

# Juvenile Justice in the United States: Examining Current Practice



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# Presentation Overview

- Context of Current Research
  - Goals and objectives
  - Examining recent reforms and innovation
- Methods and Data
  - Nationwide survey of juvenile justice professionals
    - judges, probation chiefs, court administrators, prosecutors, defenders in 285 most-populated counties
  - Review of juvenile justice legislation, 2005-2007
  -  • **Analysis of Juvenile Justice Practice, 2008**
- Findings
- Implications for Research and Policy

# Research Context

- Sweeping changes in juvenile justice in recent decades
  - New laws, policies, practices, programs
  - Wide range of measures; orientation is mixed
- Relatively little research on these changes, aside from most prominent policies/practices
- Key Research Questions
  - Which policies/practices do *juvenile justice professionals* view as effective, necessary?
  - Is juvenile justice today punitive or rehabilitative?
- NIJ funded study

# Juvenile Justice Survey, 2007

- Four juvenile justice practitioner groups in 285 most-populated counties
  - Judges; prosecutors; chief probation officers and court administrators, and defense counsel
  - N=534, 52 percent response rate
- Mixed-mode (online survey w. paper-pencil option)
  - Demographics; Critical needs; Policy and practice; Recommendations
- Analysis revealed notable consensus across diverse practitioner groups
  - Rehabilitative programs viewed as more effective than punitive ones, particularly treatment
  - Final report available online ([www.urban.org](http://www.urban.org))

# Juvenile Justice Legislation, 2005-2007

- Age specifications
  - Trend toward expanding juvenile court jurisdiction
- Juvenile transfer, and other penalties
  - Remain popular, states vary on use
- Juvenile competency
  - Gaining prominence, at least 10 states w. legislation
- Confidentiality and information-sharing
  - Mixed bag; many states expanding access to juvenile records, but often to aid in treatment
- Treatment (mental health; substance abuse; sex offender) and developmentally appropriate services
  - Figured prominently on many state legislative agendas

# Analysis of Juvenile Justice Practice, 2008

- States ranked on orientation toward juvenile justice
- Created composite indicators of selected practices
  - Punitive = 3 broad categories, 9 indicators
    - Age specifications (3)
    - Juvenile transfer (3)
    - Penalties (3)
  - Progressive – 5 broad categories, 7 indicators
    - Confidentiality of juvenile proceedings/records (2)
    - Competency proceedings (1)
    - Treatment (1)
    - Specialized courts (1)
    - Juvenile Justice Purpose Clause (2)
- Sources
  - National Center on Juvenile Justice; National Juvenile Defender Center; National Conference of State Legislatures

# Indicators of “Punitive” Juvenile Justice

<b>State excludes all 17-year-olds from juvenile court jurisdiction</b>	<b>1 point</b>
<b>State excludes all 16-year-olds from juvenile court jurisdiction</b>	<b>1 point</b>
<b>State does not specify a minimum age for juvenile court jurisdiction</b>	<b>1 point</b>
<b>State mandates Life Without Parole for crimes committed under age 18</b>	<b>1 point</b>
<b>State permits Life Without Parole for crimes committed under age 18</b>	<b>1 point</b>
<b>State uses “automatic “(i.e., legislative) exclusion for criminal courts</b>	<b>1 point</b>
<b>State uses prosecutor discretion for criminal court transfer</b>	<b>1 point</b>
<b>State juvenile courts permitted to “blend” adult-system sanctions</b>	<b>1 point</b>
<b>State permits collection of juvenile DNA</b>	<b><u>1 point</u></b>
	<b>9 points possible</b>

Sources: Various analyses by the National Center for Juvenile Justice and the National Juvenile Defender Center

# Punitive Composite Scores, 1-7

**Most Punitive 6+ CA, FL, GA, IA, ID, IL, LA, MA, MI, SC, VA, WI**

**5 AZ, AR, CO, MO, MT, NE, NH, OK, WA**

**4 AL, CT, MD, MN, NM, PA, SD, UT, WY**

**3 AK, HI, IN, KY, MS, NV, NJ, NC, OH, OR,  
RI, TN, TX, VT**

**Least Punitive 0-2 DE, DC, KS, ME, NY, ND, WV**

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KS scored for allowing DNA data collection from juvenile arrestees; not specifying a lower age limit and use of legislative transfer provisions were the indicators on which low scoring states “scored”. Variation among the highest scoring states was limited to transfer mechanisms.

# Indicators of “Progressive” Juvenile Justice

<b>State juvenile court hearings closed to the public</b>	<b>1 point</b>
<b>State juvenile court records are confidential</b>	<b>1 point</b>
<b>State juvenile code has provisions for competency determination</b>	<b>1 point</b>
<b>State juvenile code includes provisions for treatment (mental health, drug and alcohol, or sex offender)</b>	<b>1 point</b>
<b>State juvenile code has provisions for specialized juvenile courts (teen, drug, mental health, reentry, etc)</b>	<b>1 point</b>
<b>State juvenile Purpose Clause specifies adherence to BARJ principles</b>	<b>1 point</b>
<b>State juvenile Purpose Clause specifies adherence to Child Welfare principles</b>	<b><u>1 point</u></b>
	<b>7 points possible</b>

Sources: Various analyses by the National Center for Juvenile Justice and the National Juvenile Defender Center

# Progressive Composite Scores, 1-5

<b>Most Progressive</b>	<b>5</b>	<b>FL, KY</b>
	<b>4</b>	<b>AL, CA, CO, DC, GA, ID, IL, MN, NJ, TX, WI</b>
	<b>3</b>	<b>AK, AR, AZ, DE, KS, MA, MD, MS, MT, NY, OR, RI, TN, UT, VT, WA, WV, WY</b>
	<b>2</b>	<b>CT, IN, MI, NC, NE, NH, NM, OH, OK, PA, SC, VA</b>
<b>Least Progressive</b>	<b>1</b>	<b>HI, IA, LA, ME, MO, ND, NV, SD</b>

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Confidentiality provisions\*, specialized courts, treatment and BARJ Purpose Clause figured prominently.

# Current Practice is Mixed

- 6 states (CA, FL, GA, IL, ID, WI) scored high on both composites
- Some states scored high on one, low on the other
  - IA, LA both scored “6” on the punitive measure; “1” on progressive measure = primarily punitive?
- States typically scored higher on the punitive composite
  - DC, KS exceptions
- Overall, suggests some states’ continuum of responses more developed than others

# Conclusions and Implications

- Practitioners view rehabilitative programs as more effective than punitive practices
- Recent legislative activity indicates the policy pendulum is swinging toward rehabilitation and treatment
- Juvenile justice is not monolithic, currently
- Policy would benefit from:
  - Frequent practitioner input
  - Regular examination of juvenile justice legislation and policy (key provisions)
  - Additional research – are policies implemented, as intended, and to what end (results)