

Chapter 13: The Future of Juvenile Justice

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"Forecasting the coming storm of juvenile justice violence is science fiction, not science" (Zimring, Franklin. 1998). There is no mathematical formula that will precisely determine how many, or which children will fall victim to the system or will drop between its cracks. There is no equation of characteristics, which cause delinquency, abuse or neglect, and there are no foolproof solutions that will prevent such incidents. The future of the juvenile court in Missouri is uncertain. Uncertain as to what children will become victims and offenders. Uncertain as to exactly what programs will reach or touch the souls of children in some significant way and uncertain as to why consequences occur in certain situations and not in others. But what is not uncertain is that Missouri will strive to improve the condition of the lives of its children.

Missouri has made great strides in improving the treatment of children that come within its fold. The ideological concept of the early Child Savers is closer than ever to fruition. While not all children are helped, and not all children are rehabilitated, and not all children achieve their maximum potential, many of the children that are serviced within the Missouri system leave better off than before. In fact, as mentioned throughout this Supplement, Missouri's system or programs often stand as a model of success for others. While other jurisdictions are doing a "frighteningly effective job of turning nonviolent childhood offenders into mature, hardened criminals,...Missouri has turned its juvenile justice system into a nationally recognized model of how to deal effectively with troubled children" (McGarvey, Ayelish, 2005).

Since the inception of juvenile court in Missouri, a number of positive changes have come about concerning the welfare of abused and neglected children. The children are housed separately from their criminal/delinquent counterparts, they are treated with more dignity and more respect for their individual rights. Services are continually being developed, upgraded, and employed as research dictates. There is a greater partnering with other agencies and service providers to minimize the trauma and to streamline the results. The process itself is more individualized, unique and creative to meet the needs of each child from immediate intervention to discharge. The system utilizes trained professionals who are more qualified than ever to assure that the needs of each child are met.

The treatment and handling of delinquent children has also drastically improved since the system was first established. The penal institutions of Chillicothe, Tipton and Boonville have closed and have not been replaced either de novo or de facto. Instead, Missouri has been heralded as a national model in corrections for the smaller facilities it adopted in the 1990s. "In 1994, Missouri appropriated funds to construct 200 secure beds with the condition that no facility could exceed a 50-bed capacity. By 2001, no juvenile correctional facility in Missouri contained more than 85 beds, and all except three contained 33 beds or fewer" (Sullivan, 2007; p.27). Gone are the cramped prison-like dormitory housing. They were replaced by smaller houses to foster closer relationships between juveniles, their counselors, the community, and their families. The changes brought results. Only about eight percent of youth that enter Missouri's rehabilitation facilities are now rearrested in the five years after release (Sullivan, p.28). Juveniles benefit by having better facilities for rehabilitation and Missouri benefits by saving almost one-third of what surrounding states pay for operation of their facilities (Mendel, 2001).

Legislative changes also served to improve the system. The Juvenile Justice Reform Act of 1995 was one of the most significant reform measures and came only two years after Missouri became one of the first states to create and unify its family courts (MJJA, 2003). Youth violence prevention, the delinquent offender, and the creation of juvenile and family court administration were the key areas

addressed within the reform act. Communication between schools, state agencies, and juvenile and family court was made easier through automation allowing services to be expedited. When dealing with youth who are often facing some type of crisis, speed and ease of communication are greatly beneficial. Two divisions within the Office of State Courts Administrator (OSCA) were added: the Juvenile and Adult Court Division and the Juvenile Education Division (MJJA, 2003). Collaboration between agencies and departments at the state and local levels became the driving focus of change within the Missouri juvenile courts.

Another improvement attributable to the Juvenile Crime and Crime Prevention Bill of 1995, was the development of the comprehensive Juvenile Offender Classification System. The system assesses juveniles according to their level of risk for future delinquency, determines offenders' psychosocial needs, and links offenders with appropriate sanctions designed to reduce risk potential with a classification matrix. The system includes three components: 1. an actuarial risk assessment tool that classifies youth into one of three risk levels based on the likelihood he/she will become engaged in future delinquent or criminal behavior; 2. a risk assessment with offense severity to formulate disposition and sanction recommendations to give to the courts; and 3. a needs assessment to help identify treatment needs. For children who are to be supervised in the community, the assessment tool provides guidance as to the level of supervision the juvenile officer provides, intensive probation or otherwise. The Missouri Risk Assessment has been validated on two separate occasions. The assessment assists in giving the appropriate level of help to each individual and their family at the appropriate time in treatment.

Other legislative measures have also improved the juvenile system in Missouri. In 1957 the Unified Juvenile Court Act was passed which made the court a treatment center rather than a punishment center. The Safe Schools Act was passed in 1996 and in 1998 the Juvenile Court Improvement Act was passed (MJJA, 2003). The Safe Schools Act made great improvements in multi-agency communication. The schools, law enforcement, and the juvenile court could better track the progress or needs of youth. The Juvenile Court Improvement Act increased the state's financial investment in the juvenile court by reducing the strain placed on county budgets and by enabling counties to work together.

Not all acts instituted to reform the harsh treatment of juveniles, achieved their intended goals. For example, despite the passing of the Juvenile Justice and Delinquency Prevention Act of 1974 which prevents incarceration of status offenders, females and other status offenders are still almost routinely committed to Missouri's Division of Youth Services for residential placement (Bright et al, 2007). In fact, Missouri commits a higher percentage of status offenders, than most other states. Although the letter of the law is now followed, in that children are not incarcerated; they are however, in fact removed from their homes and placed in settings operated or designated by the state of Missouri.

The variety of programs and treatment options available today is extensive; yet new programs are constantly being implemented or tested. The list of preventive programs and informal options is impressive and includes such options as Teen Court, Truancy Court, and Drug Court. Professionals are treating mental health issues and school problems. In fact, the Division of Youth Services now employs its own educational staff including many with special education training. The variety of residential placements is likewise impressive, including residential placements in university settings, in state parks and in residential communities close to the home settings of the committed children. Chapters 9 and 10 herein touch upon many of the options available today.

Another crucial component and participant within the juvenile justice system is the parent or guardian. The family's role in providing support and guidance to children to foster successful and law-abiding citizens has long been recognized. Thus, under Missouri statutes the court may require a parent or guardian to participate in any activity the court finds is necessary to carry out the purposes of the juvenile code including attending counseling sessions, participating in any institutional treatment program and

supporting the child by paying the reasonable costs of support, maintenance and treatment that the parent is financially able to pay (RSMo. 211.134) and 211.241.)

Victims and the community are also important participants involved in the juvenile process. Since the early 1990s Missouri state law extends victims of serious and violent crimes certain rights in the juvenile justice system. These rights are found in the Missouri state Constitution and in Section 595.209 of Missouri Revised Statutes. The rights include certain notification and participation rights and it is the responsibility of DYS to provide victim notification as specified by statute. Additionally, an organization entitled, Missouri Victim Assistance Network (MoVA) exists that develops a statewide coalition of victim service providers. MoVA's mission is to promote fair treatment for victims of crime by identifying and addressing issues of concern to the field to the public and sharing this information with MoVA members, victims, law enforcement personnel, other members of the criminal justice system, and the interested public in responding to the needs of victims of crime. Per MoVA's website, the organization has made significant contributions and accomplishments towards improving the treatment of victims of crime in Missouri including legislation concerning victims' rights in juvenile court.

Missouri also subscribes to the popular restorative justice practices. The three most common restorative justice models utilized in the state include victim impact panels, victim offender dialogues, and community accountability boards. Three circuits use victim impact panels, five use Community Accountability Boards and eight employ victim offender dialogues in juvenile court (Restorative Justice 2007). All of the programs include accountability, competency, and public safety components. For example in the victim offender dialogue practices, the offender is accepted into the program only after acknowledging the harm or wrongdoing. Accountability is also incorporated into the process by requiring restitution and/or community service including writing letters of apology, providing proof of grades, or removal of graffiti. Several of these activities also highlight the competency component by encouraging the offender to make measurable gains in education, social, and civic abilities that enhance their capacity to function as a productive citizen (Restorative Justice, 2007). The public safety component is included in that each circuit that uses this approach has determined which offenses are suitable for Victim Offender Dialogues. To date most circuits allow its usage for misdemeanors, auto theft and status offenses but not for sexual offenses.

One circuit uses restorative justice after adjudication. In this program called "Respect Yourself and Others" the offender attends life skills training which deals with such topics as education, drugs and social skills, participates in a restorative justice activity, attends a citizenship class, performs community service work and creates a personal improvement plan. Although restorative justice programs are relatively new to Missouri's juvenile system and only approximately one third of the state's circuits use restorative justice programs, the results of the programs are impressive. The Respect Yourself program boasts of a drop in recidivism rates from 25-30 % to 5.6 % since 2001. The Victim Offender Dialogues programs also report positive results showing that 27.1% of juveniles who successfully completed the program re-offended compared to 41.1% of the juveniles who were not in the program (Restorative Justice, 2007). Furthermore, the cost of rehabilitating an offender using the dialogue program is cheap, between \$232 and #338 per offender (Katz, J. 2000).

Future applications of restorative justice may involve cyber bullying prevention. Since cyber bullying prevention has not been fully developed due to the novelty of the problem and the emerging solutions for responding to the behavior, it would appear that this conduct, especially the non-criminal, yet offensive conduct, could be addressed effectively through this approach. The restorative justice approach could involve the victims and operate through diversion programs requiring the offender to attend netiquette training (Net Manners.com). Schools could also assist by developing clear policies that specifically define the forbidden behavior including what on and off campus communications and activity will result in disciplinary action if the activity results in a substantial disruption of the learning

environment. Since bullying does not begin or end at the schoolhouse doors, the solution should focus on all parties, the bully, the victim, the bystanders, the school, and home environment.

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.

Another important part in the success of the programs and the performance of the duties of the participants in the juvenile justice system involves training. Missouri has established training requirements, protocols and funding resources in the implementation of their system. Training is conducted regarding state and federal statutes and court rules with which juvenile or family court judges, commissioners and practitioners must attend.

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).

The success of the Missouri system is a result of many components: individualized treatment; varied informal and formal treatment options, extensive intervention and prevention services, responsiveness to research, a conscientious and mandatory monitoring of trends, behaviors and social factors, a willingness to try new approaches, even when the approach or the philosophy is unpopular, and the education and training of all persons working within the system. Mostly though, it is the spirit of those involved who make the difference. It is the culture of caring by those who see children, not cases.

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