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"MAN, I'M ALREADY DEAD": SERIOUS JUVENILE OFFENDERS IN CONTEXT

ANNE RANKIN MAHONEY*

A sizable number of children in America have no stake in American society or themselves. They can rape, rob, murder, and steal with impunity, not just because the legal system lets them go free, but because they have nothing to lose. They are children without a future. Programs to reduce serious juvenile crime need to help today's juvenile offenders envision and create a law-abiding future for themselves. They must also help create a future society in which children can grow up with hope.

The thesis of this Article is that any policy that attempts to deal with serious juvenile offenders has to go beyond the "get tough" approach, and beyond the court and correctional systems themselves to address the context in which serious juvenile offenders develop.¹ Juvenile crime poses especially difficult problems for the legal system because many of the causes and remedies—embedded in social, economic, and structural factors—lie outside an individual court's control. Yet the legal system as a whole can provide a powerful impetus toward the discussion of and implementation of social changes that could reduce the amount of youth crime. The purpose of this Article is to describe the characteristics and social circumstances of serious juvenile offenders and to suggest ways in which both the legal system and the larger community might handle them now and prevent them in the future.

I. SERIOUS OFFENDERS ARE OFTEN CHRONIC OFFENDERS

For the most part, serious juvenile offenders are chronic offenders. Some youths turn up in court for the first time on a very serious charge, but often they have been to court before. The focus here is primarily on the chronic serious offenders—youths who engage in repeated crimes against the person and very serious property crimes.

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1. For an in-depth discussion of the context of the juvenile court itself, see A. MAHONEY, *JUVENILE JUSTICE IN CONTEXT* (1987).

There is now a body of research that shows that a small number of chronic serious offenders commit a high percentage of serious crimes and that a large percentage of these youths go on to become adult offenders. Furthermore, it appears that serious offenders constitute a higher percentage of our total youth population now than they did twenty years ago, and that they come into court earlier with more serious crimes than their counterparts did in the past. This is an ominous trend.

Wolfgang and his associates at the University of Pennsylvania in their longitudinal study of 9,945 boys born in Philadelphia, Pennsylvania in 1945 found that one third of the boys had some police contact by the time they were eighteen. Over half of the youths with police contact were repeat offenders with one or more arrests. Just over 6% of the total group had five or more arrests.² This group accounted for 52% of all offenses, including 71% of the homicides, 73% of the rapes, 82% of the robberies, and 66% of the aggravated assaults.³

Follow-up studies on other samples give similar results as well as disquieting evidence that the offenses are getting more serious, and the percentage of chronic juvenile offenders is rising. Tracy, Wolfgang, and Figlio's analysis of a second Philadelphia cohort born in 1958 showed that chronic offenders accounted for 7.5% of the total population compared to 6.3% in the earlier group and 23% of all delinquent offenders compared to 18% in the 1945 group.⁴ Studies done by Shannon on 1942, 1949, and 1955 populations in Racine, Wisconsin yielded similar results.⁵

Some researchers have attempted to isolate a set of criteria by which professionals might be able to identify potential chronic offenders early in their careers.⁶ One set of factors,

2. See M. WOLFGANG, R. FIGLIO, & T. SELLIN, *DELINQUENCY IN A BIRTH COHORT* (1972).

3. *Id.*

4. See P. TRACY, M. WOLFGANG, & R. FIGLIO, *DELINQUENCY IN TWO BIRTH COHORTS: EXECUTIVE SUMMARY 10* (1985).

5. Less than 25% of each cohort's male subjects had five or more nontraffic offenses, but they accounted for 77 to 83% of all police contacts with males. Similarly, from 8% to 14% of the persons in each cohort were responsible for all serious felony offenses. L. SHANNON, *ASSESSING THE RELATIONSHIP OF ADULT CRIMINAL CAREERS TO JUVENILE CAREERS: A SUMMARY 3* (1982), (U.S. Department of Justice); See also: Petersilia, *Criminal Career Research: A Review of Recent Evidence* in 2 *CRIME & JUSTICE, AN ANNUAL REVIEW OF RESEARCH* 321-79 (M. Tonry & N. Morris eds. 1980).

6. See, e.g., Greenwood, *Differences in Criminal Behavior and Court Responses among Juvenile and Young Adult Defendants* in 7 *CRIME AND JUSTICE: AN ANNUAL*

identified by Blumstein, Farrington, and Moitra, include the following:

1. conviction for crime prior to age thirteen
2. low family income
3. troublesome rating by teachers and peers at ages eight to ten
4. poor public school performance by age ten
5. psychomotor clumsiness
6. low nonverbal IQ
7. having a brother or sister convicted of a crime.⁷

Efforts to prevent future crimes by incarcerating individuals who score high on prediction scales has proved problematic. The scales, so far, have an uncomfortably high level of error, some having proven wrong more than half the time.⁸ As long as prediction scales carry such high error rates and the possibility of restrictive and punitive sanctions, such as incarceration, there are serious ethical and legal concerns about their use.⁹ And even a perfect prediction instrument would leave most of the serious offenders still on the street since researchers estimate that only a third of violent offenders ever get caught.¹⁰

II. CRIME RATES, INCARCERATION RATES: WHICH IS THE BIGGER PROBLEM?

The findings regarding chronic offenders have had a profound influence on the juvenile justice system. Coupled

REVIEW OF RESEARCH 151-88 (M. Tonry & N. Morris eds. 1986); D. WEST & D. FARRINGTON, *THE DELINQUENT WAY OF LIFE* 76 (1977).

7. Blumstein, Farrington & Moitra, *Delinquency Careers: Innocents, Desisters, and Persisters*, in 6 *CRIME AND JUSTICE: AN ANNUAL REVIEW OF RESEARCH* 187-220 (M. Tonry & N. Morris, eds. 1985).

8. The number of researchers who have attempted to build such scales is substantial. See e.g., Greenwood, *supra* note 6; D. HAMPARIAN, R. SCHUSTER, S. DINITZ, & J. CONRAD, *THE VIOLENT FEW: A STUDY OF DANGEROUS JUVENILE OFFENDERS* 133 (1978); P. STRASBURG, *VIOLENT DELINQUENTS* 185 (1978); Von Hirsch & Gottfredson, *Selective Incapacitation: Some Questions about Research Design and Equity*, 12 *N.Y.U. REV. L. & SOC. CHANGE* 11-19 (1986); R. LUNDMAN, *PREVENTION AND CONTROL OF JUVENILE DELINQUENCY* 223-24 (1984); and prediction of dangerousness in C. SHIREMAN & F. REAMER, *REHABILITATING JUVENILE JUSTICE* 68-74 (1986).

9. However, as Miller and Morris point out, "[a] merciful and just system of punishment presupposes leniency toward those who least threaten social injury; and this inexorably involves predictions of dangerousness." Miller & Morris, *Predictions of Dangerousness: Ethical Concerns and Proposed Limits*, 2 *NOTRE DAME J. L. ETHICS & PUB. POL'Y*, 393, 395 (1986).

10. P. STRASBURG, *supra* note 8, at 185.

with public hysteria about crime and some questionable study results showing the positive effects of incapacitation in reducing recidivism,¹¹ they have resulted in tough new juvenile sentencing codes and mandatory sentencing for multiple offenders in many states.¹²

A. Juvenile Arrests Are Down

The trend toward an increase in the *percentage* of chronic, serious offenders in the youth population documented by Wolfgang and others is cause for concern because it is symptomatic of serious problems in American society and may have major long term implications. But there is no evidence that juvenile arrest rates for serious crimes are on the rise. In fact, juvenile arrest rates for Part I crimes were relatively stable between 1975-1979 and then *declined* until 1985.¹³ Since then, they have shown no clear trend. In 1987, they were down from

11. For example, one recently published study that argues that youths adjudicated at first court appearance were less likely to show adult offense records than youths put on deferred adjudication at first court appearance compares two dissimilar populations. See Brown, Miller, Jenkins & Rhodes, *The Effect of Early Juvenile Court Adjudication on Adult Outcome*, 33 INT'L J. OFFENDER THERAPY & COMP. CRIMINOLOGY 177 (1989). The study looked *only* at youths who had ultimately been adjudicated. Some were adjudicated on their first offense. Others were deferred on their first offense, but were adjudicated on their second or third offense. Since the study population contains *only* adjudicated youths, only deferred youths who re-offended and appeared in court a second time were included in the study. The unknown number of youths for whom deferred adjudication was successful never reappeared in court and thus had no opportunity to be included in the sample. Consequently, this study compares youths who appeared in court once or more with those who appeared twice or more. We know from the data on chronic offenders already presented in this article that each court appearance substantially increases the possibility of another court appearance. Therefore we would expect that comparison of a group of youths who had all been to court at least twice with a group that included some youths who had been to court only once, would show a higher re-offense rate for the group that included the repeat offenders. In a time when policymakers throughout the country are looking for empirical evidence to inform the policy about incapacitation, the publication of this kind of flawed research is unfortunate. See also my discussion of the Murray & Cox findings in Mahoney, *Control of Delinquency: Can We Learn from the Past?* 31 CONTEMPORARY PSYCHOLOGY 279, 280 (1986).

12. For a discussion of changes in juvenile codes, see Forst, Fisher, & Coates, *Indeterminate and Determinate Sentencing of Juvenile Delinquents: A National Survey of Approaches to Commitment and Release Decision Making*, 36 JUV. & FAM. COURT J. 1-12 (1985); Krisberg, Schwartz, Litsky, & Austin, *The Watershed of Juvenile Justice Reform*, 32 CRIME & DELINQUENCY 5 (1986).

13. I. SCHWARTZ, (In)JUSTICE FOR JUVENILES 31 (1989).

1985,¹⁴ but 1988 figures suggest an increase over 1987 in arrests of persons under eighteen for the most serious violent offenses.¹⁵ But even if there are recent increases in rates, the actual number of juvenile arrests for serious crimes is still lower than it was ten to fifteen years ago.¹⁶ Demographic trends play an important role in crime rates. Individuals show a peak rate of offending in their late teen-age years.¹⁷ Today there are fewer youths in that age range than there have been since before 1970.¹⁸ But even though crime rates for juveniles and the actual number of juvenile offenders is down, the public seems to perceive crime in general and youth crime, in particular, to be at an all time high.

B. Juvenile Secure Placements Are Up

Partly as a result of public pressure flowing from the public's perception of a major juvenile crime wave, the nation is experiencing skyrocketing incarceration rates for both juveniles and adults—in spite of stable or even reduced crime incidence. There has been a 43% increase in the number of youths held in juvenile facilities between 1977 and 1987 and a 48% increase of youths in adult institutions.¹⁹

Many of the youths being incarcerated are *not* being held for serious offenses. Only about a third of juveniles charged in adult court, for example, are charged with violent offenses.²⁰ The number of youths held for alcohol or drug offenses increased by 50% from 1985 to 1987.²¹ One reason the incarceration rates are up is that youths are staying in institutions longer, having been committed under mandatory repeat offender statutes that don't allow early release, and sometimes

14. See Marcotte, *Criminal Kids*, 76 A.B.A. J. 61, 63 (April 1990).

15. CRIME IN THE U.S. 1988, UNIFORM CRIME REPORTS, Table 39, 189 (August 6, 1989).

16. I. SCHWARTZ, *supra* note 13.

17. See P. GREENWOOD, CORRECTIONAL SUPERVISION OF JUVENILE OFFENDERS: WHERE DO WE GO FROM HERE? 2 (1986); Zimring, *American Youth Violence: Issues and Trends*, 1 CRIME & JUSTICE: AN ANNUAL REVIEW OF RESEARCH 67, 72 (N. Mottis & M. Tonry eds. 1979). In his analysis of 1975 data, Zimring shows that property crimes are concentrated earlier in adolescent years and crimes of violence peak during the ages 18-20.

18. BUREAU OF U.S. CENSUS, U.S. DEPT. OF COMMERCE, STATISTICAL ABSTRACT OF THE UNITED STATES 13 (1989) [hereinafter *Statistical Abstract*]. This is only temporary, however. The number of persons in peak offending years will start rising again after 1995.

19. Marcotte, *supra* note 14, at 63-64.

20. See Marcotte, *supra* note 14, at 64.

21. See *id.*

don't distinguish between serious and minor offenses.²² The publicity being given to jail and prison overcrowding fuels public perceptions of a crime crisis. To the public mind, prison population is an indicator of the crime rate, i.e. if prisons are bulging, then the crime rate must be bulging too. The country is, as a result of this logic as well as other factors, in an accelerating cycle of public fear of crime which motivates the use of more and longer commitments, which in turn overcrowds facilities, creating a jail and prison crisis which gets media attention—and fuels the perception that crime is on an upswing.

C. *The Multiple Costs of Incarceration*

In their concern to incarcerate and punish serious offenders, both juvenile and adult, policy makers overlook three realities. First, offenders who are incarcerated return to the community in a few months or years. Second, even if the legal system could morally justify holding serious and chronic offenders long term, the cost is prohibitive. Finally, there is overwhelming evidence that incarceration rarely reforms offenders (juvenile or adult) and often makes them worse.

Reform school costs range from \$20,000 to over \$40,000 a year per offender.²³ Schwartz reports that the Montrose School in Maryland (now closed) had an annual per youth cost of \$42,400 and a recidivism rate in 1983-1985 of 85%.²⁴ Hamparian and her associates in their book, *The Violent Few*, estimated that over a million youths between fourteen and twenty-four would have to be incarcerated if courts attempted to incapacitate all chronic offenders in the United States. This estimate is based on the percentages Wolfgang identified in the first Philadelphia cohort.²⁵ Rydell, in an economic analysis of incarceration and early intervention, showed that even using the best available information to decide who to incarcerate, early intervention is cheaper than incarceration.²⁶

The result of this practical inability permanently to incapacitate offenders, is that they return sooner or later—and usually sooner—to the community. Many come back more

22. SCHWARTZ, *supra* note 13, at 8; Ohlin, *The Future of Juvenile Justice Policy and Research*, 29 CRIME & DELINQUENCY 467 (1983).

23. See Hechinger, *Reform School Report*, N.Y. Times, Dec. 2, 1986, at C9, col. 1; Shireman & Reamer, *supra* note 8, at 68.

24. SCHWARTZ, *supra* note 13, at 51.

25. See D. HAMPARIAN, R. SCHUSTER, S. DINITZ, & J. CONRAD, *supra* note 8, at 7.

26. See Rydell, *The Economics of Early Intervention vs Later Incarceration*, in THE JUVENILE REHABILITATION READER x.1 (P. Greenwood ed. 1985).

alienated and less productive than when they went away.²⁷ As Shireman and Reamer note, "institutional life breeds a sustained climate of fear and isolation virtually unmatched in our contemporary world."²⁸ The empirical evidence showing high recidivism rates and other negative effects among previously incarcerated individuals is substantial.²⁹ At their worst, institutions can be violent and brutal.³⁰ Even the best ones can breed a counterculture and sense of powerlessness. These very factors may in themselves promote further crime. Researchers on sexual abusers, for example, are building some fairly impressive data that show that *powerlessness* is a central factor in the dynamics of sexual abuse, and that empowerment is one of the key factors in treatment.³¹ Yet empowerment is the antithesis of incarceration. The conditions of imprisonment, by their very nature, work against the development of personal competence and the sense of self-responsibility individuals need to function even minimally in the community.³² Incarcerated adolescents find their personal autonomy curtailed just when its exploration is a primary developmental task.

In sum, incarcerated offenders go back to their communities in a few months or years, often with their inclination to offend undiminished or perhaps enhanced. They probably have even less to lose and less of a sense of a viable future than they had before they went away. High incarceration rates may not be worth the price.

27. E. GOFFMAN, *ASYLUMS: ESSAYS ON THE SOCIAL SITUATION OF MENTAL PATIENTS AND OTHER INMATES* (1961); C. McEWEN, *DESIGNING CORRECTIONAL ORGANIZATIONS FOR YOUTHS: DILEMMAS OF SUBCULTURAL DEVELOPMENT* (1978); G. SYKES, *THE SOCIETY OF CAPTIVES: A STUDY OF MAXIMUM SECURITY PRISON* (1958); D. CLEMMER, *THE PRISON COMMUNITY* (1958).

28. C. SHIREMAN & F. REAMER, *supra* note 8, at 100.

29. See, e.g., D. HAMPARIAN, R. SCHUSTER, S. DINITZ, & J. CONRAD, *supra* note 8, at 134-37; P. GREENWOOD & F. ZIMRING, *ONE MORE CHANCE: THE PURSUIT OF PROMISING INTERVENTION STRATEGIES FOR CHRONIC JUVENILE OFFENDERS* 40 (1985); Petersilia, *supra* note 5, at 323-24.

30. SCHWARTZ, *supra* note 13, at 12-15.

31. See Lombardo & Digioorgio, *Concepts and Techniques in Working with Juvenile Sex Offenders* 13 *JUVENILE OFFENDER COUNSELING, SERVICES & REHABILITATION* 43 (1988).

32. See generally, Miller, *Systems of Control and the Serious Youth Offender*, in *REFORMING CORRECTIONS FOR JUVENILE OFFENDERS* 140-41 (Y. Bakal & H. Polsky eds. 1979); C. BARTOLLAS, S. MILLER, & S. DINITZ, *JUVENILE VICTIMIZATION: THE INSTITUTIONAL PARADOX* (1976).

III. SOCIAL CHARACTERISTICS OF SERIOUS OFFENDERS REFLECT LARGER SOCIAL PROBLEMS

There are some striking similarities among serious juvenile offenders that point to serious problems in American society. Many of them center around family—or rather the lack of family. Emotional deprivation early in life appears to be an important contributing factor.³³ Abuse histories among serious offenders are common.³⁴ The two factors most frequently associated with child abuse are (1) parents who themselves have suffered abuse, and (2) isolated and alienated families.³⁵ Many of these families are also fraught with substance abuse, mental illness, and criminality.

One factor often associated with abusive or deprived family life is teenage pregnancy, which is on the rise.³⁶ The babies of young mothers are more likely to be born "at risk," i.e. prematurely, with low birth rate, and so on. "At risk" infants seem to have somewhat more difficulty adjusting to poor environments than healthy full term babies and have a greater potential for lifelong disability and dependency.³⁷ Teenage mothers often have little sense of their babies as human beings and often don't have any idea about their children's needs as infants or about how or in what direction to shape their lives.³⁸

Many chronic serious offenders are described as having a lack of affect, a perception of other human beings as things, lack of conscience or remorse, and deep-seated anger.³⁹ Per-

33. See generally A. LINCOLN & M. STRAUSS, *CRIME AND THE FAMILY* (1985); Loeber & Stouthamer-Loeber, *Family Factors as Correlates and Predictors of Juvenile Conduct Problems and Delinquency*, in 7 *CRIME AND JUSTICE: AN ANNUAL REVIEW OF RESEARCH* 29-149 (M. Tonry & N. Morris eds. 1986).

34. See, e.g., Abrams, *Adolescent Perceptions of Parental Discipline and Juvenile Delinquency*, in *EXPLORING THE RELATIONSHIP BETWEEN CHILD ABUSE AND DELINQUENCY* 252-65 (R. Hunner & Y. Walker eds. 1981); R. HELFER & C. KEMPE, *CHILD ABUSE AND NEGLECT: THE FAMILY AND THE COMMUNITY* xvii-xviii (R. Helfer & C. Kempe eds. 1976); Smith, Berkman & Fraser, *The Shadows of Distress*, in *A PRELIMINARY NATIONAL ASSESSMENT OF CHILD ABUSE AND NEGLECT AND THE JUVENILE JUSTICE SYSTEM* 129-49 (? ed. 1980).

35. Webster-Stratton, *Comparison of Abusive and Nonabusive Families With Conduct-Disordered Children*, 55 *AM. J. ORTHOPSYCHIATRY* 59-69 (1985).

36. R. KRAMER, *AT A TENDER AGE* 201 (1988); L. SCHORR, *WITHIN OUR REACH: BREAKING THE CYCLE OF DISADVANTAGE*, 13, 40 (1988); Freedman, *As Young Unwed Parents Increase, Fathers are Focus of New Attention* 14 *N.Y. Times*, Dec. 2, 1986 at 1, col. 1.

37. Denno, *Sociological and Human Developmental Explanations of Crime: Conflict or Consensus* 23 *CRIMINOLOGY* 713 (1985).

38. See R. KRAMER, *supra* note 36; Will, *Mothers Who Don't Know How*, *NEWSWEEK* Apr. 23, 1990 at 80.

39. *TIME*, June 12, 1989 at 54.

haps one of the most striking observations about them is their lack of hope. "Man, I'm already dead," a youth told his counselor when confronted with the fact that the life expectancy of a crack user was about two years.

As one clinical psychologist noted:

"[T]he kids . . . have no sense of the future, no plans, just a day-to-day way of thinking and functioning—even moment to moment . . . They have no emotional support or resources, they're really very passive . . . It's not a matter of looking for new experience, it's just a matter of blunting what happens day by day . . . , an attempt to make some feeling where there isn't any, to feel alive inside instead of the chronic boredom. The drug is an attempt to stimulate some sense of self, of action, because there's such a vacuum, like a black room, no environment."⁴⁰

For some of these children, gangs have provided a sense of belonging and purpose. Today the number of gangs seems to be at an all-time high. And the culture of many gangs is fraught with an ethos of violence. With resources from their narcotics trade, gangs often can provide the money and material goods not attainable from families and legitimate jobs.⁴¹ With their caches of weapons and claims to territory, they can give their members a sense of being in charge that is hard to find anywhere else in their world.

Today one-quarter of all American children and one-half of all Afro-American children live below the poverty line.⁴² Many more hover on the edge. These percentages have risen over the past several years, and all indicators suggest that they will continue to rise as the gap between rich and poor in the United States widens. Substantial portions of America's children are at risk and the number grows ever larger. In a society as affluent as the United States, this situation is a time bomb. An increase in the number and proportion of violent juvenile offenders is just one of the possible explosive outcomes.

The depressing recitation of emotionally deprived youths, dysfunctional families, gang-terrorized neighborhoods, and

40. Richard Garmise, quoted in R. KRAMER, *supra* note 36, at 198, 200.

41. Fagan, *The Social Organization of Drug Use and Drug Dealing Among Urban Gangs* 27 *CRIMINOLOGY* 635 (1989); See also: Klein & Maxson, *Street Gang Violence* in *VIOLENT CRIME, VIOLENT CRIMINALS* 198 (M. Wolfgang & N. Weiner eds. 1989); I. Spergel, *Youth Gangs: Continuity and Change* in *12 CRIME & JUSTICE: AN ANNUAL REVIEW OF RESEARCH* (N. Mottis & M. Tonry eds. 1989).

42. See J. JULIAN & W. KORNBLUM, *SOCIAL PROBLEMS* 211 (5th ed. 1986).

impoverished children goes on and on. How can the nation turn it all around? One thing seems clear, at least to this author—tougher sentences in juvenile court or wider use of waiver to adult court are not going to be enough. Nor are bigger, better prisons. Demographic trends show that the number of youths in peak offending ages will be significantly higher in five to ten years than it is now.⁴³ Incarceration of serious juvenile offenders, particularly if not coupled with intensive rehabilitation and prevention efforts, may become a bottomless pit into which we pour millions of dollars and the lives of untold numbers of youths, without any real progress toward solving the problem.

IV. THE CONTEXT OF JUVENILE JUSTICE: SHORT-TERM AND LONG-TERM

To be successful, any approach to the problem of serious juvenile offenders must proceed on two separate fronts. For the short term, it is necessary to evolve successful ways to reduce both the high number of serious offenses and the high number of serious offenders. The possible options range from massive "warehousing" efforts to full-scale attempts at rehabilitation. Experience suggests that no matter how policy-makers strike the balance between these two extremes, all short-term options will be enormously expensive and none will offer any clear shot at widespread success. For the long term, society has to start *now* to reduce the number of serious chronic offenders who will begin coming into the court in ten to fifteen years. To do that, the nation will need to change the circumstances in which many children in this country are born and grow up.

On both fronts it is necessary to go beyond a single-solution approach. Serious offenses are an outgrowth of multiple social deficiencies and pressures on the individual. To address those, the nation needs intervention strategies that combine approaches to social problems as well as a variety of responses to individuals who have committed crimes.⁴⁴

43. Although the 16-18 year old population has been decreasing, it is now on an upward curve again as the children of baby boomers hit adolescence in the 1990's. STATISTICAL ABSTRACT, *supra* note 18. See also Sims, *Body Heat*, NEW YORK TIMES EDUCATION LIFE at 29 (April 8, 1990).

44. See generally P. STRASBURG, *supra* note 8, at 13, 15, 63.

A. *In the Short-term: Realism and Rationality With an Eye
Toward the Future*

America now faces a substantial population of serious, chronic young offenders. Although the actual number of such offenders appears to be less than it was ten years ago, their proportion of the total youth population is growing and the offenders are perceived by many to be more violent than youths in the past. These circumstances are cause for both alarm and hope. There is alarm because a growing percentage and heightened level of violence raises the specter of an ever smaller percentage of citizens having to carry the society's ongoing production as well as spiraling correctional and welfare system costs. On the other hand, the fact that the actual number of serious youthful offenders is down and will hopefully remain down for a few more years before it begins to rise again gives hope that there may now be a window of opportunity. A serious commitment of resources to prevention and intervention *now* while the actual number of potential offenders is less, might actually put a brake on current negative trends. Intervention with existing offenders is going to be expensive, however, no matter what strategy is used. There are no cheap, quick solutions to serious juvenile crime. Communities and policy makers will need all the creativity, realism, rational planning, and long-range vision they can muster.

There are, in fact, some encouraging efforts in this direction. Sentencing experts are beginning to distinguish the purposes and underlying assumptions of the several approaches to criminal sanctions with an eye toward a more rational sequential approach to serious offenders. One of the most promising developments in corrections is the growing interest—and creative effort—in intermediate sanctions which provide viable options to incarceration. In spite of the spate of “nothing works” research findings in recent years, there is evidence of some intensive treatment programs around the country that appear to be showing some success. The situation may not really be as bleak as some commentators have lead people to believe.

1. Four Approaches to Crime Control

The approaches now being used with serious offenders flow from four traditional philosophies of sanctioning. These four philosophies—deterrence, rehabilitation, incapacitation, and just deserts—have different underlying assumptions, justi-

fications for punishment, and implications for the control of crime.⁴⁵

Deterrence theorists advocate the punishment of convicted offenders in order to discourage further crimes in two ways: first, by inducing the offender to refrain from further crimes in order to avoid the pain of punishment in the future, and, second, by inducing others who are contemplating offenses to decide against them to avoid being punished themselves. Deterrence attempts to depress the inclination of individuals to commit offenses, but it may or may not alter their opportunities to commit them. This philosophy depends not only upon a rational model of thought and action, which in itself is questionable for some kinds of offenses,⁴⁶ but also on a public perception of consistent and swift punishment.⁴⁷ To be an effective deterrent, punishment must be predictable and immediate.

The *rehabilitation* model, which was the mainstay of the juvenile court until very recently, is also aimed at reducing the inclination of individuals to commit offenses. But its goal is to help individuals resist the temptation to offend through internal restraint, even in the absence of the threat of punishment. Rehabilitation often attempts to resocialize an individual by actually changing patterns of thinking, life goals, and values. It also usually is concerned with helping the individual to acquire skills that can be used to function competently in legitimate work and social settings. For youths, in particular, one goal is to engender a sense of hope, empowerment, and a positive future.

The development of new skills, attitudes, and goals for legitimate activities is only useful, however, if there are avenues of legitimate opportunity open to the rehabilitated offenders. If opportunity channels are blocked by factors like racism, sexism, or economic decline, potentially rehabilitated individuals may see no alternatives to illegal life styles.⁴⁸ Although reha-

45. See generally M. HARRIS, THE GOALS OF COMMUNITY SANCTIONS 4-6 (June, 1986).

46. See generally J. ANDENAES, PUNISHMENT AND DETERRENCE 42, 46 (1974) notes that deterrence works less well for violent offenders who are less likely to make a rational calculation of the potential cost of getting caught.

47. For a summary of studies on this relationship see generally DETERRENCE AND INCAPACITATION: ESTIMATING THE EFFECTS OF CRIMINAL SANCTIONS ON CRIME RATES (A. Blumstein, J. Cohen, & D. Nagin eds. 1978) [hereinafter DETERRENCE AND INCAPACITATION]; C. SHIREMAN & F. REAMER, *supra* note 8, at 58-64.

48. See generally Duster, *Crime, Youth Employment, and the Black Urban*

bilitation may still offer the best hope for changing delinquent behavior, it is currently out of favor because it is expensive, time-consuming, and has not yielded high success rates in the past.

Incapacitation, already referred to in Section II of this Article, seeks to affect opportunities to offend, rather than the inclination to offend, by removing people from the community who are likely to commit offenses in the future.⁴⁹ Its effectiveness depends upon (1) widespread apprehension and sentencing of potential future offenders and (2) good predictions—both of which are problematic. Recent studies of incapacitation attempts, to date raise some serious questions, many of which were addressed at a conference in 1984 put together by a 16-member interdisciplinary Panel on Research on Criminal Careers chaired by Alfred Blumstein. The Panel's Report, *Criminal Careers and "Career Criminals,"* published in 1986, is an assessment of the prospects of "selective incapacitation." The Report estimates that reduction in the crime rate beyond those already achieved, "would require at least 10 to 20% increases in inmate populations for each 1% reduction of crime."⁵⁰ Incapacitation has tended in the past to be through incarceration in high security jails or prisons, but some creative thought might yield alternative, more positive, ways of achieving the effect. Unless more creative alternatives can be developed, and combined with a deterrent or rehabilitative dimension, incapacitation may be the beginning of a revolving door cycle that moves individuals ever deeper into the correctional system.

The foregoing theoretical approaches—deterrence, rehabilitation, and incapacitation—all attempt to achieve some reduction of offenses in the future. The fourth, the *justice or just deserts* model, is less concerned about the future than about the equity and proportionality of punishment.⁵¹ This model

Underclass 33 CRIME & DELINQUENCY 300-16 (1987); R. COATES, A. MILLER & L. OHLIN, DIVERSITY IN A YOUTH CORRECTIONAL SYSTEM (1978).

49. For a more detailed discussion of incapacitation theory, see J. Q. WILSON, *THINKING ABOUT CRIME 162-82, 198-202 (1975).*

50. A. BLUMSTEIN, J. COHEN, J. ROTH & C. VISHER, *CRIMINAL CAREERS AND "CAREER CRIMINALS," 128 (1986).* See also: Messinger & Berk, *Review Essay: Dangerous People 25 CRIMINOLOGY 767-81 (1987).*

51. One of the most articulate proponents of this approach is Andrew von Hirsch. See A. VON HIRSCH, *PAST OR FUTURE CRIMES (1985).* See also N. MORRIS, *THE FUTURE OF IMPRISONMENT (1974); D. FOGEL & J. HUDSON, JUSTICE AS FAIRNESS, (1981).* Feld bases his argument for widespread use of legislative waiver to adult court on the just deserts philosophy. See B. Feld, *Delinquent Careers and Criminal Policy: Just Deserts and the Waiver Decision, 21 CRIMINOLOGY 195-212 (1983).*

argues that people who commit crimes deserve to be punished for the harm they have caused. The strength of the just deserts model, sometimes called retributive justice, is its emphasis on graduated, equitable sentencing practices. The state of Washington based its 1977 juvenile code on this model, developing sentencing guidelines based on a grid of graduated offenses, age, and previous record. Its success in standardizing sentences has brought this philosophy much current attention.⁵²

In its pure form, the just deserts model makes no direct attempt to change future behavior, although it may have some deterrent impact through its dramatization and reinforcement of community rules, and more consistent guidelines for punishment. Many policy makers advocate it precisely because they hope it will lower recidivism. As in deterrence theory, however, this effect depends on an underlying assumption of rational action and the actuality of consistent response by enforcement and court officials. The Washington legislation seems to have had no discernable impact on the recidivism rates of juvenile offenders.⁵³ Schneider's exhaustive attempt to isolate effects of the change through a pre-test/post-test study shows a rather odd mixture of changes in sanctions. Violent offenders, for example, were more likely to be committed under the just deserts legislation, *if* they were referred to court. But they were less likely to be referred.⁵⁴

A coherent framework for handling serious juvenile offenders can utilize all four of the sanctioning theories in a graduated approach to juvenile offenders that takes into consideration a number of factors.

Regardless of which sanctioning philosophy is used, timely case processing is essential. Not only is quick, predictable legal response necessary to the purposes of deterrence and just deserts, it is especially important in any dealings with juvenile chronic offenders. Many come from homes with inconsistent and indecisive child-rearing practices, and as a result, have difficulty in connecting actions with consequences.⁵⁵ Long delays between a youth's offense and court response minimize the

52. See C. SMITH, P. ALEXANDER, G. KEMP, & E. LEMERT, REPORTS OF THE NATIONAL JUVENILE JUSTICE ASSESSMENT CENTERS, A NATIONAL ASSESSMENT OF SERIOUS JUVENILE CRIME AND THE JUVENILE JUSTICE SYSTEM: THE NEED FOR A RATIONAL RESPONSE, Vol. 3 (1980).

53. See, e.g., Schneider, *Sentencing Guidelines and Recidivism Rates of Juvenile Offenders*, 1 JUST. Q. 107 (1984).

54. *Id.* 117-18.

55. For a discussion of case processing time in juvenile courts, see A.

impact of the court's action and further compound the negative effects of the youth's earlier home experience. The need for speedy trial is one argument against waiving juveniles to adult courts. In some jurisdictions, they face extended pretrial detention in jail and a longer adjudication process than they would in juvenile court.⁵⁶

2. Sequential Responses to Juvenile Offenders

Serious juvenile offenders are a tiny minority in most American juvenile courts. Because of their high visibility and the fear in which they are held, they can have a disproportionate effect on the nature of the juvenile court. Yet the large majority of the court's business is taken up with youths at the lower levels of response. It is important, and encouraging, to remember that 50% of the youths who come to court never come back.⁵⁷ Undue emphasis on the serious offenders may undermine the juvenile court's basic function in the community and inhibit the development of a full range of non-institutional sanctions.

In thinking about the court's larger role, it may be useful to differentiate court response to juvenile offenders on four levels, referred to here as (1) *first contact*, (2) *court appearance*, (3) *repeat offender*, and (4) *serious violent offender*.

A rational approach to juvenile offenders starts at the point of first contact. The purpose of *first contact* responses is deterrence. Something should happen when a youth is stopped by the police or someone files a complaint on a child, even if it's just lecture and release by the officer or a visit to a court diversion or intake unit. The evidence regarding the positive value of diversion as opposed to adjudication for minor first offenders is fairly strong. Although diversion combined with counseling has not been especially effective,⁵⁸ research on diversion programs indicates that diversion alone (without intervention) is effective, especially for minor offenders.⁵⁹ Informal adjustment between youths, parents, and victims, municipal court fines, or voluntary referral to treatment centers

MAHONEY, *supra* note 1, at 49-62 (1987); Mahoney, *Time and Process in Juvenile Court*, 10 JUST. SYS. J. 37 (1985).

56. Marcotte, *supra* note 14, at 65.

57. See A. VACHSS & Y. BAKAL, *THE LIFE-STYLE VIOLENT JUVENILE: THE SECURE TREATMENT APPROACH* 4 (1979).

58. See D. FARRINGTON, L. OHLIN, & J. Q. WILSON, *UNDERSTANDING AND CONTROLLING CRIME: TOWARD A NEW RESEARCH STRATEGY* 75 (1986).

59. See R. LUNDMAN, *supra* note 8, at 225-27.

allows for rapid response to behavior by individuals who are most likely to know the youth and the offense.

Many adolescents engage in deviant and minor criminal behavior in their mid- to late-teens, but a high percentage "age out" of this kind of behavior on their own. For most youths, some symbolic gesture to communicate that violation of the law is unacceptable may be sufficient to deter further delinquent behavior.

A youth who accumulates several police contact reports or more than one charged nonviolent offense merits the second level of response, *court appearance*. The purpose of this response is not only deterrence, but also just deserts. The message should be clear: Law-breaking behavior is unacceptable and will not be tolerated. Sanctions may include restitution, fines, unsupervised probation, community service, voluntary or mandated counseling, alcohol or drug rehabilitation programs, or other family, individual, or educational services. It's important to keep in mind at this level that half of the youths who appear once before juvenile courts never reappear.⁶⁰ Predictable, speedy dispositions are important to maximize the deterrence and just deserts purposes.

Youths in court for at least the third time on a nonviolent offense, at the third level of response, *repeat offenders*, merit serious attention. Goals at this level should be deterrence, just deserts, incapacitation, and rehabilitation. This is the most difficult level of response because its range of sanctions is so limited. Many of these youths have a multitude of problems in addition to multiple offenses. Decisionmaking must therefore take into account many aspects of the youth's life and offense record.⁶¹

This repeat offender level is the point at which mandatory sentencing policies now begin to move juveniles, even with relatively minor offenses, into adult courts and on to high security jails or institutions. There is no doubt that a strong response is needed here. However, I would argue that *no* juvenile adjudicated for nonviolent offenses should be transferred or waived into adult court or incarcerated for more than a very short shock term. The long-term cost in human life and tax dollars is simply too high.

60. See Marcotte, *supra* note 14, at 65.

61. See generally Ashford & Lecroy, *Placing Juvenile Offenders in Residential Treatment: A Decision-Making Model*, 5 RESIDENTIAL TREATMENT FOR CHILDREN & YOUTH 33 (1988). A decisionmaking model like the one developed for parole officers in Arizona might provided a start toward the development of a useful decision-making strategy.

It is at this repeat offenders level that a major infusion of resources and innovation is needed to create an array of *intermediate sanctions*—sanctions more rigorous than conventional probation but less harsh than imprisonment. Some intermediate sanctions that have been tried are long-term home detention, community service, and fines. Intermediate sanctions attempt to reduce the justice system's excessive dependence on incarceration while at the same time ensuring credible punishment.⁶² Electronic monitoring capability, though not without its own set of ethical issues, gives rise to a whole new set of sanction possibilities. For young repeat offenders, it is especially important to encourage the development of small, intensive residential and closely supervised programs that incapacitate while also rehabilitating.

At this level of response, it is essential that national and local policy makers also address the problems of blocked channels of upward mobility. Intervention and rehabilitation efforts can have no impact unless youths come to feel that they indeed have a future in legitimate society. Coates, Miller, and Ohlin stress the importance of affecting *both* the deviant and legitimate networks of which young offenders are a part. They emphasize the importance of day-to-day work with families, developing plausible work opportunities, and negotiating with school authorities as youths experience difficulties.⁶³ Some interesting programs incorporating these dimensions are beginning to develop, for example the Massachusetts Key Program and a Florida program which uses community members to work with youths⁶⁴ and Project New Pride, a multi-faceted community program started in Denver, Colorado in 1973 and now replicated throughout the country.⁶⁵

An important element in responses to youths at both this third level and the next, is *continuity*. What is needed for these youths, whatever the intervention, is a single locus of accountability—an individual who travels with the youth through the process, integrating, expediting, and interpreting at each step from pretrial hearings through final disposition. Strasburg's Continuous Case Management Program provides an example of the type of individual accountability that is needed.⁶⁶

62. See Freed & Mahoney, *Between Prison and Probation: Using Intermediate Sanctions Effectively*, 29 JUDGES' J. 6, 8 (1990).

63. See R. COATES, A. MILLER & L. OHLIN, *supra* note 48, at 172-73.

64. See P. GREENWOOD & F. ZIMRING, *supra* note 29, at 49-50.

65. U.S. Dept. of Justice, Office of Juvenile Justice and Delinquency Prevention, PROJECT NEW PRIDE (1985).

66. See generally P. STRASBURG, *supra* note 8, at 196-211.

The fourth level of response, to *serious violent offenders*, is necessary only for a very small percentage of the youths who come into the juvenile court.⁶⁷ These youths are the ones that most frighten the community, the ones the community is most eager to incapacitate. However rehabilitation goals should be a paramount concern, for both economic and crime control reasons. Violent offenders, in particular, often offend for nonrational reasons and may not be especially susceptible to the deterrence effects of incarceration alone. In addition, as has already been stressed, permanent incapacitation is inordinately expensive, especially over the lifetime of someone who goes in as a teenager.

Intensive treatment in closed facilities, such as the Closed Adolescent Treatment Facility in Colorado, has been successful for some adolescent violent offenders. Others include Vision Quest, Associated Marine Institutes, Eckerd Camps, and Homeward Bound, an Outward Bound type program in Massachusetts. Both Pennsylvania and Massachusetts are utilizing small secure facilities of twelve to fifteen beds and a one-to-one staff ratio.⁶⁸ Many more adolescent offenders could probably benefit from such intensive treatment if more programs were available. The cost, though high, is much less than life-long incarceration. Coates, Miller, and Ohlin conclude on the basis of their study of the Massachusetts system that a community-based system for juveniles is a viable alternative to large training schools if youths are carefully screened and space is available in secure, small, more humane facilities for the few youths who need secure confinement.⁶⁹ Although there was initially some public concern about the Massachusetts program, the state today still has the lowest juvenile incarceration rate in the country.⁷⁰ Utah has adopted a similar approach, and it and Massachusetts are now considered models of innovation for the rest of the country.⁷¹

Ira Schwartz, Administrator of the Office of Juvenile Justice and Delinquency Prevention in 1979, in his recent book, *(In)Justice for Juveniles* recommends that *all* large training

67. See D. HAMPARIAN, R. SCHUSTER, J. DINITZ & R. CONRAD, *supra* note 8, at 128.

68. See P. GREENWOOD & S. TURNER, *THE VISION QUEST PROGRAM: AN EVALUATION* (1987); P. Greenwood & F. Zimring, *supra* note 29.

69. See R. COATES, A. MILLER & L. OHLIN, *supra* note 48, at 175-76.

70. Marcotte, *supra* note 14, at 65.

71. See generally Van Vleet, Rutherford & Schwartz, *Reinvesting Youth Corrections Resources in Utah*, in *REINVESTING YOUTH CORRECTIONS RESOURCES: A TALE OF THREE STATES* 19 (I. Schwartz ed. 1986).

schools should be closed. He argues that they "have no place in an enlightened and cost-effective youth correctional system." He argues further that the experiences of Massachusetts, Utah, Pennsylvania, and other states indicate that "the number of juveniles who need to be confined for purposes of public protection is relatively small and that the overwhelming majority of juvenile offenders can be safely managed in a diverse network of highly structured community-based programs."⁷²

Any long-term effort to reduce offense rates has to break the cycle of offending from adolescence to adulthood and from parent to child. To achieve these goals it is necessary to go beyond the court and correctional systems to the larger context of American policy regarding children and families.

B. Thinking Long-Term: The Prevention of Future Offenders Through A Comprehensive Policy for Children and Families

Social scientists and health care professionals know what risk factors foretell damaging outcomes in adolescence and what promote the development of healthy, competent, children and adults. Good results come with good physical care, reasonably consistent discipline, a sense of being valued by parents and others, opportunities to develop autonomy, parental concern for changing developmental needs, and environmental and cognitive stimulation.⁷³ Many American parents today do not have the resources or knowledge to provide these for their children, much as they might want to. This nation has the resources to help parents provide these basic essentials for child development. In addition policy makers have the knowledge but not the will to do what is really necessary to reduce serious juvenile delinquency. For example, although this country has some of the most sophisticated medical care in the world, the infant mortality rate is the highest among industrialized nations.⁷⁴ We have been lulled by our own national rhetoric, which proclaims the ideology of equal opportunity, while remaining blind to the gap between that ideology and the lives of many American children.⁷⁵

72. I. SCHWARTZ, *supra* note 13, at 169-70.

73. See generally Kagan, *The Psychological Requirements for Human Development*, in *FAMILY IN TRANSITION: RETHINKING MARRIAGE, SEXUALITY, CHILD REARING, AND FAMILY ORGANIZATION* 373-83 (A. Skolnick & J. Skolnick eds., 5th ed. 1986).

74. See Schorr, *supra* note 36, at 117.

75. Rossi points out that the social welfare nets have been so weakened in the 1980s that they are failing to prevent extreme destitution among increasingly large numbers of the American population and that many fall

Until the United States develops a comprehensive policy for children and families that gives high priority to the full range of children's needs from before birth through adolescence, the nation is unlikely to find satisfactory long-term solutions to its delinquency problems.⁷⁶ How might such a policy improve services for children and clarify the role of the juvenile justice system? First, it would provide the basis for making available to *all* of America's children, from the beginning of their lives, the resources they need to develop into competent adults. Although the U.S. would want to create its own plan, based on its unique heritage and needs, policy makers have a variety of models. Every other industrialized nation, as well as many less-developed ones, have some such program in place. Sweden, for example, has adopted a family policy that stresses the importance of children being wanted, provides free prenatal and postnatal care, gives paid nine-month paternity and maternity leaves after a baby's birth, and provides extensive medical, social, and educational support services for *all* children and parents.⁷⁷

Under such a policy there is no need to worry about labeling, levels of acceptable prediction, or rules of eligibility. The nation's children *en masse* are considered not only eligible, but *entitled*, to the basic necessities of life. Children with special needs get access to special support or enrichment programs simply because they need them to promote healthy development. It is not necessary to label a child "predelinquent" or "at risk."

A national policy for children might begin with early sex education and a variety of options for young women that motivate them to postpone pregnancy. For adolescents who do get pregnant there could be prenatal care and parenting classes, as well as educational and job training opportunities that enable them to have both high quality child care and substantial time with their children.

All children deserve physically safe, cognitively rich, and emotionally warm child care beginning from birth. Head Start programs in the 1960's and 1970's, which provided enriched, learning environments for children ages three to six, yielded striking intellectual gains in preschool children. The loss of

through and hit the bottom. See Rossi, *The Family, Welfare and Homelessness* 4 NOTRE DAME J. L. ETHICS & PUB. POL'Y 281, 299 (1989). Unfortunately, children are going through the net with their parents.

76. E. CURRIE, *CONFRONTING CRIME: AN AMERICAN CHALLENGE* (1985); Schwartz, *supra* note 13, at 248-52.

77. C. O'KELLY & L. CARNEY, *WOMEN AND MEN IN SOCIETY* 187 (1986).

some of these gains as the children moved into elementary school is less an indictment of Head Start than a symptom of the deadening effects of other environmental influences on children. Even with some losses, however, follow-up studies indicate that, in general, children in these programs maintained a higher rate of school success than similar children who were not in Head Start.⁷⁸

As children move into school they are entitled to learning environments that take into consideration the different ways in which children learn, as well as after-school programs and special attention to youths who fail to thrive in standard classrooms. One of the most consistent findings about delinquency is its association with school problems. A common characteristic of serious juvenile offenders is early trouble in school.⁷⁹ Whether school problems are a primary or merely contributing cause of delinquency is irrelevant. Children spend most of their time in school and those who are having difficulty there are entitled to help. There should be no need to label them as predelinquent or anything else in order for them to get what they need.

Families in crisis or families with difficult children may occasionally need special programs. There are now a number of family-based programs which have had good success in working with such families. Two examples are Homebuilders in Washington and FAMILIES, Inc., in Iowa.⁸⁰ In both, a worker handles just two or three families, devoting several hours a week to each over a period of several weeks or months.

An overriding developmental need for adolescents—and one that is rarely taken into account in juvenile courts—is autonomy.⁸¹ Many adolescents, especially those from highly dysfunctional homes, may actually benefit from separating themselves from difficult family situations. In recent times, communities, courts, and social service agencies have been markedly uncreative in developing ways for youths to do this in

78. See Lee, Brooks-Gunn, Schnur, & Liaw, *Are Head Start Effects Sustained? A Longitudinal Follow-up Comparison of Disadvantaged Children Attending Head Start, No Preschool, and Other Preschool Programs* 61 CHILD DEVELOPMENT 495 (1990). For a summary of the extensive research on Head Start see Mc Key, Condell, Ganson, Barrett, McConkey and Plantz, *The Impact of Head Start on Children, Families and Communities*, 1985 (final report of the Head Start Evaluation, Synthesis and Utilization Project. Washington, D.C.).

79. Schorr, *supra* note 36, at 221; Denno, *supra* note 37, at 711.

80. See EDNA MCCONNELL CLARK FOUNDATION, KEEPING FAMILIES TOGETHER: THE CASE FOR FAMILY PRESERVATION 7-13 (1985).

81. KAGAN, *supra* note 73, at 376, 382.

a socially acceptable way. Because the juvenile court has clung so tenaciously to the fiction that its clients are all children, it has continued to view removal from home as a punishment or a child welfare action of last resort. In fact, many of the court's clients are young adults. And although those young adults, because of their age and inexperience, do continue to need the special legal protection of a juvenile court, they have different placement needs than children. Some adolescents might never have to reach the point of mandatory out-of-home placement by the court if communities adopted a range of optional residential work and educational programs, cooperative living arrangements, national service, and adolescent emancipation open to all youths over a certain age. These programs could be designed to encourage youths to take responsibility for their own lives and futures.

Universal national service, in fact, is worthy of serious discussion. A program which required a year's service of every man and woman in the United States sometime between the ages of sixteen and twenty-four might provide a vehicle for education, job training, and meaningful work. It could include drug and alcohol rehabilitation programs, child care facilities, and special residential facilities for married couples. The person power it would make available could support the needs of day care facilities, after-school programs, neighborhood and housing rehabilitation, the military, environmental cleanup efforts, senior citizen centers, and a host of other community organizations. A universal national service program could also assess and meet participants' health needs and establish a minimum level of physical fitness. Hopefully it would also give American youths a feeling of some stake in the society and some sense of responsibility for making it better.

This country can't achieve equal life chances for all children and young adults by supplying resources at just one point in their lives. Head Start showed us that, and that realization may be one reason why it was a disappointment. The hope was for a magical solution, a concentrated educational shot that would send children on their way without any further infusion of resources. We now know that a comprehensive policy for children entails attention to all stages of childhood in all environments in which children and young adults live.

CONCLUSION

The problem of serious juvenile offenders does not lie wholly within the court and correctional systems. The juvenile

justice system is being held accountable for a problem it did not create and cannot solve. Chronic and serious juvenile offenders are a formidable group, many of whom may be damaged beyond the ability to ever function as productive or even free citizens. They are victims as well as victimizers. We have wrought that damage, as a society, through social neglect at early, formative points in the life course.

Over the years, bombarded by public outcries about serious delinquency and research that has purported to show that "nothing works," policy makers, like juvenile offenders, have become hopeless about the future. In their search for solutions, they have tended to swing wildly from one sanctioning philosophy to another—from child saving, to the avoidance of labeling, to incapacitation storage. It may be time for America—youths and adults alike—to face up to reality. There is no "quick fix," no panacea. As a society, this nation needs a long term commitment to change, to a comprehensive framework of services for all children, as well as a wide range of sanctions for juvenile offenders.

The problem of serious juvenile offenders lies in the larger context of American attitudes toward and policies about children, with America's strange unwillingness to commit resources to its children—*all* of its children. Until this nation begins seriously to address the needs of America's children and families, it may continue to face a widening stream of serious juvenile offenders in our courts. We are a wealthy country. We *can*—if we choose—devise a plan to promote the well being of all children. A comprehensive plan for children's services would provide a framework for the juvenile court that should help to clarify its objectives and its own role in a national policy for children.

