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# Rehabilitate, Punish, or Both?

— Stephen Szambelan —

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# My Question:

**Does rehabilitative or punitive punishment work better for juveniles, or a combination of both?**

# Theory

## Strain Theory

- social structures within society may pressure citizens to commit crime



# Introduction

- The American Juvenile Justice system has gone back and forth for which method they think is best
- Punitive = Punish
- Rehabilitative = rehabilitate into society

what are other  
words for  
rehabilitate?



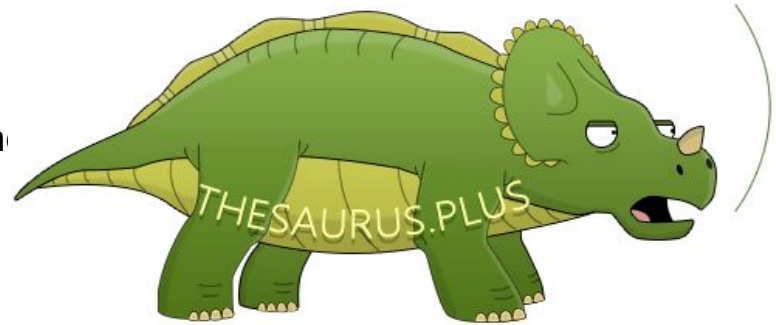
reconstruct, rebuild, restore,  
reinstate, recondition,  
renovate, reclaim, mend,  
refurbish, recover



# Literature Review

synonyms for punitive:  
punitory, penal, retributive, disciplinary,  
correctional, retaliatory, vindictive, corrective,  
punishing, retributory

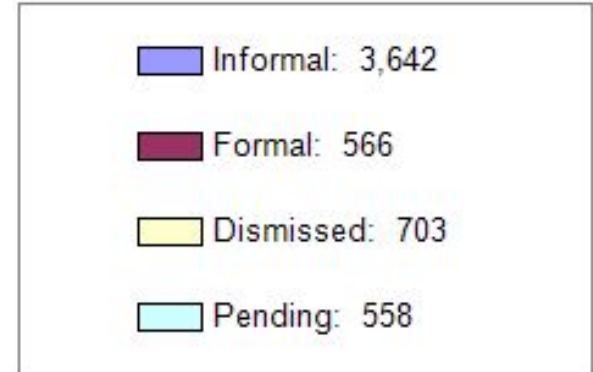
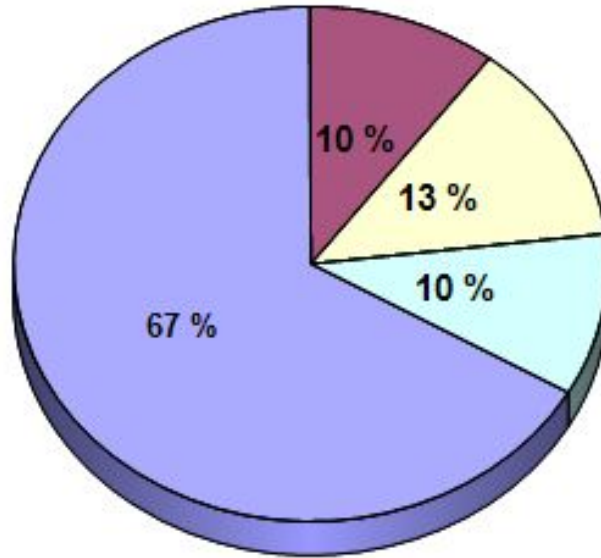
- Durkheim's perspective on punishment
  - Deterrence, incapacitation, retribution, and rehabilitation
- 500 household survey
  - More taxes for longer sentencing time or more services for the juvenile
  - Willingness to pay for rehabilitation (service) was \$98.49 vs 84.52.
- History of the juvenile justice system
  - Juvenile justice started in 1899
  - Court was tailored to each individual
- Specialty youth courts
  - Drug, therapeutic, and gang court



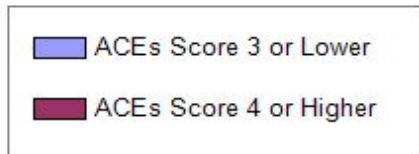
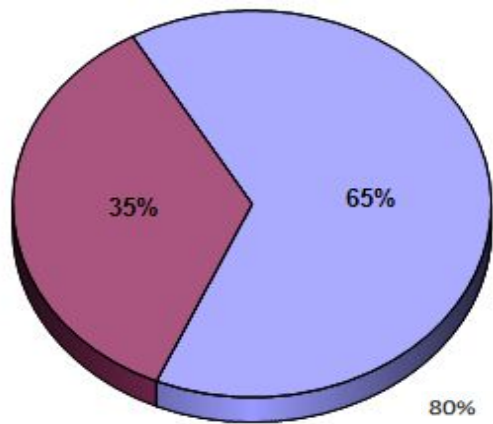
- Interventions in juvenile detention facilities
  - Good lives model
  - Risk-Need-Responsivity
- Juvenile minds
  - Risk taking

# Montana Youth Report 2017

## Type of disposition used:

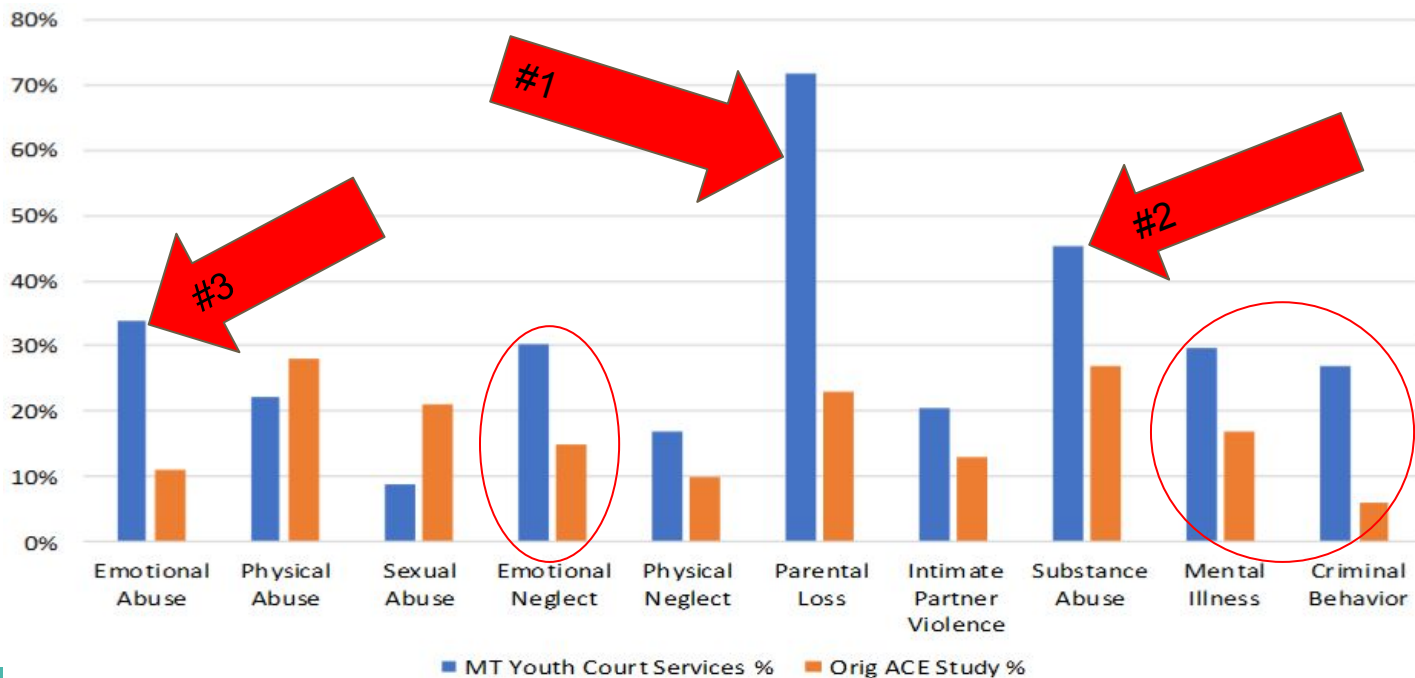


**Formal: Youth Court**  
**Informal: Probation**

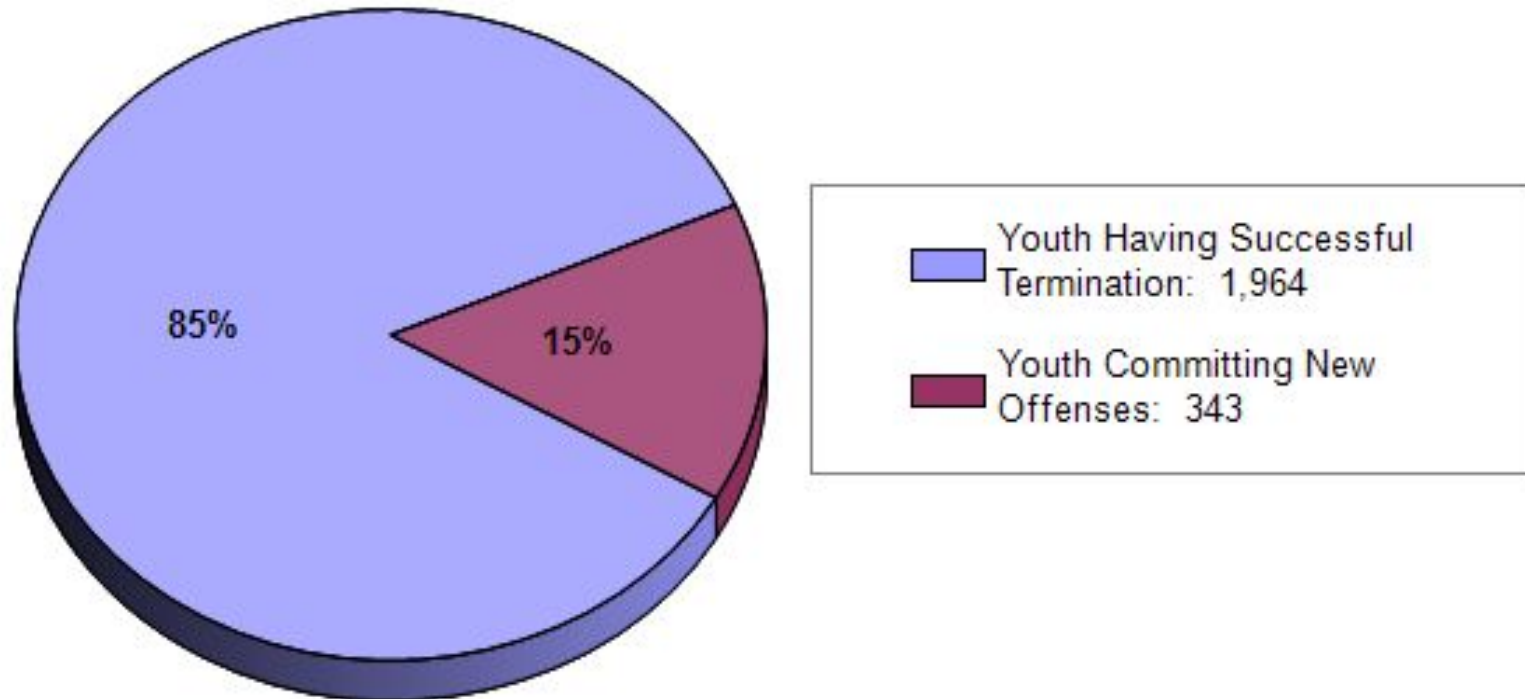


# Adverse Childhood Experience study (ACEs)

[https://courts.mt.gov/portals/189/dcourt/yth\\_court/docs/2017reportcard.pdf](https://courts.mt.gov/portals/189/dcourt/yth_court/docs/2017reportcard.pdf)



# Recidivism within 1 year after case completion





# Methods

- Montana Judicial Branch 2017 Youth report
- Carroll College Databases
  - Academic OneFile
  - LexisNexis Academic
- Intern at the juvenile probation office in Helena, MT



<https://www.helenamt.com/city/helena/listing/carroll-college/>



<https://www.punitivedamagesblog.com/tag/cap-statutes/>

# Results

- A majority of juveniles go into to diversion programs or informal probation
  - very rarely do they go into youth court
- Instead of incarceration
  - Individualized education plans (IEP)
  - Group homes
  - Psychological hospitals
  - Probation
- Chance after chance
  - Last option is severe detention



# Discussion

- What does work for some, doesn't work for others
- Rehabilitation first, punitive second
- Rehabilitate throughout regardless



[https://www.greensboro.com/news/crime/n-c-looks-again-at-raising-the-juvenile-justice-age/article\\_3a065219-f4f7-53eb-8824-0d4d50eef76.html](https://www.greensboro.com/news/crime/n-c-looks-again-at-raising-the-juvenile-justice-age/article_3a065219-f4f7-53eb-8824-0d4d50eef76.html)

# Conclusion

- We need to cater to these juveniles
- There needs to be funding of programs
- These are our children, in our community



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**Questions?**