminal and juvenile court sanctions have rarely been compared, leaving open the question of whether punishment is more certain and severe in criminal court.

The Certainty of Punishment

The certainty of punishment was comparable in juvenile and criminal courts. Figure 1 shows that about half the transferred youth were convicted on the target charge, and 45% more were convicted of reduced charges. The conviction rate for target crimes was slightly higher in juvenile courts, and conversely adjudication for lesser charges were lower (28%). Dismissal rates were low, but twice as high in juvenile court (14%) than criminal court. Differences within sites showed a varied pattern. For example, dismissal rates in juvenile court in Detroit (19%) and Newark (23%) were far higher than in criminal court (9% in Detroit, 6% in Newark). In Phoenix, there were no dismissals in juvenile court, but 8% were dismissed in criminal court. In Boston, the opposite trend was found. In all locales but Phoenix, plea bargaining in criminal court resulted in a higher rate of convictions for reduced charges.

INSERT FIGURE 1 HERE

The general trend suggests that sanctions are fairly certain for both transferred and retained youth charged with violent felonies. Charge reduction is more common in criminal court, consistent with general criminal court processing trends. There is little doubt that youth are "held accountable" for violent crimes, irrespective of the judicial forum where the case is adjudicated. The results also show that youth charged with violent crimes are processed consistently with transferred youth charged with property offenses (Hamparian et al., 1982).

The Severity of Punishment

Because criminal court judges sanction youth who are transferred and convicted as adult offenders, prosecutors and judges expect that such youth would receive more severe punishment (placements and sentences) than youth retained by the juvenile justice system. However, conflicting data have emerged with regard to the criminal court's sanctioning of juveniles. Some research suggests that "most juvenile offenders are not seen (by criminal courts) as serious enough to take up court time" (Royscher and Edelman, 1982), and, as such, receive disproportionately high rates of dismissals and probation placements. The "going rate" for juveniles in criminal court may be somewhat lower since they appear younger and more inexperienced than their older counterparts in criminal court (Emerson, 1981). Other research efforts have found that young offenders do receive the more severe sanctioning anticipated (Greenwood et al., 1984) and that, as such, there is no "leniency gap" for young offenders in adult court.

To examine this controversy specifically for violent juvenile offenders, we analyzed court (juvenile and criminal) dispositions and sentences for the violent youths considered for transfer. The length of commitment received by violent delinquents in juvenile court depends largely upon the jurisdiction in which they are adjudicated. The juvenile court can commit an adjudicated delinquent to an institution for the duration, which is determined by the jurisdictional age limits of each state's juvenile court (which may be longer than the age majority). The length of sentence imposed at the criminal court level is dictated by statute subject to the discretion of the sentencing judge.

Jurisdiction agency limits for our study sites are:

Locale	Age
Memphis (Tennessee)	19
Boston (Massachusetts)	18
Newark (New Jersey)	21
Detroit (Michigan)	19
Phoenix (Arizona)	18

Hagan and Bumiller (1983) suggest that there are two dimensions to sanction severity: the conditions of confinement, and the length of social control. The results indicate that the criminal court generally sanctions violent youth more severely than the juvenile court. Of youths convicted in criminal court, 89% were incarcerated (84% in prison, 5% in jail) and only 11% were placed on probation. In contrast, 14% of the youths retained by and convicted in juvenile court received probation dispositions, while 84% received a commitment to juvenile corrections (3% got a suspended commitment).

Specific placements showed large differences between courts. Newark criminal courts placed 40% of the youths into a special prison for young offenders (under 26 years of age). In none of the other sites were youths placed in special facilities for younger populations. Second, although the option to place transferred youth into the juvenile corrections facilities exists for three of our sites, no youths in our study were so placed. And, finally, Phoenix appeared to be the only site in the sample where the criminal court system tended to exercise the broadest array of dispositional alternatives. In Phoenix, 70 percent of juveniles transferred to and convicted in criminal court were sentenced to prison, 6% to jail, 23% received probation, and 2% work furlough. Of 10 youths receiving jail sentences, all but one received an additional disposition (usually restitution or community service).

Table 3 compares the average sentence length for youths adjudicated in juvenile court and convicted in criminal court and committed to juvenile or adult correctional institutions.¹³ Criminal court sentences were substantially longer in all sites. On the average, youth in criminal court received sentences four times longer than those retained and adjudicated in juvenile court. Only 13 of the 118 youths (11%) committed by the juvenile court in Boston, Newark, or Phoenix received court commitments of more than four years. In contrast, 61.2% of the youths convicted in criminal court and committed to state corrections were sentenced to over four years. Further, 42.3% of the youths retained by juvenile court received sentences of less than two years, whereas in criminal court only

11.2% of the total were sentenced to less than two years. These data suggest that because the criminal justice system is not limited by the jurisdictional age considerations of the juvenile justice system, violent youths convicted and sentenced in criminal court receive considerably longer sentences, in adult secure facilities, than their counterparts retained by the juvenile court.

INSERT TABLE 3 HERE

Consequences and Implications of Transfer

The results show that, at least in these five study sites, youth processed in adult court received harsher punishments than comparable youth processed in juvenile court. Despite extensive variation in the statutes and procedures for transferring juveniles to criminal court, nearly half the youth considered for transfer were eventually transferred. Moreover, adjudication rates in the juvenile court were comparable to the criminal court. Where the systems depart most, and where the criminal courts are indeed more punitive, is in sentencing practices. When county jail is included, the incidence and length of incarceration are far greater in the criminal courts. The average sentence lengths were at least two times, and for some offenses over four times, longer in the criminal courts. Moreover, juveniles sent to adult prisons receive less training in social skills (e.g., education, job training) and are more likely to be victimized than youth committed to state training schools (Forst, Fagan and Vivona, 1987).

The harsh consequences of transfer suggest that the decision to remove a youth to criminal jurisdiction should be guided by explicit policy and criteria which express the intent of the transfer statutes. Formal, articulated standards for transfer to criminal court are absent from the statutes in the five states in this study, and in general across the nation (Feld, 1987). Within states, subjective factors such as "amenability to treatment" and "threat to community safety" are not operationally defined to guide judicial decision-making. The lack of articulated decision-making guidelines may invite disparity if not abuse, as has often been suggested (Keiter, 1973; Wizner, 1984). Lacking formal, operationally defined criteria, the courts relied on "natural criteria" which reflected normative attitudes about juvenile crime and punishment as well as the "going rate" for serious juvenile crime.

The informal criteria and statutory language which seem to guide the transfer decision are so subjective as to invite disparity if not capriciousness by prosecutors and

judges. Indeed, the rates and actual criteria for transfer varied widely, reflecting perhaps local legal custom. The absence of formal criteria, coupled with the apparent "natural" transfer criteria, have several implications for juvenile justice policy and delinquency theory. First, to the extent that criteria for transfer should be formalized to support uniformity and reduce disparity in the decision-making process, legislative standards or criteria should reasonably relate to the offender's age and the severity of the offense he is charged with.

Second, transfer apparently leads to plea bargaining for a reduced charge and lighter sanctions, especially for minority youths. Transfer is a serious decision that addresses not guilt but jurisdiction. But the lack of legislative criteria may invite prosecutors to regard transfer as a disguised plea bargain. This was not the original intent of the reformers who left transfer in the original juvenile court statutes. Statutory revisions should discourage such behaviors among those prosecutors who diminish the significance of the transfer decision.

Finally, the higher rate of transfer for blacks has implications for adult corrections. The majority of transferred youth are convicted in criminal court and sentenced to lengthy prison terms. The current study also found that of the absolute number of youth sent to prison, minorities far exceeded whites (although a slightly smaller percentage of minority than white juveniles convicted in criminal court were given prison sentences). Thus, these processes may accelerate the already increasing prevalence of minorities in jails, detention centers, and prisons (Krisberg et al., 1984). These trends forecast future problems not only for correctional administrators but for the agencies and communities who must reintegrate youth returning from institutions.

Social and Legal Policy Implications

The VJO Program was launched in an era when policy responses to violent juvenile crime emphasized punishment and retribution in juvenile court dispositions. Conclusions that "almost nothing works" (Martinson, 1974) to rehabilitate offenders provided support over the next decade for de-emphasizing rehabilitation in juvenile justice and stressing competing crime control ideologies based on deterrence and retribution. Not only was there new emphasis on the length and conditions of punishment, but many states expanded the options for removing violent juvenile offenders to criminal court (Feld, 1987). But the VJO Program demonstrated that credible, intensive sanctions can become a salient part of correctional intervention in the juvenile justice system. Accordingly, the

alternative to reducing juvenile jurisdiction is the development of new strategies for juvenile corrections. New dispositional options, informed by the principles of this model, can expand the capacity of the juvenile justice system to handle violent offenders.

Confinement in secure care occurred in most cases, for lengths of time determined by progress toward reaching intervention goals. In most sites, time in secure care and total time under supervision for VJO youths was comparable to mainstream corrections. However, the context of that time was quite different. It was accompanied by enhanced opportunities for educational and vocational treatment, and was linked to later correctional interventions and eventual community reentry. The VJO Program changed the substantive meaning of secure confinement by linking its duration with treatment goals which in turn reflected reentry goals. Confinement in this context was both punishment and a social learning process. Most important for the policy debate on "appropriate judicial forum" was the impact on recidivism: these policies neither risked nor worsened public safety, and optimized the use of expensive secure care placements. The results suggest that there need not be ambivalence within juvenile correctional agencies regarding the balance between treatment and punishment. Reintegration strategies can successfully curtail crime, and still blend punishment with opportunities for social development in a correctional setting.

The Boundaries of the Juvenile Justice System for Violent Offenders

The empirical basis for narrowing the jurisdiction of the juvenile court for violent delinquents was the ineffectiveness of rehabilitative dispositions, the perceived "punishment gap" between juvenile and criminal courts, perceived threats to community safety from individualized dispositions, and the minimal retributive content of juvenile court sanctions for violent crimes. Lacking confidence in the ability of the juvenile justice system to sanction or rehabilitate violent juvenile offenders, legislators expanded their options to apply criminal court sanctions in the 1980's (Rubin, 1985; Feld, 1987).

The results of this study contradict that argument. Resources and technologies for the treatment of violent juvenile offenders are available within the juvenile justice system. The VJO Program demonstrates that "appropriate community-based controls" exist to supervise and reintegrate youth without increasing threats to public safety. This is a generalizable program, rooted in sound theory and practical knowledge, feasible to implement, and evaluable. The sanctions are substantive and credible, and supervision during community reentry is sufficiently intensive to protect community safety. If viable

programs exist to sanction and reintegrate violent delinquents, then exclusion from the juvenile justice system should be restricted to a narrow range of objectively defined categories of offenses and offenders. While many states now broadly target violent offenses for transfer (Feld, 1987), the VJO study suggests that such offenses can be accommodated within these program models in the juvenile system.

The harsh consequences of transfer suggest that its use should be limited to a class of offenses which clearly separate them behaviorally from those who remain in the juvenile system. When transfer is invoked, it should reflect a decision that the youth has crossed a behavioral threshold which calls for a correctional response which the juvenile justice system may be unable to provide. That is, transfer as a last resort disposition should be a proportionate response to adolescent crimes which are more serious than those who remain in the juvenile system. Current statutes and decision patterns do not offer such distinctions, and raise questions of equal protection and disproportionate sanctions for otherwise similar defendants. These results suggest that the threshold where last resort options are invoked need not be reduced, even for chronic offenders.

As a last resort sanction, waiver eligibility categories should be explicit and procedures developed to ensure that due process rights attached to a criminal proceeding are observed. Specific offense categories and age boundaries should be established which make a youth eligible for transfer. Thus, waiver should apply only to youths charged with specific offenses who reach an age threshold which would result in disproportionate punishment compared to those charged with similar offenses who would remain in the juvenile system. Fairness and retribution standards, for example, suggest that the 17 year old charged with armed robbery might be a waiver candidate since his or her 16 year old counterpart in the juvenile system might receive longer terms of punishment as a juvenile.

Moreover, criteria such as "amenability to treatment," "dangerousness," and "the nature of the youth's family, school and social history" are so arbitrary and standardless as to invite disparity if not capriciousness. They should not be a part of the decision to waive juvenile jurisdiction. Amenability to treatment should not be determined judicially by the offender experiences in current treatment programs, but instead should be addressed as a regulatory and administrative decision based on the quality and effectiveness of programs. Adolescent offenders should not be subjected to lengthy prison sentences simply because quality intervention services have not been developed or are not accessible.

Procedures for determining waiver should reflect the severity of the consequences of waiver. The transfer decision should first address probable cause for the current

offense as well as the severity of the charges, to avoid spurious charges which might result in transfer.¹⁴ The burden of proof should continue to rest with prosecutors. As an ultimate or last resort sanction, waiver decisions should result from adversary proceedings which allow for an evaluation of the evidence, confrontation of witnesses, and other safeguards. Most state statutes specify waiver as motion, to be heard prior to the finding on the delinquency petition. Instead, the procedures should be similar to the adjudication of the delinquency petition.

A Reinvestment Strategy

The VJO Program represented a strategy of reinvestment of juvenile corrections resources. The strategy implies reduced investments in traditional training school/aftercare models, which presumed that institutional treatment would "cure" delinquent youths of their behavioral and social problems. Corrections administrators often are confronted with a "zero sum game," where reinvestment of resources toward reintegration services in effect reduces the funds available for secure care, and thus exerts a natural pressure to limit the use of training schools and expand the use of smaller, less expensive placements.

Correctional policy implied by the VJO Program is based on social investments to prevent future crimes through the supervision of youths in community and enhanced opportunities for social development during reentry. This new model reallocates resources from the front-end of the correctional process (secure care) to latter stages of correctional intervention: return to the community. The strategy increases the investment in public safety during the aftercare period by intensifying the supervision of youths returning from residential placement. In this study, it did so without increasing risks to public safety: intensive community supervision appears to be successful in lowering recidivism rates directly following release from secure care.

The enormous cost of training schools can be redirected to expand substantive community-based services for violent delinquents. The cost savings alone in reduced secure care would pay for the enhanced transitional and supervision services. This amounts to a redirection of resources, a reinvestment in reintegration, and a reorientation of correctional intervention to stress the social skills, competencies and behaviors necessary for a successful (i.e., crime-free) return to the neighborhood. These programs should include a range of security levels to make sanctions credible but without the immersion in institutional subcultures which often ossify delinquent attitudes and

behaviors. Correctional policy also should diversify the types of programs and supervision tactics to meet the diversity of causal factors and program needs among violent youths.

Organizational Perspectives

In generalizing from these studies, we learned more than simply whether a particular supervision strategy or treatment element is effective. The challenge to correctional policy-makers is to develop methods to move youths from the "coercive control" of traditional training school/parole models, to interventions which seek to internalize self-control when supervision ends. In this perspective, the quality, process and structure of interventions are as critical as the discrete services provided to juveniles. We also learned how to think about systems -- how are programs tied together, how are services linked, how are organizational strategies developed and put into place, what are the policies and philosophies which make a series of otherwise discrete interventions into a logical, coherent process which increases its potential as a control/advocacy/treatment intervention?

It is important to think of correctional programs not only in terms of phases, lengths of stay, staff/client ratios, therapeutic approaches or discrete substantive components such as education or vocational placement. Programs and correctional strategies perhaps are better conceived as systems whose dimensions are tied together by logical and consistent themes which are evident in all aspects of the system. For example, many studies have shown that a balance of credible and logical sanctions and rewards, swiftly applied and which are proportionate, together with specific behavioral goals for interventions, are common elements in effective programs. But what makes a system effective is the consistent application of these principles throughout its programs and services, across phases and placements, and continuing into the supervision phase.

The sanction and reward system is an expression of theoretical principles or conceptual guidelines for building programs. Effective systems have a fairly clear, sound philosophy about why kids commit crimes, and what must be done programmatically to stop delinquency. They link their interventions to their philosophy, rather than simply experimenting on a trial and error basis with different strategies. Thus, in effective systems, we see such concepts as opportunity structures, social network development, and social contracting built into each phase and component. Case management, each residential phase, and each of the substantive interventions such as education and

counseling, incorporated these principles in their day-to-day routines.

Whether housed in large training schools or small community-based programs, juvenile offenders eventually will return to their communities. The reintegration concept has several specific implications for corrections: planning early for that return, building all treatment goals around the skills needed for successful community reentry to support those plans, a transitional reentry which provides a bridge between the structured institutional world and the unpredictable contingencies of the streets, and the continuation into the community living phase of the control, advocacy, and treatment functions of the program. This simple refocusing of correctional thinking and efforts is critical to effective intervention.

Community reintegration is in large measure a management function. The supervision of youth, accountability to and from youths, and quality control of service providers (contractors) must be included as top management priorities. The management characteristics of effective programs and systems in this study offer guidelines for the principles of effective correctional management. First, programs which were well implemented, and in turn, effective, were developed in systems which were committed to innovation, experimentation and change. They saw research and management audit as essential to maintaining the quality of services. Information and data were available routinely to inform both management decisions and individual case plans.

Second, the importance of integrating theory and practice strengthened the integrity of interventions. Specific performance standards were developed for each of the program elements, which bridged from theory to practice. These standards became useful tools not only for training but for management audit, staff evaluation, and program evaluation. The attention to standards and principles to intervention also helped effective programs articulate what they were all about. Programs relied not only on the enthusiasm and good intentions of staff to improve their services. They looked to explicit, objective principles of adolescent development and delinquency theory to guide them. In turn, the concepts underlying these programs were replicable, and they avoided the cult of the charismatic leader.

Third, effective programs had a sufficient degree of autonomy within systems to make decisions which reflected internal program goals rather than external contingencies. For example, rather than moving (or retaining youths) from phase to phase based on demand for beds or the need to fill empty ones, effective programs remained true to the principles of movement between phases via progress on treatment goals.

Effective programs were autonomous within their systems. Authority for

individual case decisions was decentralized in specific program units. With this approach, programs could make explicit use of special intervention tactics (e.g., use of home furloughs as rewards) within diverse correctional settings. In this milieu, formal sanctions and rewards were made more vivid, specific, comprehensible and salient to participants, certain and swift in their application.

These systems also shared an organizational perspective which insulated their programs from political and organizational pressures and also tolerated risk taking and even failure. This is not to say that they were not accountable within a larger system. The mandate for community protection insures that effective systems will balance risk with decisions in the interest of youths. But unlike institution-based systems, these are not competing strategies. Instead, quality of service is viewed as the most effective crime control strategy. This required the trust and cooperation of the agencies surrounding the systems, and a shared philosophy and goals for intervention.

Fourth, the concept of program and system was unique in the effective programs. They saw phases not as discrete programs but as part of a continuum, linked together by principles for intervention (again, the concept of theory) and tactics such as case management for maintaining the consistency and logic of services in disparate settings. Phases were complementary, not competing. They shared common expectations from the overall management structure (e.g., monitoring) and also common principles of intervention (e.g., consistent sanctions and rewards, behavioral contracts).

Finally, the importance of staff emerges, too. Management strategies provided a reciprocal reward to the benefits programs receive from staff enthusiasm and dedication. Where staff in effective programs committed their energies to struggle with youths, they were rewarded with professional recognition, intensive training, reasonable salaries and the development of skills. Previous studies have recognized the importance of staff quality to effective programs. Strategies for managing those resources are necessary to sustain these qualities, attract them throughout the system, and to insure these qualities will be present in later generations of staff and programs elsewhere in the system.

A Research Agenda

To build on the knowledge from this study, a "second generation test" of reintegration strategies should include different offender populations. The theoretical issues described above should be an explicit part of the next generation of studies -- for example, experiments on interventions which foster reintegration by accelerating the

"natural" processes of desistance. Research should examine whether these concepts can be generalized to specific offender populations. The design of specific intervention strategies for specific offender groups, such as sex offenders or substance users, is a necessary next step in developing diversified correctional systems. Both the structural issues, such as phased programs and case management, underlying principles such as social learning and opportunity structures, and substantive treatment services for specific offender groups, should be part of continuing R & D on reintegration.

Further research also is necessary to refine the way we measure and evaluate correctional intervention. This in turn will improve our understanding of why interventions succeed or fail, and the specific elements which contribute to those outcomes. The implementation study (Fagan and Forst, 1987) illustrated a paradigm for looking at correctional systems -- how programs are tied together, how services are linked, how organizational strategies are developed and put into place, and what policies and philosophies make a series of otherwise discrete interventions into a logical coherent process. The concepts of integrity and strength of intervention (Sechrest et al., 1979) suggest several directions for treatment measurement. The strategy in this study used multiple measures, assessed from various stakeholders within the corrections system (including youths), to look at the internal consistency of interventions within correctional systems, in terms of both theory and intervention processes.

Research on the decision to stop committing crimes, and the role of correctional intervention in that decision, is critical in forming intervention strategies. Comparisons of the correctional experiences and social backgrounds of those who persist or desist from crime can improve correctional interventions. Analysis of the social, personal, and neighborhood factors which enable desistance or work to neutralize it can further contribute to the design of effective interventions.

The importance of community context on recidivism and accordingly, correctional effectiveness, has been demonstrated in several studies (Sampson, 1986; Simcha-Fagan and Schwartz, 1987). Reintegration strategies in part attempt to provide youths with skills to avoid the predictable effects of social disorganization, weak formal and informal social controls, and limited economic opportunities. The skills of avoidance, together with the contribution of reintegration to helping youths manage complex social situations which offer crime opportunities, should be understood and incorporated into correctional programs. Research on how youths manage these situations, avoid crime, and pursue opportunities should inform correctional interventions to promote these skills. Also, factors which bear on neighborhoods and their influence on crime should also be assessed.

Research is needed to illustrate the relationship between crime control policy and other social domains which contribute to crime -- for example, employment, housing, and child welfare.

NOTES

1. Adolescents have always committed a disproportionate share of crime, including both violent and property crime (Greenberg, 1977; Hirschi and Gottfredson, 1983; Weiner and Wolfgang, 1985).
2. National Commission on the Causes and Prevention of Violence, 1969. To Establish Justice, to Ensure Domestic Tranquility: Final Report. Washington DC: U.S. Government Printing Office.
3. National Advisory Commission on Civil Disorders, 1968. Final Report. Washington DC: U.S. Government Printing Office.
4. By 1979, Martinson had recanted his critical views on rehabilitation. Gendreau and Ross (1987) suggest that Martinson's (1979) declaration that there are many examples of successful rehabilitation efforts, often with "startling results," is one of the least frequently read articles in the criminal justice debate on rehabilitation.
5. Boston, Massachusetts; Detroit, Michigan; Memphis, Tennessee; Newark, New Jersey.
6. Attempts also were included. The eligibility criteria also included an adjudication for a prior offense for one of the target offenses or any felony violent offense.
7. The indicators of recidivism for two or more years at-risk were excluded. The generally small N's in these comparisons raised questions about the stability of the trend.
8. Homicide cases for youths age 13 originate in criminal court under the J.O. Law in New York, while other offenses (e.g., aggravated assault) originate in the criminal court at age 14.
9. Transfer, bindover, certify, remand, refer and waive are all words used interchangeably to describe the process whereby a youth, through a petition filed in the juvenile court ends up in the criminal justice system to be tried as an adult.
10. Arkansas, Nebraska and New York.
11. Most states regard waiver as an irrevocable act. Once jurisdiction has been transferred to criminal court for a case, all subsequent charges and cases involving that youth are regarded as criminal offenses, they originate in the criminal court, and other than in a few states, cannot be returned to juvenile jurisdiction for adjudication or sentencing.
12. Boston, Detroit, Memphis, Newark, and Phoenix. As a result of differences in record keeping across sites, data were collected and analyzed for different years across sites. Specifically, data presented in this paper represent youths considered for transfer in: 1981-82, Boston; 1981-July, 1983, Phoenix; 1983-1984, Newark, Detroit, and Memphis. Readers should note that local record-keeping practices differed among the five juvenile courts, so that data on some variables could not be used consistently in all analyses. For example, practices in Memphis did not permit the identification of those youth considered for transfer, but not transferred. Because records identified only those youth who were actually transferred, we could not include data on Memphis youth retained in juvenile court.
13. It is important to remember that the data discussed above are court-imposed sentence data. Because substantial differences typically exist between sentence and actual time served, the above data do not speak to differences in length of time served for juvenile and adult offenders.
14. For example, Fagan et al. (1984b) found that nearly 25% of cases filed in criminal court in a concurrent jurisdiction system were dismissed. Yet the youths' criminal had been initiated, and all subsequent charges were heard in criminal court.

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Table 1 **
Summary of Intervention Effects on Recidivism Indicators
 (Percent Difference and Significance of Experimental-Control Differences)

RECIDIVISM INDICATOR	Boston		Detroit		Memphis		Newark	
	Percent	P	Percent	P	Percent	P	Percent	P
Percent Rearrested	5.4		-1.7		-25.4		12.7	
Percent Reincarcerated	29.1		-100.0	d	-100.0		6.4	
Total Rearrests	34.9	b	14.2		-100.0	b	-3.2	
Violent Rearrests	40.0	c	-83.3		-100.0	b	40.0	
Other Felony Rearrests	32.5	d	9.9		65.0	c	14.8	
Misdemeanors/Violations	25.0		-100.0		-100.0	b	-100.0	b

Rearrest by Time at Risk								
o At Risk 0-1 Year								
-- Percent Rearrested	25.0		*		24.0		21.2	
-- Number of Rearrests	55.8	b	*		9.1		-100.0	
-- Days to First Rearrest	100.0	a	*		26.1		+	
-- Percent Rearrested (Felony)	66.7		*		11.2		-41.6	
-- Number Rearrests (Felony)	52.3	d	*		0		0	
-- Days to First Rearrest (Felony) ...	38.1		*		-34.2		+	
o At Risk 1-2 Years								
-- Percent Rearrested	33.3		46.2		44.0	b	28.9	
-- Number of Rearrests	56.9	d	-53.3		37.5		-22.5	
-- Days to First Rearrest	100.0	d	100.0	b	3.8		-100.0	d
-- Percent Rearrested (Felony)	11.1		28.0		6.8		33.3	
-- Number Rearrests (Felony)	63.0	b	-15.4		23.0		0	
-- Days to First Rearrest (Felony) ...	98.7		100.0	a	48.1		-100.0	
Time to First Rearrest								
o Any Offense	62.4		100.0	b	-22.3		-4.3	
o Violent Offense	30.8		96.2	d	12.0		34.2	
Self-Reported Crime (Past Year)								
o Offense-Specific Crimes								
-- Index Crimes	100.0	a	-100.0		45.3		*	
-- Weapons Crimes	100.0	a	45.8		55.1		*	
o Offense-Summary Crimes								
-- Violent Crimes	100.0	a	36.2		43.8		*	
-- Property Crimes	100.0	a	32.9		59.9		*	
-- Drug or Alcohol Use	100.0	b	39.5		5.7		*	
o Total Crimes	100.0	a	37.9		38.5		*	

Significance: (a) p < .01 (b) p < .05 (c) p < .10 (d) p < .15

* Sample size too small for substantive comparison

** Percent Rearrested: p(Chi-Square)

Number Rearrests, Days to Rearrest: p(F).

*** New offenses only, excludes technical violations on parole or probation.

+ Dates of rearrests not available for adult arrests which did not result in conviction.

- Effect is greater for control than experimental group.

Table 2

Discriminant Analysis of Transfer Decision by Site
(Standardized Discriminant Coefficients)

	Boston	Detroit	Newark	Phoenix	Total
Race		.35			
Age at Onset	-.67		-.75		-.49
Age at Offense	.71	.42		1.02	.58
Type of Offense:					
- Rape	1.01				
- Armed Robbery	-.69		.53	.58	.23
- Murder		.64	.80	.58	.62
- Aggravated Assault					
Number of Victims		.41	.40		.22
Prior Adjudications		.70			
Site (a)	NA	NA	NA	NA	.60
% Cases Classified Correctly	86.2%	67.7%	66.7%	85.7%	70.7%
Eigenvalue	.57	.17	.57	.51	.24
Wilks Lambda	.64	.85	.64	.66	.81
Canonical Correlation Coefficient	.60	.39	.60	.58	.44
Chi Squared	11.3	14.4	21.1	10.2	42.2
p	.02	.01	.000	.02	.000

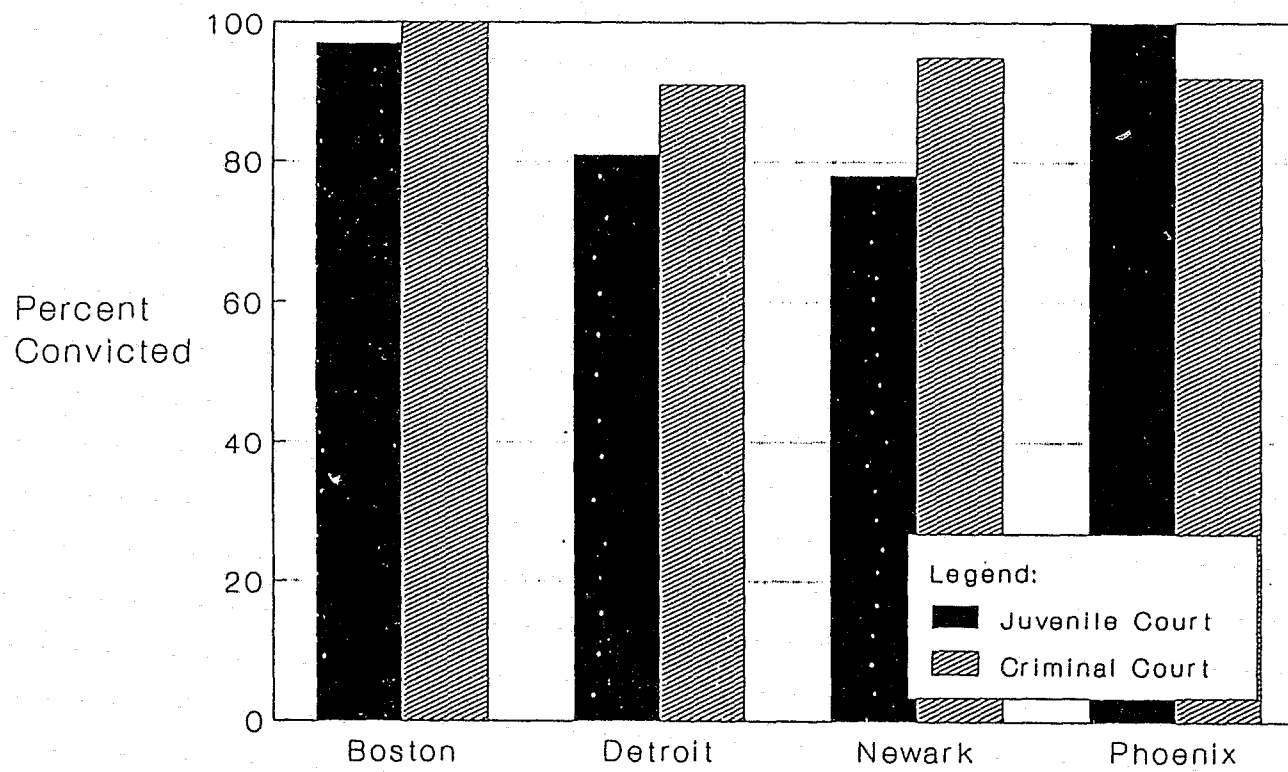
a. Each site was entered as a dummy variable in the aggregate model. Only Phoenix entered the final discriminant function.

Table 3
Sanction Severity in Juvenile and Criminal Courts:
Sentence Length for Prison and Jail Sentences (Percent)

Sentence Length (Years)	Boston		Detroit		Newark		Phoenix	
	Juvenile	Criminal	Juvenile	Criminal	Juvenile	Criminal	Juvenile	Criminal
Less than 1	55	20	0	9	0	6	5	14
1 - 2	27	0	48	2	0	0	60	5
2 - 3	9	20	43	9	76	39	35	22
4 - 7	9	30	9	30	24	55	0	9
Over 7	0	30	0	50	0	0	0	50
N	(11)	(10)	(58)	(34)	(29)	(36)	(20)	(92)

SCURCE: Fagan, Forst, and Vivona, 1987a

Figure 1
SANCTION PROBABILITY IN JUVENILE AND CRIMINAL COURTS



Source: Fagan, Forst, and Vivona, 1987a