Montana's Juvenile Justice System: Punishment Versus Rehabilitation

Laura Veatch
Carroll College, Helena, MT

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Laura M. Veatch
Helena, Montana
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Abstract

Montana's juvenile justice system was established with the idea of protecting juveniles in trouble with the law. Over time, new laws were created and more responsibility has been placed on the juvenile. As time continues to pass, communities are calling for harsher punishment against juvenile delinquents. While juvenile crime rates are not increasing, society feels unsafe with these offenders staying on the streets. Probation officers and courts in the state are trying to balance rehabilitation and punishment. The number of therapeutic programs that the state offers are low due to lack of funding. Juveniles need to face consequences by paying restitution, but they also need to deal with the motives behind their actions. Rehabilitation is needed to keep juveniles from recidivating.
Background

The beginning of juvenile courts in the USA

Before the turn of the century, children were treated as adults in courts of law. When a youth committed a crime, he or she was tried in a criminal court and was held in the same facilities as adults. Consequently, many of the youth incarcerated with the adults learned how to lead a life of crime. The juveniles' malleable value systems made their transition to a life of crime easy. Society began to realize that the juveniles' ability to be swayed gave them a greater chance than adults for rehabilitation; punishment was creating hostile dispositions in these youth. Youth needed the help of society, not its rage. With this realization came the slow process of creating a branch of law that would help rehabilitate youth and treat them differently than adults.

Rehabilitating juveniles meant finding the cause of the problem. A common cause for juvenile delinquency was born out of family dysfunction. According to Brownlee (n.d.), family dysfunctions included "divorce, desertion, marital discord, parental illness or death, alcoholism, mental disease, or parental absenteeism" (p. 2). The family discord was increased by "poverty, bad housing, and racial discrimination" (Brownlee, n.d., p. 2). With the abundance of divorce, alcoholism, mental disease, poverty, and racial discrimination, the country decided that the court needed to fill the role of the juvenile's parents. Instead of sending a child to an adult jail or prison, the court would now look for replacement homes that would offer care and supervision for the delinquent. According to Brownlee (n.d.), it was thought that with these missing elements back in place, the juvenile could become a contributing member of society.
In order to help juveniles rehabilitate, the juveniles needed to be treated differently. Instead of the criminal proceedings of the adult courts, the kids needed to be kept in a separate judicial system. The first juvenile court was founded in 1899 in Cook County, Illinois. This court involves civil proceedings. The terms used in juvenile court proceedings are more neutral than the terms used in adult court. According to Albanese (1985), the terms that are used for adults are "formal accusations and convictions" (p. 41). An example of terminology used is that an offense committed by an adult is called a crime whereas the same act committed by a youth is called a delinquency.

Montana's juvenile court system

Although Montana had started moving toward rehabilitation of juveniles around 1893, they did not develop a juvenile court until a few years after Illinois. Before 1893, juveniles over the age of seven could be arrested and incarcerated as an adult. The only reason children under seven were treated differently was because it was thought that they could not commit crimes at that young of an age. Brownlee (n.d.) found that in 1893 Montana opened a reform school for boys and girls. The kids sent to these reform schools had one chance to improve their behavior, or they were on their way to adult jail. A youth could never return to reform school after his or her one chance. In 1907, the Montana legislature passed two new statutes (Brownlee, n.d.). The first one "provided that the state should step in and assume jurisdiction over dependent and neglected children" (p. 6). By taking control of these children, the state was assuming the position of a parent. It was believed that if the state stepped in, the children could be molded into contributing members of society rather than becoming delinquent. The second statute made it illegal to
place a youth under the age of 16 in jail with an adult. This statute gave the District Court power to place youth on probation, in a foster home, or in State Reform School. It was also in 1907 that the job of juvenile probation officer was created in Montana. These first probation officers were unpaid.

Montana's first juvenile court was established in 1911. With the court came new laws. Brownlee (n.d.) reported that the court dealt with youth under 17 years of age. These youth could not be jailed. The juvenile court hearings were closed to the public and were held in the judge's chambers. At this time, the job of probation officer became a paid position. Since the children could not be kept in jail, they were detained in facilities with a trained staff who could offer them supervision and guidance. The court was to treat each youth as an individual. According to Brownlee (n.d.), the judge was required to balance the child's welfare, society's interests, rehabilitation, and the need for punishment.

Changes occurring since the establishment of the first juvenile courts

By the 1920s, every state had a juvenile justice system. With these new court systems, "justice was altered from adjudication of guilt to diagnosis of a condition" (Albanese, 1985, p. 61). Albanese (1985) reported that the juveniles "behavior patterns were seen as being more important than specific acts because the acts were considered merely as symptoms of some underlying problem" (p. 61). The court reforms had seen delinquency as a consequence of the environment, "primarily the home, but also the community" (Brownlee, n.d., p. 2). In 1943, the juvenile laws in Montana were rewritten. Some of the changes included in the revision were the allowance of informal hearings without formal charges being filed, the right of parents to seek help for their child, and the
concession that informal adjustments could be made and managed by a probation officer. In 1947, the law decided that a youth over 16 could be tried as an adult if he or she had committed "murder, manslaughter, assault in the first degree, robbery, burglary with a deadly weapon in possession, and the carrying of a weapon with intent to assault" (Brownlee, n.d., p. 13). In 1959, the law allowed for juveniles to be fined for traffic offenses. In 1961, the media and public could be present at hearings of felony charges. In 1963, the addition of rape, arson, and assault in the second degree were added to the list of offenses where youth would be tried as an adult.

Although juvenile courts were designed with the intention to protect youth, the juveniles lost some of the constitutional rights that adults have. When a youth was taken into custody and had a hearing, the hearing was not to determine if the youth was innocent or guilty. The court assumed that the youth was guilty, and the hearing was to determine what the youth's consequences would be. Steps were taken in the Supreme Court during the 1960s that gave youth more rights. In the mid 1960s, youth were allowed due process. This right was won by the Supreme Court decision in the hearing of In Re Gault 1967. The court's decision gave youth the right to "timely and precise notice of charges, counsel, protection against self-incrimination, and confrontation and cross-examination of witnesses" (Shireman and Reamer, 1986, p. 14). The 1970 Supreme Court case In Re Winship said that there must be "proof beyond a reasonable doubt" instead of a "mere preponderance of evidence" (p. 14) in order to find a youth guilty. By establishing due process in the juvenile courts, the law introduced a "considerable formality into juvenile court hearings and a strong hint of the adversarial proceedings of adult criminal
Another change made nationally in the 1960s was keeping youth de-institutionalized. According to Shireman and Reamer (1986), the juvenile court decisions had been punitive since the beginning; "good intentions and a flexible vocabulary do not alter this reality" (p. 11). Juveniles were often separated from their families and lost their freedom. Although the juvenile institutions were supposed to be substitute families, they could not achieve this goal with the number of juveniles and the situation under which they were being kept. Another reason the courts and facilities could not double as family was that "the guiding consideration for a court of law that deals with threatening conduct is nonetheless protection of the community" (Shireman and Reamer, 1986, p. 12). The correctional facilities that housed juveniles were not offering treatment to these youth. It became apparent that "little was being 'corrected' within these facilities and that the goals of custody, discipline, and punishment typically overshadowed whatever fantasies staff had about rehabilitation" (Shireman and Reamer, 1986, p. 15). In 1974, the Juvenile Justice and Delinquency Prevention Act stated that "both residential and nonresidential programs have developed nationwide as alternatives to institutionalization" (p. 15). These programs included things such as "day probation, vocational and educational upgrading, wilderness programs, group and shelter homes for specific populations..., case management, and restitution programs" (p. 15).

Another shift occurring in the 1960s was the moving of society's idea of juvenile treatment from rehabilitation to punishment. According to Shireman and Reamer (1986), this shift was caused by "the combination of the increase in crime in general, the increase
in the proportion of offenses committed by juveniles, and the concomitant increase in
public concern" (p. 10). The public had begun to believe that adolescents should be held
accountable for their mistakes and any delinquent acts that they commit. A youth can only
be found delinquent "if he/she has committed an act which is criminal for an adult"
(Montana Board of Crime Control, 1996, p. 30). A youth who has committed acts that
are not crimes for adults such as "running away, being 'ungovernable' or violating curfew"
(p. 30) have committed status offenses.
The judicial process

One of the first steps in the juvenile process is referral. The most common referrals come from law enforcement, schools, and parents. Shireman and Reamer believe that status offenses should be dealt with by the institution, school or family, where the offense has occurred. When the courts take over, these institutions lose authority. Schools usually report to the police for vandalism and violence that occurs during school. Since suspension of students rarely works because the students fall behind and have a hard time catching up, schools have become frustrated and are asking the law to take action (Shireman and Reamer, 1986). Studies have shown that grades in school and delinquency are related. Shireman and Reamer (1986) discovered that "the 1967 President's Crime Commission reported that boys who failed in school were seven times more likely to become delinquent than those who did not fail. Subsequent investigations have confirmed this finding" (p. 50).

There are four main points, according to Shireman and Reamer (1986), in a juvenile's journey through the justice system where important dispositional decisions are made. The police are the first step in this process. When the police catch a juvenile breaking the law, they have several options: releasing the juvenile, reprimanding or warning the juvenile, taking the juvenile to the precinct, or referring the juvenile to the courts (Shireman and Reamer, 1986). According to Shireman and Reamer (1986), the "police are expected to release offenders as often as formally charge them in juvenile cases" (p. 53). Whether the police decide to "release or detain, and decisions about whether a youth should be charged as a minor in need of supervision, delinquent, or what
ever, are often truly autonomous and subject to no review" (Shireman and Reamer, 1986, p. 135). This does not mean that the police mean to be unfair, but other factors may cloud his or her decisions.

In Montana, the police are the first authorities dealt with by most juvenile offenders. The MBCC (1996) found that in Montana the police and sheriff are responsible for over 90 percent of the delinquent referrals. The remaining percentage are reported by the "State Department of Fish, Wildlife, and Parks, other courts, parents, and school officials" (MBCC, 1996, p. 32). The MBCC (1996) also reported that law enforcement is responsible for 85 percent of the status referrals. The Montana Highway Patrol and Courts refer more status offenders than criminal offenders.

The next point that dispositional decisions are made is during detention intake. At this point, the juvenile can be placed in "secure detention, in home, foster, or group home detention, or may simply be released on their own recognizance to await their day in court" (Shireman and Reamer, 1986, p. 132).

Shireman and Reamer reported that the next major point of decision making occurs at court intake. It is at this time when it is decided if the juvenile will be placed in a "residential diversion program -- a group home, independent living program, psychiatric placement, for instance -- or to a nonresidential diversion program, such as vocational training, restitution, or dispute mediation" (p. 132).

Judges at adjudication hearings can make these same decisions and also have the option of sending the juvenile to a state training school. After the juvenile is adjudicated, there may be a dispositional hearing to find a way to resolve the case. At this hearing, one
may receive the same sentencing as in adult court (Albanese, 1985). Albanese (1985) reported that at the dispositional hearing, the judge has four main options. The judge can hold the case and see if the juvenile can behave. If the offender behaves, the court drops the case. The judge can also place juveniles on probation or send them to a juvenile facility or institution. Alternatively, if the judge chooses, he or she may hold the case pending, with the juvenile under the supervision of a probation officer, until the offender meets all the conditions of the judge. Once all requirements are met, the judge can decide where to place the juvenile and can then close the case.
Is crime on the rise?

Montana's juvenile justice system faces criticism from the communities it serves. The public believes that crime rates have risen and that juveniles are committing more of these crimes. R. Meeker (personal communication, January 16, 1998) did not agree with the public opinion of rising crime. He said that most adults don't remember what it is like to be a kid and that kids are just kids (see Appendix A). J. Allen (personal communication, February 6, 1998) agreed with Meeker's opinion. He referred to a survey that was recently published in the Great Falls Tribune which reported that crime has risen immensely. It was a self-report confidential survey given to all the students in the Great Falls school district. J. Allen reported that when a kid sees the question -- have you ever been in a fight -- the kid may not know if that means physical or verbal. The survey reported that 14 percent of kids at Great Falls High had been in a fight this school year; if this many fights had occurred, more would have been reported (see Appendix B). When society reads reports such as these, they think things are getting worse because they believe what they read in the papers. Society has strong fears against crime and wants perpetrators punished to ensure community safety. According to R. Meeker, the punishment for a juvenile who commits a crime is greater than for an adult who has committed the exact same crime. If the juvenile receives the same punishment as the adult, most people would think that the law is merely slapping the kid on the hands.

While R. Meeker of Helena (personal communication, January 16, 1998) saw juvenile crime as an old problem, a Great Falls probation officer, P. Broquist (personal communication, February 21, 1998), saw juvenile crime in a different light (see Appendix
C). The main reason for this is that the crime rate in Great Falls is much higher than that in Helena. Since Montana is so large and spread out, it is difficult to report on the crime rates of all the cities and towns. For this reason, this study will only concentrate on Helena and Great Falls. Great Falls, being a larger city, is indicative of the crime problems occurring in the larger urban areas of the state such as Billings and Missoula. Helena is a stable community and deals with many issues that appear in more rural settings. While these two locations do not predict nor even closely represent the crime rates in other areas of the state, they offer a look at what Montana faces in regards to juvenile crime.

The difference in the amount of crime in these two cities can be seen by these two probation officers' caseloads. R. Meeker, of Helena, usually has a caseload of between 30-40 clients at one time. P. Broquist has a caseload of 65 juveniles. A caseload of between 25-30 is considered a full-time job. There are a few reasons why this may be true. First, Great Falls is the larger community. It also houses an Air Force base which keeps new people moving in and out of the city. Helena, on the other hand, is a very stable community. Although P. Broquist said that the base kids are not seen more than any of the other kids, he also reported that many of the families that move to the base in Great Falls are trying to keep their kids out of trouble. Unfortunately, these kids often bring their knowledge of gangs with them and remain in trouble. Great Falls also has larger gang and drug problems. P. Broquist discovered that there are seven to ten recognized gangs in Great Falls where as R. Meeker said that Helena does not have any organized gangs. R. Meeker reported that most of the kids on his caseload were status offenders. P. Broquist said that he does not have time to deal with status offenders and
that almost all of the kids he sees have committed criminal acts. Most of these offenders are addicted to drugs. The most popular drug in Great Falls right now is called metha-amphetamine. All of these problems combine to give Great Falls a higher crime rate than Helena.

Public opinion that crime is on the rise does not agree with the statistics nor with officials who work with youth in the community. A Helena probation officer, R. Meeker (personal communication, January 16, 1998), reported that the greatest amount of juvenile crime occurred between 1972 and 1974 when the baby boomers reached their teenage years (see Appendix A). Mr. Meeker went on to say that people in the community believe that if we are not tougher on juvenile crimes, the offenders will end up in prison once they reach adulthood. In fact, R. Meeker reported that almost all prison inmates are addicted to drugs and are in prison for drug related crimes. A Great Falls school resource officer (SRO), J. Allen (personal communication, February 6, 1998), agreed that juvenile delinquency is not on the rise (see Appendix B). He believed that the juvenile justice system is very influential in deterring delinquency. Montana's juvenile justice system also faces the criticism of the communities it serves.

Although the public believes that crime rates have risen, government statistics report a decrease in crime. A system was set up in Montana to collect data on the rate of crime and the demographics of the perpetrators. This system, the Montana Board of Crime Control (MBCC), created a new division in the 1970s. The new division, Juvenile Probation Information System (JPIS), collects data dealing with juveniles in the justice system and reports to the MBCC. The data given to the JPIS comes from probation
offices throughout the state. Since 1993 was the first year that the MBCC received 100% reporting from the juvenile probation offices around Montana, "comparative analysis with prior years may show major data discrepancies" (MBCC, 1996, p. 29).

MBCC (1996) reported that Montana measures activity in the youth courts and probation offices through four steps. The first component, according to MBCC, is through the number of cases which means the "number of individual youth who become involved with the juvenile justice system for some reason, criminal or not" (p. 30). The number of cases decreased from 1995 to 1996. The second component is the number of referrals or the "number of youth encounters with the juvenile justice system. An individual can be referred more than once during the year" (MBCC, 1996, p. 30). 1996 had fewer referrals than either 1994 or 1995. The number of offenses makes up the third component. MBCC reported that this number shows the amount of "crimes attributed to youths who have been referred to the system" (p. 30). This number was the highest in 1996. The last component reported by MBCC is the number of detentions which is the "number of times youths are confined awaiting court action. Counties have established regional detention programs in response to state and federal requirements to not hold juveniles in adult facilities. Those programs provide both secure and nonsecure detention" (p. 30).

MBCC also keeps track of the percentage of crime being committed by a particular age group and gender during 1994, 1995, and 1996. Crimes committed by females who were less than 10, or were 15, 16, and 17 dropped in comparison with 1995. The only one of these age groups that committed a larger percent of crime in 1996 than in 1994 was
the 15 years old category. Crimes increased in 1996 for ages 10-14. Crimes committed
by males dropped from 1995 to 1996 for those less than 10, 10-12, 16 and 17. Crimes
committed by juveniles 17 years old dropped form 1994 to 1996. Crimes increased in
1996 for juveniles ages 13-15. The MBCC also reported which crimes in 1996 were the
most frequently committed: property crimes were committed by the largest percentage of
juveniles with larceny being the most committed crime in this category. In 1996, the
largest amount of referrals were for delinquent offenses; 21.9 percent of the referrals were
for status offenses while 78.1 percent were for delinquent offenses (MBCC, 1996, p. 35).
The role of the probation officer

Probation officers play a large role in the juvenile justice system. They deal directly with the juveniles and decide what actions need to be taken. A probation officer addresses the needs of kids who are referred by law enforcement and other agencies (R. Meeker, personal communication, January 16, 1998). They counsel the kids and parents, do case planning, and transport youth. According to R. Meeker, probation officers need to be able to effectively communicate and write. They also present information in court. Probation officers work with low risk cases such as truancy and runaways and high risk cases such as robbery and murder.

R. Meeker (personal communication, January 16, 1998) reported that the goal of a probation officer is to get juveniles out of the system in better condition than they came in. Probation officers try to keep youth out of the system or get them out as quickly as possible. R. Meeker said that as most delinquents mature, they become more responsible and quit getting into trouble. If the probation officers can keep juveniles from hurting themselves and others, once they get done with probation, these kids will no longer be a worry to society or themselves. P. Broquist (personal communication February 21, 1998) believed a probation officers goal is to help young people in trouble to redirect their choices and to refocus positives. They also need to be held accountable for the things they have done.

The time spent on probation differs for each juvenile. A minimum amount of time to be on probation is six months. These juveniles have a contract; they must meet the conditions of the contract before they can be released. The maximum probation is four to
five years. It is very rare for one to be on probation this long. When youth are on probation for this length of time, a lot of restitution is involved.

When deciding what to do with a juvenile delinquent, the probation officer must look at the crime committed. P. Broquist (personal communication, February 21, 1998) discovered that at Pine Hills, a juvenile's criminal history is used to determine the length of stay. Since juveniles are diverse with various problems and commit crimes for different reasons (Shireman and Reamer, 1986), R. Meeker (personal communication, January 16, 1998) reported that probation officers need to look at the juveniles' risk, background, and personality before determining the conditions to be met. If one were to look at the offense, they may think "this kid is a high risk case," yet his or her personality makes him or her low risk. The parents are a main factor in a child's life and that helps decide the risk. P. Broquist said that juveniles need to be dealt with on an individual basis. One of the most important steps to take is to look at the motive.

Another factor that increases the effectiveness of probation is the relationship between the probation officer and the juvenile. According to Shireman and Reamer (1986), placing a juvenile on probation is most successful when the justice system tries to match the "offender types to workers' personalities and styles" (p. 76). This idea of matching probation officers to offenders for optimal results is complicated by the number of cases and the overload of each probation officer.
Restitution

When a juvenile commits a crime, he or she is often ordered to pay restitution. Restitution is a type of payment made to the victim or to the community. Restitution can be "monetary, direct service to victims, unpaid community service, paid employment, enabling monetary restitution, or a combination of these alternatives" (Shireman and Reamer, 1986, p. 121). The main reason offender are made to complete restitution is to give something back to the victim and to pay the consequences of the crime by taking responsibility.

When the juvenile justice system was created, the founders believed the courts should make decisions to protect the child offender rather than holding him or her responsible. This idea overlooks the fact that "juvenile offenders create victims, and victims suffer pain and loss" ("Can we talk," 1995, p. 21). Restitution not only makes juveniles take responsibility for their actions, but it also makes them remember the victim. Shireman and Reamer (1986) believed restitution to be effective. It is a "realistic consequence to offensive behavior while reducing the occasions for incarceration" (Shireman and Reamer, 1986, p. 121).

The first actual victim offender mediation program in the United States began in New Mexico. A study was done to determine the effectiveness of restitution. It compared two different types of restitution programs. The first program is located in Elkhart County, Indiana. This program is called a Victim Offender Reconciliation Project (VORP). According to this study, reported by Roy (1993), the VORP involves a face-to-face meeting between the victim and the offender. This encounter is voluntary
with both sides agreeing to meet. A mediator also attends this meeting. Roy (1993) found that these meetings often occur as a result of property offenses such as vandalism and theft. These meetings occur after the adjudication hearing. At these meetings, the "facts of the case are discussed, restitution is negotiated, and a contract is signed stating the nature and amount of restitution agreed upon" (Roy, 1993, p. 49). The VORP was developed in Ontario, Canada in 1975.

The second program that is discussed in this study is a court-based juvenile restitution program in Kalamazoo County, Michigan. This program exists at the intake level. It is a nonformal preadjudication program. This program is often used as an alternative to adjudication. As with the VORP, this program deals mostly with the perpetrators of property crimes. This restitution program is also voluntary but does not include a face-to-face meeting with the victim.

Roy (1993) discovered that a face-to-face meeting between the victim and the offender does not make a significant difference. There was no significant difference for the successful completion of these two restitution programs. The most important common aspect between these two programs is that they are both voluntary. Roy (1993) discovered that being part of a restitution program intensified the "participants' perception of accountability and responsibility, resulting in a reduction in their recidivist offenses" (p. 52). This study showed no significant difference between the two programs. The one downfall of restitution programs is that they are less effective in lowering the recidivism rate of repeat offenders.

Montana has also implemented restitution programs. Most communities currently
have a community service program for delinquents. Other cities have established a mediation program. P. Broquist (personal communication, February 21, 1998) reported that restitution is a critical part of the juvenile justice system. He said that, while the youth court act is the same statewide, the judges make individual decisions within this act. The probation officers follow the rules of the judge in their county. The Great Fall's judges see restitution as a very important part of justice. P. Broquist reported that joint and several liability is used a lot. Joint and several liability gives the victim a better chance of receiving full restitution. If three kids commit a crime equaling $3000 in damage, all three kids owe the full amount rather than $1000. This way if one of the kids is earning money, he or she will be paying restitution. If the other two are incarcerated and not earning money, they won't begin paying until they have an income. The one kid may end up paying all $3000. If the other two eventually can afford to begin paying, their money will go to the first kid to pay him back. This way the victim is more likely to receive full compensation.

Also in Great Falls, the judges have started ordering the perpetrators of a crime to pay for any counseling the victim may need as a result of the crime. P. Broquist (personal communication, February 21, 1998) reported that now that the courts can impose harsher punishments, the impact is greater. The courts can impose larger fines, longer amounts of incarceration, and fines can be transferred to the adult once the juvenile turns 18. This way if juveniles do not pay all their fines by the time they are 18, they can still be required to pay the fines.

Community service is also another common way that juvenile delinquents are
paying restitution in Montana. Sometimes community service can be beneficial to the kids as well as the community. It can build self-esteem and, in a few cases, juveniles have received work references. The author Shireman and Reamer (1986) found community service to be the most important type of restitution, because it helps more people and keeps the victim away from the offender.

R. Meeker (personal communication, January 16, 1998) believed that restitution is a very important part of rehabilitation for many reasons. First, it shows the community that the kids are responsible for their actions. Second, the kids end up paying a lot of money in restitution. The kids that know right from wrong are hurt by the amount of money they have to pay. They realize what they did is wrong. There are victim/offender mediation programs; these are voluntary. Both the victim and the offender must be willing to meet. At these meetings, the offenders have a chance to apologize, and the victims can explain how the offense has affected them. Some of society believes paying money back is not a sufficient consequence, but for the children who understand what they did, this is a good deterrence.
Placements for juveniles

The choice of where a juvenile should be placed is a tough one. Studies show that incarceration leads to increases in crime. This could be due to the fact that offenders bound to recidivate are incarcerated or maybe incarceration "tends to produce more frequent subsequent offenders" (Shireman and Reamer, 1986, p. 67). A combination of these two possibilities is the most likely. The criteria for success at most of these facilities is whether or not a juvenile recidivates.

A number of various facilities are available to house juveniles. Some of these options are foster homes, State Juvenile Facilities, the State Hospital, and detention centers. Foster homes have limited room for children. Often foster parents are given compensation, but this money only covers the necessities. D. Haddock (personal communication, February 21, 1998) said that the role of a therapeutic foster parent is to be an advocate for the child. Foster parents are advocates with the school and with the therapeutic foster program. They make sure the program sticks to their promises. If the therapeutic foster program promises to run certain tests, then the foster parent is an advocate for the child in seeing that the tests are performed. They are advocates for the child with the doctor to make sure the child is on the right medication and are advocates to make sure the child receives the right therapy. Foster parents are also a family unit to the child. They explain family attachments and are honest with the child as to what will happen to them.

The goals of a foster parent vary depending on the child. D. Haddock (personal communication, February 21, 1998) reported that one of the main goals is to make the
child feel safe. For example, one foster child she has does not feel safe sleeping at night and fears being abandoned. The goals with this child is to make her feel emotionally safe and to reassure her that her foster parents won't leave. This same child also will bang her head and cut at her clothes. The foster parents need to keep her physically safe from herself. A major goal with this child is to cut down on the rages. Another goal is to keep home and school separate. That way if a child has trouble at school, he or she can come home and have a good night. Foster parents may also need to try to get the child to talk to his or her therapist. With the afore mentioned child, the foster parents are also trying to get her to lighten up on the institutional rules. The girl won't hold the foster parent's hands when she crosses the street, because she says they can't touch her. The basic goal with foster children is to get them in shape to someday become a productive member of society.

Detention centers are another place where juveniles are held, usually for a period of four to five days. There are detention centers in Great Falls, Billings, Kalispell, and a short-term one in Butte. Missoula is building a new center. These settings protect the community by keeping the kids off the street, hold the juveniles accountable for what they did, and can be therapeutic. R. Meeker (personal communication, January 16, 1998) found that detention centers can be beneficial. Especially when kids are placed here for preadjudication and see what the consequences of their actions may be. This often scares and deters them. The detention centers are worse than any jail, because they keep the kids in their cells for the majority of each day. The kids are allowed out for two to three hours per day. They can watch television, but they must watch it out of a little window in the
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J. Allen (personal communication, February 6, 1998) reported that some of the kids are put in shelter care. Shelter care is part of the detention center, but it is non-secure. If the kids leave the building, employees cannot restrain them. The police are informed when a juvenile leaves, and it is up to them to recapture these kids. The probation officer decides whether to place a kid in the secured area or shelter care. Shelter care has more room available than the secured area. Secure detention often is determined by the number of beds. Shireman and Reamer (1986) found that "jurisdictions that have a greater detention capacity tend to detain at a higher rate" (p. 133). Sometimes kids are moved to shelter care from the secured area as a reward for good behavior. Shelter care seems to be effective, and it keeps the kids out of their homes. The shelter care basically works in the same way as a group home.

One of the last places where juveniles are placed are in State Juvenile Facilities. The girls' facility recently moved to Boulder, Montana. The boys' facility is Pine Hills which is in Miles City, Montana. It is basically a jail. Different cities have varying policies on sending boys to Pine Hills. R. Meeker (personal communication, January 16, 1998) said that offenders who cannot straighten-up are sent to Pine Hills, and it is not a nice place to be. The probation officers in Helena have not sent anyone there since last March and usually only send one to three kids there per year. Basically this is a dumping ground and the last alternative. Pine Hills has two benefits. The first one is that it protects the community. The second benefits that it shows the kids what will happen if they don't change their ways. It gives them a chance to make a good choice. No mentally ill patients
can be sent here; they only accept offenders with conduct disorder or oppositional defiant disorder. R. Meeker will send juveniles to a group home or to Aspen, which is a seven month program in Boulder, before sending them to Pine Hills.

P. Broquist (personal communication, February 21, 1998) felt that sending juveniles to Pine Hills is an individual decision each probation officer must make. Most kids that go there do not learn much; they do not offer many therapeutic programs. Kids are mainly sent there for community protection. Therapy is a main part of rehabilitation. Without it, the motives for crime will not be addressed and will still exist upon release. Another main problem with Pine Hills is the limited amount of beds. If three new kids need to come in, the three that were closest to leaving are released; the kids know this and try to follow the rules so they can get out early. The Great Fall's judges base their decision to send juveniles to Pine Hills on whether the juveniles want help or not. The two most important factors are the kid's attitude and the crime committed.

The one factor that should be the most important in placing a juvenile is how the facility will help the juvenile mature into a responsible citizen. R. Meeker (personal communication, January 16, 1998) said that the place in the state that is probably most effective for preparing youth for life is Child Comprehensive Services in Butte. It used to be Rivendell. They have a life skills class for juveniles 16 years old and up. This program teaches them skills and offers them counseling. The youth are taught job interviewing skills. The youth then use these skills to get jobs and work during the days. Child Comprehensive Services is a psychiatric facility for kids.

In order for a facility to permanently alter a juvenile's personality, it must also
influence his or her environment. R. Meeker (personal communication, January 16, 1998) reported that if an institutional program is going to be beneficial, it needs to have a slow follow-up program that lets them adjust over time. Usually when a child leaves the institutional setting, he or she goes right back into the same family they came from. The family and the environment have not had treatment. The parents treat their child the same way as before, and the kid falls back into his or her old environment. If this happens, nothing has been accomplished, and a lot of money has been wasted. The juvenile justice system does not have a lot of money to use. Sending a child to an institution often costs 50,000-60,000 dollars for the few months her or she stays there. The juvenile justice system in Helena is starting a $20,000 program for parents. If effective, fewer kids will end up in institutions. If it helps only one juvenile, it could save the state up to $48,000.
Rehabilitation

Locking juveniles behind bars without offering them new skills or trying to discover the reason why these delinquents are committing crimes does not help teach these kids about life without crime. Shireman and Reamer (1986) found that "within the personalities of most of us -- including most offenders -- there do reside healthy thrusts toward personal growth, toward achievement of the potentials of the self, toward contributions to others, and toward striving for positive recognition from others" (p. 112). Since the offenders often show normal personality traits, dealing with the foundation of the juvenile's problems and teaching him or her new skills should not be as difficult as dealing with a juvenile who suffers from a serious psychological disorder and cannot separate right from wrong. If these offenders were offered treatment that dealt with their specific problems, they would have a better chance of becoming a contributing citizen. Often times dealing with the emotionally ill or the mentally ill adolescent is difficult because the treatment is not specialized and there are not many facilities for younger people (Simonsen and Gordon III, 1979).

Many of the juvenile delinquents that are dealt with in Montana have conduct disorder and oppositional defiant disorder. R. Meeker (personal communication, January 16, 1998) found that working with these youth is easier than dealing with juveniles who suffer from emotional problems such as depression, because juveniles with conduct disorders understand that they did something wrong and can work to improve their situations. R. Meeker has also found that a juvenile's chance for rehabilitation depends on part in where he or she is placed. A juvenile place in Pine Hills has to rehabilitate
themselves because they are not offered much in the way of treatment. Pine Hills offers alcohol counseling and eventually plans to have a sex offender program. The detention centers do not offer any type of treatment because the length of stay is so short. R. Meeker has discovered through his work with juveniles that they can change and improve their lives, but he reported that legislators are making the jobs of probation officers more difficult. Many legislators appear to believe that kids live in a vacuum and that parents and the environment have no influence. These legislators want to focus on punishment of juveniles rather than treatment, because they do not believe that juveniles can change.

New laws being passed in Montana are not giving juveniles a chance to prove themselves by meeting the conditions of probation, because the probation officers are being forced to file petitions after a certain number of offenses rather than when the probation officer feels it is time to bring the juvenile to court.

P. Broquist (personal communication, February 21, 1998) has found that juveniles have a good chance of being successfully rehabilitated. He discovered that follow through is the key. The juveniles need to be held accountable. Another way to successfully rehabilitate a juvenile is by building competency skills. By giving the offender skills and knowledge, the justice system hopes to cut down on crime. P. Broquist reported that therapy is a main part of rehabilitation. Without it, the motives for crime will not be addressed and will still exist upon release. He believed that there should be mandatory counseling at Pine Hills that address anger and control; more classes to build employment skills should also be offered.

P. Broquist has found that one of the most important steps to take is to look at the
motive. If a burglar has a drug problem, the juvenile justice system needs to focus on getting the offender into a chemical treatment program. Once the offender is off the drugs, his or her reason to steal will be gone. If the burglar has a need to steal, if it gives them a rush in itself, the offender needs to learn to meet this need without committing the crime. If the burglar is a sociopath who has no respect for rules or other people, the offender needs to be locked up. These offenders do not have a conscience and do not believe the rules apply to them. The only way they may stop stealing is if they experience pain through incarceration.

Shireman and Reamer (1986) found that rehabilitation is not "assured by a court order" (p. 94). Juveniles in treatment are often aggressive and unresponsive which does not help the already overworked and tired juvenile workers job any easier. Often times this type of situation causes cruelty to become "aversive therapy' and solitary confinement 'mediation'" (Shireman and Reamer, 1986, p. 94). Treatment of this nature does not help the juveniles learn new ways to deal with their anger and frustration. Instead it is a hostile environment for both the juvenile and the worker. In order for treatment to be effective, Shireman and Reamer (1986) reported that treatment needs to be voluntary. The juvenile would then ask to receive treatment and would be more responsive to the juvenile workers' requests.
Recommendations

Today communities across the nation still believe that the juvenile justice system needs to take a more serious role with offenders. Societies are criticizing the systems "accomplishments, the methodology, and the philosophy of the juvenile court" (Shireman and Reamer, 1986, p. 34). For the most part, juvenile courts do deter recidivism in youth offenders; the "criminal justice system exercises a powerful effect on most people most of the time" (Shireman and Reamer, 1986, p. 59). Although the court sanctions help in deterring youth, increasing sanctions could cause problems. According to Shireman and Reamer (1986), no one knows "which sanctions, increased how much, will reduce what sorts of crime, by what amounts, at what costs" (p. 62). Not all juveniles react the same way to a specific consequence. The consequence needs to fit the crime and the offender's reason for offending in order to be an effective consequence for the individual offender. Society needs to realize that the juveniles who do the most harm, or are the most hurtful, are those that have been hurt by others. Child abuse leaves kids with pent up anger and feelings of powerlessness. These kids turn to crime so they can feel powerful and no longer be the victim. Strong punishment or long-term institutionalization cannot change these juveniles' pasts or improve their futures.

Montana's juvenile justice system focuses on rehabilitation. Juvenile offenders who are chemically dependent or sexual offenders are offered treatment. Programs dealing with other issues, such as anger control, are also available. For juveniles with mental illnesses, mental hospitals such as Shodair in Helena and the Montana State Hospital in Warm Springs offer psychiatric services.
Although rehabilitation is a goal of Montana's juvenile justice system, not every juvenile leaves the system in better condition than when he or she entered. Factors such as lack of monetary funds, heavy caseloads, overcrowded facilities, and discontinued restitution programs can keep juveniles from receiving the attention and support they need to keep from recidivating. R. Meeker (personal communication, January 16, 1998) reported that Montana's juvenile justice system could be more effective if it had more funds, and were able to offer more programs to juveniles and their parents. Another way that the system could be more effective would be to intervene at an earlier age. Parents and society need to listen more to school teachers and administration. These people often notice problems when the children are young. Parents should also receive training. Parents need to be taught how to deal with their kids and need to take more responsibility. The system and society need to recognize the symptoms; the kids and parents need to be held accountable. Another way that the system could be more effective would be to have more community based services that could help parents and children interact together outside of the home. Since parents are often the start of the problem, they need to be part of the solution.

P. Broquist (personal communication, February 21, 1998) also said that the juvenile justice system in Montana could be more effective. One idea that he had was a juvenile boot camp. The ones in Florida are very effective. The Florida Environmental Institute (FEI) protects society from violent offenders by keeping them in the Florida Everglades at a place called "The Last Chance Ranch" (Weaver, 1992). The program, beginning in 1982, includes an average length of stay of 18 months with a six month
The program has three phases. The first phase stresses work and education. A juvenile in this phase would spend the day "completing work projects at or close to the camp and attends education and safety-related classes" (Weaver, 1992, p. 228). Juveniles in phase one live in an "austere military-type dorm without air conditioning, television, or other amenities" (p. 228). Through the juveniles performance, points are earned to move to the next phase. The second phase involves continued education with work in community and environmental projects. Money earned goes toward restitution and savings. The living conditions are nicer than those in phase one. The dorm has air conditioning and has "a television and other amenities" (Weaver, 1992, p. 229). The juveniles in this phase focus not only on work and education but also on returning home. When juveniles near the end of phase two, they "earn the right to return home with their community coordinator to find work, begin networking and rebuilding family relationships." Phase three is the aftercare part of the program. Community coordinators help the juveniles to find jobs, deal with family problems, and handle any other issues that the juvenile may face in returning to the community. The juveniles in this phase actively communicate with their families through phone calls, letters, and weekly visits. The community coordinators visit the families often to learn about the strengths and weaknesses of each family. Instead of blaming the juvenile's families, this program works "with the conditions and problems the family presents in an affirmative way while helping each youth discern alternatives and choices" (Weaver, 1992, p. 229). The camp gets kids
ready to be a successful member of society. Since there is a strong correlation between education and recidivism, the program emphasizes learning and knowledge. Most of the referrals to this program read at or below a 5th grade level. The program helps increase reading and math skills and 24 of the juveniles have earned their GEDs. The success rate for the program is higher than other training school programs. Of the FEI participants 45 percent recidivated whereas "60 percent of the training school population" recidivated; "80 percent of the training school population had criminal histories less serious than youths enrolled at FEI" (Weaver, 1992, p. 233). Since Montana has a great expanse of unused and isolated land, it would be a good location for a non-restrictive camp such as the FEI. Weaver (1992) found that a facility similar to this camp would cost $300,000 to build.

Another treatment that has been effective in changing the behaviors of juvenile offenders is multisystemic treatment. Multisystemic treatment (MST) addresses the "multiple causes of antisocial behavior" and is offered in the juveniles' natural environments (Borduin et al., 1995, p. 570). Borduin et al. (1995) found that MST addresses cognitive, family, peer, and school factors. This treatment is individualized and can be molded for use with any adolescent. In an article about MST, Borduin et al. compared MST with individual therapy (IT). IT focused on "personal, family and academic issues" (p. 571). In the IT, the therapists used an eclectic blend of theories including psychodynamic, client-centered, and behavioral methods. The therapists of both the MST and the IT treatment groups filled out a checklist for each case. The checklist indicated the "systems directly addressed during the course of treatment (i.e., individual,
marital, family, peer, school)" (Borduin et al., 1995, p. 571). The MST treatment 33.8
percent of the cases covered at least two areas, 66.2 percent covered three or more areas.
In the IT treatment, 90.5 percent of the cases dealt only with one area and the other 9.5
percent only covered two systems. At the end of the experimental period, MST had
increased family cohesion while it decreased in the IT program. MST produced a
long-term change in the behavior of juvenile delinquents, and juveniles receiving MST
were "significantly less likely than comparison counterparts to be rearrested within 4 years
after treatment termination" (Borduin et al., 1995, p. 576). Borduin et al. (1995) found
that in order to maximize the benefits of treatment and to prevent "serious clinical
problems, current practices must be changed to emphasize child-centered, family-focused,
comprehensive, flexible, and ecologically valid services" (p. 577). Training in MST could
be beneficial in rehabilitating juveniles.

P. Broquist (personal communication, February 21, 1998) reported that in order to
be more effective, there should be continued severe penalties and even more severe
penalties. House arrest and post-dispositional hearing punishments should also be
employed more often. Kids hate being on house arrest, because they lose their freedom.
P. Broquist also thought that a Saturday work program could be implemented. Saturday
school already exists; the kids hate giving up their Saturday and having to pay to go to
school. Weekend jail used to work well. The delinquents would go in at four o'clock on
Friday and would be released at seven o'clock Sunday night. This impedes on their social
lives, and kids hate that. There needs to be a combination of punishment and
rehabilitation; neither one is effective on its own.
The help of parents can also make a difference in the success of the juvenile. According to P. Broquist (personal communication, February 21, 1998) parents usually fall into one of two categories. Either very helpful or enablers. The hardest parents to deal with are the middle class parents, because they think their kids aren't bad. The average drug user is a C or better student, is involved in extra curricular activity, and comes from the middle class. These kids have the money, their parents don't suspect them, and they belong to the social groups that use.

In Great Falls there were over 400 arrests in January and 198 of these were repeat offenders. In order to be effective, more intensive probation supervision is needed. P. Broquist (personal communication, February 21, 1998) found that to do this, the case load needs to be less. Probation officers no longer have the time to pay a surprise visit to one of their kids to have them take a breathalyzer test or give a urine sample. Effective probation is directly correlated with the intensity of the probation. Probation violations should be enforced. Kids that break probation should receive additional consequences. This often does not happen, because the probation officers often don't find out that probation was broken until a week or two later because of the heavy workloads.

In order for a delinquent to find success, P. Broquist (personal communication, February 21, 1998) discovered that three elements must be present. First the juvenile must have a support network, either parents or a group home or another source of support. Secondly, the juvenile must maintain chemical free. When one is on chemicals, he or she will start thinking school is not important and that burglary isn't that bad. If the juveniles can maintain chemical free, they will have an easier time keeping their values.
The third element is positive relations with a significant other, adults and students. Without all three of these items, a juvenile delinquent will recidivate.

Montana's juvenile justice system works well for juveniles who are willing to deal with their motives for committing crimes and want help. For the percentage of repeat offenders who end up in a State Juvenile Facility, the chances of rehabilitation become minimal. More treatment programs need to be implemented in these facilities to help redirect these juveniles before they turn 18 and become part of the adult legal system. Locking these kids behind bars and treating them as hardened criminals will only lead to more hostile attitudes. Sitting in a cell in no way prepares a juvenile for life as a productive citizen. How could living in an institutional setting help the juveniles to learn new ways of dealing with pent up anger and frustration? The answer is, it couldn't. If these juveniles are offending in order to feel powerful, how does making them powerless help them change? The answer is, it doesn't; their frustration and anger only increase. These kids need to receive not only treatment but also training. Job skills and a work ethic need to be taught. While these programs would require more tax paper money, they would contribute to lowering crime rates, eventually reducing spending. Juveniles also need to be educated, so they can read and write. Society is calling for harsher punishments and longer jail time, but what would the long-term consequences of such actions be?
References


Appendix A: Interview
Mr. Richard Meeker, probation officer in Helena
January 16, 1998

1. Describe the job of a probation officer.

Probation officers work for the district court but actually are employed by the government. They address the needs of kids who are referred by law enforcement and other agencies. They counsel the kids and parents, do case planning, and transport youth. They need to be able to effectively communicate and write. They also present information in court. Probation officers work with both low risk and high risk youth. Low risk cases include such things as truancy and runaways. High risk cases include robbery and murder.

2. What are the goals of your job?

The goal of a probation officer is to get youth out of the system in better condition than when they came in. They try to keep youth out of the system or get them out as quickly as possible. When youth are in the system they can be dealt with informally or formally. Youth who are dealt with informally are usually referred by their parents or neighbors. They usually have committed a status offense or a minor misdemeanor. These youth are required to stop by once or twice a week for a few weeks to talk with a probation officer. Youth who are dealt with formally are usually referred by law enforcement for a crime. They are then sent to a correction facility. They must fulfill commitments and attain goals before they are released from the system. A minimum amount of time to be on probation is six months. These youth have a contract; they must
meet the conditions of the contract before they can be released. The maximum probation
is four to five years. It is very rare for one to be on probation this long. When youth are
on probation for this length of time, a lot of restitution is involved.

3. How many children do you work with per week? How much time do you spend
with each?

Christmas time is slow, but around the middle of January things pick up. In
Helena, there
are around 1600 referrals and 1200 cases per year. In only 80 of these cases are filed
petitions. 40 of the cases are consent adjudications which means the youth do not go to
court, but they do have consequences. I work with 800-900 kids per year. On the first
visits the parents must also attend. The amount of time spent with each youth varies.
Some kids need more time in the beginning and less time in the end. Other kids are the
exact opposite. Most parole officers work with 30-40 clients at one time. The break­
down of my day would be about 10-15% of time spent getting ready for court, 25% spent
inputting information on the computer, and around 50% is spent with the kids.

4. What is the age range of the children you work with?

The average age of clients is 12-17 years old. If a younger child is involved, we
try to get the parents to take responsibility. A nine year old should be controlled by the
parents and should not be the responsibility of the juvenile justice system. The juvenile
system does not have control over anyone older than 17. Sometimes youth will be on
probation until they are 21, but if anything happens past the age of 17, the probation
officers have no clout.
5. What percentage of the children you work with would you classify as having conduct disorder.

About 25% is the maximum amount of youth with conduct disorder as their primary diagnosis. The rest have other problems. They may also suffer from conduct disorder, but it is not their primary diagnosis. Many of the youth are diagnosed with oppositional/defiant disorder. Working with youth with conduct disorder or oppositional defiant disorder is more fun than working with the emotionally disturbed. The youth with the conduct disorder or defiant disorder know they have done something wrong and are able to behave for the six months it takes for them to get out. Emotionally disturbed youth, like the ones with mental depression, are the hardest ones to work with.

6. Is the most common reason for admission status offenses or delinquent crimes?

Most of the youth have committed status offenses or minor misdemeanors.

7. How many of the youth are repeat offenders?

Repeat offenders are the cases that we file petitions against. 15-20% of the cases dealt with per year are repeat offenders. It is common to offenders to commit a second crime and then to quit. Only around 10% of offenders are habitual offenders and commit more than two crimes.

8. What do you believe should be done with repeat offenders?

We try to find the least intrusive way to change the offender. First, the offender is sent to the probation officer. Once they break probation, a petition is filed with the court. The county attorney tries the case and conditions are set for the offender to become free. The least amount of conditions set the better. The more conditions there are the more
time and money it takes. More conditions also make it harder for the offender to stay on task. To give the youth a better chance for success, they are given a few conditions. Once they abide by these conditions, they are given a few more. Then they are usually done. We try to give them the minimum amount of conditions possible. In the end, offenders that cannot straighten-up are sent to Pine Hills. Pine Hills is a jail. At one time it may have been a reform school for boys, but now it is jail, and it isn't a nice place to be. We have not sent anyone there since last March. We send one to three kids there per year. Basically this is a dumping ground and the last alternative. No mentally ill patients can be sent here; they must be transported to a psychiatric hospital. Only offenders with conduct disorder or oppositional defiant order can be sent here. Before we send juveniles to Pine Hills, we'll send them to a group home or to Aspen which is a seven month program. Different cities have different policies regarding Pine Hills. Helena is a very stable community and most of the youth in trouble are just kids being kids. Great Falls sends a lot more kids to Pine Hills, but they also have a larger population, the air force base, and a direct route from Canada to the south.

9. Does the punishment differ depending on the crime?

The conditions do differ depending on the crime committed. We look at the juveniles risk, background, and personality before determining the conditions. If one were to look at the offense, they may think "this kid is a high risk case," yet their personality makes them low risk.

The parents are a main factor in a child's life and that helps decide the risk. If a parent shows concern over his or her child, then the chances of rehabilititating the youth are much
greater than if the parent will not get involved. The last two murders committed in Helena
by youth have actually had less conditions than burglars have received. This is because
one of the murders was in self-defense and the other was an accidental shooting. The
main reason conditions were made was to show the community that steps are being taken.

10. Do you believe juvenile courts are affective in deterring youth?

Yes. The perception in the community may be that it does not, but kids are kids,
and that has not changed. People in the community think kids should receive greater
punishment, because the juvenile crime rate is rising. In actuality the greatest amount of
juvenile crimes occurred between 1972 and 1974 when the baby boomers were in their
teens. Most adults just don't remember what it was like to be a kid. Many times the
punishment for a youth committing a crime is greater than for an adult who committed the
same crime. If I give a kid the same punishment as an adult would receive for drug
paraphernalia (first time offense is fifty dollars), people tell me I am just slapping them on
the hands and that they need more consequences. Communities think that we need to be
tough on kids because if we aren't, they'll eventually end up in prison. The majority of
prison inmates throughout this country have a drug problem.

11. Do you believe juvenile delinquents have a good chance for rehabilitation?

Yes, their chances are very good depending on where they are. If a youth gets
sent to Pine Hills, rehabilitation is completely dependent on them. Hopefully they will
realize they don't want to be in this situation permanently and will change. Age is one of
the main influences in behavior changes. Once a kid is in the system, we try to keep them
alive and minimize the damage they do to themselves during the next couple of years.
Usually they will change by themselves as they get older. Most juvenile delinquents have been abused or are abusing drugs. One of the requirement of probation is that the juveniles cannot hang around known felons. If they are caught, they have broken their contract. If a kid hangs around a trouble-maker, most likely they will get in trouble.

12. Do you think placing youth in institutional settings prepares them for real life situations?

No. The place in the state that is probably most effective for preparing youth for life is Child Comprehensive Services in Butte. It used to be Rivendell. They have a life skills class for juveniles 16 years old and up. This program teaches them skills and offers them counseling. The youth are taught job interviewing skills. The youth then use these skills to get jobs; they then work during the days. Child Comprehensive Services is a psychiatric facility for kids. If an institutional program is going to be beneficial, it needs to have a slow follow-up program that lets them adjust over time. Usually when a child leaves the institutional setting, he or she goes right back into the same family they came from. The family and the environment have not had treatment. The parents treat their child the same way as before, and the kid falls back into his or her old environment. Nothing has been accomplished and a lot of money has been wasted. The juvenile justice system does not have a lot of money to use. Sending a child to an institution often costs 50,000-60,000 dollars. The juvenile justice system in Helena is starting a program for parents. It will cost $20,000. If it is effective, less kids will end up in institutions. It could save the state up to $48,000.

13. What are the benefits of incarceration?
That depends on where one is kept. I'm going to split it up into two categories. Pine Hills has two benefits. The first one is that it protects the community. The second benefit is that it shows the kids what will happen if they don't change their ways. It gives them a chance to make a good choice. Detention centers are more beneficial. There are detention centers in Great Falls, Billings, Kalispell, and a short-term one in Butte. Missoula is building a new center. These settings protect the community and keep the kids off the street, hold them accountable for what they did, and can be therapeutic. Often times kids are placed here for preadjudication, and they see what the consequences of their actions may be. This often scares and deters them. The detention centers are worse than any jail. They keep the kids in their cells for the majority of the day. The kids are allowed out for two to three hours per day. They can watch television, but they must watch it out of a little window in the door. The juveniles are usually only kept in the detention centers for four to five days. Pine Hills is more of a campus setting with dorms and a school. The youth are escorted to and from the different buildings.

14. What is the maximum capacity for the detention centers?

Great Falls holds eight and Butte holds four. Missoula's will hold more than any other. Although we probably do not need this much space, they are building it, so it will be kept full. The Great Falls detention center is the one that Helena uses. It is government owned and costs $200 a day. The Butte facility costs $250 a day and is a profit organization.

15. Are youths in detention centers or Pine Hills offered therapy? If so, what type of therapy?
No real treatment is offered at the detention centers because the length of stay is so short. Often times they will receive an evaluation there. Pine Hills offers alcohol counseling if needed, and in one and a half years they will have a sex offender program.

16. Do you feel restitution is an important part of rehabilitation?

Restitution is a very important part of rehabilitation. It shows the community that the kids are responsible for their actions. The kids end up paying a lot of money in restitution. The kids that know right from wrong are hurt by the amount of money they have to pay. They realize what they did is wrong. There are victim/offender mediation programs; these are voluntary. Both the victim and the offender must be willing to meet. At these meeting the offenders have a chance to apologize, and the victims can explain how the offense has affected them. Some of society believes paying money back is not a sufficient consequence, but for the children who understand what they did, this is a good deterrence. Soon the kids who were stealing the ten Independent Record newsstands will meet with people from the Independent Record in a mediated meeting. This is the first time that we've had a business instead of an individual involved in the victim/offender mediation program.

17. Is the emphasis of the juvenile justice system on treatment or punishment?

The juvenile justice system was created on the idea of rehabilitation. Its founders believed that kids are learning, are impressionable, and can change. The basis of the system was founded on the fact that kids can be influenced. Many legislators do not believe this. They think that kids are living in a vacuum and that parents and the environment have no influence. These legislators believe delinquents should be punished
because they can't change. This is frustrating for those of us who work with these youth because we know that they can change. These legislators have passed a new law this year that says that after three misdemeanor offenses, the probation officer has to file a petition. In the past, the probation officer could file a petition when they thought it was necessary. It is easy to get three misdemeanor offenses. A youth could receive all three at the same time, and a petition would have to be filed. The youth would not have a chance to meet the conditions of the probation officer first.

18. What are the goals of the juvenile justice system? Does the system meet its goals? How could it be more effective?

The goals of the juvenile justice system is to intervene effectively and to get the kids out in better condition than they came in. The system meets its goals with the vast majority of kids. This may not be evident to the public, because they see the kids out on the street and don't remember what it was like to be that age. 90% of the kids I see, hit the system and then go. They are not habitual repeat offenders. With the other 10%, when one looks at their background they can understand why they are there. Most of this 10% have horrible abuse and neglect issues and abuse drugs. One wonders what can be expected from these kids after all they have endured. The system could be more effective if it had more money, but there could never be enough money.

Early intervention is another key component to success. Parents and society need to listen more to school teachers and administration. These people often notice problems when the children are young. When the teacher says the kid is acting out, parents need to listen rather than making excuses. The parents say "Well, its only my seven year old," yet when
that kid reaches 15, the parents often want him or her out of the house. More parent training. Parent's need to be taught how to deal with their kids and need to take more responsibility. The system and society need to recognize the symptoms; the kids and parents need to be held accountable. More community based services could help parents and children interact outside the home as well as inside. Since parents are often the start of the problem, they need to be part of the solution.
1. Describe the job of a school resource officer.

School resource officers are detectives assigned to work in the schools. They deal with police matters in schools. They also deal with cases in the community that may involve students. The main problems dealt with are truancy, vandalism, assault, disorderly conduct, tobacco, and drug possession. The officers also do presentations in classes about such things as drug and alcohol or probable cause. These officers try to establish a rapport with the students. The Great Falls school district has five SROs; one in each of the two high schools and one at each of the three middle schools. The elementary schools are divided up and each of the middle school SROs works in a few of these schools as well. The SRO programs also exist in Billings, Missoula, Bozeman and possibly Helena and Kalispell. The Polson-Ronan area is developing an SRO program as well.

Mr. Allen said that the most frequently asked question is "have things gotten so bad that we need police officers in the schools?" Mr. Allen says no. The things that occur now have been going on for years. There are a couple of reasons why officers in the school are helpful. Before police were stationed at the schools, the schools would have to call the police station to report an offense. The police are very busy and often would not be able to get to the school for a while. In the meantime, the dean or principle would have to watch the student until the police arrived. Schools began to quit reporting problems that they should have reported because they didn't have the time or people to baby-sit until
the police were available. The schools no longer have to wait for the police because the SRO deals with the situations. Another problem was that once the police arrived, different police officers would handle the kids in different ways even if the same offense was committed. Now with the SROs, there is more consistency in dealing with problems.

2. When was the SRO program established in Great Falls?

Up until 10 or 11 years ago, the district truancy officer was a civilian. About 10 years ago, a police officer was hired by the school district and became the truancy officer. Eventually this job was given to two officers. In February of 1997, the district hired a couple of SROs. In August of 1997, the district increased the number of SROs to five.

3. What are the goals of your job?

The main goals of the job are to reduce truancy and other offenses which are criminal. The SROs reduce fights and keep the school safe. Not that the schools aren't safe, but the SROs are working to prevent them from becoming unsafe.

4. Do you deal only with youth? Is there a specific division that deals only with youth?

Great Falls does not have a juvenile division per say. The SROs basically are the juvenile division but they are not specifically referred to as a juvenile division. Although SROs deal mainly with youth, they have other cases in the summer and over Christmas break. Some of these cases last into the school year, so they are not only working with students.

5. What is the age range of the youth you work with?

The main age range that SROs deal with is 12-17. Since they work with the
elementary students as well, they deal with all the students in the district.

6. How many youth do you see in a day?

550 students have been talked to or cited throughout the district. He has dealt with 167 of these kids. 129 of these students were at CMR and the other 38 attend Skyline, Great Fall's alternative school.

7. How many of the youth you deal with are repeat offenders? What do you believe should be done with repeat offenders?

He often sees the same kids over and over again. The intake department decides the outcome of the youth, so the SRO has no need to make this decision. The kids always are worried about the cost of their offenses. If status offenses such as trespassing had fines, the offenders may not be as quick to repeat.

8. Is it more common for you to deal with status offenses or delinquent activities?

For the first semester this year, September to mid-January, the most problems were with truancy, 199 instances, and tobacco, 82 instances. The next two biggest problems were trespassing, 29 instances, and theft, 20 instances. A large correlation exists between truancy and criminal activity. A lot of the problems exist because of peer pressure.

9. Does the punishment differ depending on the crime?

SROs do not punish. People commonly believe that police punish, but they don't. They investigate, establish probable cause, and then cite the person. It is up to the court and the probation officers what course of action will be taken. The course of action taken toward the student by the SRO does depend on the student's past record. If two kids are
caught in the same day and one has a record for smoking while the other has never been in
trouble before and seems genuinely sorry, the first one would be cited and the second
would be warned. Almost all kids caught smoking are cited. If they are found guilty, they
have to pay $55.

10. How many of the youth end up in treatment centers? How many end up in
detention centers?

Probably 10-15%. Most students are cited at the school and never go to the
detention center. The parents pick the kids up at the school. Then, when the intake
officer gets the citation, he calls the parents and sets a time to meet with the parents and
the kid. Some of the kids are put in shelter care. Shelter care is part of the detention
center, but it is non-secure. If the kids leave the building, employees cannot restrain them.
The police are told of the incidence, and it is up to them to recapture these kids. It is up
to the probation officer whether to place a kid in the secured area or shelter care. It seems
to be effective, and it keeps the kids out of their homes. The shelter care works in the
same way as a group home. Shelter care holds more kids than the secured area.

11. What do you think is the greatest deterrence of juvenile delinquents?

Enforcement followed by juvenile intake. Some times citations are never followed
up. A lot of the kids are from single parent homes or live with their grandparents. Many
times there is little supervision. When parents have control it helps, because they are
sending the same message as the SRO, the deans, and the teachers about what is
acceptable and what isn't. It is best when parents stand up for their kids until they have
proof that the kid did something wrong, and then discipline them when they know what
their kid did.

12. Do you believe officers in the high schools helps in cutting down on crime? How could this program be more effective?

Yes, the program is effective. The number of crimes committed has been decreasing at CMR and Skyline, and this is because of consistent consequences. The program would be more effective if SROs weren't tied to a desk and computer. If an assistant or intern were entering data, the SROs could be more visible and proactive.

13. Do you believe juvenile delinquency is on the rise?

No. The juvenile justice system on the whole is having a great impact. People in the community get the wrong perception. For example, a survey given to the youth was recently printed in the Great Fall's Tribune. Kids were asked questions that were vague. When asking a kid -- have you ever been in a fight -- the kid may take that to be physical or verbal. As a result of this the survey said that 14% of the kids at Great Falls High had been in a fight this year. The dean said that can't be because if that many students were in a fight, more would have been reported.
1. What are the goals of your job?

To help young people in trouble to redirect their choices and to refocus on the positives. They also need to be held accountable for the things they have done.

2. How many children do you work with per week? How much time do you spend with each?

A case load of 25-30 is considered full time. This probation officer’s case load is 65. The juveniles see the probation officer for 30 minutes once a week or once every other week.

3. What percentage of these children would you classify as having conduct disorder?

About 90 percent. All are oppositional-defiant for the most part.

4. How many of the youth you work with are repeat offenders?

Before being caught or put on probation, almost all of the offenders have committed more than one act. After probation, about 50 percent recidivate. Shoplifting is a crime that is often repeated. It is a low value property crime, and often an offender will get away with shoplifting many times and will believe the benefits to be worth the consequences. A juvenile who has been caught for burglary does not often reoffend. With repeat offenders, one needs to look at the offender’s motivation. A lot of repeat burglars are hooked on drugs. Often times they steal electronics and pawn them to get money for their habit. Right now offenses related to drugs are more common than those
related to alcohol. A large amount of offenders have a drug addiction. The popular drug in Great Falls now is Methamphetamine.

5. What do you believe should be done with repeat offenders?

They need to be dealt with on an individual basis. One of the most important steps to take is to look at the motive. If a burglar has a drug problem, the juvenile justice system needs to focus on getting the offender into a chemical treatment program. Once the offender is off the drugs, his or her reason to steal will be gone. If the burglar has a need to steal, if it gives them a rush in itself, the offender needs to learn to meet this need without committing the crime. If the burglar is a sociopath who has no respect for rules or other people, the offender needs to be locked up. These offenders do not have a conscience and do not believe the rules apply to them. The only way they may stop stealing is if they experience pain through incarceration.

6. Is the most common reason for admission status offenses or delinquent crimes?

Criminal. There is no time to deal with status offenders.

Why do you think Great Falls has more crime than Helena?

The crime rate is higher because the drug use is higher.

Do you think the base affects the amount of crime?

Base kids are not seen more than any other area of town. The police do say that often times families move to the base in Montana, because their kids are getting involved with gangs or drugs. The parents believe the kids will have to behave here. Often times these kids bring their gang knowledge with them. A less common scenario is that families on the base can take in dependents. If their niece or nephew is getting in trouble in the big
Juvenile justice usually will continue to get in trouble here. Another reason Great Falls has more crime than Helena could be because of gang activity. There are seven to ten recognized gangs in Great Falls. Often times property crimes are done by these gangs. The stolen goods are often pawned in Spokane, because the pawn shops won't go to the trouble to find out if the goods are hot across state lines.

7. Do you believe juvenile courts are affective in deterring youth?

Partially. Now that the courts can impose harsher punishments, the impact is greater. The courts can impose larger fines, longer amounts of incarceration, and fines can be transferred to the adult once the juvenile turns 18. This way if juveniles do not pay all their fines by the time they are 18, they can still be required to them. At Pine Hills, juveniles criminal history determines the length of stay.

8. Do you believe juvenile delinquents have a good chance for rehabilitation?

Yes. Follow through is the key. The juveniles need to be held accountable.

9. What are the benefits of incarceration?

There is a statewide approach to dealing with delinquents. It is called the balance approach. It is represented with a triangle. One corner is accountability. The offender has to be held accountable for the crime. Now more than ever courts have been open to the public. Starting in the summer of 1997, almost every trial was open to the public as long as it did not involve a status offender. Newspapers have begun printing the names of the juveniles committing the crimes. Kalispell's paper supposedly prints the juveniles' names along with their parents. This gets the parents involved and forces them to take
some responsibility. It has been successful. The Great Falls Tribune has not tried this yet.

The next corner of the triangle is community protection. The last corner is competency building. By giving the offender skills and knowledge, the justice system hopes to cut down on crime. These three issues must all be addressed. If a juvenile is dangerous to the community, more emphasis may initially be placed on community protection, but all three areas must be addressed.

10. What is your policy on sending kids to Pine Hills?

This is an individual decision which each probation officer must make. Most kids that go there do not learn much; they do not offer many programs. Kids are mainly sent there for community protection. Therapy is a main part of rehabilitation. Without it, the motives for crime will not be addressed and will still exist upon release. A main problem with Pine Hills is the limited amount of beds. If three new kids need to come in, the three that were closest to leaving are released; the kids know this and try to follow the rules so they can get out early. The Great Fall's judges base their decision to send juveniles to Pine Hills on whether the juveniles want help or not. The two most important factors are the kid's attitude and the crime committed. As a juvenile gets closer to adulthood, the punishments increase. More than half of the burglaries and felonies in Cascade county are committed by teens. This may even be a conservative estimate; the number is probably closer to 60 percent. The rural areas have less juvenile crime that urban areas, because the urban areas have organized crime. A whole section of town can be burglarized in one night with two or more juveniles working together.

11. Do you feel restitution is an important part of rehabilitation?
Absolutely. The youth court act is the same statewide, but judges make individual decisions within this act. The probation officers follow the rules of the judge in their county. The Great Fall’s judges see restitution as a very important part of justice. Joint and several liability used a lot. This gives the victim a better chance of receiving full restitution. If three kids commit a crime equaling $3000 in damage, all three kids owe the full amount rather than $1000. This way if one of the kids is earning money, he or she will be paying restitution. If the other two are incarcerated and not earning money, they won't begin paying until they have an income. The one kid may end up paying all $3000. If the other two eventually can afford to begin paying, their money will go to the first kid to pay him back. This way the victim is more likely to receive full compensation. The judges have also started ordering the perpetrators of a crime to pay for any counseling the victim may need as a result of the crime. Community service is another way that juvenile delinquents pay restitution. Sometimes community service can be beneficial to the kids as well as the community. It can build self-esteem and, in a few cases, juveniles have received work references. Statistically under 14 percent of adult cases complete community service while 49 percent of youth do.

12. How could the juvenile justice system be more effective?

Juvenile boot camp. The ones in Florida are very effective. There should be continued severe penalties and even, in some cases, more severe penalties. There should be mandatory counseling at Pine Hills that address anger and control; more classes to build employment skills should also be offered. More use of house arrest and post-dispositional hearing punishment. Kids hate being on house arrest, because they lose
their freedom. A Saturday work program could be implemented. Saturday school already exists; the kids hate giving up their Saturday and having to pay to go to school. Weekend jail worked well. The delinquents would go in at four o'clock on Friday and would be released at seven o'clock Sunday night. This impedes their social lives, and kids hate that. There needs to be a combination of punishment and rehabilitation, neither one is effective on its own.

Parents usually fall into one of two categories. Either very helpful or enablers. The hardest parents to deal with are the middle class parents, because they think their kids aren't bad. The average drug user is a C or better student, is involved in an extra curricular activity, and comes from the middle class. These kids have the money, their parents don't suspect them, and they belong to the social groups that use.

There were over 400 arrests in January and 198 of these were repeat offenders. More intensive probation supervision is more effective. To do this, the case load needs to be less. Probation officers no longer have the time to pay a surprise visit to one of their kids to have them take a breathalyzer test or give a urine sample. Effective probation is directly correlated with the intensity of the probation. Probation violations should be enforced. Kids that break probation should receive additional consequences. This often does not happen, because the probation officers often don't find out that probation was broken until a week or two later because of their heavy workloads.

In order for a delinquent to find success, three elements must be present. First the juvenile must have a support network, either parents or a group home or another source of support. Secondly, the juvenile must maintain chemical free. When one is on
chemicals, he or she will start thinking school isn't important and that burglary isn't that bad. If the juveniles can maintain chemical free, they will have an easier time keeping their values. The third element is positive relations with a significant other, adults and students. Without all three of these items, a juvenile delinquent will recidivate.
1. Describe the role of a therapeutic foster parent?

A foster parent is an advocate for the child. They are advocates with the school and with the therapeutic foster program. They make sure the program sticks to their promises. For example, the program promised to test one little girl for Fetal Alcohol Syndrome, yet so far they haven't followed through. Advocate for the child with the doctor to make sure the child is on the right medication. The foster parents also are advocates to make sure the child receives the right therapy. Also a family unit to child and explain attachments and are honest with them.

2. What are your goals as a foster parent?

Make the child feel safe. One child did not feel safe sleeping at night and fears being abandoned. She needs to feel emotionally safe and to be reassured that her foster parents won't leave. This same child also will bang her head and cut at her clothes. The foster parents need to keep her physically safe from herself. A major goal with this child is to cut down on the rages. Another goal is to keep home and school separate. That way if the child has trouble at school, she can come home and have a good night. Try to get the child to talk to the therapist. The foster parents also want to get this child to lighten up on the institutional rules. The girl won't hold the foster parent's hands when she crosses the street, because she says they can't touch her.

3. How do children get placed in your home?
For therapeutic foster care, the people applying must have four letters of reference, go through interviews, and take a psychological battery of tests that included the MMPI and an anger test. Then the foster parents get to pick the child they want. They read the files and are allowed to turn down any child.

4. What different ages have you had living with you?

They have been between the ages of 8 and 20.

5. What were some of the psychological diagnoses of these youth?

They were treated for a variety of problems. One girl was treated for alcohol dependency and an eating disorder. Others were treated for abuse. Another girl was treated for a dissociative disorder.

6. Do you think foster homes can prepare a child to return to their old environment?

Not by itself. A foster home can get the child ready to return home, but the parents aren't forced to go to therapy. Since the parents haven't changed, the work done in the foster home probably won't last.

7. What are the hardest issues to deal with as a foster parent?

Deciding whether to use behavior modification, which the program wants foster parents to use, or normal consequences. Behavior modification usually gets the kids to behave properly but for extrinsic reasons. One of the foster girls will say things like "I behaved for you." The child does not believe she is behaving for herself. Behavior modification treats the kids as robots. it is hard to do things with a foster child that one wouldn't do with their own kids. For example, when a foster child is in a rage, the foster parents are only allowed to do certain things, and they have to be very careful what they
do. With a biological child, a parent may grab their kid's arm to keep him or her from hurting themselves. With a foster child, this cannot be done. Instead, foster parents are told to hold the child as he or she kicks and flails until the tantrum is over. Foster parents also have boundaries with the foster kids that aren't their with biological children.

8. As a foster parent is your emphasis on punishment or treatment?

Treatment. Unfortunately there is not enough money for the emphasis to be solely on treatment. Punishment makes kids behave for extrinsic reasons, and as soon as fear of punishment is gone, the reason to behave has also disappeared. The punishment and the behavior modification treat the kids as less than human. One set of foster parents that had a young foster girl afraid of sleeping in the dark, took the light bulb out at night and placed an alarm on the door of her bedroom. If the girl tried to get up in the night and touched the door, the alarm would sound. The foster parents would then put the girl's shoes and coat on and lock her outside in the dark. This type of punishment is supposed to make the girl sleep at night, yet not many people would treat their own child this way.

9. What training requirements are necessary to become a foster parent?

The therapeutic foster care training takes between 21-28 hours. The foster parents must complete 40 hours a year to keep their certification. Therapeutic foster parents and children spend an hour a week with the program's social worker. The foster parents also meet with each other and the social worker once a month for two and a half hours. Guest speakers come and the foster parents divide into clusters to share problems and ideas. These two and a half hours a month count toward the 40 hours needed per year.

10. What determines the time factor? What is the longest amount of time a foster
child has stayed with you?

It depends on the individual case. With one child, leaving depended on a consensus between the probation officer, the therapeutic program's social worker, the foster parents, the therapist, and the parents. It is difficult to say who will get to decide. In one situation, the biological parent had control over things happening in the foster home. For instance, the girl wanted to arrive at school early. Her foster parents disagreed with the decision, but her biological mom said it was OK. When the probation officer found out, he put his foot down and said the girl could not go to school early. It is hard to know who has the most authority in what a foster child can do and when they should leave. The longest stay was one year. That was not part of therapeutic foster care. The average length of stay in a therapeutic foster home is two years.

11. When a youth is moved from your home, is he or she moved back to their biological parents?

If they can be, they are moved back to their parents. The therapeutic foster program is an advocate of the biological parents. It gets them any knowledge or information that they need.

12. When a youth lives with you do they have contact with their parents? If so, how often and is the contact by phone or visits?

It varies depending on the case and the situation. One of the foster children couldn't see her mom at first but could call her. Then, once a week the child could go to dinner with the mom. Eventually the foster child would spend five days with the biological mom and then five days with the foster parents.
13. How could foster parents be more effective in reaching their goals?

By having more knowledge. If more tests were run on the kids, foster parents could know what they are dealing with. It would help to be put in touch with knowledgeable people and to receive the best experts and therapies for the child.