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An Analysis of the Juvenile Justice System Using Psychological Theories of Punishment

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An Analysis of the Juvenile Justice System Using Psychological Theories of Punishment

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Abstract

The problem of juvenile delinquency affects all of society. The high recidivism rate and the steady increase in juvenile crime suggest the importance of an effective juvenile justice system. This paper provides an analysis of the juvenile justice system using psychological theories of punishment. Based on this information and interview data obtained from professionals working with the juvenile justice system in Helena, Montana, alternatives for rehabilitation were proposed.
CHAPTER 1  INTRODUCTION

Historically psychologists believed that basic human development ended with childhood. By the end of childhood one's basic characteristics were set. During the rest of the lifetime these characteristics were refined. Currently, most psychologists, believe that one's development is a lifelong process (Myers, 1986). In pre-industrial societies one went directly from childhood into adulthood with no time for a transition (Baumeister & Tice, 1986, cited in Myers, 1986). In the early twentieth century children were expected to work like adults yet still remain obedient to their parents until they married (Kett, 1977, cited in Myers, 1986). As technological and economic changes led to increasing industrialization in Western society families moved from the farm to the city. At this time children became less of an economic asset and more a liability. On the farm and during the early years of industrialization, the cheap labor supplied by children was very important for productivity (Adams and
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Gullotta, 1983). It was not until the twentieth century when biological maturation came earlier in life, and adult labor was postponed until the completion of one's education, that adolescence became noted as a distinct period of life (Myers, 1986). Advancing technology and mechanization lessened the need for children in the labor market. By 1914 every state but one had passed laws prohibiting the employment of children under a certain age in industry. Statutes also limited the number of hours an older youth could work. (Adams and Gullotta, 1983).

The period of adolescence is one filled with dramatic intellectual, emotional, spiritual, social, and physical changes. G. Stanley Hall, often labeled as the father of the scientific study of adolescence, felt that all development is controlled by genetically determined physical factors. Although Hall believed that the environmental influences on development were minimal in infancy and childhood, he did acknowledge that they have a greater effect during adolescence. Hall believed that during adolescence heredity
interacts with environmental influences to determine the development of the individual (cited in Santrock, 1981). Hall viewed the period of adolescence, between the ages twelve to twenty-three, as "Sturm and Drang," which means storm and stress. This period, according to Hall, is a turbulent time charged with conflict (Ross, 1972, cited in Santrock, 1981). This is a time filled with contradiction and wide swings in emotions and mood (Santrock, 1981).

Piaget also discusses the confusion and development that occurs during adolescence. According to Jean Piaget's "The Intellectual Development of the Adolescent", adolescence is the age when

the individual becomes integrated into the society of adults, the age when the child no longer feels that he is below the level of his elders, but equal, at least in rights, to the adult and quite frequently above his level (because of a kind of resurgence of narcissism or egocentrism, which has frequently been stressed (Piaget cited in Caplan and Lebovici, 1969, p.22).
According to An Outline of Piaget's Developmental Psychology for Students and Teachers, by Ruth Beard (1969), Piaget believed that important intellectual changes occur during adolescence. At the beginning of adolescence one's social life changes. Increasing collaboration, which involves the exchange of viewpoints and discussion, leads individuals to a greater understanding and allows them to look at different points of view. This discussion leads to an internalized conversation—deliberation or reflection.

The ability to consider many viewpoints allows an adolescent to think with flexibility. An adolescent begins to look objectively at himself and others. The flexibility in thinking also contributes to a change in attitude towards rules and convention. The adolescent begins to realize that rules and conventions have been decided by adults and vary among groups of people. Flexibility in thinking also contributes to less extreme moral judgments by adolescents. The adolescent is able to understand that a good man may have bad
characteristics. These social and intellectual changes lead to great changes in an adolescent's life.

Although adolescence has now been acknowledged as a distinct stage of development, in many aspects of life, adolescents are being treated as adults. For example, there are times when a juvenile commits a crime and he is treated as an adult in the adult criminal justice system. According to Gelber (1983), the adult system does not rehabilitate offenders. The juveniles that commit crimes and are not treated in the adult system are "treated" within the juvenile justice system.

The United States has been confronted with what many consider to be an epidemic of juvenile crime (Ryerson, 1978, abstract). Wilson and Herrnstein (1985) state that

the rise in crime in childhood and early puberty accompanies the awakening of major sources of reinforcement for delinquent behavior—money, sex, and peers who value independence of, or even defiance of, conventional morality (p.146).
According to the 1988 "Uniform Crime Reports for the United States" by the Federal Bureau of Investigation, there were 1,634,790 arrests of individuals under 18 years of age in 1988. In 1987 there were 64,542,000 individuals in the United States under the age of 18 years (Statistical Abstract, 1989). The number of arrests for juveniles was over 16 percent of the total number of arrests for all age groups in 1988. Juveniles accounted for over 17 percent of the total arrests in cities and approximately 12 percent of the arrests in suburban counties (Uniform Crime Reports, 1988).

All Americans have either had a crime committed against them, know an adolescent who is delinquent, or pay taxes to finance the juvenile justice system. Therefore, the problem of juvenile delinquency is one which affects all of society. Shannon (1982) states that over 90 percent of males and 75 percent of females are involved in at least one incident in their juvenile years for which they could have been arrested (cited in Snyder, 1988). Furthermore, it is suggested
by many that a small percentage of juveniles are responsible for the majority of serious offenses committed by juveniles (Tracy, et al., 1985; Shannon, 1982; Hamparian et al, 1978; Wolfgang, et al., 1972, cited in Snyder, 1988). According to "Court Careers of Juvenile Offenders," by Howard N. Snyder (1988), about half of all juveniles with police records have only one police contact, while the other half recidivate (Tracy, Wolfgang, and Figlio, 1985; Wolfgang, Figlio, and Sellin, 1972, cited in Snyder, 1988). By most estimates, fewer than ten percent of young criminals commit two-thirds of serious offenses (Gest and Kyle, U.S. News and World Report, p.50).

The high recidivism of juvenile delinquents often continues into their adult lives. Sheldon and Eleanor Glueck's research (1968) found that only a fifth of the original delinquents in their study turned out to be nonoffenders during the period from age 17 to age twenty-five years. The proportion rose to nearly half from age 25 to thirty-one years. The high recidivism rate of juveniles, along with the evidence that the
earlier the age of onset of delinquency careers the longer and more serious the career will be (Tracy et al., 1985; Shannon, 1982; Hamparian et al., 1978; Wolfgang et al., 1972; cited in Snyder, 1988), suggests the importance of an effective juvenile justice system. Moreover, because delinquents often continue committing crimes as adults rehabilitating juveniles is very important to both the juvenile and society.

This thesis will analyze the treatment of youth in the juvenile justice system by discussing the process of entering the system, the Court process, and the options the system has available in dealing with the youth. After gaining an understanding of the juvenile justice system, the use of punishment in the system will be examined. Theories of punishment will be discussed and the use of punishment in the juvenile justice system will be analyzed. Based on this information and interview data obtained from professionals working with the juvenile justice system in Helena, Montana, alternatives for the rehabilitation
of delinquent youth will be proposed.
Prior to the twentieth century in the Western world children over the age of seven were treated under the same criminal law as adults. At this time children under the age of seven were presumed incapable of committing a crime. Thus a child over the age of seven who committed a crime received the same sentence as an adult (Forer, 1980).

The juvenile justice system was created at the beginning of the twentieth century. According to Charles E. Silberman (1978), director of the Study of Law and Justice, high hopes and great optimism were a part of the creation of this system. Silberman states "In their rhetoric, if not their actual operation, the courts represent expressions of faith in judges' capacity to change human behavior and thereby turn wayward children into law-abiding citizens" (p.310).

In the late 19th century social reformers pushed for a court to deal with the problems of juveniles and
Juvenile families and in 1899 the first juvenile court was established in Chicago (Murphy, 1974). Juvenile courts were established in every state during the first several years of the twentieth century.

According to Lois G. Forer, a distinguished judge and the author of Crime and It's Victims (1980), the twentieth century may be called the "Century of the Child" by future historians. Although the American people appear to love children and treat them with tenderness, Forer believes that observing the juvenile courts, along with child-caring agencies and public schools, show that our society actually dislikes children. Judge Forer states "our institutions treat children more harshly than adults and our law denies to children the rights guaranteed to every person by the Constitution." Forer further discusses a harsh and punitive attitude towards children that may be traced in attitudes of various societies throughout history. The normal or average attitude toward children has not been determined but examples of societal values and norms in history show
the maltreatment of children. For example, in pagan societies children were often sacrificed to propitiate the gods. Classical Greeks, Romans, and others abandoned, exposed, and left unwanted children to die. Although sacrifices are forbidden in the United States, the statistics regarding the maltreatment of children are astounding. According to Jane Levine Powers and Barbara Weiss Jaklitsch' book *Understanding Survivors of Abuse: Stories of Homeless and Runaway Adolescents* (1989) almost 1.6 million children are abused and neglected each year. Nearly 13 million American children are poor and millions more live on the edge of poverty. In addition more than 11 million children have no health insurance and 7 million children fail to receive routine medical care.

The importance of development in the early years of life has been studied greatly. Yet social and government institutions, including the legal system, give children far less consideration and care than they give adults. Juvenile courts began as an effort to protect children from the harshness of criminal
law; courts were a place where children who needed guidance would receive it. Yet the court has "clearly become an agency to prosecute rather than protect children" (Forer, 1980, p. 252).

According to individual state laws juveniles are those individuals below the ages anywhere between sixteen and twenty-one years. According to Kaplan and Skolnick (1987) these juveniles can be brought to juvenile court for three reasons. First, they may be accused of a crime. Second, children may be brought before the court because they are "beyond the control of their parents," "in need of supervision," or another term which describes a child who is promiscuous, truant from school, or a runaway. Third, are those children whose parents, if alive, are unable or unwilling to care for them. This paper focuses on those juveniles who have committed crimes but briefly touches the other two categories. Because the emphasis is on the "criminal" aspect, only the process which these juveniles go through in the juvenile justice system will be examined.
CHAPTER 3 THE PROCESS OF ENTERING THE SYSTEM

In order to evaluate the effectiveness of punishment in the juvenile system, the process which a juvenile goes through when entering the system must be examined. According to The American Heritage Dictionary of the English Language punishment is the condition of inflicting a penalty for an offense. Dennis Coon's Introduction to Psychology (4th ed.) (1986) states that punishment is "after a response, the delivery of an event or stimulus that tends to reduce the future probability of that response."

Punishment may vary for each individual and may occur at various stages in the juvenile justice system. For many first time offenders being apprehended, detained, or brought before a judge may be considered punishment. For others who have been involved in the system or know individuals who have been involved with the system, these conditions are not viewed as punishment. For many of these individuals incarceration or probation may be punishment.
The juvenile process begins with the apprehension of a minor by a police officer or officers, who then takes the child into custody or "detains" them (Kaplan and Skolnick, 1987; Heaps, 1974). Heap (1974) discusses the process a juvenile goes through when entering the juvenile justice system in his book *Juvenile Justice*. Apprehension is the equivalent of an adult arrest, and is the first step in a sequence of actions that may lead to an appearance in juvenile court. According to Kaplan and Skolnick (1987) a juvenile may be apprehended for many reasons. Often the juvenile is "detained" after a complaint by a private citizen is made. According to Heaps (1974) other reasons for being detained include questioning for suspicious behavior, being caught actually committing a crime, or on a warrant which identifies the suspect. A child, unlike an adult, may be apprehended without a warrant being served. A police officer must quickly assess the situation and determine if a misdemeanor or a felon has been committed, and then what action must be taken. The procedure often depends on the particular officer, yet Supreme Court decisions have
standardized the procedure slightly. The decision of the Supreme Court case Miranda v. Arizona (1966) states that an officer must advise the child of his right to protection against self-incrimination. The Terry v. Ohio decision (1968) affirmed the right of police to "stop and frisk" a suspect to determine whether the suspect possesses a weapon and the Mapp v. Ohio (1961) decision protects the suspect from being searched for evidence without a warrant (Heap, 1974).

After apprehending a juvenile, a police officer has several options which are discussed by Heap (1974) and Kaplan and Skolnick (1987). First, he can book his detainee in a detention facility, a special "juvenile hall," or the local jail. The juvenile is detained until the juvenile probation department determines the next step. Most state laws limit police preventive detention to 48 to 72 hours. During this time decisions regarding the juveniles future must be made. During a detention hearing, at which the minor and his parents are present, a judge or court officer determines whether the juvenile should be released or
detained beyond the prescribed limit. When detention centers are not available, juveniles may be detained in local jails with adult criminal offenders. Second, the officer can issue a citation requiring the juvenile to appear at a later date before the probation officer. The probation officer determines the need for further proceedings. Third, an officer can refer the juvenile to a social service agency, such as a chemical dependency treatment center. Fourth, he can place the juvenile on "police probation" which requires community service to be performed. Last, the police officer can release the juvenile to the custody of his parents.

After apprehension, according to Heaps (1974), the juvenile court pattern follows well defined steps outlined in two major publications of the National Council on Crime and Delinquency. An overload of cases may cause the omittance of the recommended procedures. The first step of the process is the "intake" determination. The Uniform Juvenile Court Act defines intake as "a process of examining and evaluating the circumstances of every case referred to the court. It
is directed initially at ascertaining which cases require no action, which require referral to other agencies, which can be benefitted and adjusted by treatment without judicial action" (Heap, p. 83). Intake personnel vary from state to state, but are normally police officers, probation officers, or social workers. The function of intake personnel is to determine whether the juvenile should be detained or released to the custody of parents (Kaplan and Skolnick, 1987; Heaps, 1974). Background social reports are often prepared by intake personnel. These reports include information about the juvenile's home environment and his attitudes. They also include recommendations and are often used by judges to guide their decision (Heaps, 1974).

Heaps (1974) discusses the role of the intake personnel in the juvenile justice system. The intake personnel decides the next step of the procedure. Informal adjustment procedure is used if the complaint is not serious enough to be referred to court procedure. This procedure includes interviewing the
parents to determine the appropriate action. The child is released on probation to the parents. During the probation period the child must continue to meet with the probation officer and may be referred to local child welfare agencies for treatment. The failure of the child to meet the conditions of probation, including another apprehension by the police, may lead to the revocation of probation. A child who is not placed on probation may be discharged from the custody of the court.

If the intake officer decides court action is necessary, he authorizes the filing of a document of complaint, also called a petition. A petition is a legal complaint containing the allegation upon which the courts jurisdiction is based. It charges the defendant with having committed a specific violation of the penal code and gives verified statements specifying time, location, and the nature of the alleged act. The filing of a petition institutes the formal proceedings in a juvenile court (Heaps, 1974).

The intake personnel explains to the parents the
reasons for deciding to institute court procedure, the court hearing, and their rights. When the petition is filed with the court, a hearing date is fixed. The hearing is expected to be given priority and scheduled as soon as possible when a child is being held in shelter care or detention. At this time a summons is issued to the parents or guardian, stating the time, date, and place of the hearing (Heaps, 1974).

The judge of the juvenile court may decide that the juvenile is "not a fit subject" for juvenile court and wave jurisdiction so that the youth may be tried as an adult in a disposition hearing (Kaplan and Skolnick, 1987; Heaps, 1974). Disposition hearings are rare and usually occur in a situation in which the juvenile is very near the maximum juvenile age, is accused of a serious crime, or has a lengthy record of previous court adjudications (Kaplan and Skolnick, 1987).

More commonly a "jurisdictional" or "adjudicatory" hearing will be held. These types of hearings are trials to determine the guilt of the juvenile (Kaplan and Skolnick, 1987). Until recently these trials were
informal and the juvenile had no right to remain silent and no right to counsel. This procedure was justified, according to John Kaplan, Professor of Law at Stanford University and Jerome H. Skolnick, Ph.D., professor of Law at University of California, Berkeley, co-authors of *Criminal Justice: Introductory Cases and Materials* (1987), "on the ground that the juvenile court was acting like a parent and had the child's best interests at heart" (p.121). Therefore legal technicalities had no place. According to Heaps (1974) these proceedings were informal to avoid subjecting children of whatever age to the same procedures as older criminals. It was believed that the formalities of an adult court would complicate the process, frighten the offender, and interfere with rehabilitation. Recently because of modern acceptance of due process and constitutional safeguards, the atmosphere of the juvenile courtroom has taken on some of the formality of the adult court. According to Kaplan and Skolnick (1987) the 1967 Supreme Court case of *In re Gault*, extended procedural
protections under the Federal and State constitutions and by state legislation, so that in some states the juvenile proceedings differ from adult only in the lack of the rights to bail pending final disposition, to a jury trial, and to a public trial. At this time many states have not complied with this Supreme Court decision.

The normal juvenile court statute allows a judge choice in the courtroom setting and his attire. In many big cities, regardless of the desired atmosphere, courtrooms are often dirty, rundown, and lacking in privacy or quiet. The purpose of the disposition hearing is to determine if the juvenile is guilty of the offense he is charged with and, if so, what shall be done with the juvenile (Heaps, 1974).

The constitutional right to a public trial is not accepted by all juvenile courts. Most state acts and court standards advocate that only persons having a direct interest in the case may be admitted. Some courts are open because of space limitations or because the court believes in the public's right to be
informed. Youth are protected from the introduction of hearsay and unsworn testimony. Juveniles are not required to plead guilty or not guilty, because the juvenile court recognizes the legal concept that any person is innocent until proven guilty and that a guilty plea would remove the constitutional protection against self-incrimination. The Gault decision upheld the juvenile’s right to counsel, although some judges feel that informality is sacrificed by the counsel’s presence. The court usually advises juveniles of this right and state law requires that the court supply counsel for offenders who are unable to afford the expense (Heaps, 1974).

Court procedure includes the charges being read by the judge or the court clerk, and then the questioning of the juvenile or his counsel by the judge to clarify statements in the petition. Oral testimony regarding the apprehension may be presented by a police officer and recommendations for action may be presented by the probation officer. If the judge feels the evidence is insufficient, or he discovers a loophole that should be
clarified, or he feels that he is unable to make a decision at that time, he will adjourn and set a later date for a hearing (Heaps, 1974).

Once the facts are read and all questions are answered, the judge must determine whether or not the juvenile is delinquent. A juvenile is not found guilty or not guilty of any offense, but a determination is made on the basis of "whether it is in the best interest of the child and the community to deprive him of his liberty" (Heaps, 1974, p. 97).

At this point the judge has three options for the immediate future of the juvenile. First, he may dismiss the complaint. Second, he may commit the child to a correctional institution. Third, he may postpone the hearing of a case and place the child on temporary probation (Heaps, 1974). The second and third options for dealing with a juvenile will be discussed in this paper.
Although punishment may occur in many forms, the juvenile justice system often uses correctional institutions or periods of probation as punishment for delinquent behavior. The history and descriptions of these forms of punishment will be discussed.

Since the 1960's there has been an emphasis on the decriminalization of status offenses and the movement toward the deinstitutionalization of all juvenile offenders. Although the emphasis has changed, the commitment of juveniles to local and state operated institutions remains a court ordered deposition and the numbers of delinquents institutionalized continues to rise steadily (Sherraden and Doons (1984) cited in Quay, 1987). According to the American Correctional Association (1986) state institutions and training schools held 24,340 males and 2,786 females as of June 1985 (cited in Quay, 1987). Quay (1987) states that a conservative estimate of the actual number that are institutionalized throughout the year is three times
the number which were held in June of 1985. Moreover, these figures do not include the juveniles housed in private facilities. Schafer and Knudten (1970) state that a juvenile's length of stay in a corrections facility ranges from four to twenty-four months with a median of approximately nine months. According to Statistical Abstract of the United States (1989), the per capita operating cost of public facilities for juveniles held in custody in 1985 was $25,200. The per capita for private custody was $24,300.

At this time all states have at least one facility for institutional treatment for juveniles. Institutions are located at various sites within each state and vary in degrees of custodial supervision based on the needs of the juveniles and the seriousness of their behavior problems (Trojanowicz, 1973).

Throughout history various types of punishment and detention have been used to hold those individuals considered "dangerous" to society. Stephen Schafer of Northeastern University and Richard D. Knudten of Valparaiso University trace the history of the
correctional institution in their book Juvenile Delinquency: An Introduction (1970). Corporal, pecuniary or capital punishment predominated until the 18th century regardless of the criminal's age. "Even ancient societies had prisons, dried cisterns, town guardrooms, abandoned stonepits, the Carcer Mammertinus and the Tullianum in Rome, lockups (ergastulum), and places of disciplinary detention (coercitio) for children and adults" (p. 318). In the Middle Ages petty criminals were locked in towers for short periods but treatment or institutional programs were nonexistent. Although longer detention gradually occurred, treatment of these "criminals" was not a priority. In France in the 15th century convicts of all ages were used for labor and literally worked to death on the job. In the mid 16th Century correctional institutions were opened in England. Criminals, vagabonds, actors without licenses, and students expelled from school were held in these institutions. Although learning skills through work training with necessary tools or equipment was the original plan for
these institutions, these goals were unfulfilled.

In the late 16th Century juvenile delinquents, criminals, vagabonds, and incorrigibles or unmanageables were treated in the Amsterdam house if their relatives desired. This institution included intensive work and soon created a monopoly on the spinning of velvet and wool. The success of the house depended on the quality of the work of the individuals in the institution. Basically, the survival of the institution depended upon the work of those living in the correctional institution. The Amsterdam approach stimulated the development of educational and goal oriented imprisonment (Schafer and Knudten, 1970).

Up until the 18th century children were imprisoned with adult criminals and housed in extremely poor conditions. The adults dominated the juveniles leaving them helpless. Elementary hygiene, sanitation, adequate working conditions, and education were nonexistent. In 1788 the English Philanthropic Society of London, thanks to the work of John Howard, established a cottage system for beggars, vagrants, and
other children arrested for petty crimes. Up until this time the separation of adults and juveniles was rare. These cottages employed young boys in agriculture work and eventually organized a home for dependent children. A home for girls was soon established and the Industrial School Act of 1857 made provisions for training juvenile delinquents in private industrial schools separate from prisons (Schafer and Knudten, 1970).

The European efforts made a great impression on the United States and the Society of Reformation of Juvenile Delinquents was established in 1823. In the 1820's houses for refuge were opened in various cities in the United States. Although the goal of these homes was the treatment of young offenders, the proponents of these institutions knew very little about delinquency and these homes were little more than juvenile prisons (Schafer and Knudten, 1970).

The turning point towards positive treatment occurred with the emergence of the English Borstal System at the turn of the 20th century. This system
emphasized negative prevention and positive treatment. Negative prevention means to keep children away from criminal pressures and positive treatment means to help children develop the strength to resist criminal pressures. Based upon the philosophy that "the good must be developed to beat the bad," Borstal training was aimed at overall development of character and capacities. Hard work, progressive development of trust, increased personal responsibility for decision making, and growth of self control were emphasized (Schafer and Knudten, 1970).

Although similar goals and ideas may seem to be those of the present juvenile justice system and the many correctional institutions throughout the United States, Schafer and Knudten (1970) believe that there exists an absence of treatment philosophy in juvenile correction institutions. In effect, because a clear goal does not exist, it is difficult to find effective personnel for treatment. Furthermore, Schafer and Knudten believe that any philosophy is limited by the public's demand for security. Quay (1987) states that
because the populations of institutions consist of juveniles who have failed in less restrictive programs or have been found guilty of offenses considered unacceptable to community facilities, rehabilitation is nearly made impossible. Instead of rehabilitation an increasingly punitive philosophy becomes adopted.

According to Robert C. Trojanowicz, Ph.D., professor at Michigan State University and author of *Juvenile Delinquency: Concepts and Control* (1973), institutions often suffer from a lack of resources and trained staff and therefore should be used only when no other alternative exists. Furthermore, Trojanowicz states, "The less the youngster is exposed to the formal process of the criminal justice system, the greater are his chances of satisfactory adjustment in the community, and the less stigmatization will be a factor in future delinquent behavior" (p.219).

According to Quay (1987) an ideal treatment center for a juvenile offender would offer academic education, vocational training, recreation, reality therapy,
social skills training, group therapy, behavior therapy, individual psychotherapy, among other types of therapeutic treatment. In reality, according to the research done by Lois G. Forer, a judge in Philadelphia, (1980) most juvenile institutions are "simply jails with none of the protections and rules which obtain in adult prisons" (p. 257). Furthermore, children's mail is read and censored, solitary confinement is a common punishment and there are no yard privileges. Visits by lawyers and clergy are rare in juvenile institutions. Most significantly there is little academic education in juvenile institutions. Forer states that because of these circumstances "It is no wonder that young people released from such juvenile jails graduate to adult crimes and adult jails" (p.258). Willard A. Heaps (1974) found that in his review of the writings and documentaries on the juvenile corrections institutions, "Universally cited are such conditions as gang harassment, knife assaults, coercion and intimidation of newcomers, forced homosexual relations, and the like" (p.135). Yitzhak
Bakal, assistant commissioner of Massachusetts Department of Youth Services, summed up the existing training schools,

The primary role was custodial: society wanted the "bad" children kept out of sight and out of trouble, and the staffs of the institutions obliged. The expenditure of energy to keep the children confined, orderly, and obedient left practically no time for the requisite amount of individual attention, and ensured that the children's problems would not be resolved. This built in futility engendered frustration in staff and bitterness in the youth, and created new problems. This "treatment" became for many children the first step in criminal careers. Youth who suffered violent treatment by their peers, as well as beatings from the staff, solitary confinement, loneliness, and boredom were expected by society to return from these experiences to the same social conditions which produced their "delinquency" and lead well-ordered lives (cited in Heaps, 1974, p.136).

The effectiveness of treatment programs within juvenile
corrections programs has been difficult to measure because of the varying definitions of treatment. What may be called treatment may simply be confinement (Quay, 1987).

Regardless of the definition of treatment a great deal of criticism of the detention of youth in an institution for the purpose of correction or punishment, has arisen. Jerome S. Stumphauzer, Ph.D. (1986), Clinical Professor of Psychiatry and Behavioral Sciences at the University of Southern California School of Medicine, states "There is a general belief today, with considerable evidence, that "punishing" or "rehabilitating" or "correcting" youths in institutions does not really work if the goal is to change and improve behavior" (p. 81). Furthermore, Stumphauzer states that there are two problems with institutionalization for changing delinquent behavior according to social learning theory. The first problem is that the youth is removed from the natural environment or community which he or she must learn to adapt after institutionalization. Second, youths are
exposed to delinquent peers who will shape and encourage antisocial behavior through modeling, imitation, and reinforcement (Stumphauzer, 1986). Jan Shaw, Executive Director of Helena Youth Resources (group homes for troubled youth) (personal communication, February 8, 1990) and Marilyn Tutwiler, Runaway Counselor and Program Supervisor at Helena Youth Resources and former intake officer at Rivendale Hospital (personal communication, February 5, 1990), agree that there is a need for Aftercare for those juveniles coming out of institutions and entering the community. An ex-officer of the Helena Police Department, Doug Zaharko (personal communication, February 5, 1990) agrees with the second problem stated by Stumphauzer. Zaharko states that "Jails educate the criminal element."

Yitzhak Bakal of the Massachusetts Department of Youth Services and author of Closing Correctional Institutions (1973) believes that incarceration is both ineffective and harmful. He strongly supports community based correction and making every effort to
keep juveniles out of the juvenile justice system and traditional corrective programs.

Probation, which is the second option for a judge when sentencing a juvenile, is an example of community based correction (Heaps, 1974). Stumphauzer (1986) states that probation has been called "the greatest contribution of American criminal justice." Five reasons exist for the popularity of probation. First, the community is more normalizing than institutions. Second, it minimizes psychological and physical degradation. Third, it humanizes rehabilitation. Fourth, it is more effective than incarceration. Fifth, it costs less than incarceration.

According to Willard. A. Heaps (1974), the general definition of probation is "the state of being conditionally released" (p.121). Probation is defined in the adult court as "the action of suspending the sentence of a convicted offender and giving him freedom during good behavior under the supervision of a probation officer" (p. 121). In the juvenile system the definition is similar except juvenile offenders are
never found guilty and therefore not convicted or sentenced. Instead juveniles are found to be "delinquent" (Heaps, 1974).

Probation developed out of the 19th Century awareness that children needed to be treated different than adults (Trojanowicz, 1973). Probation was first used in the United States in 1841 when a Boston shoe maker named John Augustus began to bail out drunken male and female offenders from jail and offer them personal assistance (Schafer and Knudten, 1970). In 1841 Augustus provided the necessary bail for one adult and the judge then suspended the sentence for three weeks. The judge suspended the sentence because of Augustus's promise to assume responsibility for the man's reformation (Heaps, 1974). At approximately the same time Matthew Davenport Hill, an English recorder, selected guardians for juvenile delinquents whom he believed would change for the better in the future. In 1878 the first probation law was passed in Massachusetts and in 1879 the English Summary Jurisdiction Act allowed courts to discharge criminal
offenders conditionally. Near the turn of the century, with the emergence of the juvenile court system, many states adopted similar legislation (Schafer and Knudten, 1970). In 1899 probation was first included as a method of court treatment for juveniles with the enactment of the Illinois Juvenile Court Law (Heaps, 1974). In the following years the probation system was extended and improved greatly (Schafer and Knudten, 1970).

Approximately 80 percent of the juvenile court cases result in the placement of the juvenile on probation. In addition a number of delinquents are released on probation without actual court proceedings (Heaps, 1974). Juvenile probation averages from three months to three years with a median of approximately thirteen months (Schafer and Knudten, 1970). The actual purpose of probation varies from author to author. According to Trojanowicz (1973) the most common purpose seems to be to provide services for a youth when he does not receive the proper support and guidance from his parents or institutions within the
community emphasizing the diagnosis and treatment of the youth. The court establishes certain requirements that a child must fulfill during his probation. During the period of probation the youth is expected to utilize the resources within the community and his own resources to become rehabilitated. The major requirement the youth must fulfill is to meet with his probation officer at specific times during his probation (Trojanowicz, 1973).

The successful completion of the requirements set by the court and the abiding of the rules of probation leads to the release of the juvenile from probation. If the rules are not followed and the requirements are not met an alternative plan, sometimes including incarceration, may be developed (Trojanowicz, 1973). Although probation is a supposed form of court disposal without punishment (Heaps, 1974), the threat of future punishment continually exists (Schafer and Knudten, 1970).

The effectiveness of probation varies in each program depending on many characteristics. Schafer and
Knudten (1970) state that because probation is very individualized treatment the juveniles relationship with the probation officer is very important. The number of juveniles an officer supervises and the officers training affect this relationship and in turn significantly affect the "treatment" plan of the juvenile.

Although probation may be more effective than incarceration, many problems exist with probation. There have been substantial cutbacks in funding for probation work. According to Stumphauzer (1986) these cutbacks have greatly affected the quality of probation. First, cutbacks have led to extremely large caseloads. Second, less emphasis is being put on the counseling aspect of the probation work. Third, many departments have had to respond to the cuts by strictly documenting probation violations and busting the violators. Fourth, in order to pay probation officers less, minimum requirements of education and training exist (Stumphauzer, 1986). Burkhart, Behles, and Stumphauzer (1976) state that probation officers are
not trained specifically on how to change behavior (cited in Stumphauzer, 1986).

Because of the amount of paperwork and the extreme overload of cases, probation officers spend very little time with their clients. The ratio of probation officers to clients vitally affects the quality of supervision (Schur, 1973). In its study of a national sample of juvenile courts the National Assessment of Juvenile Corrections found that on the average probation officers contacted their clients one and a half times a month with each contact only lasting an average of thirty minutes (Silberman, 1978). According to Trojanowicz (1973) recommendations to judges, along with treatment plans, are formulated by the probation officer. The accuracy of the report is affected by the amount of time which the probation officer spends with the juveniles.

Another problem with probation, according to Stumphauzer (1986), is that the purpose and rules of probation are often unclear to the juvenile. The probation contract is vague and not clearly spelled
out. Often the instructions that a youth receives are "you better stay out of trouble, or else." Because of these factors juveniles often learn the rules on a trial and error basis.

Often probation uses punishment as it's only behavior modification technique. Although punishment is the most popular way to change behavior, it is the least effective (Stumphauzer, 1986). Also, as previously stated, the threat of punishment continually exists for the juvenile on probation. Theories of punishment and its effectiveness in changing behavior will be discussed.
CHAPTER 5 THEORIES OF PUNISHMENT

The effectiveness of punishment as a learning technique has been discussed by many psychologists. For example, in 1938 Skinner found that using a mild punisher on a rat (the lever slapped upward against the rat's paw when it was pressed) to produce a permanent change in its behavior was relatively ineffective. (cited in Bower & Hilgard, 1981, p.187; Skinner, 1953). Skinner (1953) showed that the effect of punishment was a temporary suppression of the behavior. Also under severe and prolonged punishment when the punishment had been discontinued the rate of the response will rise. Skinner further discusses the effects of punishment and the results of an experiment by Thorndike in his book Science and Human Behavior (1953). Thorndike used mild, verbal conditioned reinforcers of "right" and "wrong" on human subjects. Thorndike found that the "right" strengthened the behavior that preceded it, but "wrong" did not weaken it.
In a 1966 study, Azrin and Holz showed that punishment can be effective. The general finding is that the more intense and longer the punishment the more effective it is in suppressing behavior (Azrin and Holz, 1966, cited in Domjan and Burkland, 1986).

Furthermore, Azrin (1960) found that a low intensity aversive stimulation only produces a moderate suppression of the response and the disruption of behavior may recover with continued exposure to the punishment (Azrin, 1960, cited in Domjan and Burkland, 1986).

In 1966 Azrin and Holz showed that punishment can be effective in suppressing behaviors under specific conditions. In order to maximize the effectiveness of punishment, the following characteristics of punishment should be followed,

1. The punishing stimulus should be arranged in such a manner that no unauthorized escape is possible. 2. The punishing stimulus should be as intense as possible. 3. The frequency of punishment should be as high as possible. 4. The
punishing stimulus should be delivered immediately after the response. 5. The punishing stimulus should not be increased gradually but introduced at maximum intensity. 6. Extended periods of punishment should be avoided, especially where low intensities of punishment are concerned, since the recovery effect may thereby occur. 7. Great care should be taken to see the delivery of the punishing stimulus is not differentially associated with the delivery of reinforcement. Otherwise the punishing stimulus may acquire conditioned reinforcing properties. 8. The delivery of the punishing stimulus should be made a signal or discriminative stimulus that a period of extinction is in progress. 9. The degree of motivation to emit the punished response should be reduced. 10. The frequency of positive reinforcement for the punished response should be similarly reduced. 11. An alternative response should be available which will produce the same or greater reinforcement as the punished response. For example, punishment of criminal behavior can be expected to be more effective if noncriminal behavior which will result in the same advantages as the behavior is available. 12. If no alternative response is available, the subject should have access to a different
situation in which he obtains the same reinforcement without being punished. If it is not possible to deliver the punishing stimulus itself after a response, then an effective method of punishment is still available. A conditioned stimulus may be associated with the aversive stimulus, and this conditioned stimulus may be delivered following a response to achieve conditioned punishment.

14. A reduction of positive reinforcement may be used as punishment when the use of physical punishment is not possible for practical, legal, or moral reasons. Punishment by withdrawal of positive reinforcement may be accomplished in such situations by arranging a period of reduced reinforcement frequency (time-out) or by arranging a decrease of conditioned reinforcement (response cost). Both methods require that the subject have a high level of reinforcement to begin with; otherwise no withdrawal of reinforcement is possible. If non-physical punishment is to be used, it appears desirable to provide the subject with a substantial history of reinforcement in order to provide the opportunity for withdrawing the reinforcement as punishment for the undesired responses (Azrin & Holz, 1966, p. 426-27, cited in Bower & Hilgard, 1981, p. 187-88).
In addition to these conditions outlined by Azrin and Holz, other conditions have been noted to improve the effectiveness of punishment in the suppression of behavior. A 1967 study by Parke and Walters demonstrates the importance of the interaction between the individual delivering the punishment and the individual who is receiving the punishment. In this study two groups of children were observed. One group spent a ten minute period on each of two consecutive days with a friendly adult; the second group had no such interaction. The first group was better able to resist temptation after being punished (cited in Walters and Grusec, 1977). It is presumed that punishment can be effectively used by a friendly socializing agent because the punishment increases in intensity for the child who is accustomed to positive reinforcement (Walters & Grusec, 1977). In addition Carlsmith, Lepper, and Landauer (1974) showed that children are more likely to comply with a request from a rewarding experimenter than from a punitive one when the child is relaxed. When the child is anxious, a
punitive experimenter is more likely to be complied with (Carlsmith, Lepper, and Landauer, 1974, cited in Walters and Grusec, 1977).

Although punishment may be found to be effective under certain circumstances, many adverse consequences of punishment have been discovered. It has been claimed by many psychologists that punishment leads to aggressive behavior in the individual being punished. Severe punishment can stop a behavior immediately thus reinforcing the punisher and often increasing the occurrence and strength of punishment (Wheeler, 1973). Azrin and Ulrich (1962) discuss the occurrence of a behavior which they call elicited aggression. The delivery of a painful stimulus of any kind often leads to an attack on the source of the pain or another object in the area (cited in Walters and Grusec). A longitudinal study by Lefkowitz et al. (1978) suggests that a parent who repeated the use of physical methods of punishment with his children had children who were more aggressive with their classmates. Peer reports and self reports showed these individuals to
be more aggressive 10 years later. These reports also showed that these individuals as adults were more punitive with their children (cited in Routh, 1982).

The concept that punishment increases aggression begins with the ideas of Freud. Freud discussed the effects of frustration on aggression extensively. He believed that frustration leads to aggression even when the aggression is not instrumental in removing the source of frustration. Furthermore, frustration produces and induces an aggression drive which motivates behavior that is intended to injure the source of frustration. It is assumed that aggression releases the aggressive drive and without such a release the frustration continues to build in the individual. This analysis leads one to believe that children who are punished excessively will display a great deal of anger and hostility even if their behavior does not reduce future punishment (Walters and Grusec, 1977).

Further support for the idea that frustration increases the level of aggression was proposed in the
frustration-aggression hypothesis. This hypothesis states that frustration increases the probability that a range of responses will occur, including dependency, withdrawal, regression, and aggression (Walters and Grusec, 1977). Increases in aggression have been proposed to be caused by an increase in motivation which occurs with frustration. The increase in motivation is added to whatever drive already exists in the organism (Amsel, 1958; Brown and Farber, 1951, cited in Walters and Grusec, 1977).

When a child is punished repeatedly he learns and repeats such behaviors through the learning technique modeling. Early studies of imitation by Bandura, Ross, and Ross (1963), involved young children watching adults or characters in a film assaulting an inflated doll (Bobo doll). Compared to the children who observed passive behavior the first group was much more aggressive with the Bobo doll, regardless of whether they were frustrated (cited in Walters and Grusec, 1977). Further studies confirmed these findings. The child who imitates aggression also
models this behavior when interacting with other children. This is shown in a 1974 study by Gelfand, Hartmann, Lamb, Smith, Mahan, and Paul. They observed that children who were taught to play a game through the use of punishment for incorrect responses used the same technique of punishment when teaching the game to another child (cited in Walters and Grusec, 1977).

Punishment has also been shown to produce avoidance and escape behaviors. An Azrin, Halse, Holz, & Hutchinson study (1965) demonstrates that if escape from punishment is available the organism being punished will withdraw to a nonpunitive environment which requires greater expenditure for reward (Dardano & Sauerbrunn, 1964, cited in Bandura, 1969) or one which offers no positive reinforcement at all (Hearst & Sidman, 1961, cited in Bandura, 1969). An escape or avoidance becomes a negative reinforcer to the individual who was to be punished, thus increasing the escape or avoidance behavior (Buchanan, 1958, cited in Walters and Grusec, 1977).
It has also been shown that punishment produces a great amount of fear in a child. "The punished animal or child cowers and loses his confidence and creativity, or else he becomes defiant, and the punished child acquires long-lasting anxiety and guilt feelings" (Wheeler, 1973, p.29). Skinner (1953) believes that punishment may cause severe guilt in the individual being punished. Furthermore, punishment may cause the suppression of the behavior in acceptable situations. For example, punishment for sexual behavior may interfere with similar behavior in an acceptable circumstance such as marriage.

Freud also discussed the negative effects of punishment. He regarded emotional traumas, including those connected with parental punishment, as one of the most important causes of neurosis (Freud, 1909, cited in Routh, 1982).

The effectiveness of punishment is still under debate. Although punishment may temporarily suppress behavior under specific circumstances its temporary effectiveness is shadowed by the many adverse effects
which also accompany it. The types of punishment used in the juvenile justice system and its effectiveness will be evaluated.
CHAPTER 6 DISCUSSION OF PUNISHMENT IN THE SYSTEM

This discussion of the effectiveness of the use of punishment in the juvenile justice system is based upon a review of the literature concerning both the use of punishment in changing behavior and the current juvenile justice system. Information gained from occupational experience within the criminal justice system and data from personal interviews with professionals working with the juvenile justice system in Helena, Montana are also used. The effectiveness of the use of punishment to change delinquent behavior in the juvenile justice system will be analyzed. The juvenile justice in the United States will be examined and the system in Helena, Montana will be used as an example.

The information concerning the effectiveness of punishment in changing behavior is inconclusive. Although punishment has been found to be effective in immediately stopping behavior, the behavior along with negative consequences often return when the punishment
ends. In addition, punishment has been found to be effective only under certain conditions. Very few of these conditions exist in the current juvenile justice system and it is not feasible to incorporate many of these conditions into the system. Conditions such as immediate punishment and a high frequency of punishment would violate individual constitutional rights. Specifically, Amendment VI states that,

In all criminal prosecutions, the accused shall enjoy the right to speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence (The Constitution of the United States, cited in Modern Constitutional Law: Cases and Notes, 3rd edition, 1989, p.lxxi).

Although immediate punishment is not feasible,
professionals feel that the time lapse between the actual occurrence of a crime and the punishment is too long (Bauch, Assistant Superintendent of Mountain View School, personal communication, February 6, 1990; Enger, Program Manager at Ewing Place, personal communication, February 2, 1990; Shaw, Executive Director of Helena Youth Resources, personal communication, February 8, 1990). Meeker discusses a current case in which the petition is just now being filed from an incident occurring two months prior. Because of the complicated details of the case it has taken two months to get the petition filed (personal communication, February 7, 1990). When asked about the approximate lapse between the occurrence of the crime and the punishment Enger replied, "A minimum of two months." She went on to state that the time lapse is often longer (Wanda Enger, personal communication, February 2, 1990).

Furthermore, Amendment VIII protects individuals from cruel and unusual punishments.
Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted (Modern Constitutional Law: Cases and Notes, 3rd edition, 1989, p.lxxi).

Eliminating possible escape from punishment, a high frequency of punishment, and the consistent punishment of a behavior are not feasible because it would require an enormous amount of very effective law enforcement personnel and an extremely well controlled environment. An individual can escape punishment simply by avoiding law enforcement personnel or knowing how to avoid being caught committing a crime. The administration of conditions for effective punishment, in many cases, would violate the privacy of individuals.

There are many conditions which increase the effectiveness of punishment which are not a part of the current system but the incorporation of these conditions may be feasible. For example, according to Azrin and Holz (1966) punishment should not increase gradually but be introduced at maximum intensity (cited
more. But this all takes money and additional staff.

Q. DO YOU THINK THE NEEDED THERAPY IS AVAILABLE?
A. Mental Health isn't as strong as it should be because of the cost. More therapists are needed. Here we have a good clinical staff but a great deal of training is ideal.

The community needs something more than what they have.

Courts need family counselors. The probation officers do not have the time to work with families because of their case overload. They do a good job with the resources they have.

Q. HOW DO YOU THINK THE KIDS FEEL ABOUT THE SYSTEM?
A. Honestly, they are glad that someone is intervening. Many of the girls are more comfortable here than they have been in any system. It is safe. That's both good and bad. They are getting things here they wouldn't get on the outside, for whatever reason. For example, a high school education.

No part of the system really hurts kids. Any intervention helps.
Q. DO YOU THINK THAT JUVENILES FEAR PUNISHMENT? IS IT AN EFFECTIVE DETERRENT?
A. No, the juvenile system isn't much of a deterrent. There are so many emotional problems. Teenagers don't think about consequences. That is normal during adolescence. It shouldn't be viewed as a deterrent. It shouldn't be a crime-punishment orientation.

Q. WHAT KIND OF THERAPY IS OFFERED HERE?
A. There are 5 clinical psychologists plus a clinical director. We offer all kinds of therapy. We are very eclectic--reality therapy, play therapy, group therapy, loss, grief, sexual abuse, life skills, and CD groups (chemical dependency).

Q. HOW MUCH TIME DOES EACH GIRL SPEND WITH A THERAPIST?
A. Not enough; about an hour per week.
I feel that cottage life is also therapeutic.

Q. HOW MANY GIRLS ARE THERE IN EACH COTTAGE?
A. There are 18, 16, and 11 girls in the cottages.
We are going to work on peer counseling now that we are fully staffed.

Q. WHAT OTHER ADULTS DO THESE GIRLS INTERACT WITH?
A. Teachers, counselors, nurses, Big Sisters, religious contacts, foster grandparents. Some of the girls go into the community to church, etc. There is AA once a week and ALANON once a week.

Q. WHAT IS THE APPROXIMATE GRADE LEVEL OF THE INDIVIDUALS HERE?
A. I don't know. It seems to be about 8th or 9th grade. Most of them are about a year or two behind. Of course there are some who are right on track and others who are several years behind.

Q. HOW COMMON IS VIOLENCE BETWEEN THE ADOLESCENTS AND BETWEEN ADOLESCENTS AND STAFF?
A. There hasn't been violence against staff within the last ten months. There was a minor incident a month ago when a girl broke out a window.

No major incidents since 1987.

Not a lot of fighting between girls. I remember one within the last three and a half years. There is a lot of verbal fighting.
Q. ABOUT WHAT PERCENTAGE RECEIVE SOLITARY CONFINEMENT? WHAT IS THE AVERAGE LENGTH?
A. We don't have solitary confinement. We have security rooms, which are locked rooms within a cottage (NOTE: I saw them last year— they are just plain rooms). It is always in use. The girls are locked in the room.

The maximum stay is 5 days for assaulting staff. Escape from campus results in 48 hours.

Only about one staff member is hurt per year.

Q. WHAT OTHER TYPES OF PUNISHMENT ARE USED?
A. Behavior reports —more than three in a week and they cannot go off campus for recreation.

Incident reports— they are more serious.

Skills training point system— they get points for peer relations, adult relations, hygiene and health, and work habits.

They may also get restricted from leave, restricted to the cottage, or restricted to campus. We have a level system ITL (Inter-treatment level), 1, 2, 3. Consequences are delivered for inappropriate
behavior.

There are 3 girls who smoke. They have to be 17 years old and they are only allowed 4 or 5 cigarettes a day. They may lose smoking privileges because of smoking violations. As of January 1, 1991 they will have to be 18 years old to smoke.

Q. IS TREATMENT THE EMPHASIS OR IS PUNISHMENT?
A. Punishment and treatment are blended. Kids know that they live in a real world with consequences.

They work on issues in both clinical and everyday life. ie. a gal who steals... everything. They deal with it in her therapy and in her cottage life.
Wanda Enger  
Program Manager at Ewing Place (Helena Youth Resources)  
February 2, 1990  2:00pm

Q. CAN YOU GIVE ME A BRIEF DESCRIPTION OF YOUR JOB?  
A. I am the Program Manager of a shelter care facility for youth in crisis. I monitor youth's behavior, insure their health care and physical well being, their nutritional needs, etc. I also supervise staff. I also report to case workers and therapists on children's behavior and work with them to develop case plans.

Q. WHAT ARE THE GOALS OF YOUR JOB IN RELATION TO THE TREATMENT OF JUVENILE OFFENDERS?  
A. There is no treatment at Ewing Place. We provide a safe place for youth in crisis until a case plan can be developed.

Q. APPROXIMATELY HOW MANY JUVENILES DO YOU WORK WITH A WEEK?  
A. 8-10 because they are constantly moving in and out.

Q. APPROXIMATELY HOW MUCH TIME DO YOU SPEND WITH EACH JUVENILE PER WEEK?
A. One on one- A minimum of five to ten minutes with each one. I make a point of greeting and saying goodbye to each child. If a child is in crisis, I spend between 1 and 8 hours a week with them.

Additional time is spent in group activities.

Q. IF YOU HAD TO BREAK THEM INTO CATEGORIES, WHAT PERCENT WOULD YOU CONSIDER VIOLENT?
A. Potentially violent- 95% Even a rabbit bites when it is cornered.

Q. REPEAT OFFENDERS?
A. Approximately 65-75%.

Q. CHEMICALLY DEPENDENT?
A. Not as many as you think- 35%.

Q. EMOTIONALLY DISTURBED?
A. 85% (last years exact percent)

*** earlier interview- five years ago when Wanda began working at Ewing, 85% of the kids were probation kids, now 85% are emotionally disturbed. They are not equipped to handle these types of problems.

Q. WHAT PERCENT COME FROM ABUSIVE FAMILIES?
A. When emotional and physical abuse are combined,
between 90 and 95%.
Q. CHEMICALLY ABUSIVE FAMILIES?
A. 50%.
Q. WHAT WOULD YOU CONSIDER THE MOST COMMON OFFENSE THAT THESE YOUTH HAVE COMMITTED?
A. Being teenagers. Officially probably "ungovernability" which is often a result of puberty mixed with dysfunctional families and poor parenting skills.
Q. WHAT IS THE APPROXIMATE LAPSE OF TIME BETWEEN THE OCCURRENCE OF THE CRIME AND THE ACTUAL PUNISHMENT?
A. A minimum of two months. Often much longer. For example, a kid in the home now, in addition to many accounts of theft, has 10 traffic citations. He owes thousands of dollars in restitution. Three weeks after his arrival we found out that he has a long list of offenses. His only punishment is being placed in a group home instead of Pine Hills. He feels that he is not being punished.

They see their consequences as something done to them and not something brought on by them.
Q. DO YOU FEEL THAT ON AVERAGE, THE PUNISHMENT RECEIVED IS APPROPRIATE FOR THE CRIME?

A. No, intervention is not done soon enough. Probation Officers don't want a child labeled as a delinquent youth or emotionally disturbed because the label is there for life.

Q. WHAT KIND OF EFFECT DO YOU THINK THE LABEL "DELINQUENT" HAS ON THE JUVENILE'S SELF IMAGE, FUTURE BEHAVIOR, TREATMENT FROM OTHERS?

A. People are less objective when a child has been labeled. The kids don't believe the label.

Q. WHAT DO YOU FEEL ARE THE GOALS OF THE JUVENILES SYSTEM?

A. It should be to help youth become productive members of society but due to budget problems and understaffing they are just trying to stay above water and deal with an escalating problem.

Q. WHAT CHANGES WOULD MAKE THE SYSTEM MORE EFFECTIVE?

A. Public education, parental cooperation, and legislative awareness which would result in better funding to provide in-state, local, residential care--
community care.

There is an overload on caseworkers.

Q. DO YOU THINK THAT THERE IS TEAMWORK BETWEEN THE VARIOUS AGENCIES WHICH THESE INDIVIDUALS ARE INVOLVED? MENTAL HEALTH, PROBATION, SCHOOL, ETC.

A. Within the last five years of working within this community it has grown leaps and bounds. There is now better communication, teamwork, and trust. I attribute it to an annual workshop (retreat) in which members of all agencies participate.

Q. DO YOU FEEL THAT RESTITUTION IS AN IMPORTANT PART IN THE PUNISHMENT OR REHABILITATION OF JUVENILE OFFENDERS?

A. Yes, I don't believe in parents paying. Monetary or community service allows the child to accept responsibility for behavior.

Q. IF YOU COULD DESIGN YOUR OWN TREATMENT/CORRECTIONS FACILITY WHAT WOULD IT BE LIKE?

A. STAR Common Wealth. It deals with the total person—physical, mental and spiritual. Every aspect is addressed.

This program already exists and is based on
positive reinforcement. The program is used on everyone-staff, etc.

(Dr. Martin Mitchell)

Q. DO YOU THINK THAT THE NEEDED THERAPY IS AVAILABLE?

A. Once they are a part of the system community based therapy is great. Initially it is very difficult to get them into the system.

  Residential treatment- It takes months and months to get into. Chemical dependency treatment takes 2 to 3 months to get into. They accept they have a problem and then wait for funding.

Q. HOW DO YOU THINK THE KIDS FEEL ABOUT THE SYSTEM?

A. It sucks. They feels that no one listens to them. Their feelings and wants aren't ever considered as their needs.

Q. DO THEY FEAR PUNISHMENT?

A. Nope. They have to go so far before someone says "stop" because Pine Hills, Mountain View and the system are overloaded. They are pushed to the extreme. They hurt someone else or attempt suicide, before they get
the attention they are seeking.

Q. ANY LAST COMMENTS?

A. I love the work I do.

The most important thing to learn in this system is to measure with a different stick. You have to measure progress individually.
Richard (Dick) Meeker  
Juvenile Probation/ Helena, MT (since 1976)  
Feb. 7, 1990  9:30 am

Q. CAN YOU GIVE ME A BRIEF DESCRIPTION OF YOUR JOB?  
A. I am responsible for the administration of the juvenile probation office. I supervise the deputy Probation Officers, assign cases, and deal with the most severe cases. I also file most of the petitions and appear in court. I am also responsible for the budget, etc.

Q. WHAT IS THE "MISSION" OF THE DEPARTMENT?  
A. It follows closely to the Youth Court Act. We receive referrals from various agencies, law enforcement, school and/or parents and investigate, and then act on the cases in the way that is best for the children and the community.

Q. APPROXIMATELY HOW MANY JUVENILES DO YOU WORK WITH A WEEK?  
A. There were approximately 600 referrals in 1989. We see about 300 and then about 100 on a continual basis throughout the year.

Each officer has a caseload of between 25 and 30.
Q. HOW OFTEN DO THEY SEE THE YOUTH?
A. It varies depending on the needs of the child. Sometimes several times a week and others once a month.

The system seems to be a self fulfilling prophesy; to some degree the system sucks you in. We try to keep the workable ones out of the system. Let their parent's and services within the community (out-patient therapy, etc.) deal with them.

Q. IF YOU HAD TO BREAK THEM INTO CATEGORIES, WHAT PERCENT WOULD YOU CONSIDER VIOLENT?
A. Out of the hundred we see on a regular basis most do not exhibit violent behavior towards adults in charge.

The chance for violence is great because these kids are very angry and with good reason. If you include that and violence towards themselves, a high percentage of them are violent.

Q. REPEAT OFFENDERS?
A. Most are repeat offenders- that's why we have them on our caseload.

Out of the original 600, the hundred we see are the
repeat offenders.

Q. CHEMICALLY DEPENDENT?
A. About 80% are severely chemically abusive or chemically dependant.

Q. EMOTIONALLY DISTURBED?
A. The definition of emotionally disturbed at one time was expanding greatly. Now because of dwindling resources the definition continues to narrow. Using the generic term of emotionally disturbed—most of them would be included. They are chemically dependent, depressed, stealing, running away, etc. They have problems.

If you use the official definition, not as many.

A lot of the kids use chemicals for medication purposes although they won't admit it. Alcohol or drugs can bring a kid out of depression or make them more comfortable in a social situation.

Q. WHAT PERCENT COME FROM ABUSIVE FAMILIES—PHYSICAL, EMOTIONAL, OR SEXUAL?
A. Using the broad term of abuse—95%. Most of the kids come from very dysfunctional families. There are
rare cases where kids are from healthy families.

Q. WHAT WOULD YOU CONSIDER TO BE THE MOST COMMON OFFENSE THAT THESE YOUTHS HAVE COMMITTED?

A. I don't think there is a common offense. Most of the kids commit status offenses and then progress into other areas. The common crimes seem to go in cycles, bulges in the system. For example, one year you will have a number of burglaries and then the next you will have very few. In 1988 there were a lot of sex offenders and in 1989 writing checks and fighting were common. The fighting shows a lot of anger coming out.

Q. WHAT IS THE APPROXIMATE LAPSE OF TIME BETWEEN THE OCCURRENCE OF AN OFFENSE AND THE ACTUAL PUNISHMENT?

A. It varies. For simple offenses it may take a few days or weeks. It depends on what you consider punishment. A shoplifter, when caught, immediately deals with a police officer. The fear may be considered punishment. A more serious crime may take a lot longer. For example, we are now dealing with a group of boys who were stealing from cars in December.
Because of the circumstances we are just now, in February, filing a petition. The boys were pretty drunk and really have no idea where exactly they got the items. They can't say I got this stereo from that car.

Q. DO YOU FEEL THAT, ON THE AVERAGE, THE PUNISHMENT RECEIVED IS APPROPRIATE FOR THE OFFENSE?
A. From the communities point of view-no. Our point of view- we could do better, but it's okay for what we have. The community isn't informed. They identify kids as bad- "send them to Pine Hills."

Q. WHAT ARE THE POSITIVES AND NEGATIVES OF INCARCERATION?
A. There are certain kids who are so damaged that rehabilitation would be so costly and constant that it is almost impossible. They need to be locked up.

On average we work with a kid for 36 months before they are placed.

Now they are called juvenile correctional facilities or lock-ups. They are juvenile prisons, I prefer not to lock them up.

Q. WHAT KIND OF EFFECT DO YOU FEEL THE LABEL
"DELINQUENT" HAS ON THE JUVENILE?
A. There are two groups. The first are disturbed children who have very low self esteem. The label reinforces their negative view of themselves. With these children there is no effect in the community.

The other group are a few who feel a severe impact because of their own guilt. They are embarrassed. These kids already have a high sense of right and wrong.

Q. WHAT DO YOU FEEL ARE THE GOALS OF THE JUVENILE SYSTEM?
A. They should be, and they are in Montana, to deal with the kids referred to us in a manner that will rehabilitate them. They used to use the term "abilitate" because to rehabilitate someone they have to have had a skill and then lost it. These kids never had the ability to deal with issues correctly. A lot of kids won't develop the skills because of early childhood experiences.

We want to promote programs and services for kids to provide support.
Q. DO YOU FEEL THAT THE SYSTEM MEETS THESE GOALS?
A. It stinks. There are two main problems. 1. The whole system is hurting for money. The Department of Family Services is continually running a deficit. The Governor wants to cut the budget across the board. It is possible but we need to decide what we want to do for these kids. Pine Hills is an older building built for 90 kids. It now continually has about 135. We could run it up to about 200 if we just want to lock kids up.

Because of money we cannot provide treatment for kids. The treatment they need is long term treatment for 3 or 4 years at $30,000-40,000 a year.

2. The system is becoming good at identifying someone as something. Once you identify someone you need to deal with the problem.

Sixty day Chemical Dependency treatment costs between $14,000 and $15,000. A 14 or 15 year old often needs to go to treatment at least twice for it to take.

If we don't treat them then they have kids who are at risk. We either spend the money now or we put the
money into Deer Lodge in a few years.

The other variable is that these kids are coming from dysfunctional families and we are treating the kid and not the family. Parents need to accept some of the blame. Looking at the history of a kid you can see where the problem comes from. It is hereditary, genetic, and environmental.

Q. WHAT CHANGES WOULD MAKE THE SYSTEM MORE EFFECTIVE?
A. Early intervention. The hospital staff, at a child's birth, and day care can detect abuse and neglect very early. The problem begins in the first few years. Every year the child goes undetected the cost of fixing the problem goes up.

You really can't interfere unless the child is endangered. Young parents don't want help and you can't legally intervene.

Early, early intervention and education are the only true sources we have of minimizing the problem.

CD intervention is costly but doesn't work.

Q. DO YOU FEEL THAT THERE IS "TEAMWORK" BETWEEN THE VARIOUS INSTITUTIONS WHICH THESE INDIVIDUALS ARE INVOLVED? MENTAL HEALTH, THE SCHOOL DISTRICT, JUVENILE
A. In Helena it fluctuates with the players. Right now there is a high degree of cooperation. Tri County Youth Council, made up of schools, county attorneys, probation officers, etc. all work together. We have recently held a workshop in which many of the community agencies worked together.

Q. DO YOU FEEL THAT RESTITUTION IS AN IMPORTANT PART IN THE PUNISHMENT OR REHABILITATION OF JUVENILE OFFENDERS?

A. Restitution is a good tool but not always practical. In some cases there is no sense. The kids and the parents don’t have money.

The community needs to see a child paying back.

Q. IF YOU COULD DESIGN YOUR OWN TREATMENT/CORRECTIONS FACILITY WHAT WOULD IT BE LIKE?

A. If you had the money and the laws to back it up- remote and isolated, the entire family committed for an open ended commitment. A combination of therapy (psychotherapy, group, and individual) and physical activities done with the family. For example, hiking, camping, etc, where the family needs to pull together
and depend on each other. If you can't prevent then involve the whole family. Courts are moving that way slowly. A judge can now say that parents have to go to treatment. The law says you can't punish someone unless they have committed a crime. Parents are often a part of the crime.

Q. DO PARENTS COOPERATE WITH THE SYSTEM?
A. No. By the time the child gets to us they have outlived the usefulness for the parents. The benefits (hugs, affection, etc.) are at an early age. When they reach 8 to 10 years old they become self-reliant and when they reach 12-13 they become demanding. They confront parents. If there has been abuse confrontation exists quite a bit. The child is no longer manipulated by fear. Parents feel that the kids are out of control and they don't want them back. They won't take responsibility for the kid. They don't associate their problems with the child's problems.

Q. DO YOU THINK THE NEEDED THERAPY IS AVAILABLE?
A. No. It is available but you can't just deal with an adolescent one hour a week especially if they don't
want to be there.

Q. HOW DO YOU THINK THE KIDS FEEL ABOUT THE SYSTEM?
A. There are three groups: 1. good kids (a child who gets caught stealing a candybar) fear the system;
   2. the kids who get by, those who get through the system, are amused by the system, not impressed. They know the limitations of what the system can do.
   3. hard core—terrorized by the system, but they cannot control their behavior so they set themselves up for deeper involvement.

Q. DO YOU THINK THAT JUVENILES FEAR PUNISHMENT/ THE SYSTEM?
A. 1. first group—fears punishment
   2. second group—leery of punishment but not obsessively like the first group.
   3. third group—they fear but can't conceptualize punishment. It is not reality, they get angry at the Probation Officer or the community. They cannot see consequences down the road.
Southwest Adolescent Treatment Center (SWAT)—a community based day program for severely disturbed adolescents offered by Mental Health Services, Inc., and Helena School District #1. The program is for students ranging from 12 to 18 years old who experience behavioral, emotional, and educational problems that cannot be resolved in a traditional school setting or with a standard outpatient mental health approach.

STAFF—a clinical psychologist, a master's level therapist, two recreational therapists, two certified special education teachers and program aids.

Q. HOW MANY KIDS ARE CURRENTLY ATTENDING SWAT?
A. There are currently 18 adolescents ranging in ages from 12 to 18 years old.

Q. WHAT KIND OF THERAPY DO YOU OFFER?
A. The adolescents work at their own pace in their schoolwork, attend group, family, and individual therapy.

Q. HOW OFTEN DO THEY ATTEND THERAPY?
A. They attend group therapy two or three times a week, individual therapy as it is needed, and family therapy whenever we can get parents to come in.

Q. CAN YOU GIVE ME A BRIEF DESCRIPTION OF YOUR JOB?
A. I am the Program Director. I am responsible for the entire program. I do therapy, supervise, screen applicants, and program development.

Q. WHAT ARE THE GOALS OF YOUR JOB?
A. To assure a quality service in this program and to continue improving and developing the program. There are also goals in individual treatment.

Q. APPROXIMATELY HOW MANY JUVENILES DO YOU WORK WITH A WEEK?
A. I have a caseload of eight and a group of four (group therapy).

Q. HOW MUCH TIME DO YOU SPEND WITH JUVENILES PER WEEK?
A. The time varies. This week approximately 10 to 12 hours.

Q. IF YOU HAD TO BREAK THEM INTO CATEGORIES, WHAT PERCENT WOULD YOU CONSIDER TO BE VIOLENT?
A. We don't tolerate the kids being violent. At least half have the potential to be violent. We are very strict about consequencing violent behavior. If they are too violent then they are removed from the program.

Q. CHEMICALLY DEPENDENT?
A. One-third.

Q. ARE MOST OF THESE KIDS ON PROBATION?
A. Not anymore. Some are on informal probation.

Q. WHAT PERCENTAGE ARE FROM ABUSIVE FAMILIES?
A. About 90%

Q. WHAT WOULD YOU CONSIDER THE MOST COMMON REASON THESE KIDS RE HERE?
A. Unmanageable behavior in school and severe depression.

Q. WHAT IS THE APPROXIMATE LAPSE BETWEEN THE OCCURRENCE OF AN OFFENSE AND THE ACTUAL PUNISHMENT IN THE SYSTEM?
A. For some of them punishment is immediate, for those that go through Court the consequences are far down the road.

Q. HOW ABOUT HERE?
A. Consequences are usually given immediately.
Q. DO YOU FEEL THAT ON THE AVERAGE, THE PUNISHMENT RECEIVED IS APPROPRIATE FOR THE OFFENSE?
A. The punishment is geared to fit the kids needs. An offense is a way of getting into the system to get help. The system is flexible in Helena to meet the needs of the kids.

Q. WHAT KIND OF EFFECT DO YOU THINK THE LABEL "DELINQUENT" HAS ON THESE JUVENILES?
A. It's a label kids seek. Adults use it when they think kids are hopeless. Kids think it's cool. We don't use it here. Delinquency is not a primary thing here.

Q. DO YOU FEEL THAT THERE IS "TEAMWORK" BETWEEN THE VARIOUS INSTITUTIONS WHICH THESE KIDS ARE INVOLVED?
A. There is very good cooperative work. It's better than any place I have ever worked before. The people make it happen.

Q. IF YOU COULD DESIGN YOUR OWN TREATMENT FACILITY WHAT WOULD IT BE LIKE?
A. I like a lot of what we have. We need more money for activities, more staff, another vehicle. There
needs to be more group and foster homes with higher intensity. We lose a lot of kids that are unmanageable in a group home. They need a more therapeutic environment.

Q. DO YOU FIND THAT PARENTS ARE COOPERATIVE?
A. Yes, but many are so impaired themselves that they can't cooperate any more than they do. It's like running the Indy in a volkswagen. They just don't have what it takes.

Q. WHAT DO YOU FEEL ARE THE GOALS OF THE JUVENILE SYSTEM?
A. To try to prevent youth offenders from being adult offenders or more serious youth offenders.

Q. DO YOU THINK IT WORKS?
A. I hope it works. I think it does, but you can't tell immediately. It doesn't work for everybody. Nothing does.

Q. WHAT CHANGES WOULD MAKE THE SYSTEM MORE EFFECTIVE?
A. The kids that it is too late to help, many need aggressive intervention very early. For example, there is a family in town with three boys in Pine Hills and
there is a five year old still in the home. We need to get that child out of the environment.

Q. HOW DO YOU THINK THE KIDS FEEL ABOUT THE SYSTEM?
A. Kids try really hard to get into the system. They know that there is help there. Some are resentful because their families have failed, but they are more mad at the system than at the institution.
Penny Sey  
Restitution and Youth Services, Helena, MT  
Feb. 8, 1990  1:30 pm

Q. BRIEFLY WHAT IS YOUR JOB DESCRIPTION?  
A. I run a restitution program set up through youth court, informal referrals from juvenile probation, and direct referrals from law enforcement agencies. They look at certain criteria before referring a juvenile to me. They look at the severity of the offense. If it is a first time offense, the attitude of the offender and the amount of restitution owed. We don't get kids who have committed arson and owe $2,000 or $3,000. We get kids who have committed minor theft, burglaries, etc.

We often work with first offenders instead of involving them with court. I have the option to send them to probation if they do not follow a program so that more formal charges can be filed.

Q. WHAT ARE YOUR GOALS CONCERNING THE TREATMENT OF JUVENILES?  
A. I would like to see more kids referred by the law enforcement agencies. I would like to work directly with first time offenders giving the probation officers
more time to work with the very troubled kids. Most of the kids with a good attitude, who are here because of a first offense, are responsive to this program. This program keeps them out of the system. I would like the program to remain separate from probation but improve our coordination.

Q. APPROXIMATELY HOW MANY JUVENILES DO YOU WORK WITH A WEEK?

A. I have an active caseload of approximately 50 kids. Approximate because kids are always coming and going. Some kids I have on the program for years. A twelve or thirteen year old cannot make $50 a month payments but I like to see them making an effort and paying even a dollar a month. That way they are at least being held accountable.

I really think there has been a decrease in the number of kids getting in trouble. I can't take full credit but I think this program helps. The program is known to kids and they know they will be held accountable. They know that the Court system means business.
Q. APPROXIMATELY HOW MUCH TIME DO YOU SPEND WITH EACH JUVENILE PER MONTH?
A. The Intake takes about one hour. I like for the parents to be present so that they also understand the goals and the program. I also get to see the parent's attitude towards the program and the youth. How often I see the youth depends on the amount of restitution they owe and the payment plan. If they can't pay, I at least want them reporting to me once a month.

Q. DO YOU LIKE YOUR JOB?
A. Yes, there is a great deal of optimism in youth. How you handle their first time offense and meeting makes a difference.

I believe in community service hours in conjunction with monetary restitution or as a sanction. For example, I would like all shoplifters to do a certain number of hours as a sanction.

Q. WHAT TYPES OF COMMUNITY SERVICE DO YOUTH DO IN THIS PROGRAM?
A. Drag patrol, picking up trash, we worked on
Centennial Park, we painted rooms at the YWCA, we set up and tear down for functions like the Governor's Ball, we do a lot of work at Spring Meadow, etc. So kids take pride in the community and take pride in themselves. I think there has been a decrease in vandalism because the kids who clean up either were the ones vandalizing or they know who was. We reach the kids not in the program. The system needs to be viewed by the public as helping and contributing instead of clogged and unfair. With our program the system is visible— they know that work is being done by the youth and jail costs are being saved.

Q. HOW DO THE KIDS FEEL ABOUT COMMUNITY SERVICE?
A. Some moan and groan, but they keep coming. They are taking responsibility and accepting consequences. They put energy in and enhance the community and enhance themselves. The pride they take, and my being proud of them, is rehabilitative.

Jail doesn't do any more for first time offenders
than community service. Jail just restricts freedom, they need to be working on decision making.

Q. IF YOU HAD TO BREAK THEM INTO CATEGORIES, WHAT PERCENT WOULD YOU CONSIDER TO BE VIOLENT?

A. A lot are violent at the time. There are different circumstances—drinking, drugs, peer pressure, etc. There are not as many violent kids as sick kids.

My theory is that it is a matter of growing. Many kids will come in two years later and say I have a debt to pay. But they are kids, they need to be nursed a lot.

Q. CHEMICALLY DEPENDENT?

A. I also supervise "Youth Services Project" for the kids who cannot pay their restitution. The payment is suspended for community service hours. The other part of the program deals with first time alcohol offenses. The "Diversion Program" allows kids to do their community service hours, do Boyd Andrews treatment, and when they successfully complete the program they can change their pleas to not guilty so that they do not have a record. On the second offense they get a
conviction, but still do the program. We handle all of the Minor in Possessions (MIP's) up to the third offense. After the third offense they go to probation and they usually petition or adjudicate.

Q. WHAT WOULD YOU CONSIDER TO BE THE MOST COMMON OFFENSE THAT THE YOUTHS YOU DEAL WITH HAVE COMMITTED?
A. Vandalism. Kids are acting out their anger. Theft is probably pretty close. Vandalism is the easiest form of criminal mischief to get away with.

Q. WHAT IS THE APPROXIMATE LAPSE OF TIME BETWEEN THE OCCURRENCE OF AN OFFENSE AND THE ACTUAL "PUNISHMENT"?
A. That I would like to see improved. Our new computer system will help a little. They go through so many agencies but nothing can really change there. But many can be punished immediately. For example, with vandalism the police officer, in many cases, can make them clean it up immediately.

The time lapse between probation and developing a restitution program is too long (2 months). Coordination between programs could help shorten the time lapse. The kids who get MIP's, come straight here
after city court.

Q. DO YOU FEEL THAT ON AVERAGE, THE PUNISHMENT RECEIVED IS APPROPRIATE FOR THE OFFENSE?
A. I think community service hours often fits the crime. You can't always get restitution to fit the offense.

Community service is the most viable part of this program. The kids see it. Kids can see that it took 5 minutes to knock down a mailbox but it will take them three hours to fix it.

Q. WHAT KIND OF EFFECT DO YOU FEEL THE LABEL "DELINQUENT" HAS ON THE JUVENILE?
A. I don't like labels. If you label someone they act that way. But labels are used quite a bit with these kids. Legal jargon labels them.

Q. WHAT DO YOU FEEL ARE THE GOALS OF THE JUVENILE SYSTEM?
A. Youth Court, when written and maybe now, was to maintain the integrity of the family. That's not necessarily the best thing to do. Maybe it should be to maintain the integrity of the youth.
Acting out is symptomatic of something else and parents should take responsibility, be involved. But the judge can't order a parent, he can only suggest.

Q. DOES THE SYSTEM MEET THE GOALS?
A. I see an awful lot of turfism. There is no coordination between therapists, probation officers, and schools. Especially schools. Schools want everything but are not willing to give. They want our information but refuse to share information.

All agencies have the same goal, the coordination should be better.

Q. WHAT CHANGES WOULD MAKE THE SYSTEM MORE EFFECTIVE?
A. Besides coordination the system needs to be more visible. The community needs to know that there is a consequence. People are real disgusted with the system but there is only so much we can do. Our hands are tied by legislature. They are complaining to the wrong people.

Q. IF YOU COULD DESIGN YOUR OWN TREATMENT/CORRECTIONS FACILITY WHAT WOULD IT BE LIKE?
A. No labeling but separate them first and categorize
them by their needs. Adapt treatment specifically. The goal would always be rehabilitation, not punishment. There are some who need incarceration. They need to get the second or third time offender, especially if they are serious offenses, out of the community and into treatment. In that environment treatment can be constant. We need to get them away from the family if that is the problem. There needs to be more foster homes and group homes. Kids can work and help pay for their keep or work around the house. Group homes would also have to be in categories.

Q. WHAT DO YOU THINK ABOUT INCARCERATION?
A. It needs to be there for the strong willed, sick kids. By thirteen or fourteen a youth is capable of committing a murder and should be treated as an adult.

Q. DO YOU THINK THE NEEDED THERAPY IS AVAILABLE FOR YOUTH?
A. SWAT (Southwest Alternative Treatment) is really a great, terrific program.

Q. HOW DO YOU THINK THE KIDS FEEL ABOUT THE SYSTEM?
A. Kids may acknowledge the system as a third or fourth parent. They know its there and how to get out of it. They are glad there is a consequence. If they get caught, they know there will be a consequence.

Q. DO YOU THINK THAT JUVENILES FEAR PUNISHMENT OR CONSEQUENCES?
A. Yes, but I would like to see more punishment towards the parents.

Q. WHAT PERCENTAGE ACTUALLY COMPLETE RESTITUTION OR COMMUNITY SERVICE?
A. At least 90% pay all or a great deal of their restitution.

Q. WHAT PERCENTAGE OF THE PARENT BAIL THEIR CHILDREN OUT?
A. I hope not many. I work with parents and discuss them picking up the pieces for the kids. If they do pay it, I suggest that the kid do work for the parents. If the adult and youth work it out it may increase their communication.

Q. HOW DO THE JUVENILES TREAT YOU?
A. How I want to be treated.
Jan Shaw  
Executive Director of Helena Youth Resources  
Feb. 8, 1990  11:00 am  

Q. CAN YOU GIVE ME A BRIEF DESCRIPTION OF YOUR JOB?  
A. I am the Executive Director of Helena Youth  
Resources. I am responsible for long range program  
planning and development and the financial planning  
and development.  

Q. WHAT ARE THE GOALS OF YOUR JOB?  
A. To become financially sound and improve the  
resources for the kids. I would like to build more  
permanency planning for them.  

Q. DO YOU ACTUALLY GET TO SPEND TIME WITH THE KIDS?  
A. No.  

Q. IF YOU HAD TO BREAK THEM INTO CATEGORIES, WHAT  
PERCENT WOULD YOU CONSIDER TO BE VIOLENT?  
A. One percent. We don't take violent kids. About  
one percent turn violent after they have been accepted.  

Q. WHAT ABOUT REPEAT OFFENDERS? THOSE WHO RETURN TO  
THE GROUP HOMES?  
A. In the temporary group home about 10% return. Only
Juvenile Justice System

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about 1% return to the long term group homes.

Q. WHAT WOULD YOU CONSIDER TO BE THE MOST COMMON OFFENSE THESE KIDS COMMIT?
A. Most of the kids come from dysfunctional homes, which is not an offense. The largest percent are kids who have been abused and they in turn act out through drugs, alcohol, truancy, etc. which gets them in the system and then in here.

Q. WHAT IS THE APPROXIMATE LAPSE OF TIME BETWEEN THE OCCURRENCE OF AN OFFENSE AND THE ACTUAL PUNISHMENT?
A. Punishment isn't always delivered. In the group homes punishment is delivered almost immediately. In the system, I would say the average is about 5 weeks. But I don't have that much knowledge of the court system.

Q. DO YOU FEEL THAT ON AVERAGE, THE PUNISHMENT RECEIVED IS APPROPRIATE FOR THE OFFENSE?
A. No. Punishment is too lenient for repeaters.

Q. WHAT KIND OF EFFECT DO YOU FEEL THE LABEL "DELINQUENT" HAS ON THE JUVENILES?
A. Labels have a big effect. For many it is a status
symbol and they like it. For others it adds to their low self esteem. You know, have the name, play the game. They live up to the image.

Q. WHAT DO YOU FEEL ARE THE GOALS OF THE JUVENILE SYSTEM?
A. The goal is to rehabilitate but it is debatable how effective it is.

Q. WHAT CHANGES WOULD MAKE THE SYSTEM MORE EFFECTIVE?
A. Time frames. Getting to Court faster, a faster process. But that comes back to money—everything costs. More probation officers, child care workers. The whole court system is overloaded.

Q. DO YOU FEEL THAT THERE IS "TEAMWORK" BETWEEN THE VARIOUS INSTITUTIONS WHICH YOUTH ARE INVOLVED? MENTAL HEALTH, JUVENILE PROBATION, THE SCHOOL SYSTEM, ETC.
A. Yes. It is pretty good but there are always gaps. Helena does a good job in linkages.

Q. DO YOU FEEL THAT RESTITUTION IS AN IMPORTANT PART IN THE PUNISHMENT OR REHABILITATION OF JUVENILE OFFENDERS?
A. Definitely, it doesn't occur all the time. Maybe more staff in the restitution program to line up
community service. Community service is good restitution.

Q. IF YOU COULD DESIGN YOUR OWN TREATMENT/CORRECTIONS FACILITY WHAT WOULD IT BE LIKE?

A. Staffed with well qualified, well trained people who get paid well. Have a therapist on board, including a recreation therapist. Have enough funds to provide a nice environment which helps kids with self esteem. If they can be proud of the place they live then it improves their self esteem. Good planning, family counseling. A good system for moving kids from the groups to specialized foster care. A transition program for those kids coming out of institutions and entering the community.

Q. DO YOU THINK THE NEEDED THERAPY IS AVAILABLE FOR YOUTH?

A. Yes, most of them get it. There are not too many gaps. Sometimes it's slow getting kids hooked up because of the numbers. Medicaid is also a problem. We are limited to certain therapist and programs that we can send kids to.
Q. HOW DO YOU THINK THE KIDS FEEL ABOUT THE SYSTEM?
A. Many of the kids feel that we're out to get them. They feel that they have no control of their lives and they don't.

Many see the system as punishment rather than as, we hope, a supportive field.

Some think that we are trying to help. Many feel that we are in it for the money (HaHa!)

Q. DO YOU THINK THE JUVENILES FEAR THE SYSTEM/PUNISHMENT?
A. Some fear the system. The longer they are in the system the more they fear it.
Marilyn Tutwiler
Runaway Counselor, Holdover Site Coordinator, and
Program Supervisor. Helena Youth Resources
-- former intake officer at Rivendale Treatment Center.
February 5, 1990  2:00 pm

Q. CAN YOU GIVE ME A BRIEF DESCRIPTION OF YOUR JOB?
A. I am responsible for hiring, training, and
evaluating employees. I attend staffings, screenings,
and assist in individual treatment plans.

As the Runaway Counselor I deal with runaways,
work with parents, set programs, etc.

Q. HOW ABOUT AT RIVENDALE?
At Rivendale I was an intake officer.

Q. WHAT ARE THE GOALS OF YOUR WORK HERE?
A. Keep track of group home managers. Keep track of
individual treatment plans.

Q. AT RIVENDALE?
A. All referrals were given by phone. I had to
determine if the kid is seriously, emotionally ill.
Youth must be referred to Rivendale by a medical
doctor. Rivendale is a psychiatric treatment facility
for kids and adolescents. I also work with parents a
great deal. It's often
difficult because they know little of the terminology.

I also checked insurance and medicaid and then ran the file by the psychologists and psychiatrists.

Most kids are from dysfunctional homes. Three months of treatment gets the child back on the right track but then they are returned home. You can't fix in three months what took 16 years to do. There is a great need for Aftercare.

If they are 16 years old in Montana they must be court ordered. They can voluntarily commit but they rarely stay past the first five days because so much is demanded from them. Most of the younger kids accept Rivendale because they really want help. No one else has been able to help, so they try.

Q. APPROXIMATELY HOW MUCH TIME DID YOU SPEND WITH EACH YOUTH AT RIVENDALE?
A. Intake includes about one hour of paperwork. Then a MSW (Master's degree in Social Work), a Psychiatrist, and the nurse interview for several hours. They interview the kid alone, the kid with the parents, and the parents alone. It takes about 3 or 4 hours. A teacher does testing and sets up a teaching program.
Many need long term treatment but Montana won't pay for it.

Q. WHAT PERCENTAGE AT RIVENDALE WERE DELINQUENT?
A. About 1/2. Many are status offenders - truancy, etc.
Most are just severely depressed.

Q. WHAT PERCENTAGE WERE FROM ABUSIVE FAMILIES?
A. Most have been abused.

Q. WHAT PERCENTAGE WERE CHEMICALLY DEPENDENT?
A. About one half are chemically dependant. Rivendale is not a chemical dependency treatment center but often it is a parent's last resort, so it is listed as a secondary problem.

The kids problem must be listed as acute in order for Medicaid to pay but the problems are chronic. All in the family.

Most of the runaways are from families with drug and alcohol problems.

Q. WHAT KIND OF EFFECT DO YOU FEEL THE LABEL "DELINQUENT" HAS ON THE JUVENILE?
A. Some like it. Maybe it shows peer group influence.

Q. WHAT DO YOU FEEL ARE THE GOALS OF THE JUVENILE
SYSTEM?
A. Get kids back on track and out of the system and work with them when they first get involved. Probation officers do everything they can for the kid but they are shorthanded and there is a shortage of money. Kids are getting short changed.

Q. WHAT CHANGES WOULD MAKE IT MORE EFFECTIVE?
A. More money. Spend now instead of spending more later. Find cost effective ways to treat them when they are young.

They need family support. Rivendale is an artificial setting. It is difficult to maintain after returned to the community. Family therapy is needed. You can't just treat the kid.

Treatment needs to be long term.

Problems are generational.
DOUG ZAHARKO
retired Helena Police Department
15 yrs. in service-retired 1/89
Feb. 5, 1990

Q. CAN YOU GIVE ME A BRIEF DESCRIPTION OF YOUR JOB AS A POLICE OFFICER?
A. The enforcement of federal, state, county, and city ordinances. Supervision of 2-5 other officers, investigation of criminal offenses and accidents, testifying in court, etc.

Q. APPROXIMATELY HOW MANY JUVENILES DID YOU WORK WITH A WEEK?
A. I dealt with juveniles on a daily basis. The amount of time depended on the situation.

Q. IF YOU HAD TO BREAK THEM INTO CATEGORIES, WHAT PERCENT WOULD YOU CONSIDER VIOLENT?
A. Violent juveniles were a rare exception if you were dealing with sober people. If they were intoxicated or high it increases, but not much. They recognize an officer as an authority figure.

Those who have been in the system often realize that they are going to be out before the paperwork is
done. They don't care.

Q. REPEAT OFFENDERS?
A. You get to know names, addresses and other specifics. Also the adults involved in the household. You deal with a certain group of kids— in alcohol offenses, drugs, misdemeanors, etc.

Some kids you only see once, others you see repeatedly. The same kids are involved in alcohol offenses, misdemeanor theft, and traffic citations.

Same faces all the time. They are introduced to the system and remain a part of it. They become "institutionalized." Some have a chance and some don't. The home life has a great bearing on the situation. Some have no chance— alcohol abuse in the family, crime, etc.

I don't know if there is a solution, maybe begin with the family.

It is an ongoing process through generations.

Q. WHAT PERCENTAGE OF THE JUVENILES COME FROM ABUSIVE FAMILIES?
A. A majority.
Q. WHAT WOULD YOU CONSIDER TO BE THE MOST COMMON OFFENSE THAT THESE YOUTH HAVE COMMITTED?
A. Drug and alcohol abuse and misdemeanor theft (shoplifting to stealing things out of cars, etc.).

Drug and alcohol use often lowers the values, if there were values to begin with. The theft is often to support the habit.

Q. WHAT IS THE APPROXIMATE LAPSE OF TIME BETWEEN THE OCCURRENCE OF AN OFFENSE AND THE ACTUAL PUNISHMENT?
A. It varies from the same day to the juvenile court process which could take months. It depends on the severity of the situation.

Juveniles are treated much too leniently.

Q. DO YOU FEEL THAT ON THE AVERAGE, THE PUNISHMENT RECEIVED IS APPROPRIATE FOR THE OFFENSE?
A. Generally, no. For traffic and fish and game violations kids are treated as adults. Now a child who gets a DUI has the same penalty an adult. Kids stand up and take notice. When they take on a little more adult responsibility, they pay attention.
Q. WHAT ARE THE POSITIVES AND NEGATIVES OF INCARCERATION?
A. Positive- Protect society. Often the only alternative that society has to protect society from those who preditmate. For example, a true sociopath. The negative- Jails educate the criminal element. To me that's the biggest negative. They learn to become police proof; a good background in the criminal way of life. Occasionally it turns someone around. It embitters them a lot.

Q. WHAT KIND OF EFFECT DO YOU FEEL THE LABEL "DELINQUENT" HAS ON THE JUVENILES?
A. Labeling has no effect. In own personal peer group, it may elevate their personal position, but as far as a deterrent effect, it doesn't seem to slow anything down.

Q. WHAT DO YOU FEEL ARE THE GOALS OF THE JUVENILE SYSTEM?
A. I don't know. Maybe treat them as fairly as they can. They can't have any goals because their hands are tied by society and the laws.
If you can sit and talk with them, you can diffuse so many situations. There are few situations that can't be talked through unless you are dealing with a mental problem. There are various techniques to talk people down.

Q. WHAT CHANGES WOULD MAKE THE SYSTEM MORE EFFECTIVE?
A. Probably a change in Court systems and legislative attitudes to allow authorities to treat the older juveniles more as they would be treated as an adult.

Fines, jail time, house arrest, etc. Some type of fine that comes out of their income or public service. Let them bring something back to society. They need to be responsible to society for their act.

Q. DO YOU FEEL THAT THERE IS "TEAMWORK" BETWEEN THE VARIOUS INSTITUTIONS WHICH THESE INDIVIDUALS ARE INVOLVED?
A. There has to be. I worked constantly with Meeker (Helena Juvenile Probation Officer) and Mental Health. If the right hand doesn't know what the left hand is doing- you repeat the same ground.

You need to know the authority and job of others.
Q. IF YOU COULD DESIGN YOUR OWN TREATMENT/CORRECTIONS FACILITY WHAT WOULD IT BE LIKE?
A. Little change from what exists. Anything that may work already exists. There are different levels of corrections.

Q. HOW DO YOU THINK THE KIDS FEEL ABOUT THE SYSTEM?
A. They joke about it. They know that little, if anything, can be done to them. They know they have the upper hand.

Parents enable juveniles. Most of dealings with parents are negative. "My kid would not do that." "You've mistaken him for someone else." They defend them and rarely let the kid take responsibility. The kids get that message from parents, so the system is a joke.

The only real involvement with the system is if they are placed in Pine Hills, Mountain View, or a group home.

Q. DO YOU THINK THAT JUVENILES FEAR PUNISHMENT/ THE SYSTEM?
A. They aren't afraid of punishment. First timers--
the good kids, you won't see again. The system works for them.

Parents don't care, so kids don't care.

It takes all but an act of God to get a kid in jail. Sometimes jail is the safest place for a child who is suicidal or dangerous.

Kids don't see the system until they push the system far enough.

Q. HOW DO YOUTH TREAT POLICE OFFICERS?
A. One on one even the "hard cores" are somewhat respectful of authority. Groups are less respectful, unless confronted.

Q. DO THEY FEAR YOU?
A. Depends on the number of times they have been involved with the system. Depends on what their exposure has been. Depends greatly on the attitude of parents and peers.

Some look to police for advice, leadership, role models. Police groupies exist.

Q. WHAT PERCENT OF THE YOUTH DO THINK ARE DETAINED-JAIL, GROUP HOME, ETC.?
A. Very few are detained. If at all possible you ship them home, is the philosophy of officers. If no one is home then they replaced in a group home. Very few get anything but a free ride home.

It's better to get parents to come to the police station. Interaction with police officers makes them human to the kids.