

MACARTHUR FOUNDATION
RESEARCH NETWORK ON

Adolescent
Development
and Juvenile
Justice

Adolescent Development and Legal Policy

Thomas Grisso

Double Jeopardy:
Adolescent Offenders with
Mental Disorders

University of Chicago Press, 2004

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Franklin E. Zimring

An American Tragedy:
Legal Responses to Adolescent
Sexual Offending

University of Chicago Press, 2004

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Peter W. Greenwood

Changing Lives:
Delinquency Prevention as
Crime Control Policy

University of Chicago Press, 2005

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Jane B. Sprott and Anthony Doob

Social Change and Female Delinquency

University of Chicago Press, forthcoming 2007

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Double Jeopardy: Adolescent Offenders with Mental Disorders

Thomas Grisso
University of Massachusetts Medical School

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The Context for the Book

- 1990s—Era of punitive reform in juvenile justice
 - Juvenile justice mandate is no longer rehabilitation, but public safety and punishment
- 1998-2002: Changing social conditions
 - Juvenile violent crime dropped
 - Juvenile justice facilities overflowed
 - Community child mental health deteriorated
 - Parents were getting their children arrested in order to find mental health services through court orders
 - Thousands in juvenile detention with no charges, being held while searching for mental health care

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Enter the Juvenile Justice and Mental Health Movement (1998 to present)

- Research results (Teplin): Two-thirds of youths in juvenile detention meet criteria for one or more mental disorders
- Government agencies promote and mandate the juvenile justice system's identification and treatment of youths with mental disorders
- But how? There had been little attention to...
 - What this mandate might require
 - The impossibility of literally providing treatment for all youths in custody with mental disorders
 - The potential dangers if one tried to do it

What “Double Jeopardy” Does

- Identifies a way of thinking about the juvenile justice system’s obligation
 - Custodial obligation
 - Child welfare and avoiding in-custody negligence
 - Due process obligation
 - Fairness and equal protection
 - Public safety obligation
 - Protection of others

What the Book Does (cont'd)

- Reveals complex developmental and clinical conditions of youths that must inform any policy decisions in this area
 - Uncertainties about the meanings of “mental disorder” of children
 - Complexity of finding adequate methods for identifying youths with mental disorders
 - Limits of successful treatment for child disorders, and questions about their value when applied in juvenile justice settings

What the Book Does (cont'd)

- Charts the elements of a rational policy that limits and narrows what the juvenile justice system should be obligated to do, while strengthening the obligation within those limited boundaries
 - What the system should not be allowed to do is as important as what it should be required to do

Five Lessons for Policy

1. Dealing with mental disorders of delinquent youths is very different from dealing with adults' disorders in the criminal justice system.
 - Youths' developmental status makes everything more complex and ambiguous
 - The fact that a youth “has” a “mental disorder” does not mean that the youth needs treatment

Five Lessons (cont'd)

2. We must be careful about what treatment objectives we encourage within juvenile justice programs.
 - Treatment within pretrial juvenile justice settings is sometimes legally inappropriate.
 - Some treatments cannot be implemented with value within juvenile justice settings.

Five Lessons (cont'd)

3. When trying to address youths' mental disorders, it is better to do nothing at all than to do something without evidence regarding its potential value.
 - It is wasteful and potentially dangerous to use methods simply because they sound good, or to use good methods without attention to how they are applied.

Five Lessons (cont'd)

4. All of the juvenile justice system's obligations to youths with mental disorders require collaboration with other child community agencies.
 - The juvenile justice system must not become an “independent” provider of juveniles' mental health services.

Five Lessons (cont'd)

5. A rational course for policy will limit the juvenile justice system's treatment obligation, while strengthening it within those narrower boundaries.
 - Second half of the book uses a developmental perspective and social analysis of juvenile justice to describe these limited obligations and how to implement them

Some of the Limited Obligations

- Identification of youths with disorders, especially at intake, using validated screening and assessment tools
- Diversion to community MH services whenever possible
- Capacity for emergency responses to acute treatment needs
- Capacity for effective evaluations for due process issues (e.g., competence to stand trial) and risk of harm to community, at various levels of processing, by professionals with child and forensic specialization
- Capacity for treatment of youths in secure custody with chronic and serious mental disorders
- As far as possible, all other treatment should involve community-based approaches in collaboration with community MH resources

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Greenwood Associates

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The Good News

- There are proven program strategies and models that consistently improve outcomes, when implemented correctly
- They cover full range of child development
- Several pay for themselves, many times over, in reduced corrections costs

The Bad News

- Proven programs all require substantial training, ongoing quality assurance & monitoring.
- They only work when implemented with a high degree of fidelity
- At this time proven programs account for only a small percentage of the treatment & rehabilitation market

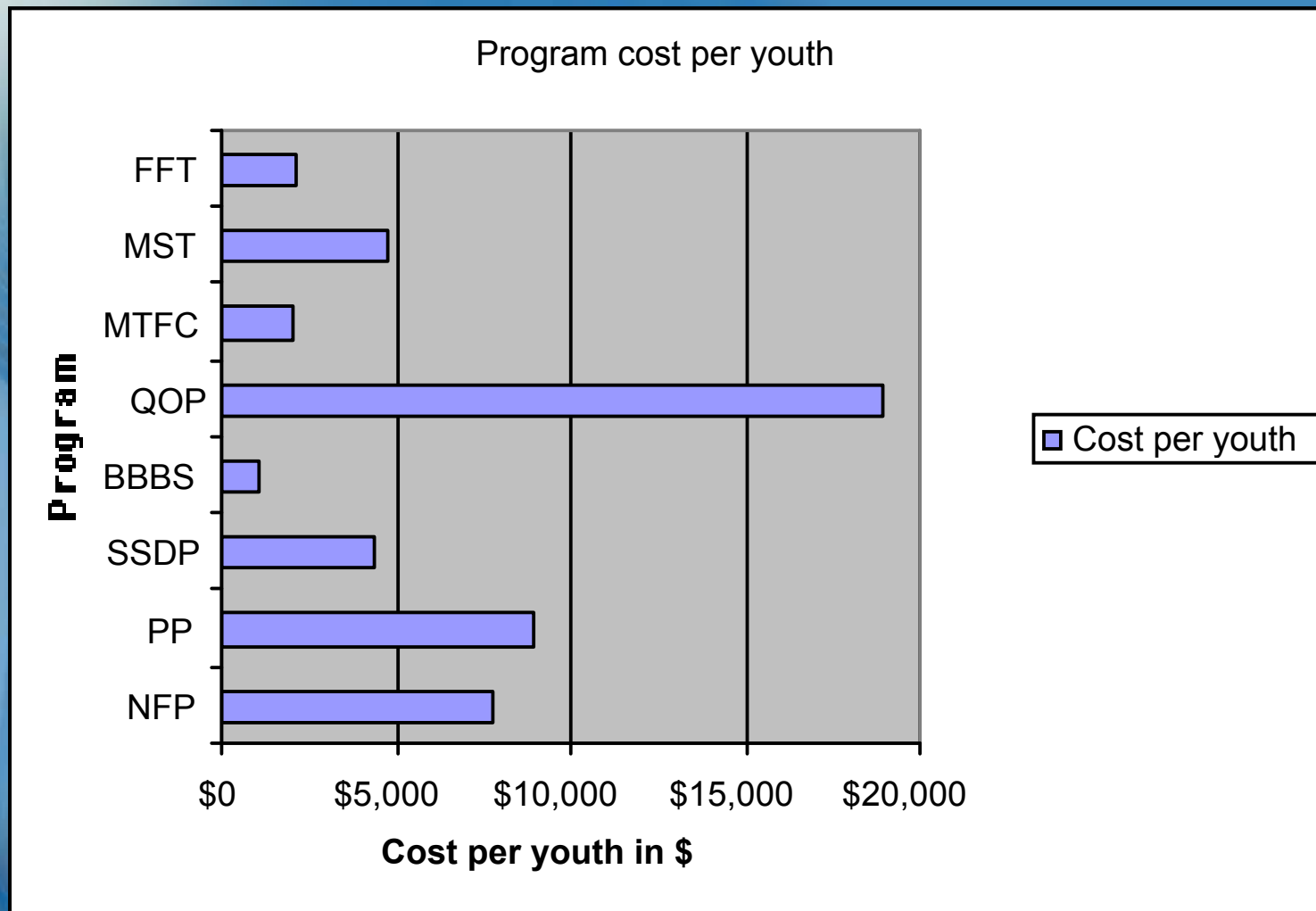
What Works

- Cognitive Behavioral Therapy (CBT)
- Functional Family Therapy (FFT)
- Multi-systemic Therapy (MST)
- Treatment Foster Care (TFC)
- Nurse-Family Partnerships (NFP)
- Program Accountability (QC)

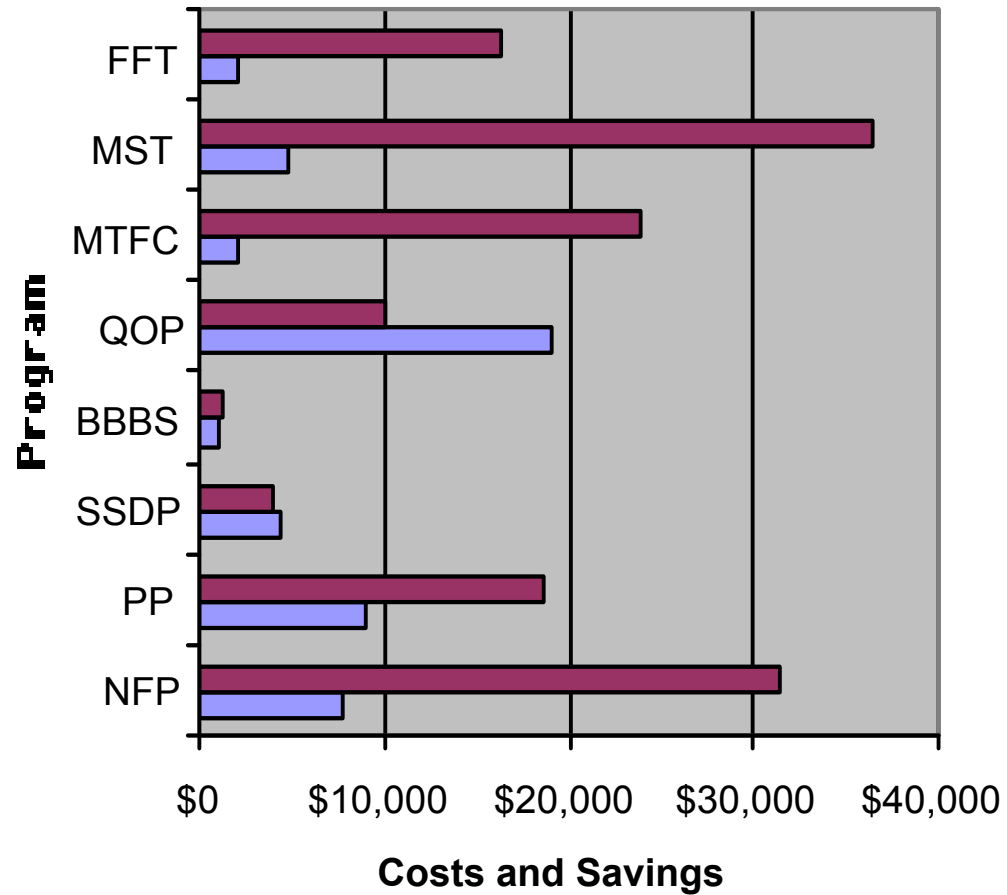
What Doesn't Work

- Punishment
- Waiver to Adult Court
- D.A.R.E
- Scared Straight
- Working with at-risk youth in groups
- Standard probation supervision

Programs Costs Per Youth



Costs & Taxpayer Benefits by Program



Obstacles Along the Way

- Criminal justice issues often treated as a political football
- Politicians like to be tough and punishment sounds tough – treatment soft
- Cost-Benefit analysis seldom wins political arguments
- Most funding streams are already earmarked or claimed by some existing program

Solutions are Available

- As demonstrated in leading states (WA, FLA, PA, NY)
- Training programs and quality assurance tools are readily available
- Growing recognition of need for proven programs -
Mental Health role

Changes in the Rates of Delinquency for Girls and Boys

Jane B. Sprott
University of Guelph

University of Chicago Press, *forthcoming 2007*
Series Editor, Franklin Zimring

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Examining the Issues

Perceptions of crime by girls

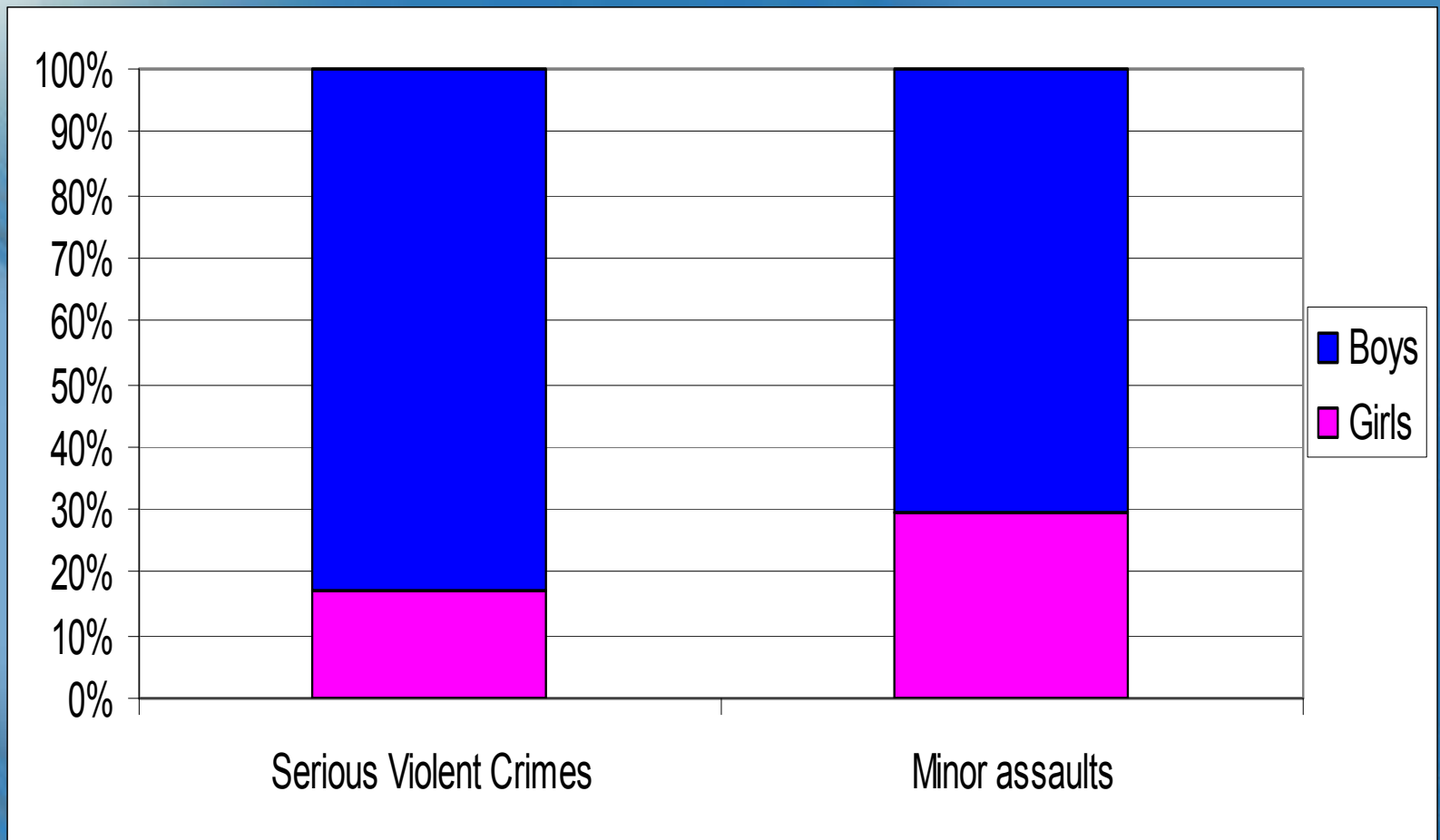
- “Crime by girls” = “Crime by boys”
- “Girls getting worse”

Trends in the use of youth court

- What does “worse” mean?
- Canada and the U.S.

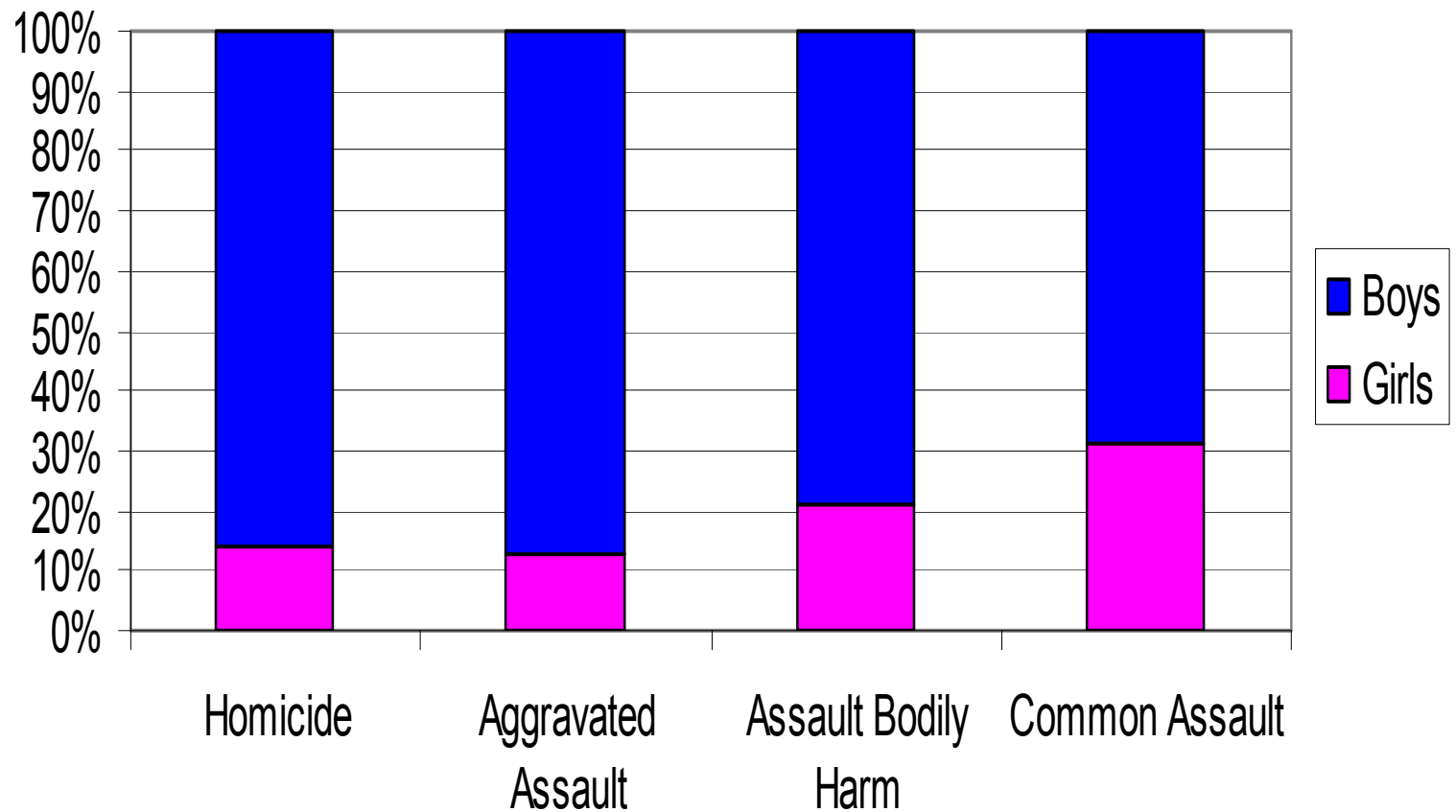
Implications

Nature of Crimes by Girls in Youth Court: Violent Offenses (adjudicated delinquent) United States – 2002

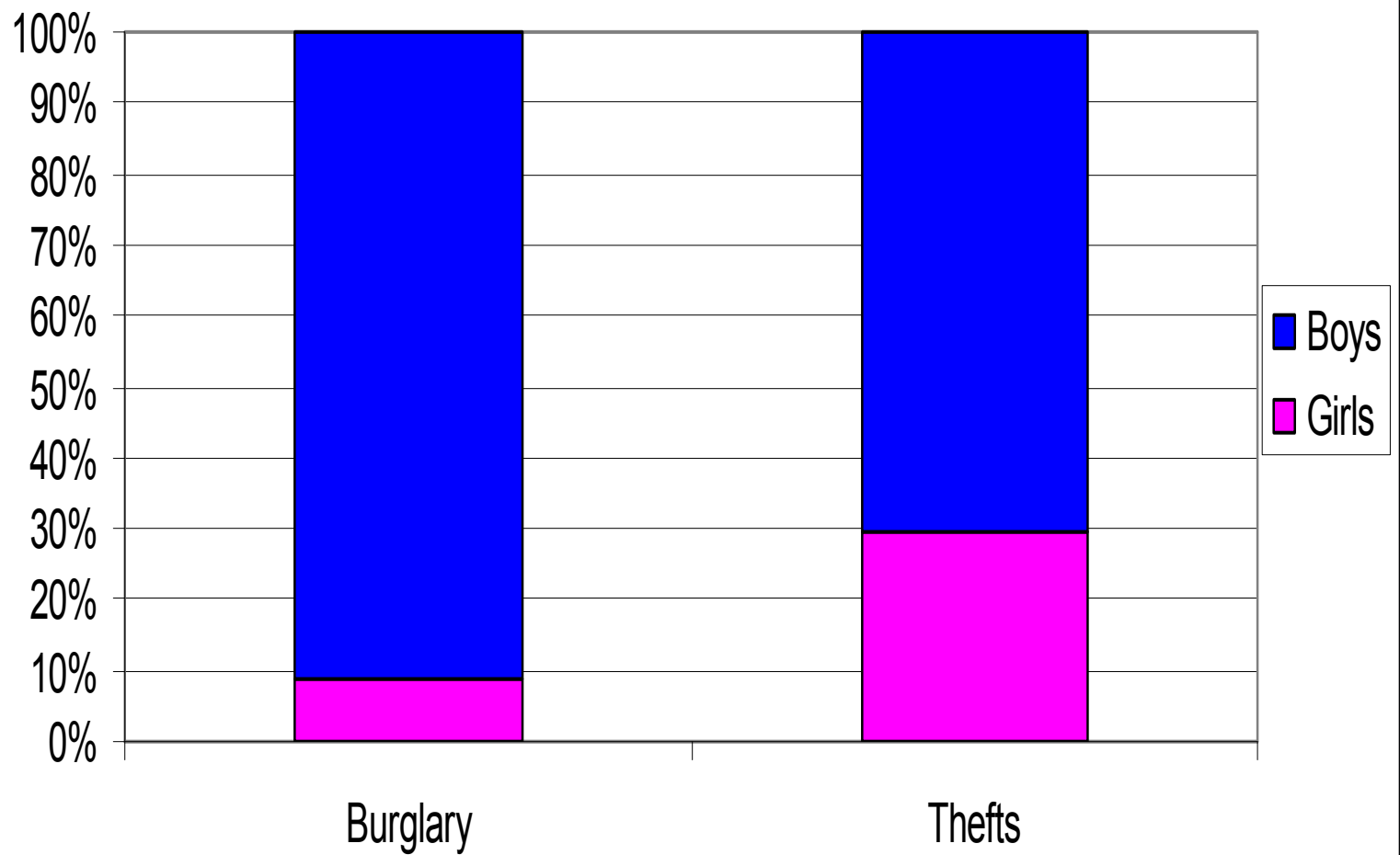


Serious violent crimes = homicide, rape, robbery and aggravated assault

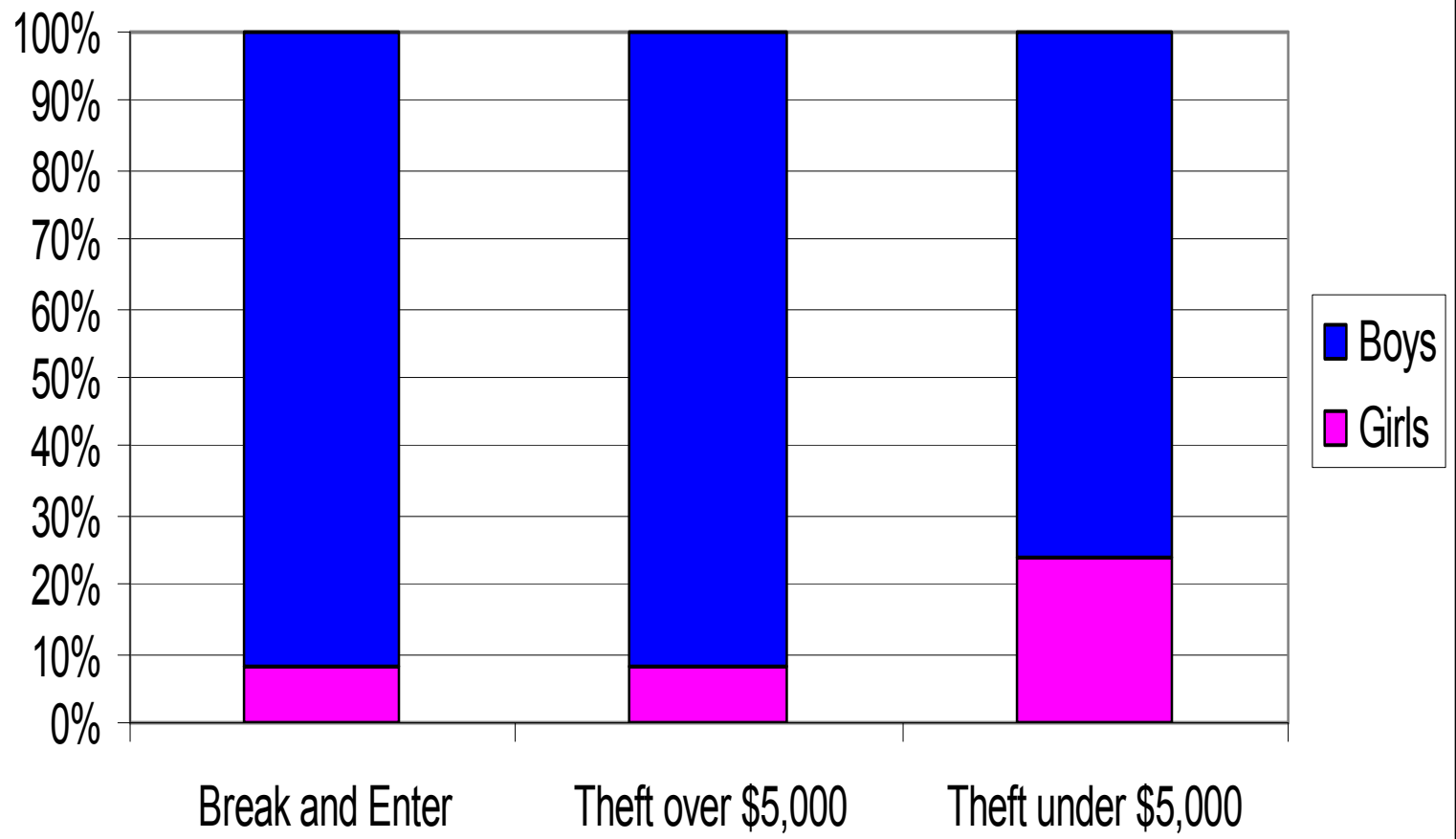
Nature of Crimes by Girls in Youth Court: Violent Offenses (found guilty) Canada – 2003/4



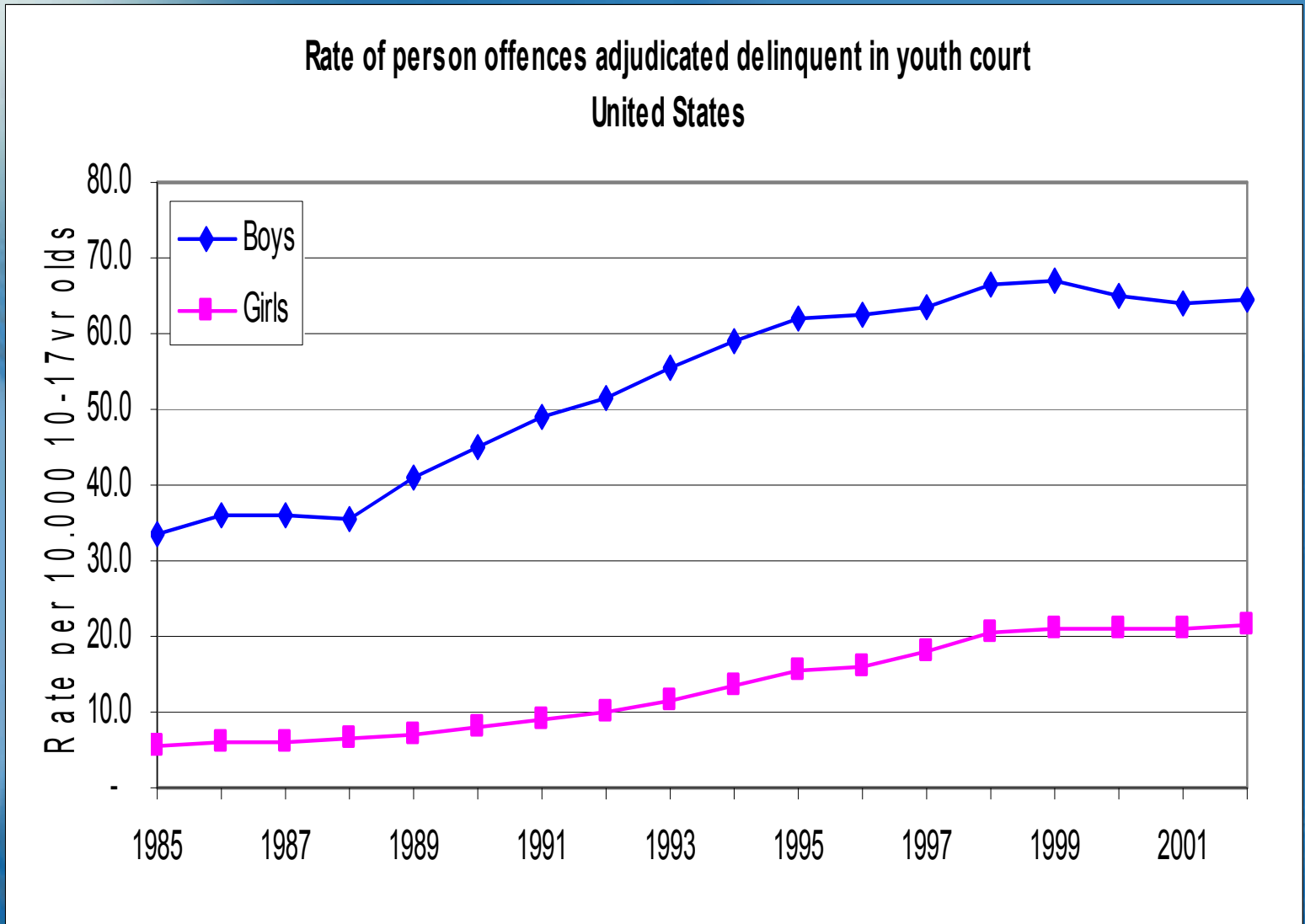
Nature of Crimes by Girls in Youth Court: Property Offenses (adjudicated delinquent) United States – 2002



Nature of Crimes by Girls in Youth Court: Property Offenses (found guilty) Canada – 2003/4



Girl Crime – Getting Worse?



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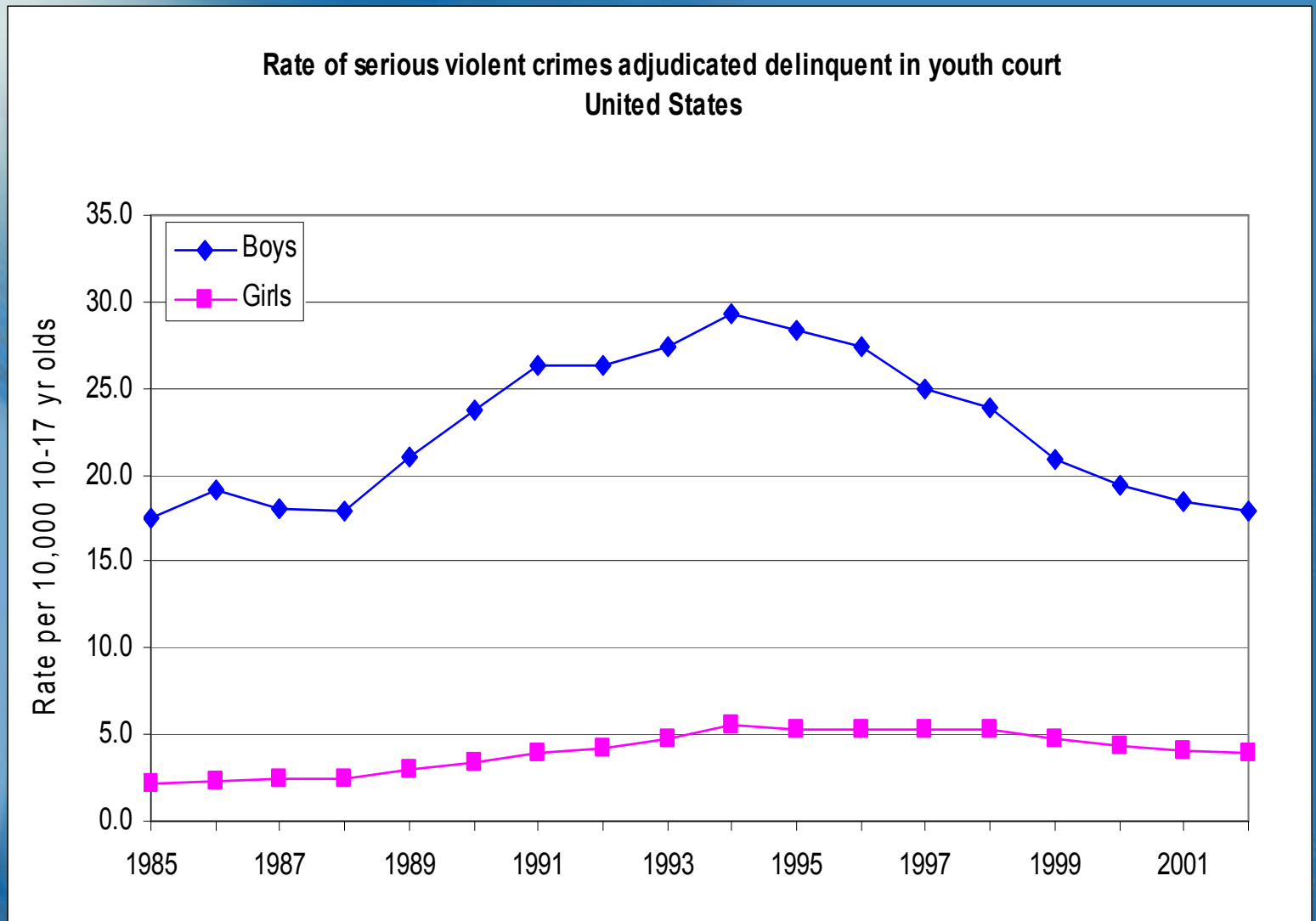
Adjudicated Delinquent in the U.S. Person Offenses (per 10K)

	Girls	Boys
1985	5.53	33.26
2002	21.71	64.64
% increase in rate for girls and boys	Girls 293%	Boys 94%
Difference in rates for boys and girls	1985 27.73	2002 42.93

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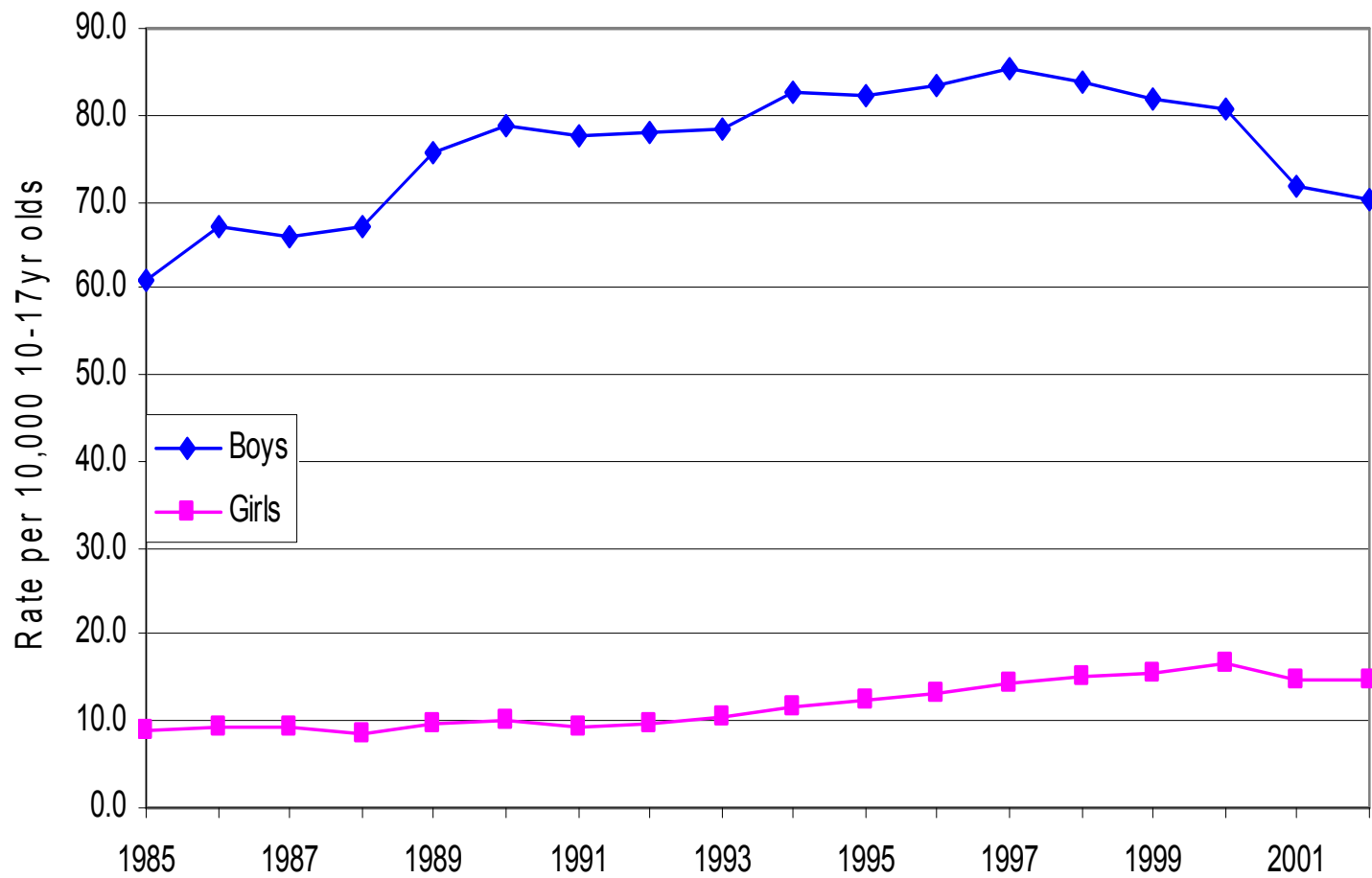
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Serious Violent Crime



Reliance on Custody: United States

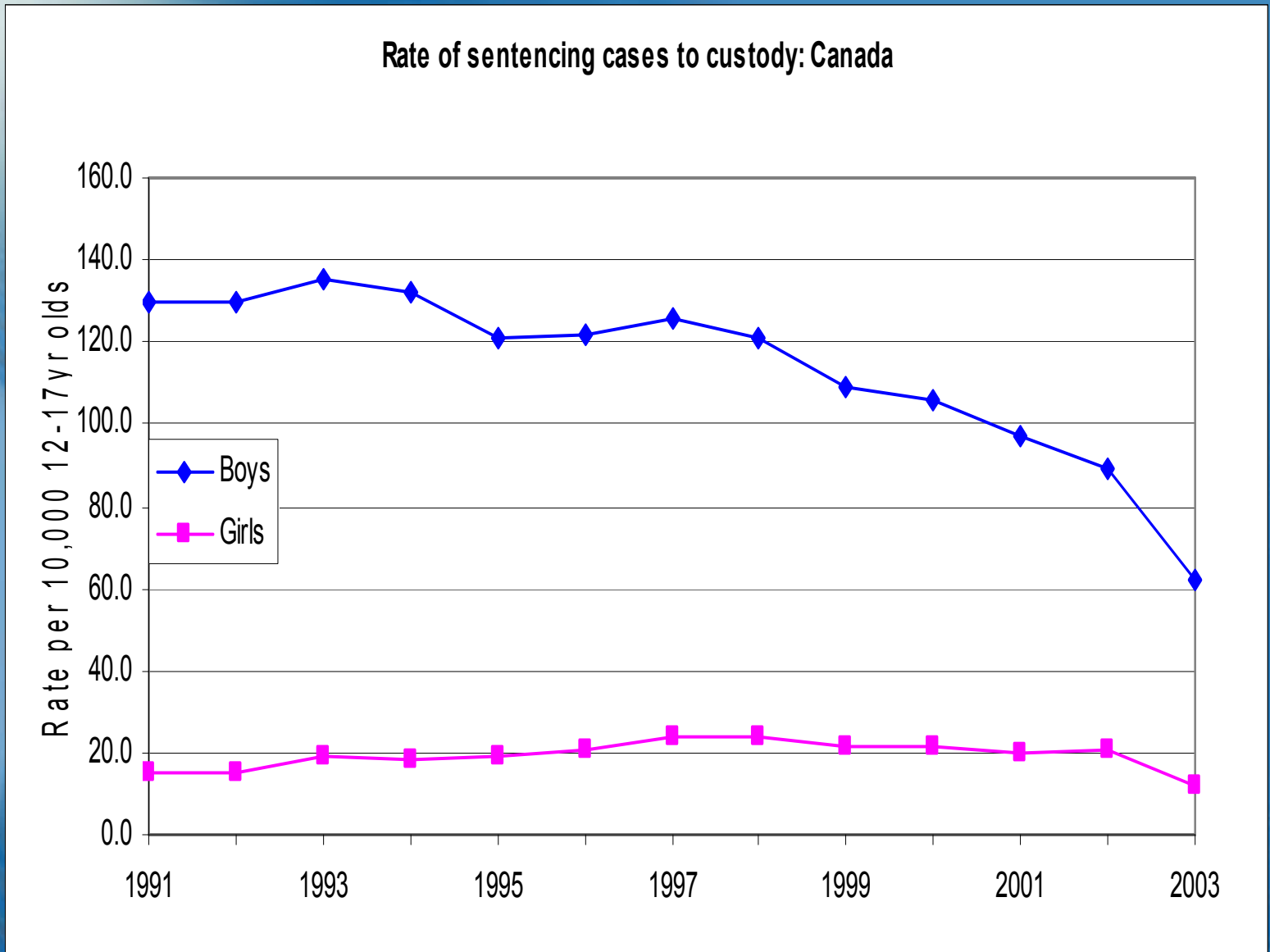
Rare of sentencing cases to custody: United States



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Reliance on Custody: Canada



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Conclusion

- Are girls getting more criminal/violent?
- Programs and crime trends
- Responding to public perceptions vs. real problems