Envisioning a Juvenile Justice System that Supports Positive Youth Development

James M. Frabutt
Kristen L. Di Luca
Kelly N. Graves

Follow this and additional works at: http://scholarship.law.nd.edu/ndjlepp

Recommended Citation
Available at: http://scholarship.law.nd.edu/ndjlepp/vol22/iss1/4

This Speech is brought to you for free and open access by the Notre Dame Journal of Law, Ethics & Public Policy at NDLScholarship. It has been accepted for inclusion in Notre Dame Journal of Law, Ethics & Public Policy by an authorized administrator of NDLScholarship. For more information, please contact lawdr@nd.edu.
ENVISIONING A JUVENILE JUSTICE SYSTEM THAT SUPPORTS POSITIVE YOUTH DEVELOPMENT†

JAMES M. FRABUTT*
KRISTEN L. DI LUCA**
KELLY N. GRAVES***

INTRODUCTION

Is it possible to envision a juvenile justice system in this country that seeks to uphold and protect community safety but also offers youth an opportunity for change, restitution, and rehabilitation? Should we envision such a possibility? And, would we even be satisfied with it if it came to fruition? We believe that we can and should. Moreover, we are not alone in advocating for a significant paradigm shift in re-framing the role and function of the American juvenile justice system. Numerous child advocates, scholars, and practitioners have issued a clarion call for an integrated system that meets youths' needs with a system of services and support wholly focused on helping them become sta-

† On November 7, 2007, the Notre Dame Journal of Law, Ethics & Public Policy hosted a panel discussion entitled, "Lost Innocence: Hope and Punishment in the Juvenile Justice System." Dr. Frabutt's remarks have been revised and incorporated into this article.

* Faculty member in the Alliance for Catholic Education Leadership Program and Concurrent Associate Professor of Psychology at the University of Notre Dame; B.A., Psychology, University of Notre Dame; M.A. & Ph.D., Human Development and Family Studies, University of North Carolina at Greensboro.

** Research Associate and Evaluation Manager for the Center for Youth, Family, and Community Partnerships at the University of North Carolina at Greensboro; B.A., Psychology, Humboldt State University. Mrs. Di Luca serves as a research partner for the Middle District of North Carolina Project Safe Neighborhoods initiatives, a data-driven strategy to reduce gun- and gang-related violence in eight city- and county-wide collaboratives in the District.

*** Associate Director of the Center for Youth, Family, and Community Partnerships at the University of North Carolina at Greensboro; B.A., Psychology, Virginia Polytechnic Institute; M.A., Psychology, Wake Forest University; Ph.D., Psychology, University of North Carolina at Greensboro.
ble, competent adults. This article reaffirms the case for a positive youth development orientation in the juvenile justice system. The juvenile system of North Carolina is used as a frame of reference to describe several leverage points for building a justice system that makes such an approach a reality:

- engaging a system-wide focus and commitment to treatment, rehabilitation, and restoration;
- proactively addressing the mental-health issues of court-involved youth;
- granting specialized attention to the facility-to-community transition process for incarcerated youth;
- investing fiscal, social, and human capital in the power of prevention, relying on a network of evidence-based, cost-effective, community-based programs.

I. LINKING POSITIVE YOUTH DEVELOPMENT WITH JUVENILE JUSTICE

Positive youth development, an approach that gained significant traction beginning in the 1990s, upholds the notion that youth are one of our most significant assets. And like all assets that one cherishes, youth as a whole must be developed, protected, cultivated, and secured. More than just a series of programs or interventions, positive youth development "is a new philosophical foundation for youth services that views youth as resources rather than only the recipients of services, and also seeks to involve youth actively in the programs and activities designed to benefit them." Butts, Mayer, and Ruth described positive youth development as an "alternative to viewing adolescent development through the lens of problems and deficits." Instead, positive youth development focuses on strengthening protection in youths' lives while simultaneously reducing risk.


2. For an overview on positive youth development, see THE YOUTH DEVELOPMENT HANDBOOK, supra note 1; TRENDS IN YOUTH DEVELOPMENT (Peter L. Benson & Karen Johnson Pittman eds., 2001).


4. Butts et al., supra note 1, at 4.
The notion is to move beyond simple risk avoidance—for that will never be enough to ensure well-being—and capitalize on building resilience through competency development.\(^5\) This notion stands in contrast to traditional approaches: "While service programs based on deficit or ‘medical model’ assumptions have come to dominate the youth policy landscape, most people become conventional adults as they gain experience in responsible institutional roles at work, in the family, and through key community networks."\(^6\) Therefore, it is imperative to cultivate youth competencies across cognitive, social, moral, emotional, and behavioral domains such as interpersonal social skills, positive identity development, academic competency, personal contentment, and social engagement.

Several emergent frameworks encapsulating the processes of positive youth development exist. Villarruel and colleagues have outlined the Community Youth Development Model.\(^7\) Their conceptualization is important because it underscores the role of the community and the importance of community institutions to foster opportunities for youth engagement. The Search Institute has developed another well-known approach focused on forty developmental assets.\(^8\) External assets are the positive experiences received from peers, adults, parents, and social/educational settings. These assets are focused on support and empowerment, boundaries and expectations, and constructive use of time. Internal assets are the characteristics possessed by individual youth that elicit positive growth and development. These assets are focused on positive values, social competencies, and commitment to learning. A model developed by Lerner and colleagues is a third integrative approach to positive youth development that emphasizes youth-environment interactions and highlights attributes among youth known as the five Cs—competence, confidence, connection, caring, and character.\(^9\)


6. Bazemore & Terry, supra note 1, at 666.


All these frameworks have several elements in common: a reliance on youth strengths instead of deficits; clear acknowledgment that youth are shaped by (and have the ability to shape) multiple social contexts beyond their family (schools, neighborhood organizations, churches, and social programs); and an understanding that youth pro-social development is greatly fostered through high-quality relationships with caring adults. With that array of convictions in place, isn't it time to more fully integrate the tenets of positive youth development with juvenile justice? As Schwartz noted, "embracing the principles of [positive youth development] remains our best hope for creating a future that welcomes the majority of our children."¹⁰

II. FOCUSING ON TREATMENT

The first leverage point for embracing a positive youth development approach is to create a juvenile justice system that is essentially focused on treatment and rehabilitation. Although true to its roots and firmly planted in the bedrock of the American system of juvenile justice, rehabilitation has not always been embraced as a guiding mantra. In fact, when the history of the juvenile justice system in this country is reviewed, one observes dramatic shifts of the pendulum from punishment to rehabilitation.¹¹ Not surprisingly, some of these pendulum swings often coincide with election cycles. In the not-too-distant past, for example, in various states across the country, policymakers and leaders in the corrections field felt that "nothing works" in terms of correctional treatment,¹² so there was a subsequent movement away from rehabilitation and a focus on being "tough on crime." There was a "lock 'em up" mentality, in which out of sight meant out of mind; treatment efforts languished while punishments and sanctions reigned. However, offenders almost always go back to the families, neighborhoods, and communities from which they came, and if their mindset is not changed while incarcerated, the criminal cycle simply begins again. This is particularly disheartening in light of the fact that the corrections community is well aware of several approaches that do work, especially

¹⁰ Schwartz, supra note 1, at 372.
¹¹ See Schwartz, supra note 1, at 355–60.
¹² See James C. Howell, Youth Violence and Juvenile Justice 20 (1997) (discussing the "Just Deserts" reform movement); Panel on Research on Rehabilitative Techniques, Nat’l Research Council, The Rehabilitation of Criminal Offenders 88 (Lee Sechrest et al. eds., 1979) (taking the position that contemporary rehabilitative techniques are limited, if not altogether ineffective, and require more study and innovation).
for juvenile offenders, and they all fall broadly under the category of treatment and rehabilitation.\textsuperscript{13}

One example from a system that is equally focused on public safety and youth rehabilitation can be observed in new approaches to secure confinement in North Carolina. A movement toward juvenile justice reform in North Carolina began in earnest during the 1990s with changes to the state juvenile code. In 2000, then-Governor Jim Hunt created a cabinet-level department to carry forth the new code, entrusted to the new Department of Juvenile Justice and Delinquency Prevention (DJJDP). Since that time, North Carolina has completely revamped its approach to juvenile prisons in the state. These facilities—called Youth Development Centers (YDCs)—used to be large institutional facilities much like adult prisons. In response to H1414- Sec. 16.3, the DJJDP recommended that small, community-connected facilities replace YDCs. Originally there were only five such facilities to serve the entire state; new plans called for the construction of thirteen smaller, more geographically dispersed facilities. With the backing of the state legislature, the DJJDP adopted a new model featuring YDCs that are markedly different on several levels: size, design, campus layout, schedule, staffing patterns, and an array of on-site services and supports.\textsuperscript{14} All of those changes were conceived with one goal in mind: creating a therapeutic environment to break the cycle of criminal offenses.\textsuperscript{15}

More than just a buzzword or the latest fad, creating a "therapeutic environment" represents a paradigm shift in treating youthful offenders. To cast a therapeutic environment in a state’s most secure facilities, reserved for the most challenging juvenile offenders, requires a commitment that transcends environmental space, resources, and time allocation. As described by the DJJDP, "The environment is the treatment; therefore, every part of every

\textsuperscript{13} See Clive R. Hollin, Treatment Programs for Offenders: Meta-Analysis, "What Works," and Beyond, 22 INT’L J.L. & PSYCHIATRY 361 (1999) (describing meta-analysis methods to provide data on rehabilitation programs that work); Mark Lipsey & David B. Wilson, Effective Intervention for Serious Juvenile Offenders: A Synthesis of Longitudinal Research, in SERIOUS & VIOLENT JUVENILE OFFENDERS 313 (Rolf Loeber & David P. Farrington eds., 1998) (utilizing meta-analysis to identify and evaluate the effectiveness of intervention for serious juvenile offenders).


day is planned and implemented to support treatment and development.” The prevailing notion is that every staff member, every interaction, every activity that transpires within the YDC is an agent of change. Focused therapeutic interactions, coupled with educational, clinical, health, and other services should thereby comprise a majority of youths’ in-facility time, up to 80%. Key elements of the therapeutic approach in practice are outlined below.

- Youth receive thorough assessment of strengths and needs at intake. Prior to entering a YDC, each youth spends time at the Assessment and Treatment Planning Center to derive an individualized service plan. Each youth thus arrives at the YDC with clearly articulated goals, recommended strategies and interventions to reach those goals, and guidelines to monitor progress.

- There is a four-to-one staffing ratio within the YDC. Building on the notion that adult role models serve as the basis of positive, pro-social interactions, youth have the opportunity to develop deeper, more constant relationships with staff members. Through regular, consistent, one-on-one interactions, staff uphold high expectations for youth along with support and firmness to reach them. Interactions with every staff member in the building are possible teachable moments, predicated on the rationale that modifying youths’ thinking is what ultimately changes their behavior.

- Since youth admitted to YDCs are, on average, three to four grade levels behind their peers in reading and mathematics, the educational needs of the juveniles are addressed through developmentally appropriate approaches to instruction. This may include differentiated instruction, integrative education, and an interdisciplinary studies curriculum. On any given day, youth will spend seven hours in a structured, school-like instructional environment.


• Every youth in a YDC receives intensive services such as counseling, therapy, and instruction in critical life skills. Depending on the needed services outlined in their individualized plan, youth may receive treatment for substance abuse, serious emotional disturbance, and/or sexual behavior problems. Intensive case management supports the proper array of programming to ensure efficacy.

• YDCs are purposely being built in closer proximity to the population centers that have typically had the most youth in treatment. More community connectedness means that the facilities are open to parent and family involvement in the rehabilitation process. This may take the form of parenting groups, family therapy, and programs to enhance family communication and discipline practices. Caregivers are encouraged to commit to ongoing involvement in their child’s treatment through regular visits, participation in service team meetings, and frequent phone contact with staff.

• Planning for release from the YDC begins on the day that a youth arrives there. That is, community reintegration is not viewed as a discrete, culminating event. Instead, progress toward goals is monitored all along with an eye toward the transition from secure confinement to one’s home community. Advance planning is crucial to making sure that necessary services and supports are in place in the designated discharge environment.

The full theoretical framework and slate of treatment options is more extensive than elaborated upon here. In addition to the highlighted points, the YDC programming continuum provides health services, a recreation program, gender-specific programming for females, and a commitment to delivering services in a way that is culturally competent. While the coverage here of North Carolina’s emerging model of secure facilities for juveniles is not exhaustive, the central point should be clear: the YDC staff commits on a daily basis to reduce the risk factors in a child’s life and to build on the protective factors that will keep that child crime-free for the long-term.

III. Juvenile Offending and Mental Health

A second major leverage point is to acknowledge the important nexus between juvenile offending and mental health and substance abuse issues. Researchers have documented that between 40 and 90% of children and adolescents involved in the
juvenile justice system also suffer from a mental illness compared to 18–22% of the general youth population.\textsuperscript{19} Additionally, as many as 50% of offending children have co-occurring substance use problems.\textsuperscript{20} One study indicated that two-thirds of juvenile detainees in the baseline sample had one or more alcohol, drug, and/or mental disorders.\textsuperscript{21} In fact, the vast majority of youth in the juvenile justice system have multiple mental health diagnoses—with one large multi-state, multi-system study reporting that 60% of youth had three or more co-occurring mental health diagnoses.\textsuperscript{22} Given the astounding prevalence of mental health issues, it is likely that children’s mental health and substance abuse problems play major roles in their offending behaviors.

In terms of specific mental health diagnoses, disruptive behavior disorders such as conduct disorders are often the first disorders to be diagnosed.\textsuperscript{23} However, other more “hidden” disorders also are common. Cauffman and Grisso reported that while anxiety disorders impact 3–13% of the general youth population, they might impact about 6–41% of the juvenile justice population.\textsuperscript{24} Other estimates indicate that 84–94% of juvenile offenders reported a history of trauma, with girls being more likely to meet criteria for post-traumatic stress disorder (PTSD) than boys.\textsuperscript{25} A history of trauma increases the risk of arrest by 59% and of committing a violent crime by 30%.\textsuperscript{26} The mental health consequences of trauma among girls may explain why the violent crime index has increased 25% for girls between 1992


\textsuperscript{22} Kathleen R. Skowyra & Joseph J. Cocozza, Nat'l Ctr. for Mental Health & Juvenile Justice, Blueprint for Change 3 (2007).

\textsuperscript{23} See id. at 128.

\textsuperscript{24} Elizabeth Cauffman & Thomas Grisso, \textit{Mental Health Issues Among Minority Offenders in the Juvenile Justice System, in Our Children, Their Children} 390, 398 (Darnell F. Hawkins & Kimberly Kempf-Leonard eds., 2005).

\textsuperscript{25} Karen A. Abram et al., \textit{Posttraumatic Stress Disorder and Trauma in Youth in Juvenile Detention}, 61 Archives Gen. Psychiatry 405, 405–06, 408 (2004).

and 1996, although there were no increases for boys. Exposure to trauma also increases the risk of substance use, which may explain the increase in arrests for drug abuse violations among adolescent females. With these gender differences and the unique precursors to violence among girls, juvenile justice programs should be cognizant that trauma-sensitive and gender-specific treatment models are needed to prevent future offending behaviors.

According to the National Mental Health Association, few of the youth entering the juvenile justice system receive adequate screening, assessment, or treatment. Unfortunately, despite the substantially higher rates of mental health disorders among these youth, services and approaches are fraught with barriers including inadequate assessment, fragmentation, and deficit-based intervention. To address this issue, professionals are charged with conducting comprehensive and strengths-based assessments that include mental health symptoms. Strengths-based assessments are important because, historically, youth-serving agencies have utilized a deficit-based model, where attention was largely devoted to the deficits and problems regarding the child and family. However, Barnard posited that using such paradigms results in a failure to capitalize on available resources that can be considered tools for change. That is, if a deficit-based paradigm is utilized, deficits will be the highlight of both assessment and treatment, preventing the recognition and utilization of strengths. In contrast, strengths-based paradigms shift the focus away from deficits by devoting attention to the strengths and resources within the child and family, and then incorporate those strengths into treatment planning.

Within strengths-based assessment, it is important to espouse an ecological approach to obtain a comprehensive picture of youth and their surroundings. These ecological factors can

28. Id.
31. See MacKinnon-Lewis et al., supra note 20, at 353.
include person-level factors (e.g., anxiety, depression, inattention, trauma history), family-level factors (e.g., caregiver strain, history of parental violence), and school-level factors (e.g., attendance, academic performance, extracurricular activities). Given that serious offenders often have complex needs, it is imperative that professionals understand youth behavior in context rather than as isolated incidents if we are to successfully intervene. Failure to do so raises the question: Are we incarcerating youth not because of their crimes, but because of our failure to address the possible mental health antecedents of their offending behavior?

During ethnographic interviews completed in North Carolina, one mother confided that she committed her child to the juvenile justice system so that she could get the appropriate mental health services for him. Others have noted this “back door” approach to receiving necessary mental health treatment: “In states where mental health services are scarce, youth who need treatment may enter the juvenile justice system because that is the only place they can receive treatment.” In many cases, some parents are forced to give up their parental rights to allow their troubled children to receive mental health services. Data from the “Pathways to Desistance” study conducted through the MacArthur Network on Adolescent Development and Juvenile Justice have supported this claim, with those who were institutionalized in state-run facilities being more likely to receive services than youth who were based in the community and receiving services from contracted residential providers. Clearly, there is a need for greater identification and provision of mental

---

34. For a full review of these factors, see Kelly N. Graves, James M. Frabutt & Terri L. Shelton, Factors Associated with Mental Health and Juvenile Justice Involvement Among Children with Severe Emotional Disturbance, 5 YOUTH VIOLENCE & JUV. JUST. 147 (2007).


ENVISIONING A JUVENILE JUSTICE SYSTEM

health services, as well as greater system-wide collaboration. Such efforts are in line with recent recommendations advocating for cross-system service planning in which juvenile justice personnel can participate in mental-health treatment planning through the creation of child and family teams, and mental-health staff can be housed within juvenile justice facilities. 39

IV. ADDRESSING THE PROCESS OF OFFENDER REENTRY

The third major leverage point is to address the critical transition phase known as offender reentry. "Reentry refers to the process and experience of reentering society after a term of incarceration." 40 It is the term given to the facility-to-community transition experiences of offenders. The federal government recently responded to the scope and importance of the reentry issue by providing nearly $100 million to states through the Serious and Violent Offender Reentry Initiative. 41 But why is reentry such a critical juncture in the cycle of offending? Reentry is a serious public health issue because the return of high-risk offenders to the community has been a significant source of violent crime in the U.S. 42

In 2006, over 650,000 prisoners were released to home communities across the country. Over twelve million adults were released from local jails. The majority of adults released are not on any formal supervision, leaving them on their own to navigate a successful transition back into a community that is often not equipped to meet their needs. 43 These adults are faced with multiple barriers including limited access to housing, education, job training, employment, mental health and substance abuse treatment, and family and social support networks. They often reenter society in a vulnerable state—concerned about how they will negotiate a daily routine in normal society and in fear of fail-

39. Achieving the Promise, supra note 37, at 35–37, 43.
41. For information on and evaluation of the Serious and Violent Offender Reentry Initiative, see the website, Serious and Violent Offender Reentry Initiative Multi-Site Evaluation, https://www.svori-evaluation.org (last visited Mar. 6, 2008).
Roughly two-thirds of released offenders are rearrested and one-half are re-incarcerated within three years of release from prison. The impact on children and families is severe. One-and-a-half million children have a parent in prison. In addition to practical stresses on the family and issues of post-traumatic stress that are often unrecognized and/or untreated, children whose parents have been incarcerated are also more likely to have longer and more serious histories of delinquency than children with parents who have not been incarcerated. Moreover, there is little conflict within criminology research that criminal history is one of the biggest indicators of recidivism. The rate of offending is known to rise as youthful offenders age, then level off, and eventually decline into older age. Therefore, the earlier youth become involved in criminal activity, the more likely they are to follow a pattern of increased criminal activity and increased severity of criminal activity until they reach the "age-crime curve" plateau.

In 2004, there were roughly 200,000 juveniles and young adults (under the age of twenty-four) returning home from juvenile correctional facilities and state or federal prisons. Their needs are much more severe than those of adults because they are compounded by multiple issues. Few of these youth and young adults receive adequate treatment and support during incarceration. Like adults, many have substance abuse, mental health, or physical health problems; several of them have children of their own. Many will return to communities that are marked by high rates of crime, poverty, unemployment, homelessness, and substance abuse. Most return to dysfunctional homes that are similarly blighted.

46. See Vischer & Courtney, supra note 44, at 4.
The impact of prison-like settings on these youth presents challenges and barriers that differ from those on adults because of the developmental physical, emotional, and mental changes associated with their young age; these youth are also often undergoing transitions in the social expectations that correspond with aging from adolescence to adulthood. Many are undereducated and drop out of high school. Most have no independent living experience or life skill training and little or no job experience. These barriers are known to not only hinder successful transition into the community and society but also are known to contribute to the likelihood of continued criminal activity. As U.S. Department of Justice Information Analyst Daryl Fox noted, reducing juvenile recidivism by 4% would prevent 131 assaults, four rapes, and ten murders by juveniles nationwide over a five-year period.

Policy-makers, academics, and practitioners have recommended that juvenile reentry efforts include elevation of the issue of reentry within the juvenile and criminal justice systems, development of reentry programming that takes into account the needs of reentering juveniles and young adults that differ according to their ages, gender, and race/ethnicity, incorporation of community and family based support networks, continued research, and community awareness and education. Community-based comprehensive reentry approaches have been determined as critical to the success of the transition process.

In North Carolina, juveniles released from YDCs recidivate at alarming rates. According to the state-mandated 2001 recidivism study, nearly three-and-a-half years after release from the juvenile system, 88.5% of juveniles received subsequent adult criminal charges. Clearly, any marked reductions in recidivism represent significant efforts toward injury prevention and control. So how does a justice system address the reentry process? North Carolina has addressed the issue by shifting to the notion of a "seamless" transition process. A reentry enhancement pilot program, named CORE, was developed to enhance participants' transitions from YDCs back into their home communities. It was designed to include services such as employment training and placement, education, medical care, housing assistance, and intensive case management. A staff person referred to as a Com-

("[O]ver half of all committed juvenile offenders have at least one family member who served a jail or prison sentence.").

50. *See id.* at 10.
Community Support Coordinator (CSC) assumes a case manager role as youth exit the YDC and continues to engage the family and community in support of that youth. The CSC maintains contact with youth and families for up to two years, assisting youth and families in connecting with the community resources they need to support successful transitions for youthful offenders.

The process of continued case management that exceeds the period of mandated supervision and closely ties together the networks of community support for these youth and families is promising. Preliminary recidivism findings over a three year period indicated that of the forty-four youth who participated in the CORE program, the recidivism rate for all participating youth across the juvenile and adult systems was 36%. An interesting trend was noticeable with regard to the severity of recidivating offenses. Although recidivating youth were charged with multiple recidivating offenses, the nature of their initial recidivating offenses was almost always less severe than that of their commitment offenses. Additionally, the decrease in weapons-related recidivating offenses was notable. The severity of recidivating offenses tended to increase, however, with further offenses over time, indicating the importance of a constant monitoring of these youth that allows for immediate response to any criminal behavior.

Recommendations for replication and future implementation that resulted from the evaluation process included implementing appropriate training for CSCs, standardizing documentation for tracking, formalizing community partner roles and obligations, and implementing clear organizational management of the collaborative partnerships. With these recommendations at the forefront of developing juvenile reentry support programming, successful impacts are attainable, cost-effective, and often require coordination of community-based efforts that are already underway.

V. THE POWER OF PREVENTION

The fourth major leverage point is not a new theme, but it is one that often gets lost in the reactionary, quick-fix mentality that sometimes governs the juvenile justice system: never losing sight of the power of prevention. Unfortunately, “[p]olicymakers typically respond once problems have been identified as needing

fixing, [and] program developers and service providers typically focus on addressing the deficits of a particular population experiencing problems . . . ." That response pattern among social scientists, practitioners, and policymakers must change—truly embracing a prevention oriented philosophy requires a proactive stance, rather than a reactive one.

Juvenile justice systems must commit to maintaining legislative and fiscal support for a continuum of community-based prevention and intervention efforts. Maintaining a system of graduated sanctions ensures that the course of treatment is appropriate to the offense. By design, graduated sanctions progress from the least restrictive environments (e.g., community-based mentoring programs) to the most restrictive environments (e.g., secure confinement for serious, violent, chronic offenders). In the vast majority of juvenile delinquency cases, alternatives to incarceration—family counseling, restitution, mentoring, structured day programs—should take place in the home community of the youth. One way to ensure a broad, community-based continuum of services and placements is to allow prevention and intervention decisions to be made at the local level, but with fiscal support from the state.

North Carolina requires—by statute—that each of its 100 counties creates a Juvenile Crime Prevention Council (JCPC).

---


55. Sweat, supra note 14.


57. The statute reads:

It is the intent of the General Assembly to prevent juveniles who are at risk from becoming delinquent. The primary intent of this Part is to develop community-based alternatives to youth development centers and to provide community-based delinquency and substance abuse prevention strategies and programs. Additionally, it is the intent of the General Assembly to provide noninstitutional dispositional alternatives that will protect the community and the juveniles.

These programs and services shall be planned and organized at the community level and developed in partnership with the State. These planning efforts shall include appropriate representation from local government, local public and private agencies serving juveniles and their families, local business leaders, citizens with an interest in
The purpose of each JCPC is to galvanize local community support and input for creating a range of dispositional alternatives for at-risk and court-involved youth. JCPC membership, appointed by the county Board of Commissioners, must include local law enforcement leaders, judges, child attorneys, faith community members, juvenile court staff, service providers, and interested citizens. Those representatives are charged with the following responsibilities: a) conducting an annual assessment of juvenile risks and needs as well as available community resources; b) determining the scope and array of prevention and intervention services needed; c) developing a written solicitation for providers of those services; d) funding programs and ensuring adherence to program guidelines; and e) evaluating program performance.

youth problems, youth representatives, and others as may be appropriate in a particular community. The planning bodies at the local level shall be the Juvenile Crime Prevention Councils.

N.C. GEN. STAT § 143B-543 (2007).

58. As outlined in the statute:
The County Council shall consist of not more than 26 members and should include, if possible, the following:

(1) The local school superintendent, or that person's designee;
(2) A chief of police in the county;
(3) The local sheriff, or that person's designee;
(4) The district attorney, or that person's designee;
(5) The chief court counselor, or that person's designee;
(6) The director of the area mental health, developmental disabilities, and substance abuse authority, or that person's designee;
(7) The director of the county department of social services, or consolidated human services agency, or that person's designee;
(8) The county manager, or that person's designee;
(9) A substance abuse professional;
(10) A member of the faith community;
(11) A county commissioner;
(12) Two persons under the age of 18 years, one of whom is a member of the State Youth Council;
(13) A juvenile defense attorney;
(14) The chief district court judge, or a judge designated by the chief district court judge;
(15) A member of the business community;
(16) The local health director, or that person's designee;
(17) A representative from the United Way or other nonprofit agency;
(18) A representative of a local parks and recreation program; and
(19) Up to seven members of the public to be appointed by the board of commissioners of a county.

N.C. GEN. STAT § 143B-544.

In addition to those tasks, the JCPCs should "work to increase public awareness of the causes of delinquency and of strategies to reduce the problem; develop strategies to intervene and appropriately respond to and treat the needs of juveniles at risk of delinquency; and provide funds for services for treatment, counseling, or rehabilitation for juveniles and their families."60 Although the amount varies from year to year, the state allocation to JCPCs totals approximately $20–$30 million. Those funds are distributed to each JCPC, which then disperses funds directly to each respective service provider. The broad, general categories of programming funded by JCPCs are: a) assessment programs (e.g., clinical evaluation and psychological assessment programs); b) clinical treatment programs (e.g., sex offender assessment and counseling, home-based family counseling, individual counseling programs; c) community day programs (e.g., juvenile structured day programs); d) residential programs; e) restorative programs (e.g., mediation/conflict resolution, restitution, and teen court); and f) structured activities programs (e.g., skill building and mentoring programs).

The structure and function of JCPCs in North Carolina exemplify an institutional model that embraces community-based, holistic prevention. The legislative directive given to JCPCs fundamentally places a focus on creating prevention and intervention opportunities for youth. Moreover, through JCPCs' mandated membership, a level of community involvement and buy-in is fostered, which reinforces the notion that court-involved youth are not "somebody else's" children—these are youth from the local community.

Creating provisions to support innovative prevention and intervention programming is a necessary first step. However, it is critical to note that not all programs and intervention methodologies are equally effective. Fortunately, there is a wide and growing investment of effort into discerning what works.61 The federal Office of Juvenile Justice and Delinquency Prevention has


61. See Howell, supra note 56, at 173–223 (assessing effective prevention and rehabilitative techniques); Mark W. Lipsey & David B. Wilson, Effective Intervention for Serious Juvenile Offenders: A Synthesis of Longitudinal Research, in Serious & Violent Juvenile Offenders, supra note 13, at 86 (exploring the benefit of meta-analytic procedures in identifying at-risk youths and incorporating preventive intervention).
developed an internet-based Model Programs Guide, which directs users to scientifically proven programs that match the user's criteria. The database includes an array of programs that span the continuum from prevention to reentry. Entire professional organizations, like the Society for Prevention Research, are devoted to advancing empirical research on prevention programs and policies. University-based academic centers, such as the Center for the Study and Prevention of Violence at the University of Colorado at Boulder advance the understanding of effective program selection, implementation, and evaluation. Through their Blueprints Project, the Center identifies and supports model and promising violence prevention programming that has met a rigorous standard of program effectiveness.

Finally, effective, evidence-based prevention programming is not only important and imperative from a human development standpoint. It potentially represents the best use of resources now, rather than exorbitant resources later. For example, consider the cost of a preventative investment in Multisystemic Therapy versus the dramatically higher costs of secure confinement. Therefore, an important consideration whenever communities begin to discuss prevention and intervention programs is the need to use cost-benefit methodologies. As noted by the Juvenile Justice Evaluation Center, "[c]ost-benefit information can assist decisionmakers [sic] in more efficiently allocating scarce public resources among competing demands." Cost-benefit analyses move beyond standard program evaluation, which is directed at the question of program efficacy and impact. "A good cost-benefit analysis, on the other hand, should be able to take the answer to this question one step further: Given what was found in the program evaluation, does the dollar value of a program's demonstrated level of success exceed the cost of the program?" Economic cost-benefit analyses conducted by the Washington State Institute of Public Policy show that states should put most of their prevention portfolio into proven programs. For example, the

63. See generally Scott W. Henggeler et al., Multisystemic Treatment of Antisocial Behavior in Children and Adolescents (1998) (concluding that Multisystemic Therapy is validated by research).
65. Id. at 7.
66. See Steve Aos et al., Wash. State Inst. for Pub. Pol'y, Benefits and Costs of Prevention and Early Intervention Programs for Youth 1, 8
per-child cost of Functional Family Therapy is about $2100; the per-child benefit—quantified as reduced crime, reduced grade retention, and increased graduation rates—is estimated at about $16,500. For every dollar invested, nearly eight dollars of benefit are realized. It is simply prudent fiscal policy to invest in evidence-based prevention programs.

**Summary**

Invariably in the field of juvenile justice, when issues such as comprehensive prevention programming, attentiveness to offenders’ needs, and holistic therapeutic approaches are brought to the fore, there is a vocal contingent that intones the mantra that we are being “soft on crime.” We reject the soft-on-crime versus hard-on-crime dichotomy in favor of the astute call from the Federal Advisory Committee on Juvenile Justice that it is time to get smart on crime, not soft, not tough: “Being smart on juvenile delinquency requires assessing the factors and influences that put youth at risk of delinquency, determining available resources, and establishing prevention programs to either reduce risk factors or provide protective factors that buffer juveniles from the impact of risk factors.”

In sum, promising practices in the juvenile justice system are out there. Embracing a therapeutic approach, addressing juvenile offenders’ mental health needs, supporting the process of reentry, and never losing sight of the power of prevention are key elements of a juvenile justice system that ultimately supports positive youth development. Juvenile offenders are some of the most challenging and most difficult youth with whom to deal; but from our perspective, this challenge is an opportunity to impact recidivism so that youthful offenders of today do not become the adult offenders of tomorrow. Given their age, stopping the cycle of offending is best achieved through rehabilitation and treatment, and we should build a philosophy and systems committed to that goal.

