

Research in Review

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Special Focus on Young Offender and Juvenile Crime Issues

The third issue of Volume 5 of *Research in Review* includes two special research briefing papers on the topic of young adult and juvenile offenders. Specifically, these papers examine issues surrounding the transfer of juvenile offenders to the adult criminal justice system, and the intersection of deterrence based juvenile justice interventions and state prisons.

The first paper, *Juvenile Transfer to the Adult Criminal Justice System*, reviews the evolution of the practice of the transfer of serious juvenile offenders to the adult criminal justice system and their commitment to adult correctional facilities. Issues and concerns surrounding the integration of these youth into adult prisons are identified. Recent national findings from outcome studies of these transfer systems are also discussed. This paper provides the reader with insight into why delinquent youth are adjudicated in adult courts, how they are committed to the adult prison system upon conviction, and what the results of this policy decision may be.

The second paper, *Deterrence and "Scared Straight" Programs*, discusses the theory behind the notion of deterrence in juvenile justice, and examines the findings from national evaluations of "Scared Straight" programs. These programs bring at-risk youth into prison settings for confrontational meetings with adult offenders, with the objective of deterring the youth from more serious offending by instilling into them fear of the possible long-term consequences. This paper discusses the overwhelming conclusion from the evaluation literature that these programs do not deter youth from crime, and may in fact lead to higher rates of offending. This piece was written in response to several requests for information about whether these programs work.

Future issues of RIR will include pieces on victims issues, offender assessment and religion programs, as well as findings from evaluation projects currently underway in the PA DOC. We at RIR hope that you find these papers to be informative, practical and relevant to your work in corrections.

JUVENILE TRANSFER TO THE ADULT CRIMINAL JUSTICE SYSTEM

by

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Juvenile court systems began emerging in the United States in the late 1800's in response to arguments advanced by the Progressive Movement that society should respond differently to criminal activity by children than to such activity by adults. The underlying premise was that there was greater hope for the reform and rehabilitation of younger offenders. Specialized facilities, including detention centers, training schools and youth centers, were developed to confine and treat delinquent youth separately from adult offenders. As originally conceived, the goal of the juvenile court system was to protect the welfare of the youthful offenders, while providing a structured environment that was focused on their educational, psychological and vocational needs.

This system of differential treatment of child offenders remained largely unassailed until the late 1980's, when juvenile crime began to increase dramatically. This increase led to enhanced concern by the media and selected academics about the rise of a wave of violent and incorrigible juvenile "Super Predators", which would challenge the assumptions of the juvenile justice system (Bennett, et al., 1996). Popular and political pressure was raised to develop tough criminal justice responses to this coming tide of chaos. The criminologist John DiIulio became the most prominent spokesman for this highly controversial, and now empirically discredited, theory. A common response was to establish judicial transfer mechanisms, whereby violent and persistent juvenile offenders would be remanded to the custody of adult or criminal courts. According to Snyder, et al. (2000), between 1992 and 1997, all but six states legislated provisions for transferring juveniles to criminal court, simplifying the process of enabling more juveniles to be transferred. All states currently have mechanisms to handle juveniles in criminal court (Puzzanchera, 2001).

Torbet, et al. (2000) reported, "The adult criminal justice system presented state policy makers with a ready alternative for handling young adult offenders. The criminal justice system's "toughness" was not open to question. It was this quality – of deterrent, retributive, incapacitating toughness – that the public seemed to be calling for. The policy situation in many states has been to reshape the existing juvenile justice system to conform more closely to the criminal justice system, to blend or hybridize the two to accommodate some "in between" category of offender, or literally to substitute the criminal system in situations in which the juvenile system is believed to be inadequate." Many states have now assigned the label *youthful offender* or *young adult offender* to classify those inmates formerly known as juvenile delinquents.

Austin, et al. (2000) conducted a survey of correctional systems aimed at collecting data on the number and characteristics of young adult offenders incarcerated in state prison systems. They then compared their findings with demographic information about adult offenders. Data collected through the survey included custodial status, offense history, race/ethnicity, age, length of stay, etc. Fifty-four jurisdictions, including all 50 states, three of nineteen jail systems and the District of

Columbia responded to the survey. Eighty-seven percent of the respondents (N=47) reported housing juveniles who were sentenced as adults. Only 17 states and the District of Columbia reported that they maintain separate housing for young adult offenders.

Austin, et al. (2000) analyzed offense data on 4,739 young adult offenders and 1,071,740 adult offenders, with the following results.

Percentage of Offenders Committed by Offense Category		
Offense Category	Adult Offenders	Young Adult Offenders
Offense Against Person	44%	57%
Property Offense	20%	21%
Drug Offenses	20%	10%
Parole Violations	8%	2%
Other	8%	10%
Total	100%	100%

These findings show that young adults had a higher percentage of incarceration for offenses against a person or property while adults were more likely to be committed for drugs or parole violations. In part, this is a function of the way juvenile transfer mechanisms are established, whereby those juveniles transferred are more likely to be violent or persistent offenders.

At the time of this survey, roughly 78 percent of all incarcerated young adult offenders were 17 years old. Eighteen percent of the young adult offenders were 16 years old and the remaining 6 percent of the young adult offenders were between 13 and 15 years old. These young adult offenders were housed primarily in medium or maximum-security facilities.

Torbet, et al. (2000) reported that, “The confinement of large numbers of juveniles in jails and prisons has been one of the most significant and potentially worrisome consequences of the recent round of juvenile justice reforms.” They cited their concerns about the logistical, programming, security and other challenges now being documented. These concerns included: 1) providing educational and state-mandated services to juveniles in the adult criminal corrections system, who may be under the supervision of officials with no experience or expertise in overseeing such services; 2) accommodating accused minors during lengthy periods of pretrial detention in facilities designed neither for young people nor for long stays; and 3) protecting the safety of youth thrown into daily contact with adult inmates.

In his article in *Corrections Today*, Redding (1999) reports that while only about 2 percent of all delinquency cases are transferred to criminal court, it is important to note that a criminal court felony conviction may result in fewer rights and privileges for young adult offenders, including, but not limited to: 1) loss of voting privileges; 2) loss of the opportunity to serve in the military; 3) conviction becomes public record and must be reported on employment applications; and 4) the possibility of receiving the death penalty for capital offenses if over the age of 16 at the time of the offense. Redding goes on to state “unfortunately, these consequences may actually increase

recidivism because they limit the extent to which the offender can become successfully reintegrated into community life and because they limit the offender's ability to obtain employment and other life opportunities."

In their research study of juveniles transferred to Florida's criminal court Bishop, et al. (1996) suggested that transfer in Florida has had little deterrent value. While those young adult offenders who were transferred were more likely to be incarcerated and to be incarcerated for longer periods than those who remained in the juvenile justice system, the research indicated that they quickly reoffended at a higher rate than the nontransferred controls, which negated any short-term benefits derived from the incarceration. In their follow-up study, Winner, et al. (1997) confirmed the previous study's conclusion that "transfer was more likely to aggravate recidivism than to stem it."

According to Torbet et al. (1996), several issues regarding secure programming for young adult offenders have emerged: 1) Turf issues – practitioners within the juvenile justice system feel that they could have provided similar, if not better services to this population if they had received the necessary resources; 2) Funding/capacity issues – states that built 300-500 bed facilities are finding that they have not come close to having that number of young adult offenders sentenced to the criminal justice system; and 3) Programming issues – adult corrections departments have had to develop educational, vocational and treatment programs for a population that is very different from the offenders that their treatment systems were designed to handle.

Another issue that is often overlooked is the safety of the young adult offender while incarcerated in adult facilities. The *Building Blocks for Youth: Children in Adult Jails Fact Sheet* (2001) discusses abuse of young adult offenders incarcerated with adults. The fact sheet states "Research demonstrates that children in adult institutions are five times as likely to be sexually assaulted, twice as likely to be beaten by staff, 50 percent more likely to be attacked with a weapon and eight times more likely to commit suicide compared to delinquents confined in juvenile facilities."

In response to concerns about the criminal justice system's response to the transfer of juvenile offenders, Austin et al. (2000) made several policy recommendations to the Bureau of Justice Assistance to consider targeting technical assistance to staff and administrators who supervise young adult offenders in adult facilities. These policy recommendations include: 1) Ensure that classification instruments used for this population are specialized to consider their maturity levels and any special needs; 2) Train staff to manage a younger, more energetic, and more impulsive young adult offender, as well as heighten awareness of the potential for victimization of the young adult offender; 3) Create specialized programs addressing the needs of these young adult offenders, including educational, vocational, sex offender, and substance abuse programs; 4) Adhere to federally mandated obligations to provide both regular and special education to young adult offenders incarcerated in adult facilities; and 5) Develop incentives for program participation that are age and offense appropriate.

In sum, the body of research that does exist on the effects of juvenile transfer indicates that it does not have a positive impact on young adult offender recidivism. In reaction to current policy and

laws, young adult offenders will continue to be transferred to the adult system. The adult criminal justice system must accommodate the varying needs of this population. By evaluating new and existing specialized programs, the adult criminal justice system will be better equipped to make changes and improvements in current programming and treatment efforts, and to inform policy.

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DETERRENCE AND "SCARED STRAIGHT" PROGRAMS

by
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There is a growing consensus among researchers regarding “What Works” in corrections and criminal justice programming. The most effective programs are intensive (occupying a significant portion of an offender’s day), last for three to twelve months and directly target criminally dysfunctional thinking and behavior. In general, less effective programs are those that are brief or low intensity, that are targeted to general emotional states that may have little to do with criminality and that do not attempt to pattern socially acceptable thinking and behavior. These findings about effective correctional treatment programs were codified most forcefully in the comprehensive 1997 report to Congress by the National Institute of Justice titled *Preventing Crime: What Works, What Doesn’t, What’s Promising* (Sherman, et al, 1997).

Deterrence is one broad approach to correcting criminal behavior. This involves the use of sanctions and threats to dissuade at-risk individuals from criminal activity. There is little or no evidence in any of the literature that deterrence alone has any sort of an impact on criminal behavior. Among the deterrence-based criminal justice interventions found to be especially *ineffective* at preventing or reducing criminal behavior are the popular “Scared Straight” programs, which bring at-risk youth into contact with hardened inmates in a prison setting. The object of these programs is to frighten the youth away from more serious criminal activity by showing them the fate that might await them behind bars. The programs are frequently confrontational, with the inmates yelling, cursing at and threatening the youth with physical and/or sexual violence if they are ever committed to prison. More recent approaches to Scared Straight have been less abrasive and more educational in nature, but the underlying premise is the same – to put the proverbial “fear of God” into the youth. In whatever guise, these programs typically offer only a few hours of vague, non-directive intervention to the at-risk youth, with little or no follow-up.

These programs, while less prevalent than in their heyday in the 1980’s, remain in use. They resonate with the ever-popular “get tough” approach to crime. Anecdotal success stories abound. Unfortunately, one is hard pressed to find *a single shred of empirical evidence* to support a conclusion that they have any sort of positive impact on at-risk youth. The consensus here is really overwhelming.

In their report to Congress, Sherman et al (1997) review existing evaluations and meta-analyses of Scared Straight programs nationwide (such as Lipsey, 1992). Sherman and his colleagues conclude that these programs are in no way effective at preventing future criminal activity by at-risk youth. Indeed, they find that youth in some programs have shown *higher* levels of subsequent criminality than similar youth who did not receive Scared Straight. These programs may actually model and reinforce the very anti-social attitudes and behaviors they purport to deter. Due to the strength and consistency of these findings, the authors recommend to Congress that these sorts of programs not be funded or supported on any level.

In a more recent publication, James Finckenauer and his colleagues have reported on an extended review of Scared Straight programs (Petrosino, Turpin-Petrosino and Finckenauer, 2000). Finckenauer has researched these programs for over twenty years, and has produced some of the seminal literature on the topic (Finckenauer, 1982; Finckenauer and Gavin, 1999). In the extended review of Scared Straight, Finckenauer and his colleagues synthesized the evaluations of nine prominent Scared Straight-type programs nationwide. These nine programs varied from basic educational and prison tour approaches to direct confrontation and verbal abuse from inmates. It is worth noting that these nine studies all involved *random assignment* of youth to Scared Straight and control conditions. Random assignment to treatment and control conditions typically produces very sound findings.

This review found that only one of these nine studies reported results that might be considered positive for the Scared Straight model. Court referral rates for youths who participated in a confrontation program in Virginia in the early 1980's were slightly lower than for a control group. The other eight studies reviewed showed either no difference between the Scared Straight and the control groups, or found even higher failure rates for the Scared Straight groups. For example, the evaluation of a program in New Jersey (the site of the original Scared Straight) found that the at-risk and delinquent youth who participated in the Scared Straight program had a re-offense rate that was *thirty percentage points higher* than for the control group. Moreover, the youth in the Scared Straight group re-offended for more serious crimes than did the control group youth. This pattern of more serious re-offending by Scared Straight participants was also found in some of the other studies.

The authors offer several explanations for why the youth exposed to Scared Straight seem to be offending more frequently, and more seriously, than do the youth in the control groups. The youth who participate in the programs may already be sensitized to what these programs are attempting to accomplish, and thus may "see through" them. The youth may also have personal experience with detention facilities, and may have many criminal associates and role models as a source of competing information and persuasion (indeed, some youth have even known some of the inmates they encountered in these programs). Most importantly, the youth may take away entirely the wrong message from their exposure to adult prison. They may actually be influenced by the anti-social attitudes of the offenders, or may see them and their previous criminal activities as socially desirable; they may wish to become like the offenders who are ostensibly trying to steer them away from crime. The authors point out that the approach offered in Scared Straight actually flies squarely in the face of what is known about juvenile psychology and how young people respond to the messages and social cues found in deterrence interventions. The findings were so strong that the authors felt compelled to characterize Scared Straight as "One of the most egregious examples in the history of potentially harmful justice programs".

In sum, there is absolutely no theoretical or empirical evidence that the deterrence and shock-based intervention offered in these programs has any relationship to factors that will lead youth away

from crime, such as problem solving, thinking and decision-making skills, social associations or anti-social attitudes and cognitions. Indeed, these programs may encourage, model and glamorize the very behaviors and lifestyles they are intended to combat. There are relatively few cases in program evaluation research where the evidence for or against a program type is definitive. This appears to be such a case.

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