Reacting to public concern over violent juvenile crime, State legislatures have enacted punitive laws that are altering the legal response to serious juvenile crime and changing our juvenile justice system. Federal legislation will also affect the future direction of the juvenile justice system.

**Changing State and Local Legislation**

This workshop began with an overview of an OJJDP-funded effort by the National Center for Juvenile Justice to analyze laws enacted during the 1992–1995 legislative sessions that responded to serious juvenile crime. Common threads in the fabric of changing practices were noted in five critical areas: jurisdictional authority, sentencing, correctional programming, information sharing, and victim involvement. The direction of these changes represents a reaction to the serious nature of juvenile crime and constitutes a fundamental shift in juvenile justice philosophy from dispositions focused primarily on the offender's best interests to sanctions designed to hold offenders accountable for their crimes.

The new laws encompass a wide range of approaches to address public fear and concern. Although some States appear to have adopted a balanced approach that includes protecting the public, restoring the community, and enhancing the offender's ability to function as a law-abiding, contributing member of society, many others have moved to a clear-cut punishment theme. In both instances, States are incarcerating more juvenile offenders for longer periods and redefining more of them as adults. It is not clear, however, that punishment is more certain, more proportionate, longer, or more effective in the adult system for the entire population of juveniles being transferred. The significant policy issues over what to do about serious and violent juvenile offenders need to be debated with the best outcome information available. The impact and consequences of such far-reaching changes in law and practice require that States study their actions.

In 1994, several States held special sessions to address juvenile crime. A representative from the National Conference of State Legislatures reviewed the work of legislatures in special sessions in six States. Some recurring themes were identified in the work of these special sessions, including a perception that the system is not working, a desire to hold offenders accountable, and a belief in the need for a combination of interventions to prevent juvenile crime and the imposition of sanctions to punish violent offenders.

A delegate to the Maryland State legislature provided an insider's view of the way in which a State legislature works. The ability of State legislatures to bring about effective, forward-looking reform in the juvenile justice system is circumscribed to some extent by certain characteristics of the legislative process. The delegate described the process as one that:
- Emphasizes a consensus-based approach.
- Is impeded by high turnover among legislators.
- Lacks adequate time and information.
- Is often dominated by powerful personalities.
- Responds to perceptions of what voters want.
- Works on 30-, 60-, and 90-day deadlines.
- Is driven more by philosophy, emotion, and even anecdotes than by analysis.
- Is more apt to yield short-term fixes than long-term solutions.


Federal Juvenile Justice Legislation

The 104th Congress did not pass any legislation specifically affecting juvenile justice although it spent considerable time working on proposals for reauthorization of OJJDP. The most important legislation enacted in the 104th Congress in terms of potential impact on juvenile justice was welfare reform.

The Deputy Assistant Secretary of Planning and Evaluation for Human Services Policy, U.S. Department of Health and Human Services, discussed the policy implications of welfare reform as it relates to juvenile justice. The Personal Responsibility and Work Opportunities Act ("welfare reform") includes several provisions that are relevant to the juvenile justice system. Issues such as public assistance, child care, foster care, medical care, employment, teen pregnancy, domestic violence, child abuse and neglect, homelessness, immigration, and delinquency and other high-risk behaviors can all have an impact on the direction a child takes in life. Many of these issues need to be addressed from a variety of interrelated perspectives, such as those of the juvenile justice system, the child welfare system, the probation system, schools, police departments, and parks and recreation agencies. For example, the U.S. Departments of Justice and Health and Human Services are working closely with each other and with States, local communities, and other advocates to develop technical assistance, research priorities, and strategies to help States address the domestic violence provisions of the new law.

Other welfare reform provisions with potential implications for the juvenile justice system are the restrictions on benefits to legal immigrants, which could affect numerous children, and the requirements for teenagers to stay in school and for teen parents to live at home or in supervised settings. Also, the Temporary Assistance for Needy Families Block Grant and the
Child Care Development Block Grant, which replace and consolidate previous programs, include time and funding constraints that may place more children and families at risk.

The Executive Director of the National Assembly on Youth looked at juvenile justice policy from a historical perspective. It was noted that the Federal Government's initial foray into juvenile justice matters occurred during the Kennedy Administration. More than 10 years later, in 1974, Congress passed the Juvenile Justice and Delinquency Prevention (JJDP) Act, which retained categorical discretionary programs established under the earlier Law Enforcement Assistance Act.

The JJDP Act was described as unique in several ways:

- It empowered States and local jurisdictions to conduct comprehensive planning.
- It fostered the continuation of a bipartisan spirit.
- It led to a significant decrease in secure confinement of nonoffenders and status offenders.

In discussing the upcoming reauthorization of the JJDP Act, the Counselor to the Attorney General for Youth Violence suggested the following roles for Federal involvement in juvenile justice matters:

- Gathering information on promising approaches, research, and program evaluations.
- Providing information, training, and technical assistance.
- Using a systems approach to provide funds to local jurisdictions for demonstration and startup.
- Providing leadership and facilitating community action in prevention.
- Prosecuting some of the most serious and violent juvenile offenders, violent gangs, and organized drug traffickers.

This presenter said that it is important for the juvenile justice community to frame its argument on behalf of prevention funding in terms of public safety. He also recommended setting aside a percentage of all prevention funds to be used for evaluation.

**Responses of Three States to New Juvenile Justice Legislation**

A representative from the Florida Department of Juvenile Justice described legislative reforms that prevent delinquency and hold juveniles accountable for their offenses. Since the mid-1990's, Florida has appropriated more than $600 million to increase the number of beds available for delinquency, alcohol, drug, and mental health placement and to reinforce the development of the juvenile justice continuum.

The Commissioner of the Massachusetts Department of Youth Services (DYS) detailed steps the Department has taken to collaborate with courts and probation, district attorneys and
police, schools, and social and mental health services to mount a comprehensive response to juvenile crime. The DYS response was developed as part of an OJJDP national demonstration designed to intervene with serious, violent, and chronic juvenile offenders. The Massachusetts project involves court and educational assessment, community service and restitution, and intensive tracking and family intervention.

The Director of the Oregon Youth Authority (OYA) described major reforms enacted in 1995 that established OYA; set the purpose of juvenile justice as public safety, offender accountability, and reformation; and created a four-tier graduated sanction system consisting of secure facilities, camps, regional residential academies, and community programs.

Juveniles in Criminal Court: A Better Answer?

This workshop opened with a presentation on statutory changes over the past 25 years that affect the way States currently transfer juveniles to criminal court. The speaker mapped the number of States in 1995 that have provisions for judicial waiver, legislative exclusion, and prosecutorial discretion. She provided national trend data showing the 71-percent increase in the use of judicial waiver over the past 10 years and the changing nature of offenses being transferred to criminal court by juvenile court judges. She also described the National Center for Juvenile Justice study funded by OJJDP that is analyzing the transfer process in Arizona, Pennsylvania, South Carolina, and Utah and the outcomes in those jurisdictions and a study that combines results from the four State studies.

The director of the Center for Violence Research and Prevention discussed findings from his National Institute of Justice research on the comparative impact of juvenile and criminal court sanctions on adolescent felony offenders ages 15 to 16 arrested for burglary and robbery in the early and mid-1980's in counties in New Jersey and New York. He hypothesized that the reasons for higher recidivism among youth handled in the adult criminal system were:

- Lack of normal socialization by noncriminal peers and family during the period of incarceration.
- Victimization and criminalization in prison.
- Subsequent barriers to employment due to a felony record.

The speaker also briefly described a newly funded OJJDP study that will replicate and expand upon his earlier study. The new study will collect a larger sample of cases, including aggravated assault cases, and will attempt to collect more detailed information on the offender's specific role in the offense, nature of injury to the victim, and use of weapons or drugs in the crime itself.

A presenter from the Department of Criminal Justice, University of Central Florida, discussed new findings from a recent update of earlier recidivism analyses comparing juvenile and criminal court processing. Study results suggest that transfer in Florida has had little deterrent value and has not produced any benefits that enhance public safety. The speaker described a new transfer study being conducted by the Florida Juvenile Justice Advisory Board, including
the research questions that will be answered and the value of these answers in helping legislators better understand the impact of legislative changes. She also highlighted plans to interview prosecutors, judges, and transferred juveniles to gain a better understanding of the decisionmaking process and the impact on offenders sentenced under both systems.

**Restorative Justice From Probation to Reintegration**

The workshop heard definitions of the concepts of "restorative justice" and "balanced approach" -- the latter focusing on offender accountability to victim and community, community safety, and offender competency to pursue legitimate endeavors. A presenter from Florida Atlantic University also described the work of the OJJDP-supported Balanced and Restorative Justice (BARJ) Project, which provides training and technical assistance throughout the country, on both the local and statewide level, to help juvenile justice practitioners implement the BARJ model.

The Chief Probation Officer, Quincy (MA) District Court, reviewed efforts to include balanced and restorative justice goals in State juvenile codes. He also noted changes in probation resulting from the recognition that both the victim and the offender should be regarded as clients of the juvenile justice system. About a dozen States have embraced the BARJ model in one form or another, and another dozen States are considering implementation of the model.

A presenter from the Institute for Policy Studies at Johns Hopkins University discussed OJJDP-supported initiatives to enhance aftercare programming and the importance of emphasizing aftercare throughout the process of juvenile justice intervention, not simply on the juvenile's release from confinement. The overall goal of the OJJDP-funded intensive aftercare model is to identify and assist high-risk juvenile offenders assist them in making a gradual and successful transition from secure confinement back into the community. The theory-driven Intensive Aftercare Program (IAP) model can be viewed as having three distinct, yet overlapping strategic components: (1) prerelease and preparatory planning activities during incarceration, (2) structured transitioning involving the participation of institutional and aftercare staffs both prior to and following community reentry, and (3) long-term reintegrative activities to ensure adequate service delivery and the required level of social control.

The IAP model is currently being implemented in four jurisdictions (Camden/Newark, NJ; Denver, CO; Las Vegas, NV; and Norfolk, VA). This implementation is also being independently evaluated, with final results expected in late 1998 or early 1999.

**Innovative Initiatives of the U.S. Attorneys on Gangs, Guns, and Drugs**

The First Assistant U.S. Attorney, Minnesota, described the role of the law enforcement coordinator housed in every U.S. Attorney's office to assist with special projects concerning community, police, and school issues. His office produced an antimethamphetamine videotape for use in high schools, is developing a hate crime curriculum, and operates an adopt-a-classroom program that offers a teen court with a conflict resolution and mediation component.
Rhode Island's First Assistant U.S. Attorney reported on efforts to target the State's largest gang, the Latin Kings. His office worked with such innovative partners as the U.S. Department of Housing and Urban Development (HUD), which provided houses for surveillance and safe houses, and the Bureau of Prisons, which allowed the U.S. Attorney's staff to interview new admissions. "Operation Checkmate" eventually included the U.S. Attorney's office; the Federal Bureau of Investigation (FBI); the Bureau of Alcohol, Tobacco and Firearms (BATF); HUD; the National Guard; and local police. Working together, they broke the gang apart by charging members under the Racketeer Influenced and Corrupt Organizations (RICO) Act.

The U.S. Attorney for the western district of Tennessee spoke about the willingness of the U.S. Attorney's office to become involved in collaborative efforts in the community. In 1995, she headed a task force that targeted youth and handguns. Participating members included the FBI, BATF, juvenile court, local schools, and law enforcement. The task force implemented a project in which all juveniles arrested for an offense involving a gun were interviewed to determine who had sold them the guns. Adults who distributed guns illegally were prosecuted.