

## Chapter 10: Dispositional Alternatives

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After an adjudicatory hearing, the judge decides upon an appropriate disposition. In many cases informal supervision, probation or the community-based options outlined in Chapter Nine are deemed inappropriate. In those instances, the judge may make the decision to commit a juvenile offender to the Missouri Department of Social Services, Division of Youth Services (DYS). In serious felony matters the commitment may extend until the offender reaches age 21. In most cases the judge however, does not make the placement decision for the youth nor does the judge determine the term or the length of commitment. Most commitments are indeterminate. The offender remains under supervision until he/she demonstrates a fundamental adjustment in character and attitude; but the Judge may set a minimum review date and, on occasion, the judge may determine the release date at disposition. After the child is committed to DHS, DHS selects the program and /or the local/private facility and assigns a case manager to oversee the progress of the child throughout his/her entire commitment. Basically, once an offender is committed to DHS, all decisions are made within the Division. Monitoring and interaction with the court after commitment is done more as a courtesy to the court for informational updating purposes (Korenstein, A. 2006).

The decision concerning the proper disposition for each offender is typically made after the youth receives a comprehensive risk and needs assessment to determine the child's individual treatment plan and potential placement status. The purpose of the disposition is to determine the best way to treat or correct the juvenile's problems while still protecting both society and the offender. Justice O'Connor asserted that "the focus of sentencing in juvenile proceedings is on treatment, not punishment. The presumption is that juveniles are still teachable and not yet 'hardened criminals'" (U.S. v. R.L.C. 1992). The trend and the practice are toward non-custodial or more informal approaches, but sometimes public safety or conditions dictate a more substantial or secure solution. Missouri has come a long way in its sentencing methods since the court originated in 1903. For example, early dispositions were informal under the *parens patriae* system, now they are more formal and to an extent, due process exists.

A good example of an early disposition that would never occur today was published in the September 21, 1921 issue of the New York Times. The newspaper reported a sentencing option selected by Kansas City, Missouri Judge E.E. Porterfield who was presiding over a juvenile court truancy matter. The court procedure involved four delinquents who refused to go to school and who requested to be sent to the McCune County Home for youthful offenders. The Judge opted for a different solution. He removed his shoe and spanked the schoolboys. Afterward he again asked them about school and all four agreed to attend (New York Times, 1921).

Missouri has more than thirty residential facilities with a total bed space capacity of 726 that includes secure care, moderate care, group homes, contractual care, special needs and short-term programs. The residential facilities are offered across the state and in many communities and each includes counseling options, life skills training, and access to an accredited educational program either within the facility or within the public school system. Over the last several years the number of residential care slots has risen so as to provide space for those who need longer opportunities to recover, to reduce the waiting time for an available placement, and to provide a residential opportunity in closer proximity to family members. Per the 2006 DHS Annual Report, DHS provided case management services for 3,424 youth, including 880 intensive case monitorings and 2,061 in custody placements in 32 residential facilities.

Some offenders are placed in short-term treatment programs that combine traditional residential services with re-entry exercises. The short-term programs provide fast paced, high impact treatment services in a 60 to 90 day time period. The special needs programs operate for those offenders who possess severe behavioral, learning or cognitive disabilities. The special needs programs focus on counseling and the individual's social or personal needs or skills.

The least restrictive of the residential programs are group homes. The group homes provide 24 hour supervision and are usually located within a residential neighborhood. Each group home houses between ten to twelve residents who receive treatment and educational services both within the setting and in the community. The group homes do not have perimeter fences or bolts on the doors. The focus of all residential programs including group homes is treatment not punishment or corrections. Peers are responsible for each other and accountable to each other within their small group of ten or twelve. The atmosphere or culture is more homelike than institutional in that the staff and the youth wear regular clothes, relate on a first name basis and generally operate as individuals to individuals (Korenstein, Amy, 2006). Furthermore, while the offenders reside in the residential facilities, they are actively involved in treatment. Since Missouri's DYS believes that families are extremely important and integral to treatment and success, the agency uses family therapists who visit the homes of the custodial youths so that the family remains involved.

Missouri was the first state to open a group home for teenage girls on a college campus (McGarvey, A. 2005). The Rosa Parks Center located on the campus of William Woods University in Fulton Missouri affords the female residents with individual and group counseling and the opportunity to attend campus related functions. The eleven-bed facility also enhances the University's program. University students who participate in the program are provided with internships in the areas of juvenile justice, social work, special education and related areas.

For the more serious offenders, DYS operates twelve moderate security sites, three of which are located within state parks. The moderate care facilities typically house youths who have committed less serious offenses like property crimes that do not pose a serious threat to the community but the offenders still require continuous supervision. These programs embrace much of the same treatment methodologies as the group homes but with slightly more structure and supervision. The three facilities located within the state parks are operated in conjunction with the Missouri Department of Natural Resources. For example, Camp Avery is a residential facility located within the Cuivre River State Park. Offenders who reside in the facility and have attained a pre-release status due to good behavior are hired as "junior Rangers" to assist the park rangers. They are issued uniforms and assist in the park's maintenance.

For the most serious or violent offenders, DYS maintains seven highly structured locked facilities. Typically, these offenders have committed an offense against a person or have extensive criminal histories and thus may pose a threat to society requiring a secure environment. One of those facilities located in Montgomery City, Missouri is a 40 - bed center specifically designed to house dual jurisdiction youths. As with the other residential programs, these secure facilities also provide intensive counseling, life skills training, and a fully accredited education program for its young offenders. In these facilities the ration of staff to youths is low: one to five. The youths in residence are referred to as "clients" not inmates and are grouped in teams of ten who attend all functions, school, counseling, and outings as a unit (Lewan, T. Think Outside the Cage, 2007).

The Missouri system of youth management and treatment is considered very effective. Nationally, 110 teens residing in juvenile facilities committed suicide between 1995 and 1999; but no Missouri teen has committed suicide while in custody since 1983 per the National Center on Institutions and Alternatives (Lewan, T. Think Outside the Cage, 2007). The number of youth recidivating upon release from a Missouri juvenile facility who later require incarceration in either an adult prison or

another juvenile facility is remarkably low compared to figures from other states. According to the 2006 figures, only about 8.6 percent of offenders who complete one of Missouri's program are incarcerated in adult prisons for violent felonies within three years of release, compared to 75% in New York and California. Furthermore, only 7.3 percent of youthful offenders released from a Missouri facility were recommitted to juvenile centers for new offenses compared to more than 50% in Texas. Even more interesting is the fact that in Texas the cost of housing and treating a youth cost about 20% more (Lewan, T. Think Outside the Cage, 2007).

Missouri believes that even for hardcore juvenile offenders, treatment- oriented approaches and placements are the answer for rehabilitating offenders. Thus, the state stresses therapy over punishment, cottage type settings over institutions and communal and family associations over isolation. The Missouri approach is so successful that it now serves as a model for California, Illinois, Maryland, Washington D.C., and Louisiana in their reform attempts of their juvenile correctional systems. Ohio has even conducted an extensive comparison of Missouri's system with their own juvenile system to see why Missouri's is so successful (Korenstein, Amy, 2006).

The range of programs offered by DYS for delinquent youths also includes aftercare or re-entry services. All youths after completion of their residential or community-based program receive aftercare services supervised by service coordinators. Released offenders do not return to the community unwatched; college students, trackers or volunteers who reside in the community track the progress of these youth for up to three years, helping with job placement, therapy referrals, school issues and drug or alcohol treatment (Lewan, T. Think Outside the Cage, 2007). Under DYS's community corrections program in its intensive case supervision program, the agency offers the same tracker service providing visitation and calls to offenders throughout the day or night to provide support or services toward the goal of preventing them from entering a DYS residential care facility.

Aftercare planning begins at commitment. Within three days of commitment, an individual treatment plan (ITP) is developed by the youth's assigned service coordinator. The plan includes both short term and long term goals. Approximately half of the youths participate in furloughs during their residential stay. The furloughs assist in the youth's transition to aftercare and their ultimate return to the community. Typically the furloughs occur in a progressive series, a special event, a day, a weekend, a week, depending on the appropriateness of the situation and behavior of the youth as determined on a case- by- case basis by the coordinator. When the case manager determines that the youth has successfully completed the residential program, the youth will be released into an aftercare program. Missouri uses a system of minimum contact standards for aftercare release. There are four levels of aftercare supervision ranging from high to low supervision. The higher the level, the more face- to-face contacts and the greater the supervision support services. Although aftercare supervision is indeterminate most aftercare lasts about six months in length.

Not all children upon release from a residential program are able to return to their families. In the event of these placement problems, DYS still relies on the family whenever possible to provide placement alternatives, such as relatives. On occasion, an older youth will be allowed to live independently with the assistance of wraparound services including a small subsidy to assist in establishing their work and living arrangements. The budget for this option is quite small. Younger children may be placed in foster care. A third possibility called proctor care allows the youth to live with an adult, usually an upper level graduate student studying social work. The proctor serves as a mentor and role model for the offender.

The Missouri DYS also offers a Day Treatment Program for some youths transitioning back into the community after completing a residential placement or for other low risk youths so as to divert them from residential placement in the first place. The day program requires the youth to spend each weekday from 8am until 3pm engaged in school or counseling activities. DYS also has a Day Treatment Plus

program which offers additional services after school and on weekends. Both programs provide counseling services to the youth and their parents (Missouri DYS Programs and Services). Most youths are discharged from day programs prior to reaching their 18th birthday but if court ordered, they may be discharged after achieving their aftercare objectives. In 2006 DYS day treatment programs served 671 youths (2006 Annual Report).

Special programs are used for individuals with mental health issues. All children committed to residential care are screened by licensed health care professionals to identify their actual and potential needs. Those who need residential treatment based on mental health issues are outsourced to contractual programs. Although Missouri contracts out of its DYS system to provide care for these special needs children, the access to beds is made available at no cost to DYS. Medicaid dollars pay for the treatment facility. Outsourcing is particularly appropriate for children who would not benefit from the peer culture approach. The placement in a specific mental health facility serves two goals: it provides appropriate treatment that meets the needs of these youth and it separates them from the general population so that they do not disrupt the other peer activities and overtake the functions. The Cottonwood and Hawthorne facilities are two such facilities and currently MDYS contracts with Boys and Girls Town to provide mental health residential services for youth.

Some interesting results of the screenings in 2006 revealed:

Health Medical Information for DYS 2006

Total Youth	% of Total	Identified as having:
117	4.2%	Serious to major physical handicap or medical condition
515	18.4%	Some to moderate health or medical concern
2136	76.5%	Minor or no known health or medical concern

Substance Abuse Information for DYS 2006

Total Youth	% of Total	Identified as having:
1083	38.8%	Serious to significant pattern of substance abuse
684	24.5%	Moderate to intermittent incidents of substance abuse
1000	35.8%	Minimal or no known problems with substance abuse

Mental Health Information for DYS 2006

Total Youth	% of Total	Identified as having:
347	12.4%	Diagnosed psychological/psychiatric disorder but not receiving treatment
611	21.9%	Behavioral indicators of a psychological/psychiatric disorder but has not been diagnosed
852	30.5%	Diagnosed psychological/psychiatric disorder and was receiving appropriate treatment.
956	34.2%	No history of psychological/psychiatric disorder and no indicators that an evaluation is needed.

2006 DYS Annual Report

Another example of special programs used by DYS are community care services. These services are offered to both committed and non-committed youth as an alternative to residential care or as a support upon release from a facility. Some of the types of community care services offered to DYS youth

include: family therapy, group counseling, independent living, intensive case monitoring, job placement, mentor services and proctor care.

One of the growing and successful programs offered to youth is the DYS Jobs Program. This program allows the youth to obtain employment skills and receive minimum wage compensation through a contractual agreement between DYS and the Division of Workforce Development. Through the wages earned within the program, many youth are able to make restitution payments to the Crime Victim's Compensation Fund. In 2006, 936 youth participated in the Jobs Program and 885 youth or 94.6% were deemed successful.

Missouri did not come by their treatment or residential programs naturally or by the impetus of DYS itself. Research guides their approaches as does an Advisory Board and Community Liaison Councils. The nonpartisan board made up of judges, legislators, citizens and civic officials oversees DYS operations. The community councils act as a liaison between DYS programs and the local citizens informing them of the services and activities housed in their communities and addressing any concerns about the programs that may arise (Missouri's DYS Programs and Services). Research has played a major role in the types of facilities and services offered to help troubled youth. Studies and results from the "old school" approach of locking kids up, "out of sight- out of mind" approach" did not work. Once released these offenders re-offended often times by committing more serious offenses. Missouri eventually learned that unnecessary commitments often taught criminality to children. The State benefits more from treatment and working with children within their family and their community (McGarvey A. 2005).

Crime rates, public sentiments, and reforms in the adult punitive systems also influenced Missouri's treatment and sentencing options and choices. For example, public sentiment and legislative responses now require that juvenile sex offenders must be registered by the court of domicile where the youth resides after release. The service coordinator assists in the process but registration is a court managed program. Additionally, the perceived escalation of violent crime by juvenile offenders in the early 1990s caused the public to once again pursue punishment options over rehabilitation. The public believed that punishment would incapacitate juvenile offenders and thereby prevent them from committing future offenses and punishment satisfied the public's desire for accountability and retribution (McCarthy, F. 1994). Thus, many states openly advocated for punishment of juvenile offenders who committed serious crimes.

As violent crime committed by youths continued to rise, research as to the responsibility and accountability of youth for their actions resurfaced. Research that concluded that youth as young as ten were as competent at decision making as adults (Houlgate, L. 1980) and several studies that concluded that by age fourteen, most individuals have "acquired the equivalent level of moral reasoning possessed by most adults" (Kohlberg, L. 1963) at least concerning "socialization, internalization of social and legal expectations, and ethical decision making values that will guide his behavior through later life" (Feld, B. 1984) fueled the decision to punish violent offenders and to treat them as adults. The legislators responded and violent juvenile offenders were removed from the juvenile system through a variety of measures. Some states established automatic adult jurisdictions for particular offenses while other states established mandatory or discretionary transfer provisions depending on the offense and the age of offending. Missouri was not immune from this movement to remove violent offenders from the juvenile system.

On October 10, 1993, twenty-three year old Katie Aulbur of St. Louis Missouri was abducted on her way home from work. Three assailants, including one, a thirteen year old juvenile, pointed a sawed-off shotgun at her, robbed her, and forced her into the trunk of her car. When she managed to escape the trunk by clawing her way into the backseat, the juvenile clubbed her on the head with the shotgun

fracturing her skull. Since the clubbing did not kill her, the juvenile proceeded to run her over with the car and dumped her body in a ravine. Two years later, when the juvenile was fifteen, he pleaded guilty to second-degree murder under the juvenile code. As a result of this plea, when the juvenile offender turned eighteen, he must be released from custody. At that time, Missouri law forbade trying juveniles under 14 as adults ( Bryant, T. 1995). Meanwhile the two adult accomplices were convicted and sentenced. The one received a twenty -year sentence and the other received a sentence of life in prison with no parole.

As a result of the outcry over the Katie Aulbur incident and the equally appalling and horrific killing of two public safety officers by juveniles, Missouri revised its' juvenile code and introduced a blended sentencing option for handling youthful offenders. This option is known as the Dual Jurisdiction Program and is managed under the Missouri Division of Youth Services (DYS) within the Department of Social Services. To be eligible for this option, the youth must be under the age of 17, transferred to a court of general jurisdiction (adult court), and found guilty by plea or conviction in the criminal court system. Then, prior to sentencing, the youth must be screened and assessed for amenability and appropriateness for long-term, individualized comprehensive programming within the DHS's dual jurisdictional facility located in Montgomery City. This screening process includes a face -to -face interview with the offender, a risk assessment evaluation, and if a pre-sentence investigation has been ordered by the court, a consultation with the Missouri Board of Probation and Parole. If the DHS agrees to placement, the court may invoke the dual sentencing option. Specifically, pursuant to 211.073 RSMo the court is authorized to impose a juvenile disposition and simultaneously impose an adult criminal sentence, the execution of which shall be suspended. Successful completion of the ordered juvenile disposition ordered is a condition predicate for the suspended adult criminal sentence.

The dual jurisdiction facility offers treatment and education components covering restorative justice victim empathy issues, problem-solving skills, counseling programs, academic training and vocational preparation programs. If however, there is probable cause to believe that the offender has violated a condition of the suspended sentence or committed a new offense, the court is mandated to conduct a hearing on the violation charged, unless the offender waives such hearing. If the violation is established the court may continue or revoke the juvenile disposition, impose the adult criminal sentence, or enter such other order as it may see fit. When an offender has reached the age of seventeen or received a suspended sentence pursuant to this section and DHS determines that the child is beyond the scope of its treatment programs, the court is again mandated to hold a hearing to determine the whether the youth will be transferred into immediate custody of the department of corrections, placed on probation or still remain within the custody of DHS provided that DHS agrees to such placement. Finally, prior to a youth reaching his/her 21st birthday, DHS is required to petition the court for a hearing as no youths may remain in the DHS program beyond their 21st birthday.

Surprisingly, few offenders are sentenced pursuant to the dual jurisdiction provision. In 2002 only four male offenders were sentenced under this option and in 2006 only six male offenders received this option. Many violent offenders are certified, tried and convicted in an adult court of general jurisdiction under the provisions discussed previously as part of the Juvenile Crime Bill of 1995. In 2005 for example, there were 125 certifications allowing processing in adult court (2005 Annual Report).

The certification hearing requires the judge to consider a number of factors before dismissing the matter from juvenile jurisdiction. The seriousness of the offense and the need to protect the public from the offender weighs quite heavily in the decision to certify the juvenile as an adult. The more vicious, the more force or violent the offense or if injury occurred, the more likely that the juvenile will be certified as an adult. The court also considers the age of the offender, his/her sophistication and maturity, and whether the offense is a part of a repetitive pattern that indicates the juvenile offender cannot be rehabilitated by the juvenile justice system. Finally, the court will consider the amenability of the

offender and the existence and suitability of a program to both house and rehabilitate the juvenile within the time constraints of the juvenile system (Section 211.071 RSMo Supp. 1995).

One would like to believe that justice is blind and that all children are equally treated within the juvenile court system. As race and sex are not pre-determinate or pre-requisite factors of delinquent behavior, one would predict that involvement in the juvenile justice system would substantially reflect population demographics. One would also assume if all things were equal and fair, that the population of commitments to juvenile facilities and certifications to adult court would reflect that same demographic breakdown. That is not, however, the case. Per the July 1, 2005 U.S. Census Bureau estimates provided to Missouri's Office of Administration, minority youth (between ages ten and seventeen) constitute 18.9% of the Missouri population. Yet, minority youth constitute 48% of referrals certified to adult court in 2005 and 36.7% of DYS commitments in 2006. Further, Missouri's population consists of approximately 51% females, yet female offenders account for only 16.8% of the DYS commitment population (2006 DYS Annual Report).

The table of referrals certified to adult court in 2005 by age and race displayed below show that minority youths are certified younger and more frequently than the population demographics of Missouri would predict.

Referrals Certified to Adult Court in 2005 (2005 DYS Annual Report)

Age	Caucasian	African-American	Other	Total
13	0	2	0	2
14	0	3	0	3
15	10	10	0	20
16	35	31	2	68
17	15	9	1	25
18	5	1	1	7
Total	65	56	4	125

A further breakdown of the 2006 statistics reveals several interesting points as the charts below suggest:

Commitments to DYS 2006 (2006 DYS Annual Report).

	Total	Males	Females
Caucasians	769	619	150
Minorities	445	391	54
Total	1214	1010	204

Commitments to DYS 2006 per offense category (2006 DYS Annual Report).

Type	Serious Felonies	Other Felonies	Misdemeanors	Status
Male	109	449	355	97
Female	7	58	108	31
Total	116	507	463	128

The disparity in treatment and commitment for youthful offenders based on racial and sexual characteristics receive much attention for a variety of reasons. First it is unlawful to discriminate under equal protection guarantees. Second, there are those who believe that the practice is part of a long-standing legacy (intentional or unintentional) of society's exercising social control over certain populations (Bright et al. 2007). Third, and equally important is the severe impact that commitment has on subsequent outcomes such as recidivism and success in future endeavors. Thus, the upward trend in 2006 for commitment by race from previous years, 33% in 2002 and 37% in 2005 causes concern. Further, the gender discrepancies that appear to exist when comparing commitments based on offense seriousness cause concern.

Approximately 11% of male offenders were committed for class A & B felonies compared to 3% of the females. For other felony offenses male commitments accounted for 45% whereas female commitments accounted for only 28%. Males therefore are placed in DYS custody for more serious offenses than females. However, females account for a larger share of commitments for status offenses (15% for females versus 10% for males) and lesser misdemeanor charges, (53% for females versus 35% for males) (2006 Annual Report).

Urban versus rural demographics have been suggested as a reason for the disproportionate number of minority juveniles detained or committed to a juvenile facility. In other words, local and community characteristics may place certain juveniles at a heightened risk of offending and thereby being detained and/or committed (Pope et al., 2002). The perception is that urban areas have more crime than rural areas, more people reside in urban areas, and minorities are more prevalent in urban areas, therefore, since many minority youth reside in urban areas where crime is high, the rate of minority criminal offenders should also be higher. In 2006 the total demographics of those committed offenders who resided in Missouri' metropolitan urban areas was determined to be 63.2% and the commitment rate of urban offenders was practically the same at 63.6% (2006 DYS Annual Report). For this theory to pan out the number of committed juvenile offenders from urban areas should be approximately 63% of the total committed population or 764 youths out of the total 1214 committed. The theory would further require that of those 764 urban offenders at least 360 of the children must be minority youth for the state's minority juvenile committed population to reach its current overall 36.7% minority commitment level. This assumes that the remainder of the state maintains the 18.9 percent minority juvenile population estimated by the census. No actual statistics relative to minority youth committed from urban areas was available.

Before conclusions can be reached, other variables would also have to be segregated. Economic attributes would clearly need to be identified as to what role they play in commitment and/or detention decisions. Political climate issues particularly relevant to illegal immigration would need to be addressed. The effect of single parenting may also skew the results and be perceived as a risk factor contributing to increased formal control or detention or commitment. Many of these characteristics relative to detention have been recently addressed by Nancy Rodriguez in her 2007 Study discussing the Juvenile Court Context and Detention Decisions: Reconsidering the Role of Race, Ethnicity, and Community Characteristics in Juvenile Court Processes.

Missouri is well aware of the apparent disparity in treatment statistics for offenders, particularly those associated with race, and gender. The state readily concurs that race and gender disparities have no place in the juvenile justice system; hence Missouri passed legislation mandating that juvenile officers and juvenile courts perform biennial reviews of random samples of assessments of children and dispositions to determine if racial disparities occur in the juvenile justice system (211.141.5 RSMo. Supp.1995). Furthermore, whenever racial disparities are found to exist, the state requires that standards, training and assessment forms must be developed (211.326.6 RSMo. Supp.1995). To date Missouri is complying with the dictate of the law. The state regularly reviews the commitment and dispositional

patterns and conducts training and research towards reducing disproportionate minority or gender confinement (Agee, J. 2007). Yet, the problem still eludes a successful solution.

Despite some shortcomings within the Missouri juvenile system; on the whole the programs are lauded as successful and are paraded as model programs and approaches for the nation. Much of the success of the Missouri model can be attributed to the juvenile employees. All have college degrees in counseling, psychology or social work related fields and all are required to continuously update their skills through workshops and training programs. Administrators are expected to spend time in the residential centers and programs each week. Thus, administrators remain connected to the clients and the programs. Further, the early and sustained presence of a case manager who follows the child from commitment through aftercare affords assurances that the offender does not get lost or forgotten within the system (McGarvey, A. 2005). Most of the treatment options available through DYS include current and appropriate topics relevant to facilitating success in high risk youths. These topics include communication and social skills development, problem solving, conflict resolution, substance abuse prevention, establishing healthy relationships, esteem enhancement and victim empathy enhancement. All programs promote educational and/or vocational growth and development (2006 Annual Report).

### References

- Agee, Julie Cole, Executive Director, Missouri Juvenile Justice Association  
Plan For Reducing Disproportionate Minority Confinement (DMC)  
In Missouri: <http://mjja.org/images/DMCSUMMARY.pdf> (Site last visited 11/29/07).
- Bright, Charlotte Lyn, Decker, Scott H. & Burch, Andrea M. 2007. Gender And Justice  
In The Progressive Era: An Investigation Of St. Louis Juvenile Court Cases, 1909  
-1912. *Justice Quarterly*, Vol. 24, No. 4, December 2007.
- Bryant, T. 1995. Third Killer Convicted in Murder of Waitress, *St. Louis Post-Dispatch*,  
Oct. 27, 1995, at A16.
- Feld, Barry C. 1984. The Decision to Seek Criminal Charges: Just Desserts and the  
Waiver Decision, 3 *Crim. Just. Ethics* 27, 37 (1984)
- Hayes, L. 2004. National Center on Institutions and Alternatives
- Houlgate, Laurence. 1963. The Child And The State: A Normative Theory  
Of Juvenile Rights 61-73 (1980).
- Kohlberg, Lawrence. 1963. The Development of Children's Orientations Toward a  
Moral Order, 6 *Vita Humana* 11, 16 (1963).
- Korenstein, Amy, 2006. A closer look at The Missouri Model, An Analysis of the  
Missouri Model in Comparison to the Ohio Department of Youth Services Final Report,  
November 30th 2006 referencing a 1969 federal report;  
[http://www.cleveland.com/teentrouble/pdf/final\\_report.pdf](http://www.cleveland.com/teentrouble/pdf/final_report.pdf).
- Lewan, Todd, 2007 Think Outside the Cage. Colorado Criminal Justice Reform  
Coalition. Mo. Handling their juvenile problem.

<http://thinkoutsidethecage2.blogspot.com/2007/12/mo-handling-their-juvenile-problem.html>.

Lewan, Todd. 2007. Missouri tries a new approach on teen offenders, *The Olympian*, 12/30/07. <http://www.theolympian.com/national/story/312267.html>.

McCarthy, Frank B. 1994. The Serious Offender and Juvenile Court Reform: The Case for Prosecutorial Waiver of Juvenile Court Jurisdiction, 38 *St. Louis U. L.J.* 629, 641.

McGarvey, Ayelish, 2005. A Culture of Caring. Connect for Kids. <http://www.connectfor kids.org/node/3381>.

Missouri's Division of Youth Services, Programs and Services. <http://www.dss.mo.gov/dys/articles/progservices.pdf>.

Missouri Juvenile Court Annual Report Calendar Year 2005. <http://www.dss.mo.gov/re/pdf/dysjcs/juvcy05.pdf>.

Missouri Juvenile Court Annual Report Calendar Year 2006. <http://www.dss.mo.gov/re/pdf/dysjcs/juvcy06.pdf>.

New York Times, 1921. Missouri Judge Uses Shoe To Spank Truant Schoolboys [http://query.nytimes.com/mem/archivefree/pdf?\\_r=1&res=9D06E7DC123EEE3ABC4951DFBF66838A639EDE&oref=slogin](http://query.nytimes.com/mem/archivefree/pdf?_r=1&res=9D06E7DC123EEE3ABC4951DFBF66838A639EDE&oref=slogin).

Pope, C.E., Lovell, R., & Hsia, H. M. 2002. Disproportionate minority confinement: A review of the research literature from 1989 through 2001. Washington D.C.: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

Rodriguez, Nancy. 2007. Juvenile Court Context and Detention Decisions: Reconsidering the Role of Race, Ethnicity, and Community Characteristics in Juvenile Court Processes. *Justice Quarterly*, Vol. 24 No. 4 (December 2007).

*United States v. R.L.C.*, 503 U.S. 291, 315 (1992) (O'Connor dissenting).

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

Sullivan, P.M. (2007). A selected history of juvenile justice facilities. Retrieved July 21, 2007, [http://www.aia.org/siteobjects/files/caj\\_a\\_20070323\\_juvenile\\_history.pdf](http://www.aia.org/siteobjects/files/caj_a_20070323_juvenile_history.pdf)

[Copyright \(c\) 1996 Journal of the Missouri Bar Journal of the Missouri Bar](#), January/February, 1996, 52 J. Mo. B. 46, Article: Creating Options For Dealing With Juvenile Offenders (Juvenile Crime Bill), Christine M. Blegen.

[Copyright \(c\) 1997 Journal of the Missouri Bar Journal of the Missouri Bar](#), January/February, 1997, 53 J. Mo. B. 40, Article: Reunification -- Who Knows The Child's Best Interests?

[Copyright \(c\) 1998 The University of Chicago Crime and Justice](#), 1998, 24 Crime & Just. 189, 32790 words, ARTICLE: Juvenile and Criminal Justice Systems' Responses to Youth Violence, Barry C. Feld

[Copyright \(c\) 2007 Journal of the Missouri Bar Journal of the Missouri Bar](#), May/June, 2007, 63 J. Mo. B. 128, Article: Restorative Justice In Missouri's Juvenile System, Hon. T. Bennett Burkemper, Jr. n1, Nina Balsam n1 and May Yeh.

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)

Violent Juvenile Offenders: Rethinking Federal Intervention In Juvenile Justice,

[http://law.wustl.edu/journal/51/Yeckel\\_.pdf](http://law.wustl.edu/journal/51/Yeckel_.pdf).

### **Review Questions**

1. Discuss why the peer counseling process used in the residential programs appears to be effective in changing the behavior and life choices of juvenile offenders both within the facility and later within the community.
2. What poses the greatest threat to Missouri's juvenile system sustaining its low recidivism rate in the future?
3. How can Missouri secure more funding for diversion programs in light of the reduced allotment by state government? What segments of the population can be encouraged to support these programs?
4. Suggest methods of assessing commitment and detention practices so that race and gender play little to no role in the decision making process.
5. Although Missouri's residential programs serve as a model for many other state programs, how can they be improved? Be specific as to what conditions or problems could be better addressed through additional services or by another approach.
6. The DYS 2006 annual report identifies that many offenders and children within its system are in need of special educational services. Would the transfer of resources from DYS to the educational system reduce the need for any of the juvenile justice services? If so which ones and why?
7. Is the dual jurisdiction program of value in light of the ability to certify cases from juvenile court to adult court? What programs exist within the adult system that serve the same function?

8. Missouri allows certification at any age but at what age do you believe that a child has acquired the life skills to be fully responsible for his/her own actions?
9. Should the Court play a bigger role in the disposition of youthful offenders or should DYS continue to control the placement and service options provided to youth?
10. To what extent should parents be held responsible for the actions of their children? Some states require parents to be more financially responsible for victim losses than Missouri. Should Missouri increase the liability? Should more parents be ordered to attend treatment sessions and programs with their child?