

Reduce Youth Crime and Violence by Focusing on Rehabilitation and on Providing Second Chance Opportunities for Young Offenders

Evidence shows that the most effective approach to reducing youth crime and violence is to concentrate on rehabilitation and on providing second chance opportunities for young delinquents. Another key element of this approach is the introduction of graduated, or accountability-based, sanctions for first-time and minor repeat offenders. These sanctions commonly include two components. In the first component, a community accountability board, made up of juvenile court personnel, probation officers, and/or citizen volunteers, meets with offenders to assign sanctions for their offenses and to monitor and enforce a diversion agreement (an agreement that allows an offender to avoid going to court and/or jail in return for certain commitments). The second component is the development and implementation of a graduated series of consequences if a youth fails to comply with the requirements of the community accountability board. Whereas behaving well will result in increased freedom or other rewards for the young offender, any negative behavior will result in greater restrictions. The idea behind this approach is to devise punishments that are appropriate for the crime in question, based on the gravity of the offense and an assessment of the likelihood of the young person re-offending, coupled with appropriate interventions (such as alcohol and/or drug treatment, personal/family counseling, and academic support) to reduce the risk of recidivism.

Youth courts are an innovative way to implement the graduated sanctions approach. These are courts in which young people sentence their peers for their offenses and are created by communities to handle nonviolent offenses that would otherwise end up in juvenile or adult court. Depending on which model is adopted, young people take on a variety of roles, including judge, prosecutor, defense attorney, and jurors, to question the offender, to deliberate, and to impose sentences. Graduated sanctions have also been used in drug and gun courts.

While these rehabilitative strategies attempt to make young criminals feel that they are personally and socially valued, any policy to allow second chances must be balanced against the legitimate need to deter violence. It is also important to acknowledge that these rehabilitative strategies may generate popular resistance, particularly in contexts where gangs and/or the presence of idle young excombatants are a major issue. In some contexts, rehabilitative strategies for youth can even have perverse side effects, as when gangs decide to use juveniles for the most heinous crimes because of the expectation that they will be released sooner. Ultimately, each country may experiment with various strategies depending on existing constraints, but to be successful all strategies should be grounded in a number of common prerequisites. These include adequate resources for targeted staff trainings; investments in organizational infrastructure for alternative sentencing such as community service, special education, or restorative work; and adequate separate physical facilities for housing juvenile offenders before trial and after sentencing.

How Does Strengthening the Justice System Prevent Risky Youth Behavior?

Many young people are attracted to, and experiment with, social defiance, but governments often fail to give them legally recognized second chances. In countries where criminal justice systems are underdeveloped, young people often have to wait in overcrowded and dangerous prisons for months before seeing a lawyer or a judge, having often been charged with only a petty crime. Incarceration has detrimental effects on the health, well-being, and self-image of young detainees and inmates, and premature or excessive punishment, including incarceration, can cause young people to continue to participate in criminal activity after their

release. Higher recidivism rates are also associated with harsh prison conditions as well as with incarcerating young persons alongside adults.¹ As a result, the graduated sanctions approach makes it less likely that a young criminal will reengage in criminal and violent behavior after he or she has received due process in the legal system.²

By intervening early with appropriate sanctions and support, the graduated sanctions approach can halt a juvenile's slide into criminality. These sanctions can help the offender to understand the consequences of his or her negative behavior and to learn how to avoid repeating it. In addition to preventing youth offenders from coming into contact with "hardcore" offenders, these alternative sanctions also help delinquents to avoid acquiring a juvenile court record that may further jeopardize their future. Thus, graduated sanctions can simultaneously deter crime, protect the public, and rehabilitate young offenders. Youth courts have proven to be an effective way of implementing the graduated sanctions approach. In addition to the aforementioned benefits, youth courts provide delinquents with opportunities to learn about responsible citizenship and the law as well as to develop skills in public speaking and mediation. These courts can also help communities to recover any losses they may have sustained as a result of juvenile crime, can restore confidence and pride in local young people, and allow families to reengage in a positive dialogue with their children, which can further prevent risky behavior. Another important benefit of this approach is that it can reduce court backlogs without increasing recidivism.

Research Findings: Providing the Evidence Base

Few countries have experimented with graduated sanctions, so virtually all of the different models and research are based on experiences in the United States, where *Community Accountability Boards* (CABs) are a popular way of implementing this approach. Under this system, prosecuting offices send first- and second-time youth offenders to CABs. Typically, delinquents, accompanied by a guardian, stand before a board for one hour to discuss the diversion process (the process that enables the offender to avoid going to court and/or jail) as well as the reasons why the youth committed the offense and impact of that offense on the community. After the CAB formulates a diversion agreement, a juvenile case manager is appointed to monitor the offender's compliance. As a successful model from Thurston County, Washington, demonstrates, such programs, in addition to cutting recidivism rates in half, can save taxpayers an estimated US\$2,775 of justice system costs per participant.³

Youth courts are quickly becoming the most popular method for delivering the graduated sanctions approach in the United States, with more than 1,200 programs currently in operation, up from only 78 in 1994. About 10 percent of all juvenile arrests are now reviewed in youth courts (or an estimated 125,000 youth offenders per year), and another 100,000 young people benefit from their participation as volunteers. Evaluations of these courts have demonstrated that the returns on investment are immediate. More than 80 percent of youth offenders have successfully completed their sentences even in programs that have only been in operation for two years.⁴ Most important, the evidence makes it clear that youth courts lower recidivism rates. A 2002 national evaluation concluded that young, first-time offenders handled by youth courts were less likely to commit another crime than those dealt with in traditional juvenile court programs.⁵ In Alaska, recidivism among youth offenders whose cases were handled by youth courts was 6 percent compared with 23 percent among those handled by the traditional justice system. In Missouri, it was 9 percent versus 27 percent, in Arizona, it was 9 percent versus 15 percent, in Texas, it was 25 percent versus 36 percent, and so on.⁶ Furthermore, many youth courts report that over 20 percent of youth offenders return as volunteers.⁷ While the United States is the only country so far to introduce youth courts, other countries, such as England and New Zealand, have now begun pilot programs.

Drug and gun courts are other American models for implementing graduated sanctions. In drug courts, which are part of the juvenile court system, a designated judge reviews selected delinquency cases and closely oversees each case in frequent status hearings that include all of the various parties involved. A team comprised of representatives from treatment, juvenile justice, social services, school, and vocational training

programs works together to determine how best to address the young person's substance abuse and related problems. The success of this strategy lies in the systematic management and ongoing supervision of the offender. Across the United States, juvenile drug courts report reductions in positive drug tests among probationers and lower rates of recidivism than among young people whose cases are handled by the traditional justice system.⁸ Juvenile gun courts operate in almost exactly the same way as drug courts, and similarly their offenders have shorter probation times and lower rates of recidivism than young offenders who go through the criminal justice system. An intensive four-year evaluation of a program in Birmingham, Alabama, revealed that there had been significantly lower recidivism rates for young people in the gun court than those in traditional courts (17 versus 40 percent). The evaluation also credited the program with contributing to a 54 percent reduction in juvenile gun charges and a 57 percent decrease in violent crime rates in the city between 1995 and 1999, following steady increases during the preceding five years.⁹

Moving Forward: Factors for Success

- ***Policies allowing for second chances must be balanced*** against the need to deter violence.
- ***Sanctions must be consistent and have graduated consequences*** for misbehavior and must recognize and reward positive behavior. Furthermore, ***youth defendants must clearly understand the sanctions*** that they face and should have no doubt that the sanctions will be enforced.
- ***Graduated sanctions must be applied flexibly*** in recognition of the fact that punishment alone does not make a young person accountable. Likewise, it is necessary to assess where each youth is in developmental terms and to build on each youth's individual strengths.
- ***As part of the sanctions approach, young people must be provided an assortment of highly structured activities***, including education and/or hands-on vocational training and skill development. Programs must also encourage the young person to develop healthy bonds with, and respect for, pro-social members of his or her family, peer group, school, and community, and should also include management training for parents of young offenders who have exhibited persistent aggressive or disobedient behavior.
- Successful implementation largely depends on strong ***community participation***.
- ***Youth courts must adapt to local needs*** in terms of where they are located (for example, in a juvenile justice building, an NGO facility, or a school) and their operational model (for example, an adult judge, a youth judge, a peer jury, or a youth tribunal).
- ***Local justice systems must budget enough resources to measure a program's outcomes*** in terms of the behavioral changes of the young participants (such as recidivism rates, the reoccurrence of alcohol and drug abuse, academic performance, and employability trends) as well as to make any necessary implementation or structural changes within each individual program.

Endnotes

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2. Redding, R. 2000. "Graduated and Community-based Sanctions for Juvenile Offenders: Juvenile Justice Fact Sheet." Institute of Law, Psychiatry, & Public Policy, University of Virginia, Charlottesville, VA.
3. U.S. Department of Justice. 1999. "Focus on Accountability: Best Practices for Juvenile Court and Probation." Juvenile Accountability Incentive Block Grants Program Bulletins. U.S. Department of Justice, Washington, D.C.
4. Pearson, S., and S. Jurich. 2005. "Youth Courts: A Community Solution to Embracing At-Risk Youth." American Youth Policy Forum, Washington, D.C.
5. Pearson and Jurich 2005.
6. Butts, J., J. Buck, and M. Coggeshall. 2002. "The Impact of Teen Court on Young Offenders." The Urban Institute, Washington, D.C.
7. Pearson and Jurich 2005.
8. U.S. Department of Justice. 2006. "Drug Courts: The Second Decade." National Institute of Justice Special Report. U.S. Department of Justice, Washington, D.C.
9. Sheppard, D., and P. Kelly. 2002. "Juvenile Gun Courts: Promoting Accountability and Providing Treatment." Juvenile Accountability Incentive Block Grants Program Bulletin. U.S. Department of Justice, Washington, D.C.

Key Implementation Considerations	
Anticipated Outcomes	<ul style="list-style-type: none"> • Graduated sanctions, youth courts, and other evidence-based rehabilitation policies should reduce recidivism among offenders, particularly if most efforts are community-based and if there is less reliance on incarceration. • Both strategies can benefit the juvenile justice system by reducing court backlogs without increasing recidivism.
Secondary Effects	Rehabilitation programs for young people should enhance their educational and vocational skills, which will increase their participation in the labor force and enhance their understanding of their citizenship rights and obligations.
Responsible Actor/ Sector	Ministries of Education, Labor, or Justice; the Attorney General; NGOs
Targeted Risk Group	Youth at risk level III who are involved in legal disputes and/or have been remanded to the supervision of the juvenile justice system.
Targeted Age Group	Core age group of young people aged 12–24
Cost Elements	<ul style="list-style-type: none"> • The average budget for a youth court program in the United States is approximately US\$32,767 per year. • The costs of community-based rehabilitation programs average US\$8,000/year per youth in the United States, while incarceration averages over US\$50,000/year per youth. Day treatment and monitoring of delinquent youths are both also more cost-effective than mandatory sentencing. • Financial restitution by offenders to their victims, as well as any community service that they may do, can lower the overall costs of graduated sanctions programs.
Necessary Initial Conditions	<ul style="list-style-type: none"> • Institutional and public support for the local resolution of disputes through official channels as well as for the rehabilitation (as opposed to punishment) of offenders • Adequate resources to provide a range of community-based rehabilitation opportunities for less serious offenders so that only serious/violent offenders are incarcerated
Specific Examples	<ul style="list-style-type: none"> • Youth courts • Community Accountability Boards • Drug and gun courts
Level of Effectiveness (Strong Evidence or Emerging Evidence)	<ul style="list-style-type: none"> • United States: Graduated sanctions approach—Strong evidence • United States: Youth courts, Community Accountability Boards, drug and gun courts—Strong evidence • Rehabilitation programs that emphasize cognitive-behavioral techniques—Strong evidence
Issues to Consider for Replication and Sustainability	<ul style="list-style-type: none"> • Community participation in any graduated sanctions approach is critical. • Programs must be flexible to respond to local conditions.