

## Chapter 4: Theories of Causation

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The etiology of juvenile misconduct has long been of interest to society. The interest in causation of criminal misconduct among youth is more than a vague curiosity of a few scholars. It is a quest comparable to the search for the Holy Grail. Scientists, doctors, psychiatrists, sociologists, parents, citizens, law enforcement personnel and “do gooders” like the early Child Savers have struggled to understand the causation of crime. Some seek the explanation for philosophical reasons, some seek to validate their personal or religious beliefs or theories, but most seek to understand the causes of criminality so that the serious social problems that accompany juvenile misconduct can be resolved. Simply stated, if we identify the problem, we should be able to fix it.

Chapter four of the text covers the historical evolution and development of juvenile delinquency causation theories. Therefore they will not be repeated here. Instead this supplement will address the evolution of treatment philosophies as they developed in Missouri, treatment philosophies that were shaped by the events, the people and the beliefs of those residing within Missouri communities. Although the precise causation of delinquent behavior still remains elusive, enough statistical data, empirical research, and trial and error has been employed that Missouri’s Department of Social Services Division of Youth Services has a strong handle on the cure if not the cause. Thus, this chapter supplement will focus on the innovations and social theories that now make Missouri a leader in the area of juvenile justice

In Missouri, the juvenile justice system has evolved as the theories of causation have spun in and out of popularity. The ideas about crime have varied considerably, from poor parenting, to learned behavior, to environmental, educational, medical, emotional, and community caused behavior. The ladies who first envisioned and established the Children’s Building at the turn of the century believed that juvenile delinquency was a condition directly connected to the parenting styles of immigrant families who went off to work in factories and had less time to devote to the traditional responsibilities of parenting. The parents of these young victims of the industrial revolution had to choose between working to stave off starvation, and spending more time with their children. To the child savers this was poor parenting and thus, their children needed saving from a life of running the streets amongst commoners and criminals. To these early reformers saving often required removal from their homes to protect them from the evil influences and social ills associated with street life regardless of the severity of the situation or the type of offense. Delinquents, status offenders, runaways, and abused and neglected children were all treated equally (Platt, 1977).

Although the early courts were meant to operate informally with an emphasis on treatment over punishment, little rehabilitation was actually accomplished. Children who caused problems were removed from sight, from society, and were placed in one of the enormous state run institutions in Boonville for boys, in Chillicothe for girls, and in Tipton for Negro girls. Generally, the boys were placed in the reformatories due to criminal offenses; however the girls were committed to the institutions for incorrigibility or sexual misbehavior. Chillicothe’s mission statement claimed that “through systematic teaching of all domestic industries [and] a thorough education in every branch of household work, girls, removed from the vicious associates and evil influences, may receive careful physical, intellectual, and moral training, participate in enjoyment of a true home life, be reformed, and become good domestic women prudent in speech and conduct, cleanly [sic], industrious and capable housekeepers” (Rowe, 2006 at 42). In fact, in 1889, the Governor noted that the girls confined at Chillicothe “have nothing against their character saved for being “ poor, and forlorn, beset by temptations, with no competent protector.” He believed that it was “better to commit with downward tendencies, than to wait until she is altogether bad before reformation begins” (Rowe, 2006 at 42).

These institutions purportedly developed to save and rehabilitate youths and prevent them from eventual prison sentences, soon became just as bad, if not worse than the streets from whence they were rescued. Until 1945 girls at Chillicothe but not the African-American girls at Tipton, were fingerprinted and their prints registered with the federal and state bureaus of criminal investigations. While the boys at Boonville were not fingerprinted or photographed, their record of commitment was considered an official criminal record under Missouri's habitual criminal act (Rowe, 2006, page 12).

In a pamphlet, published by the Missouri Welfare League in 1927, details illuminating the conditions existing within the state institutions were exposed. Delinquent boys were sent to an institution comprised mostly of adults whose sentences to the adult penitentiary were commuted. In 1927, of the 636 individuals housed in the Boonville Reformatory only 268 (42%) were under the age of eighteen. Discipline, housing, and training, regardless of the age of the offender was similar. The housing accommodations were severely overcrowded and there were inadequate training, vocational, and educational facilities. Aftercare treatment or parole supervision was severely inadequate as well. The influence of young men experienced in crime contaminated the younger boys, thereby creating a school of crime whereby many upon release, recidivated, committing more or worse offenses (Reformatory, 1927).

Realizing the failure of the reformatories, many of the youthful offenders were sent to the state penitentiary in Jefferson City. The conditions within the Missouri Penitentiary were even worse. As one of the largest penal institutions in the country of its time, in 1926 it housed 3,418 prisoners; 382 of whom were under twenty-three years of age, 305 were under twenty-one, and 87 were under nineteen years of age. Conditions were deplorable.

The cells are more than 100 per cent overcrowded. Hundreds of men are lodged five and even six in a cell with space insufficient for three. Prisoners of many types are forced into close intimacy-the old and the young; the whole and the sick; the intelligent and the feeble-minded; the first offender and the expert criminal; the sound and the diseased; the promising and the degenerate. Prisoners known to have tuberculosis and those known to be drug-addicts are usually segregated. Otherwise there is no separation of types. The prison industries are designed, not to provide training for useful and profitable employment after discharge from the institution, but to make money from the labor of prisoners. Much of the labor is of no benefit to the prisoners. Working conditions in some of the shops are very bad.... There is no school.... Anyone knowing the conditions will agree with a Missourian who said, "I'd rather risk my sons in a world-war than in the Missouri Penitentiary" (Reformatory, 1927).

The Missouri Welfare League's pamphlet concluded by urging for reforms that included prisoner re-education in mind and body and industrial training. Specifically, the League proposed reformatories more in line with farmhouses or barracks than formal institutions with cell houses and security walls. They cited numerous similar successful reformatories that were operating in New York, Colorado, Connecticut, District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Wisconsin, and the Federal Government. In summary, the League advocated that the cost of providing genuine training for boys was ultimately far less than the cost of not providing such training. "The cost of arrests, trials, and maintenance in correctional institutions again and again of boys and young men trained to criminality by our present methods, plus the loss due to crimes committed by them, far exceeds the cost of providing proper training" (Reformatory, 1927).

Change did not come quickly or simply due to exposure or even through the resultant legislative reform. As is usually the case, real change came about because of a series of escalating problems and the

occurrence of a horrific incident. In 1948, violence and dissension at the Boonville School, large numbers of escapes, and two homicides of youths killed by violent offenders, led to reform. The Governor and a convoy of armed patrol officers were forced to raid the school, remove 71 incorrigible boys, and transfer them to the state penitentiary. This patrol then took command of the school for seventy-five days and conducted an extensive investigation resulting in a 125-page report to the governor detailing a multitude of deficiencies existing there: including the fact that only three percent of the 309 inmates were sixteen years old and younger (Patrol, 1948).

These extreme problems regarding over-crowding, lack of rehabilitation, treatment and educational programs, and age discrepancies facilitated some reform. Legislation was enacted that established indeterminate sentencing with age ranges of 12 to 26 years for boys and 12 through 20 years for girls. Aftercare programs were also established (Missouri DYS FY 2006 Annual Report, Appendix D).

Realizing once again that the philosophy of deterrence through confinement was not the solution for all offenders, a State Board of Training Schools was established that mandated rehabilitation and guidance of juvenile offenders. The reformatories were re-classified as “educational institutions” (Missouri DYS FY 2006 Annual Report, Appendix D). The overall focus shifted toward reform rather than punishment.

In the 1950s and 1960s treatment oriented philosophies and programs flourished partly because some judges refused to send children to the reformatories because of the violence between the youths and the beatings by staff. Out-of-state placements were discouraged due to the expense. In 1957 the Unified Juvenile Court Act was passed establishing a policy for developing custody and placement alternatives to the institutions. But again change did not come quickly, and the institutions were, in a 1969 federal report, further condemned as having a “quasi-penal-military” atmosphere, a lack of adequate rehabilitation programs, substandard educational opportunities, understaffing, and outdated physical plants and deteriorating buildings (Orenstein, A. 2006). More than a decade later, the institutions of Boonville and Chillicothe were finally closed.

Camp Avery Park and Watkins Mill Park Camp were opened first as educational alternatives to the large institutions. Positive peer culture was introduced as a treatment modality in the 1970s as an alternative to the adult-imposed behavioral modification program. Positive peer culture (PPC) was a behavioral approach to treating juvenile misconduct. By challenging peers to create a climate of responsibility and respect for basic human values, it was believed that delinquent or problematic behaviors would diminish. Adults assign responsibility to youth and then teach them to follow through on that responsibility by encouraging positive values through their peers. The positive values refer to the values belonging to all human beings, not to any specific ideology. Anything that hurts another human being or is destructive to one’s self is wrong. The positive peer group encourages the others to develop and utilize non-destructive and non-delinquent methods to conduct their affairs (Vorrath, H.1985).

Although PPC initially was widely acclaimed, its effectiveness as a treatment philosophy for all types of behavioral problems has been criticized. Some researchers opine it was unreasonable to believe that delinquent youths with behavioral problems could encourage positive values by interacting with one another. Delinquents tend to promote their negative behavioral tendencies to one another. In particular, one study addressing the effectiveness of the PPC program for child victims of maltreatment, a group widely recognized as high risk for delinquency, found the program’s strategy less than desirable. Their study of adjudicated youthful offenders who participated in long-term PPC programs revealed that 41% were arrested and abused and neglected youths were even more likely to be rearrested (50% versus 37%) (Ryan, J. 2006). Nevertheless positive peer culture is still prevalent as a treatment modality in Missouri.

The Missouri Division of Youth Services replaced the large statewide reformatories with smaller, more regionalized facilities nearer in proximity to the actual residences of the inhabitants. In 1987 a Blue Ribbon commission comprised of juvenile justice reform researchers, judges and legislators was formed lending both credibility and support to Missouri's changes resulting in greater funding. Community concerns about public safety were addressed through active public classes, conferences, and community group meetings. DYS emphasized the accountability portion of their programs, the advantages and disadvantages of their approaches, and the timeline for their treatment strategy action plans (Korenstein, A. 2006 at 10, 11).

As the causes of delinquency were further researched and more and more was learned and exposed regarding juvenile matters, Missouri adopted an eclectic approach for their treatment philosophy. Since large institutions were abysmal failures, they moved to smaller, more cottage-like facilities. As research revealed the impact of family and community relations on rehabilitation and recidivism rates, Missouri began placing its children based on risk, geography and treatment needs. They recognized that eventually children would return to their families and communities. Thus, the juvenile offenders must learn to live in a socially acceptable manner within their own communities as opposed to within a sterile confined environment.

The treatment philosophy that children with similar problems can benefit from participation in regular treatment-specific groups flourished. Programs such as the positive peer culture approach were expanded. Programs such as diversion programs and jobs programs to keep children out of the system and hence away from negative peer influences were developed. Mental health programs were developed to include: situational leadership, reality therapy, group treatment, family therapy, and mental health counseling on an individual basis if needed.

When violent and destructive behaviors were viewed as rising, Missouri removed its restriction on transfer age and created a dual jurisdiction approach allowing the removal of violent juveniles from the protection of the juvenile court system. Since educational deficits are linked as a cause associated with delinquency, Missouri's juvenile treatment facilities now employ over 150 teachers at most of their out of home placement facilities thereby permitting each child to receive educational services year round. Many of the instructors are certified in special education and the teacher to student ratio is low.

When the community or village approach to raising healthy children became in vogue, Missouri included the community's concerns and ideas within its juvenile justice fold. In 1996, First Lady, Hillary Clinton published her book "It Takes a Village: And Other Lessons Children Teach Us" quoting an old African proverb. In the book she focused on the impact individuals and groups outside the family have on a child's development and advocated for a total society involvement to meet the needs of children (Clinton, H, 1996). Her ideas are supported by sociologists who believe that weaker ties to the community and fewer neighborhood resources are part of the reason why children in single parent and stepfamily homes are less likely to become independent, successful adults. McLanahan and Sandefur (1994) reported that all children "need good schools, supportive neighbors, and communities that are willing and able to invest in education, recreation, and safety."

The village or total community involvement approach to treatment in juvenile justice was incorporated within the juvenile justice system. By way of example, some Missouri counties employ restorative justice techniques. These techniques and the legislative authority allowing their usage are discussed more thoroughly in Chapter 9 herein. Other legislative enactments embraced the community involvement approach as well. The legislature assisted in this approach by giving the public access to juvenile proceedings by limiting confidentiality in certain circumstances and by providing victims of juvenile crime with both relief and access to information. In 2000, Missouri enacted a provision that

required information sharing, tracking and coordinating regarding children who have received services from the juvenile court and the departments of social services, mental health, elementary and secondary education, and health. Educational institutions can only share information on students who have committed a misdemeanor or felony acts and all of the information sharing is limited to all existing laws pertaining to the confidentiality of information (210.865 RSMo. 2000).

The Department of Youth Services (DYS) now extends to victims and witnesses of serious and violent crimes the right to notification concerning matters related to the incident. Specifically, section 595.209 RSMo. provides *inter alia*:

(1) For victims, the right to be present at all criminal justice proceedings at which the defendant has such right, including juvenile proceedings where the offense would have been a felony if committed by an adult, even if the victim is called to testify or may be called to testify as a witness in the case; (2) For victims, the right to information about the crime;(3) For victims and witnesses, to be informed, in a timely manner, by the prosecutor's office of the filing of charges, preliminary hearing dates, trial dates, continuances and the final disposition of the case;(4) For victims, the right to confer with and to be informed by the prosecutor regarding bail hearings, guilty pleas, pleas, hearings, sentencing and probation revocation hearings and the right to be heard at such hearings, including juvenile proceedings, unless in the determination of the court the interests of justice require otherwise;(5) The right to be informed by local law enforcement agencies, the appropriate juvenile authorities or the custodial authority of the following: (a) The status of any case concerning a crime against the victim, including juvenile offenses;(b) The right to be informed by local law enforcement agencies or the appropriate juvenile authorities of the availability of victim compensation assistance, assistance in obtaining documentation of the victim's losses, including, but not limited to and subject to existing law concerning protected information or closed records, access to copies of complete, unaltered, unedited investigation reports of motor vehicle, pedestrian, and other similar accidents upon request to the appropriate law enforcement agency by the victim or the victim's representative, and emergency crisis intervention services available in the community;(c) Any release of such person on bond or for any other reason;(d) Within twenty-four hours, any escape by such person from a municipal detention facility, county jail, a correctional facility operated by the department of corrections, mental health facility, or the division of youth services or any agency thereof, and any subsequent recapture of such person; (9) For victims and witnesses, the right to reasonable protection from the defendant or any person acting on behalf of the defendant from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts.

In other words, victims and witnesses are now entitled to breach the wall of confidentiality and secrecy behind juvenile proceedings. Victims and witnesses are included in every phase of the process from offense through parole or probation revocation hearings. The rights of victims are absolute and are paramount to the defendant's rights.

Missouri has adopted an eclectic approach regarding use of the theories of causation within their juvenile justice system. The formal terminology for this eclectic approach is referred to as the Systems Approach. Treatment is given meaning by the context in which the behavior occurs; thus, the individual's personality, the family, the community and the culture are all-important and must be included within the process of rehabilitation. Missouri does not dump or drain the bath water upon the rise of a new theory of causation or treatment, it simply sifts out enough of the old to dredge off the scum and then, it tops off the basin with the new methodology.

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### **Internet Links for Additional Information:**

Division of Youth Services FY 2006 Report

<http://www.dss.mo.gov/re/pdf/dys/dysfy06.pdf> Missouri

Missouri Juvenile Justice Association, <http://mjja.org/default.asp?c=02&sc=01>.

Missouri Revised Statutes

<http://www.moga.mo.gov/statutes/C211.HTM>

National Center for Juvenile Justice

<http://ncjj.servehttp.com/NCJJWebsite/main/html>

Office of Juvenile Justice and Delinquency Prevention

[http://ojjdp.ncjrs.org/pubs/reform/ch2\\_k.html#note272](http://ojjdp.ncjrs.org/pubs/reform/ch2_k.html#note272)

Safe Schools Act – HB1301 and 1298

<http://dese.mo.gov/schoollaw/LegFolder/HB1301&1298.htm>

U.S. Department of Health and Human Services Division of Children and Youth Policy

<http://aspe.os.dhhs.gov/hsp/cyphome.htm>

U.S. Department of Justice – Office of Justice Programs – information from UCR and victimization survey. Select state by state national trends, choose Missouri, choose type of crime, choose year(s).

<http://www.ojp.usdoj.gov/bjs/cvict.htm>

### **Review Questions**

1. How does Missouri address the learned behavior theory of causation both from its early days through modern times?
2. To what extent do juveniles learn from peers and how does the positive peer culture approach address it?
3. How has modern day Missouri addressed the “it takes a village to raise a child” thinking within its treatment programs?
4. What, if any, influence has the Missouri legislature had on rethinking and revamping the juvenile justice system?
5. To what extent should the family and the community be involved in the rehabilitation process of juveniles?
6. Under the current system of juvenile justice, what is the most prevalent theory of causation for delinquent behavior and how is it addressed?
7. Research the statistics for violence within the juvenile institutions and compare how Missouri’s placements stack up against other jurisdictions.