

# 1

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## *Introduction: Issues and Institutions*

NO ERA IN WORLD HISTORY has been untouched by youth violence. Tablets describing the challenges that the misbehaving young pose for society have been found that date from before 2000 B.C. Millennia later, in his annual reports to the commonwealth of Massachusetts, nineteenth-century education reformer Horace Mann pointed to the criminal behavior of young people to support his arguments for a “common school.”<sup>1</sup> Indeed, a twenty-first-century American who traveled back two centuries would find the youth violence of the day quite familiar. The time traveler would see, for example, that in 1806 a 13-year-old girl was tried in Tennessee for the murder of her father<sup>2</sup> and that violent youth gangs roamed the streets of Manhattan and Philadelphia in the 1830s and after.<sup>3</sup> Nor would the traveler be shocked to find that before his eighteenth birthday in 1877, a gun-toting youth from a dysfunctional home—whom legend would know as “Billy the Kid”—had committed his first homicide, the beginning of a career of lethal violence.<sup>4</sup>

In our time, both the public and the government have felt in recent years a heightened sense of urgency and frustration about youth violence. The United States confronts the unsettling reality that the homicide rate for children under 15 far exceeds that of other industrialized countries.<sup>5</sup> Today, when 70.2 million Americans—more than one in four—are below age 18, the country’s intense concern about youth violence has played out

against a series of seemingly contradictory trends that defy easy analysis.<sup>6</sup> The decade beginning in 1983, which was marked by a dramatic rise in youth violence, particularly lethal violence, has been followed since 1993 by a dramatic decline. Notwithstanding an increase in the size of the juvenile population and predictions of a rise in violence, juvenile violence has fallen—although there have been suggestions of a coming upturn.<sup>7</sup> During this period of decline, however, a rash of shootings by young people at school—in places such as West Paducah, Kentucky; Pearl, Mississippi; Jonesboro, Arkansas; Springfield, Oregon; Littleton, Colorado; Santee, California; and Williamsport, Pennsylvania—has reverberated in the public consciousness. These tragic shootings have intensified concerns about safety—notwithstanding data showing that students are safer in school than elsewhere and that in recent years lethal crime in schools has in fact declined.

The problem of youth violence has prompted a flurry of commentary, legislative activity, scholarly studies, and government and private sector initiatives. Explanations for the fluctuations in youth violence have varied, as have proposed approaches to combating the problem. For example, in accounting for the apparent decline in youth violence, some observers have pointed to changing demographics or an improving economy, while others have pointed to successful law enforcement initiatives, such as efforts to stop the traffic in crack cocaine. The debate about how best to deal with youth violence and reduce it also has been framed in a variety of ways. Discussions sometimes have been cast in terms of law enforcement measures versus prevention programs and at other times in terms of criminal justice mechanisms versus public health or social service responses.<sup>8</sup> Some have focused on the etiology of violence—its “root causes”—while others have focused more on the impact of external institutions and programs. More recent discussions of policies and programs to prevent and control youth violence have increasingly focused on partnerships among the public, private, and nonprofit sectors.

All too often, discourse about “the violent crime problem” has given way to quick conclusions and subtle analysis has been supplanted by misleading categorization of the causes. The crime problem is complex and multidimensional; indeed, it is not just one problem, but many. At the end of a century that suggested some reason for optimism in addressing youth violence and at the beginning of a new century that is nevertheless fraught with uncertainty about how to proceed, the time is ripe to think about how institutions can better organize and integrate their efforts to

prevent youth violence. Unless we reinforce initiatives to address the urgent problem of youth violence now, we leave yet another generation at risk.

This book focuses on the juvenile justice system and the strategic role of institutions, broadly conceived, in the identification, coordination, and implementation of anti-youth violence strategies. At a time when the direction of youth violence policy is very much the subject of debate, the Governance Institute—in cooperation with the Program in Criminal Justice Policy and Management of Harvard's Kennedy School of Government—brought together a wide range of skilled professionals and academics to participate in a project entitled *Securing Our Children's Future: New Approaches to Juvenile Justice and Youth Violence*. Harnessing their experience and their contributions, this volume of the same title examines, in practical terms, how institutions can be mobilized in the service of initiatives to combat youth violence. It attempts to identify promising strategies to confront the challenges of youth violence and to facilitate communication and sharing of perspectives among prosecutors, defense attorneys, the courts, correctional institutions, probation departments, faith-based groups, schools, the media, nonprofit institutions, and private entities in their efforts to develop and implement such strategies. The focus of the project and of this book is not on the root causes of violence—an important concern that has been the subject of other works—but on the conception and implementation of policy and the design of institutional processes. One purpose of this effort is to stimulate dialogue among practitioners, another is to develop a workable action plan to guide decision-making. The project considers the problems that result from viewing youth violence through different prisms; in doing so it examines strategies from the vantage of particular institutions and explores the meaning of management and leadership both within those institutions and in their relationships with others. It also examines collaborative efforts among institutions.

Before briefly describing the succeeding chapters, the remainder of this introduction relates in statistical terms the scope of youth violence and presents a snapshot of the institutional context in which the problem is addressed.

### **Trends in Youth Violence**

Any examination of trends in youth violence must first examine the source of the statistics used; it also must clarify the definition of terms. There are two basic kinds of statistical source—official reports of law enforcement

agencies and self-reports.<sup>9</sup> With respect to the former, a basic standard resource is the Uniform Crime Reports (UCR), an annual compilation of data on U.S. crime and arrests based on information provided to the Federal Bureau of Investigation (FBI) by local law enforcement agencies.<sup>10</sup> The FBI publishes its annual *Crime in the United States* report on the basis of that information.<sup>11</sup> We will use both of these sources for the discussion that follows. At the outset, however, it should be noted that a primary limitation on official reports arises from the fact that some criminal behavior is not reported to law enforcement agencies, and that, as a general proposition, some crimes (with the exception of murder, which is usually reported) go undetected. Moreover, UCR statistics report the number of arrests made in a particular year; they do not measure the number of crimes committed nor the number of individuals who committed crimes. A single crime committed by a youth gang may result in multiple arrests, and a single individual may be arrested repeatedly.<sup>12</sup> Statistics also can be misleading because of the problem of classification of offenses. While the official arrest statistics have limitations, they are the best measure of reported crime that flows into the juvenile and criminal justice systems.<sup>13</sup>

Because of the limitations of official reports and the fact that much criminal behavior goes undetected, policy analysts also have looked to confidential longitudinal and cross-sectional surveys that ask young people about violent acts that they may have perpetrated or been victims of over time. The recent surgeon general's *Report on Youth Violence* takes note of *Monitoring the Future*,<sup>14</sup> an annual cross-sectional survey of high school seniors that has been conducted since 1975.<sup>15</sup> Indeed, the surgeon general's report concludes that such surveys of young people establish that most crimes by young people escape the attention of the justice system.

For the purposes of preliminary analysis and statistical reference below, "youth" or "juvenile" refers to individuals who are under 18 years of age. (In fact, in 2000, the legal definition of "juvenile" in 13 states referred to persons who were younger than 17 years of age, including three states in which all 16- and 17-year-olds were defined as adults.)<sup>16</sup> "Violent crime" refers to the four violent crimes that make up the violent crime index of the FBI's Uniform Crime Reports—criminal homicide (murder and nonnegligent manslaughter), robbery, aggravated assault, and forcible rape.<sup>17</sup>

In 2000, juveniles were involved in fewer than one in six arrests for all violent crime index offenses.<sup>18</sup> That year, there were approximately 2.4 million juvenile arrests, of which 99,000 were for violent crime index offenses.

Of those 99,000 arrests, 1,200 were for criminal homicide, 4,500 were for forcible rape, 26,800 were for robbery, and 68,300 were for aggravated assault. For every 100,000 youths between 10 and 17 years of age, there were 309 arrests for violent crime index offenses. If each of those arrests involved a different juvenile, then about one-third of 1 percent of juveniles ages 10 through 17 years were arrested for a violent crime in 2000. Minorities were disproportionately involved in juvenile arrests. Although the racial composition of the juvenile population in 2000 was 79 percent white, 16 percent black, and 5 percent of other races (with Hispanics classified as white), 55 percent of juvenile arrests for violent crime involved white youth and 42 percent involved black youth.

The decade beginning in 1983 and ending in 1993—a period during which adult criminal violence declined<sup>19</sup>—saw a dramatic increase in the overall arrest rate for violent crimes committed by youths between the ages of 10 and 17.<sup>20</sup> The rate then fell through 2000, the most recent year for which figures are available. Between 1983 and 1993–1994, the arrest rate of youths for violent offenses increased by approximately 70 percent. During that time, both the actual number of youths who were arrested for homicide and the rate of homicide arrests nearly tripled. In the peak year of 1993, there were about 3,800 juvenile arrests for murder, but by 2000, the number fell to 1,200. The juvenile murder arrest rate dropped 74 percent from its peak in 1993 to 2000, when it reached its lowest level since the 1960s. The upsurge in juvenile lethal crimes between 1983 and 1993 was tied largely to an increase in the use of firearms by adolescents committing violent acts.<sup>21</sup> By 1994, 82 percent of homicides by youths were perpetrated with a firearm.<sup>22</sup> The dramatic drop in homicides between 1993 and 2000 coincided with a decline in firearm use.<sup>23</sup>

The substantial decline in juvenile arrest rates for murder should not divert attention from the reality that the statistical picture of youth violence is complex. To be sure, by 2000 the juvenile arrest rate for violent crime index offenses had fallen to its lowest level since 1985 and was 41 percent below the peak year of 1994, although marginally higher than the 1983 rate.<sup>24</sup> Moreover, after a 44 percent increase between 1980 and 1991, the arrest rate for forcible rape declined by 2000 to 13 percent below the 1980 rate, and the 2000 juvenile arrest rate for robbery was at its lowest level since at least 1980 and 57 percent below the peak year of 1994.<sup>25</sup> However, while the juvenile arrest rate for aggravated assault dropped 30 percent between 1994 and 2000, the 2000 juvenile arrest rate was 42

percent above its 1980 level.<sup>26</sup> Furthermore, data derived from *Monitoring the Future* show that self-reported violent behavior is at least as high today as it was in 1993.<sup>27</sup>

### *School Violence*

The recent rash of highly publicized shootings in school has brought a new focus on the level of violence in U.S. schools. In fact, overall school crime has decreased since 1992.<sup>28</sup> In 1999, all nonfatal crimes at school against students ages 12 through 18—including theft, rape, sexual assault, robbery, aggravated assault, and simple assault—declined to 2.5 million, from 3.4 million in 1992. (In 1999, theft constituted 64 percent of all crime at school, reflecting a decline from 95 thefts per 1,000 students in 1992 to 59 per 1,000 in 1999.) In 1999, students ages 12 through 18 were the victims of 884,100 nonfatal violent crimes—that is, serious violent crimes plus simple assault—at school, reflecting a decline to 43 crimes per 1,000 students from the 1992 rate of 48 per 1,000 students. They were the victims of 1.1 million nonfatal violent crimes away from school, reflecting a decline to 39 crimes per 1,000 students from the 1992 rate of 71 per 1,000.

The rate of serious violent crime against students at school—including rape, sexual assault, robbery, and aggravated assault, but not simple assault—remained constant from 1992 to 1999. In 1999, a total of 185,600 nonfatal serious violent crimes against students were committed at school or on the way to or from school. During that year, students in urban and suburban areas were victimized by serious violent crime at school at similar rates. However, away from school, urban students were more vulnerable than suburban students to serious violent crime, and suburban students were more vulnerable to such crimes than were rural students. Nonfatal serious violent crimes against students are more likely to be committed away from school than at school. In 1999, eighteen students in 1,000 were victims of serious violent crimes while away from school; in contrast, seven in 1,000 students were victims of serious violent crime while at school or on the way to or from school. At the same time, the rate of crimes against students outside of school has declined since 1992. For example, nonfatal serious violent crimes away from school against students ages 12 through 18 declined in 1999 to eighteen students per 1,000 from thirty-two per 1,000 in 1992.

Moreover, in recent years—contrary to popular perception—weapon carrying and physical fighting by students have declined steadily. Between 1993 and 1999, there was a steady decline (from 12 to 7 percent) in the

percentage of students in grades 9 through 12 who reported carrying a weapon to school on one or more days during the previous month. There also was a decline from 16 to 14 percent in the percentage of students who reported being involved in a physical fight on school property during the previous year. In 1999, about 5 percent of students aged 12 through 18 reported that they had been bullied (defined as “picked on or made to do things they did not want to do”) at school during the last six months.<sup>29</sup> Females and males were equally likely to report that they had been bullied.

While there has been a decline since 1995 in students’ fear of harm or attack at school, racial and ethnic groups differ in their perceptions of school safety. In both 1995 and 1999, larger percentages of black and Hispanic students than white students had fears of harm or attack.

Of the 2,407 murders of youth (ages 5 through 19) nationwide during the 1998–99 school year (July 1, 1998, through June 30, 1999), thirty-three were school associated—that is, committed on school property, at a school-sponsored event, or on the way to or from school or a school-sponsored event. The total number of school-associated violent deaths (including homicides, suicides, and killings of adults by law enforcement officers during the course of duty) and unintentional violent deaths declined from a high of 49 deaths during the 1995–96 school year to 47 during the 1998–99 school year. Of the forty-seven school-associated violent deaths during the 1998–99 school year, thirty-eight were homicides, six were suicides, two were caused by a law enforcement officer in the line of duty, and one was unintentional. Since the 1992–93 school year, at least one multiple-homicide event has occurred every year except for the 1993–94 school year.

Finally, it should be noted that while student behaviors such as weapon carrying and physical fighting show improvement, students have reported an increase in interruptions in class caused by student misbehavior.

### *Exposure to Violence and Child Abuse and Neglect*

Recent estimates indicate that as many as 10 million children have witnessed or been victims of violence in their home and community. Moreover, approximately 2 million adolescents ages 12 through 17 appear to have suffered from posttraumatic stress disorder as a result of exposure to violence.<sup>30</sup> In 2000, public agencies received 3 million reports of alleged child maltreatment (abuse and neglect); after investigation and assessment, approximately 879,000 children were determined to be victims of child maltreatment.<sup>31</sup> Sixty-three percent of these child victims suffered neglect

(including medical neglect); 19 percent were physically abused; 10 percent were sexually abused; and 8 percent were psychologically maltreated.<sup>32</sup>

The impact on children who have been exposed to violence is powerful. Whether victims or witnesses, they are at increased risk of becoming violent themselves. Such children commit nearly twice as many offenses as nonabused children, they begin committing crimes at younger ages, and they are arrested more frequently. Moreover, research has indicated that witnessing violent acts may have the same lasting emotional consequences as being directly victimized by those acts and that children who have witnessed domestic violence experience higher levels of childhood behavioral, social, and emotional problems than children who have not.<sup>33</sup>

## **Institutional and Organizational Context**

Government agencies concerned with the problems of youth violence operate in the local, state, and federal spheres; within those particular spheres are a host of involved entities, ranging from law enforcement agencies to social service agencies and schools. Also involved are a variety of private and nonprofit institutions, including welfare, religious, and educational organizations.

The legal system, which is made up of the juvenile justice system, the criminal justice system, and the child protection and welfare system, is the bedrock of institutions concerned with the problems of youth violence. While the focus of this book is on conduct that falls within the ambit of the juvenile justice and criminal justice systems, a brief primer on all three components not only presents the context one needs to understand related policies and processes but also suggests the challenges of working within and among institutions to fashion viable approaches to problem solving.

### *Juvenile Justice System*

While it is common to speak in terms of the “juvenile justice system,” it should be noted at the outset that there is not one single juvenile justice “system” but rather more than fifty-one state systems, all with their own local variations. That being said, it can be further noted that juvenile justice has basically been a matter of state concern, with minimal federal judicial involvement; moreover, while there may be variations in juvenile justice systems, there are basic similarities in structure and approach that make it both appropriate and convenient to use the shorthand convention of “juvenile justice system.”<sup>34</sup> The juvenile justice system, which deals with



delinquency, status, and child neglect and abuse cases, is founded on the premise that children differ from adults and that ensuring their proper care and conduct therefore requires specialized institutions and practices. For example, the juvenile justice system assumes that children have a lesser degree of responsibility for their actions than adults, that they are in the formative stages of their development, and that rehabilitation rather than punishment should be a dominant goal in dealing with their misconduct. The jurisdiction of the juvenile justice system varies among the states. With respect to delinquency offenses—offenses that would be violations of criminal law if committed by an adult—17 years of age is the maximum age for original juvenile court jurisdiction in thirty-seven states and the District of Columbia, age 16 is the maximum in ten states, and age 15 is the maximum in three states. In most states, the juvenile court can exercise dispositional authority in delinquency matters over a youth who is adjudicated delinquent and then ages beyond the upper age of original jurisdiction, thereby permitting the court to provide services and impose sanctions for older juveniles.

In many states, there are statutory exceptions to basic age criteria. Thus some exceptions (known as statutory exclusions) related to the youth's age, alleged offense, or prior court history place the juvenile under the original jurisdiction of the criminal court. Under other exceptions related to the same factors, the youth is placed under the original jurisdiction of both the juvenile and criminal court; in such "concurrent jurisdiction" cases, the prosecutor has the authority to determine which court will handle the case. In sixteen states, statute determines the lowest age of court jurisdiction for delinquency offenses: age 6 is the minimum age in one state, with ages 7 to 10 being the minimum in fifteen states. For status offenses—behaviors such as being truant, running away, or violating curfew that are offenses by dint of the offender's juvenile status—as well as abuse and neglect matters, many states have higher upper age limits for juvenile court jurisdiction, generally through age 20.<sup>35</sup>

The juvenile justice system has been likened to a pipeline, with various valves at which children may be diverted from the system or continue their journey within it.<sup>36</sup> While, as has been noted, structures vary across the country, decisions are made at similar points. Entrance into the pipeline starts with a referral by a law enforcement official or others—such as victims, parents, social service agencies, school officials, or probation officers— or with a police arrest. Upon arrest—and after talks with both the victim and the juvenile and review of the juvenile's history—law enforcement

officials usually determine whether the juvenile should proceed within the system or be diverted to a mental health and welfare agency or an alternative program. Approximately one-quarter of all arrested juveniles are handled within the police department and do not proceed further; about seven in ten are referred to juvenile court. In 1998, law enforcement officials referred 84 percent of the delinquency cases handled in juvenile court.<sup>37</sup>

**INTAKE.** On referral to juvenile court, the intake department (usually the probation department or the prosecutor's office) determines whether to dismiss the case, deal with the matter informally (including by "informal probation"), or seek formal intervention by the juvenile court. The intake department requests formal intervention either by filing a delinquency petition stating the allegation and requesting the juvenile court to hold a hearing to adjudicate the youth a delinquent—and thus a ward of the court—or by filing a petition requesting a waiver hearing in order to transfer the case to criminal court.

**DETENTION.** If the intake officer (generally a juvenile probation officer) determines that the matter should proceed to a hearing, the officer must determine whether the child should be sent home (with or without supervision) or held in a secure detention center or some alternative facility. If the child is detained, a court will hold a detention hearing within twenty-four to seventy-two hours. The child usually meets his or her attorney for the first time at the hearing, during which a judge determines whether the child should remain in detention.

**ADJUDICATION.** At the adjudicatory hearing or trial, witnesses are called and facts are presented. The juvenile is represented by counsel. Although in some states the juvenile has the right to a jury trial, in nearly all adjudicatory hearings the judge alone determines whether the juvenile was responsible for the offense. In 1998, courts with juvenile jurisdiction disposed of more than 1.7 million delinquency cases, of which more than 102,000 were violent crime index cases.<sup>38</sup> In the same year, juveniles were adjudicated delinquent in 63 percent of cases referred to juvenile court for delinquency, including violent crime index offenses.<sup>39</sup>

**TRANSFER.** In responding to a waiver petition filed by the prosecutor or intake officer, the juvenile court must determine whether there is probable cause to believe that the juvenile committed the alleged offense and whether the juvenile court should waive jurisdiction and transfer the case to criminal court. In making its decision, the court focuses on whether the juvenile is amenable to treatment by the juvenile justice system and considers such factors as the juvenile's history and the seriousness of the

offense. In 1998, juvenile courts waived to criminal court 1.0 percent of all formally petitioned delinquency cases; 3 percent of formally petitioned violent crime index offense cases were judicially waived to criminal court.<sup>40</sup>

**DISPOSITION.** After a juvenile is judged to be delinquent, the court assesses the disposition plan developed by the probation department, which may evaluate the juvenile and available support programs. The court also may order diagnostic tests and psychological evaluation. At the disposition hearing, the court considers the recommendations of the probation officer, prosecutor, and counsel for the juvenile. The juvenile disposition may take a variety of forms. A period of probation, for example, might be fixed or indeterminate, and it might include requirements for drug counseling, a curfew, restitution to the victim or the community, or weekend confinement in a local detention center. In 1998, although formal probation was the most severe disposition ordered in 58 percent of the cases of adjudicated delinquents, juvenile courts ordered residential placement in 26 percent of cases.<sup>41</sup> Residential confinement may be ordered for an indeterminate or a specific term, and it may take place in a publicly or privately operated facility that may have a prison-like or an open, home-like environment. In many states, when a judge commits a juvenile to the state department of juvenile corrections, that department determines where the juvenile will be placed and when he or she will be released. In other states, the judge holds a review hearing and determines the type and length of stay.

**AFTERCARE.** On release from an institution, a juvenile is placed in aftercare, which is analogous to parole; during that period, the juvenile is subject to the supervision of the court or the juvenile corrections department. The juvenile must comply with the conditions of aftercare or face recommitment to a facility.

### *Criminal Justice System*

As noted above, juveniles may enter the adult criminal justice system by means of a judicial waiver or transfer. Moreover, in more than half the states, the law requires that for certain—usually serious—offenses, juveniles must be tried as adult criminal offenders; in such instances, prosecutors are required to file the case directly in criminal court. In some states, prosecutors are given the discretion to file a case in either criminal or juvenile court. The trend toward trying juvenile offenders as adults has grown out of the perception that the juvenile justice system has not dealt successfully with serious offenders. A number of observers believe that the legal notion of *parens patriae* and the emphasis on rehabilitation instead of

punishment have been ineffective and that some offenders are so dangerous and some offenses so grave that the only recourse is the criminal justice system. Proponents of trying certain juvenile offenders in criminal court also believe that the criminal court will impose harsher, more determinate punishment. Indeed, the language of the two systems reveals their differing outlook—in juvenile court, the judge adjudicates the youth a delinquent and thus a ward of the court; in criminal court, an offender is convicted and sentenced.

### *Child Protective Services*

Child protective services (CPS) encompass the laws and government agencies that deal with child abuse and neglect.<sup>42</sup> Such services are provided by an agency authorized to act on behalf of a child when the parents are unwilling or unable to do so. All states require these agencies to investigate and assess reports of child abuse and neglect and to provide rehabilitative services to families in which maltreatment has occurred or is likely to occur. Although child protective services are concerned primarily with the abuse and neglect of children by their parents or guardians, in many jurisdictions the CPS agency also investigates nonparental caretakers such as teachers or day-care providers.

While state and local agencies have primary responsibility for responding to reports of child maltreatment, professionals from various organizations and disciplines are involved in the prevention and treatment of child abuse and neglect. Apart from family members, neighbors, and friends, other individuals who are in a position to observe children and their families—for example, school personnel, social service providers, medical professionals, daycare workers, probation officers, members of the clergy, and mental health professionals—may report abuse. While jurisdictions vary, the process typically has several stages. In the first stage, reporting, a mandated reporter or other person contacts the CPS agency to report suspicions that a child is being abused or neglected. (Mandated reporters are individuals such as doctors, teachers, law enforcement personnel, child-care providers, social service providers, and clergy who often are required by law to report evidence or allegations of abuse or neglect.) In the second stage, screening, CPS staff determine whether the report should be investigated, “screening out” reports that fall outside the agency’s mandate or that do not provide sufficient information to locate the family. When a report is “screened in,” it is assigned to a social worker for investigation.

During investigation, the third stage, the social worker meets with the child and family and those who know them to determine whether the reports of abuse or neglect are substantiated or unsubstantiated. When the report is substantiated, the social worker opens up a case to formulate a plan for ongoing services for the child and family to prevent further maltreatment. When the child is at immediate risk of harm or cannot be protected at home, the CPS agency may file a complaint in juvenile court to remove the child from the home. Adjudicatory hearings in juvenile court address the validity of the allegations, while dispositional hearings focus on the agency's case plan (including supervision, placement, and services to be rendered). Dispositional options include providing services to the child and family through the CPS agency, granting temporary custody of the child to the state CPS agency, placing the child in foster care, terminating parental rights, giving permanent custody to the state CPS agency, and giving legal custody to a relative or other person.

In most cases that are opened for investigation, children remain in their own homes with oversight by a social worker. In those cases, the CPS agency assesses the child's situation and plans appropriate services, provides ongoing services, reviews the case periodically, and eventually closes the case.

## Managing Youth Violence

The various formal legal arrangements employed in managing youth violence have a strong effect on how policies are devised and implemented. As noted, the premise of this volume (and the project from which it arises) is that we can better understand the possibilities and limits of those arrangements if we explore the perspectives of the various entities and actors involved, not simply in isolation but as parts of an interrelated system. To that end, the following chapters bring together a diverse group of practitioners and experts to examine the role of the prosecutor, the defense attorney, the courts, the corrections department, the probation department, faith-based institutions, schools, nonprofit organizations, and the media—and to explore collaborations among them.

### *The Prosecutor*

The role of the prosecutor in addressing youth violence has evolved dramatically in recent years. In their chapter, Catherine Coles and George Kelling show how various forces, including changes in jurisdiction and

legal doctrine, the rise in youth crime, and institutional capacity, have combined to establish a new prosecutorial mission in dealing with youth violence. As they note, until the 1960s, prosecutors had rather little involvement in juvenile crime, which was essentially the concern of the juvenile court and the probation officer. The advent of *Kent v. United States* and *In re Gault* and their progeny—which established a due process model for juveniles, changing the existing process to one of adversarial proceedings—gave the prosecutor a more central role in dealing with juvenile crime. This institutional prosecutorial presence arising from *Kent* and *Gault*—which necessarily required greater resources and an increase in staffing—was only reinforced by the rise in juvenile crime. The prosecutor, who was increasingly viewed as the community's leader in confronting adult crime, was now being called on to address youth violence. This new focus was intensifying as the community prosecution movement took root, marked by prosecutors who emphasized working at the grass-roots level with citizens, law enforcement agencies, social service agencies, and the private sector in an effort to better assess and respond to crime problems. While prosecutors were charging serious juvenile offenders in criminal courts, they also were learning that fixing broken windows, for example, and maintaining order by dealing forcefully with lower-level offenses, such as misdemeanors, could be effective in preventing the development of more serious crime. Prosecutors were becoming increasingly proactive in dealing with crime rather than simply reacting when the police brought in a case for processing, and they also were beginning to view dealing with youth violence as a matter of problem solving. The movement toward community prosecution, the initiation of partnerships with schools, and an approach to juvenile violence that called for a holistic focus on families were all part of the new, problem-solving approach.

### *The Defense Attorney*

If the role of the prosecutor in dealing with youth violence has evolved to encompass an array of enforcement and prevention mechanisms that extend far beyond the processing of individual cases, what of the role of the defense counsel? In presenting their perspective as defense attorneys for juvenile offenders, Randy Hertz, Barbara Fedders, and Stephen Weymouth weave together several themes. First, they suggest that today's defense attorney labors in an environment in which offending youths are no longer viewed as ultimately redeemable. The harm inflicted by juveniles' use of lethal weapons, coupled with the reinforcement in popular media, such as

films, of the notion that the youths of today are inherently more dangerous than their predecessors, has shaped the public's perception of juveniles and the day-to-day work of the juvenile defender. Second, they suggest that while *In re Gault* was unequivocal in its declaration of the right to counsel for juveniles, all too often those who represent juveniles have failed to be effective. They argue for greater funding of organizations that provide defense services to indigents, whose budgets are far outmatched by that of the prosecutor's office; they also contend that norms of representation must be established and enforced.

Third, they reimagine the role of the juvenile defender, calling for juvenile defense offices that "differ from adult criminal defense offices in that they go beyond obtaining the best possible result in court" to "view the legal representation of a child in trouble as a unique opportunity for positive intervention in the child's life." They urge that representation by juvenile defense attorneys should be as comprehensive as the best representation in adult criminal cases. They also maintain that the juvenile defense model should observe the basic norms of the adult criminal defense model for representation at sentencing—namely, that the client controls the decision regarding what sentence to seek and that the lawyer seeks to obtain that sentence. The new juvenile defender paradigm goes further in that it seeks to identify various emotional and educational needs that may have been ignored or undetected by a child's family and school in order to create a plan for the child's welfare that relates not only to his or her court case but also to life after court.

Hertz, Fedders, and Weymouth point to multidisciplinary programs in which lawyers work in collaboration with other professionals such as psychologists, social workers, and community outreach workers not only to counsel juveniles through the uncertainties of the legal process or to advocate for a particular disposition but also to help them understand their own behavior and avoid offending conduct in the future. They argue that such multidisciplinary programs not only can provide juveniles with needed help and present their case in a fuller personal context before the court, but also that they can inform the court of the "larger structural forces" or root causes of delinquent behavior, such as poverty and child abuse and victimization. In the authors' view, those forces make it more appropriate for the court to treat their clients as redeemable individuals rather than as hardened criminals who ought not be helped so much as punished. The authors urge that "a caring defense attorney, with adequate resources," may begin to address a child's needs: "The time in which a

child's case is pending in court can, ideally, be a window during which he or she can receive needed support and services."

### *The Courts*

The judiciary is by nature reactive and concerned with individual cases. What of the role, then, of the courts in the management of youth violence? David Mitchell, writing from his perspective as a juvenile court judge and a judge of general jurisdiction, and his co-author Sara Kropf suggest in their chapter that the central issues for the court in the management of youth violence are those of mission and capacity. As they point out, the concerns of the judicial system have changed over the years. The adjudication of youthful offending was largely a matter for the juvenile court, which focused on delinquency, status offenses, and neglect cases. The mission of the juvenile court was basically one of rehabilitation, premised on a distinctive view of juveniles as individuals with differing capacities for decisionmaking that called for differing forms of punishment. That view was manifested in differing notions of due process, procedural protections, and sentencing sanctions. Over time, as the notions of rehabilitation and punishment began to clash and some critics lost confidence in the juvenile court's rehabilitative mission, the mission has become more complex. The intersection of judicial precedent (emanating from *Kent*, *Gault* and their progeny) and discontent with what was perceived to be the inadequacy or ineffectiveness of what some considered a "benevolent juvenile court" has led to a dramatic shift in recent years in the way that the judicial system has dealt with juveniles. Youth crime has become a matter of concern not only for the juvenile court, but also for the adult court.

Legislation has changed the jurisdiction of the courts and with it the landscape of juvenile justice. As noted, legislation and statutory waiver (which have made particular kinds of offenses the exclusive purview of criminal courts), prosecutorial "direct file" (which has moved locus of forum discretion to the prosecutor and away from the judge), and judicial waiver (which leaves the determination of juvenile or adult adjudication with the court) have altered the role of particular courts and reflect their changed mission. In a regime that permits heavier punishments, they also have sought to recognize, in particular cases, the hybrid nature of young offenders. Blending sentencing schemes (which permits the juvenile court to impose adult correctional sanctions on adjudicated delinquents so as to extend the term of confinement beyond the upper age of juvenile jurisdic-



tion) is an example of such efforts. Judges also have attempted, with legislative authorization, to focus on youth violence in other new ways, by, for example, establishing specialized courts such as weapons and drug courts and calling for post-adjudication interventions such as aggressive supervision. Mitchell and Kropf argue that judges must assert leadership—ranging from implementing management information systems to track juvenile offenders to facilitating communication among courts—if their goal is to establish an effective presence in the lives of young offenders and those at risk of offending.

### *Corrections*

The increase in the population of violent juvenile offenders poses particular challenges for the management of juvenile correctional facilities, among them protecting staff and nonviolent youth; meeting the programming and supervision needs of juveniles; and designing programs to reintegrate the juvenile into mainstream society. As Gerald Gaes observes, management problems are magnified because a variety of facilities, public and private, are used to confine youthful offenders, including detention centers; shelters; reception/diagnostic centers; training schools, ranches, camps, and farms; and group homes and halfway houses. Further complicating matters is the increasing trend toward sentencing juvenile offenders to adult correctional facilities, which typically do not provide the special programs or individual supervision that young offenders need.

Gaes writes that improving classification and programming can improve the efficiency and impact of corrections facilities without increasing costs. He defines “classification” as the “process of estimating an individual’s likelihood of continued involvement in delinquent behavior and making decisions about the most appropriate type of intervention given the identified level of risk.” To improve decisionmaking, Gaes urges jurisdictions to adopt scientifically based classification tools and procedures for every stage of the juvenile and adult criminal justice process: arrest/referral, adjudication/sentencing, probation/confinement, and post-release supervision. Sound classification procedures at each stage can make the decisionmaking process more rational (by improving officials’ ability to accurately predict juveniles’ behavior and thus the appropriateness of decisions to detain them, place them in a residential facility, and release them); more efficient (by promoting the more efficient allocation of resources); more just (by promoting uniformity and consistency in decisionmaking); and better

managed (by facilitating the collection of information to be used to project potential offender populations and to allocate resources).

Gaes contends that it is useful to think of corrections as one link in the chain of the juvenile justice process and calls for continuity not only in the collection of information at every stage in the process, but also in programming for juveniles moving from residential to postresidential supervision.

### *Probation*

Partnerships forged through crisis characterize the reinvention of the probation officer in the management of youth violence. Ronald Corbett Jr. uses as his starting point Operation Night Light, a Boston probation-police department partnership involving intensive contact with high-risk offenders during evening hours, both at home and in the street.

Traditionally, the probation officer has had three major responsibilities: intake, screening, and assessment (which involves making recommendations to the juvenile court judge as to whether juveniles arrested for minor offenses should be subjected to the formal court process or an informal process); conducting presentencing investigations to assist the court in determining an appropriate sentence and disposition; and, most important, supervising youth placed on probation by the courts. The supervisory function, which constitutes the major component of the probation officer's work, involves enforcing court orders regarding curfews or restitution and maintaining regular contact with the offender. In addition, the officer engages in collateral work with parents, schools, agency personnel, and employers; he or she may also ask for revocation of probation and perhaps imposition of a more serious sentence when the offender fails to comply with the conditions of probation. The potential impact of probation practices becomes self-evident when one considers that nationally 60 percent of all offenders under supervision of corrections departments are on probation.

Because of the increase in the number of violent juvenile offenders and the growing danger that probation officers would be assaulted in the line of duty, officers began to engage in less direct contact with the offenders they were charged with supervising and to maintain less of a physical presence on the street. As Corbett writes, "[Operation] Night Light rested on the stunningly simple premise that 'you can't fight fires from the station house' and was designed to reverse the trend of desk-bound probation officers working primarily out of their offices with little visible presence in the

community, in an anemic form of community corrections disparagingly referred to as ‘fortress probation.’”

Operation Night Light, as Corbett explains, was born out of the collaboration between the gang unit of the Boston police department and members of the probation department, who seized upon the insight that “they were watching the same youthful offenders from two different points on the perimeter of the revolving door.” Using information obtained from their dealings with gang members and intelligence from their contacts with the gang unit, probation officers began to ask judges to include curfews and area restrictions in the conditions of probation for high-risk offenders. The Night Light strategy was based on the notion that such offenders required a short leash and that tighter supervision would reduce the number of new arrests as compliance with curfews, area restrictions, and other probation conditions increased. Typically, a one- or two-person probation team, matched with a similar team from the gang unit, would meet at gang unit headquarters to review the ten or fifteen probationers who the probation officers thought were evading compliance or were active on the street.

The Boston probation-police department collaboration has yielded great benefits to both partners. By facilitating closer surveillance of probationers and tighter enforcement of probation conditions, the partnership enables the police to deter probationers from offending again. It affords probation officers increased safety when entering crime-ridden areas in the evening and also brings new credibility to the supervisory function and to the enforcement of curfews and area restrictions.

Finally, the boldness in thinking about mission that can flow from a successful collaboration can result in creative new partnerships. Thus, as Corbett notes, in the community-based justice program spearheaded by Tom Reilly, a former Middlesex County (Massachusetts) district attorney, probation officers, school officials, and prosecutors are now working toward redefining their relationship and tearing down the “fire wall” that has impeded collaboration and sharing of information among them.

### *Faith-Based Institutions*

The authors in this volume suggest that the traditional roles of the institutions involved in dealing with youth violence ought to be redefined, and they stress the importance of collaboration and partnerships with other institutions in improving outcomes. Recent experience has suggested that intermediary institutions typically divorced from a law enforcement function can play an important role. Pointing to the Boston experience,

Christopher Winship and Jenny Berrien discuss the role of a faith-based group, the Ten Point Coalition, in reducing youth violence. The Ten Point Coalition, which is led by three ministers and has about forty member churches, was formed in 1992 “to mobilize the Christian community around issues affecting black and Latino youth, especially those at risk for violence, drug abuse and other destructive behavior.” The key contribution of the coalition, Winship and Berrien argue, rests not in establishing outreach programs for at-risk youth but in acting as intermediary between the police and the inner-city community. Noting the tensions that had existed between the minority community and the police, Winship and Berrien contend that the Ten Point Coalition, using its unique status as a moral force in the community, has created an “umbrella of legitimacy” for law enforcement efforts. That umbrella, and the new relationship between the police and the community, rests on several implicit understandings. They include the understanding that youth violence should be treated as a criminal problem that warrants the jailing of some youths for their own good and the good of the community; that a small number of offenders generates most of the violent crime and that members of the coalition will help identify them; that the ministers will have input in the treatment of specific individuals; and that the ministers will, through the media, monitor police behavior.

### *Interagency Strategy and Coordination*

It is one thing to address youth violence from the perspective of a particular agency; it is another to create and coordinate interaction among agencies in order to establish a common strategy. David Kennedy, the director of the Boston Gun Project, writes of the latter effort. He discusses the development of a strategy—first through Operation Scrap Iron (an effort to clamp down on gun trafficking led by the Boston police department) and then through the Boston Gun Project working group (made up of members from the police department’s gang unit, the probation department, the gang-outreach streetworker program, and academic researchers)—that culminated in Operation Ceasefire (a coordinated citywide strategy involving law enforcement and criminal justice agencies). Kennedy demonstrates that the practitioners were correct in their judgment that in Boston, juvenile violence was gang violence. Gun Project research showed that 1,300 individuals, many of them older than juveniles, in sixty-one identifiable street gangs were responsible for more than 60 percent of the killings of persons age 21 and under in Boston. Discussions within the working group

resulted in the hypothesis that a dynamic of violence among the “1,300 and 61” had been established and that the risk and fear of gun violence was leading to gun carrying, gun use, preemptive and retributive shootings, proviolence street norms, and a self-perpetuating dynamic of violence. A further hypothesis was that the dynamic itself should be a target for deliberate intervention—that in a sense it was a “cause” to be attacked, like family and community problems and other risk factors. If the dynamic could be interrupted, then safer streets might result. As Kennedy further details, using research data and practitioner knowledge, the Boston Gun Project diagnosis was elaborated on as follows: homicides were being committed by juveniles and youths (not simply juveniles) in chronically offending groups (not limited to those that fit the technical law enforcement definitions of “gangs”) by various means (although most of the violence was gun violence and the disruption of the illegal sale and possession of firearms would be a prime focus of the strategy).

Noting that successful interventions appear to have been implemented in diverse jurisdictions and that those jurisdictions vary in their organization and the nature of their problems, Kennedy offers some basic lessons regarding the framework that should be in place.

### *The Neutral Convener*

Approaches to problem solving vary with the size, demographics, and history of jurisdictions. Frank Hartmann discusses Safety First, a partnership of criminal justice agencies, city agencies, and community groups and residents in Lowell, Massachusetts, a mid-sized urban city with a population of approximately 100,000. Lowell has had the benefit of dynamic community-based justice efforts spearheaded by then district attorney Tom Reilly and continued by his successor, Martha Coakley. In Hartmann’s view, Safety First shows how supplementary efforts using nonprofit organizations, supporting academic research, and “a powerful neutral convener” can facilitate cross-cutting dialogue in a working group. The powerful neutral convener, who chairs the working group (and who in Lowell is the publisher of the local newspaper), “is someone whose professional status and personal reputation would make it difficult for local leadership to casually ignore his or her call.” Hartmann explains that the behavior of youth was a top priority in Lowell, primarily because of the negative behavior of some crime-prone youths who dominated the city’s large high school. He describes how twenty youths were identified as the most serious offenders/leaders, how a task force arranged meetings with each of the

youths, and how the message was sent that criminality and violence would not be tolerated. The twenty offenders also were told about the availability of supportive social services. A “second tier” of thirty-five youths also was identified, and they too were informed of the new enforcement effort and the availability of services. When an offense occurred, the task force would “manage back” from the event in order to learn why it had not been anticipated and how it might have been prevented. In Hartmann’s view, Safety First presents an example of how a “system” can be institutionalized to bring together parties who should be engaged in dialogue and how that dialogue can result in an improved response to the problems of crime.

### *Public, Private, and Nonprofit Sector Partnerships*

It is instructive to think of the role of the public, private, and nonprofit sectors in the management of youth violence as well as the role of institutions. The continuing career of Amalia Betanzos has spanned those sectors for more than thirty-five years. During that time she has held the position of president of the Wildcat Academy, an alternative high school for at-risk youth, often with violent backgrounds; she also has been a member of the New York City board of education and a member of a mayoral commission on school safety. Analyzing the success of the Wildcat Academy, she points to five basic features: small class size and staffing priorities that place a premium on responsiveness to student needs; a “conspiracy of adults” who care; a longer school day; student work opportunities; a culture of self-discipline and self-respect; and the autonomy of the school from the central bureaucracy. Betanzos observes that it is useful to think in terms of mission, organization and management, measures of success, funding, partnerships, innovation, and competition in considering the roles of the public, private, and nonprofit sectors in dealing with youth violence. Betanzos concludes that to deal with school violence, we must be prepared “to tackle the conditions of chaos that have undermined the school experience,” as some schools have begun to do by establishing new links with prosecutors, probation officers, the police, and mental health professionals and by expanding their curriculum to teach conflict resolution and avoidance of gangs.

### *The Media*

It is also useful to approach the problem of youth violence by looking at institutions that contribute to the level of violence. One case in point is the

media. Ronald Slaby writes that media violence appears to serve as a contributing cause of aggression, fear, callousness, and an appetite for violence. Those effects are shaped by a variety of factors, including the particular ways in which violence is presented as well as the susceptibility of viewers such as children to its effects. As to potential solutions, Slaby proposes the following: media/business remedies that focus on media industry efforts to disseminate programming designed to prevent violence and foster positive social behavior; policy/regulatory remedies directed at regulating the content of programming; public health/education remedies that use the media to educate parents, teachers, and other caregivers about early violence prevention strategies; parent/teacher remedies that focus on developing skills in young viewers that enable them to evaluate the accuracy of what they see in the media and that help youth to appreciate nonviolent alternatives; advocacy group/community remedies that promote alliances among community leaders, health professionals, educators, parents, law enforcement officials, and representatives of the media.

### *Networks of Capacity*

As Mark Moore observes, “networks of capacity”—which encompass public-private partnerships and partnerships of local, state, and federal agencies—cross the boundaries of existing organizations. The challenge is to “take the existing uncoordinated operations of different agencies . . . and turn them into a more or less coherent and well-understood strategy for action that can be implemented successfully.”

Drawing on the notion of cross-functional teams in business management and of cross-boundary management in the public sector, Moore explores the complex issues facing partnerships and collaborations. He notes, for example, how the boundaries between levels of government, between government agencies at the same level, and between government agencies and private sector enterprises pose great challenges to the management of youth violence, particularly large public sector initiatives. Moore draws lessons from the three points of the “strategic triangle”—one point focusing on the “public value” that an enterprise is trying to produce, the second focusing on the legitimacy of and support for an enterprise, and the third focusing on the operational capacity necessary to achieve the desired results. As managers and leaders strive to launch and maintain initiatives directed against youth violence, they need to consider all three points of the triangle.

## Conclusion

As the director of the Securing Our Children's Future project, I posit a new collaborative framework distilled from the lessons of experience over the past decade to guide institutions and strategies in dealing with the problems of juvenile justice and youth violence. Elements of the framework include new responsibilities for the federal government and revised roles for the police, prosecutor, defense attorney, courts, probation officer, corrections, aftercare programs, schools, profit and nonprofit organizations, and the media. A new agenda is proposed that calls for building bridges between the juvenile justice system and the child welfare and protection system; enhancing mental health outreach efforts; developing a better understanding of collaboration and partnership in developing strategies to address youth violence; strengthening the research mission and the integration of research findings into action plans; and the periodic presentation by the nation's president of a "State of the Young" address.

## Notes

1. Governor's Advisory Council on Youth Violence, *Analysis and Recommendations Regarding Violence in Massachusetts Schools* (Boston, 1999), p. 8.

2. Robert H. Bremner, ed., *Children and Youth in America: A Documentary History*, vol. 1 (Harvard University Press, 1970), pp. 309–11.

3. Irving A. Spiegel, *The Youth Gang Problem: A Community Approach*, vol. 1 (Oxford University Press, 1995), p. 7.

4. Much legend surrounds Billy the Kid, who was born Henry McCarty in New York City in 1859 and was also known as William Bonney. He would become "the most celebrated outlaw in the old Southwest" before he was shot to death in New Mexico in 1881 by Sheriff Pat Garrett. See "Billy the Kid," in *Encyclopedia Americana* (Danbury: Grolier, 2001), p. 749. While some have attributed twenty-one killings to Billy the Kid, others have concluded that that tally is greatly exaggerated. See Time-Life Books, *The Wild West* (New York: Warner Books, 1993), p. 150. See, generally, Joseph Geringer, "Henry McCarty: The Wild West's 'Billy the Kid'" (<http://www.crimelibrary.com/americana/kid/index.htm> [April 2002]).

5. Howard N. Snyder and Melissa Sickmund, *Juvenile Offenders and Victims: 1999 National Report* (U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, 1999), p. 25; U.S. Surgeon General, *Youth Violence: A Report of the Surgeon General* (U.S. Department of Health and Human Services, 2001), p. 27.

6. U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention (OJJDP), *Statistical Briefing Book* (<http://ojjdp.ncjrs.org/ojstatbb/html/qa092.html> [April 2002]). The population of those under 18 is expected to increase 8 percent between 1995



and 2015. By contrast, the population of persons age 65 and older will increase 36 percent, persons ages 25 to 64 will increase 18 percent, and persons ages 18 through 24 will increase 22 percent.

7. Jeffrey A. Butts, *Youth Crime Drop* (Washington: Urban Institute, 2000). Regarding an upturn, see, for example, Francis Latour, "Crackdown on Crime in Dorchester Set to Start," *Boston Globe*, October 30, 2001, p. B1. See also Federal Bureau of Investigation, *Crime Trends: 2001 Preliminary Figures* (Washington, 2002) (volume of violent crime generally, not broken down by age, increased 0.6 percent in 2001 from the 2000 figure; murder volume increased 26.4 percent). See also Dan Eggen, "Major Crimes in U.S. Increase," *Washington Post*, June 23, 2002, p. A1, quoting Jack Riley, director of the Rand Corporation Public Safety and Justice Program, as stating that "[w]e're probably done seeing declines in crime rates for some time to come"; professor James Alan Fox is quoted as observing that "[t]he great 1990s crime drop ended with the 1990s; the new millenium brings a different picture. This tells us we can't be complacent about crime levels. We have to reintensify our efforts."

8. See, for example, Deborah Prothrow-Stith and Michael Weissman, *Deadly Consequences* (New York: Harper Perennial, 1993); Mark H. Moore, "Public Health and Criminal Justice Approaches to Prevention," in Michael Tonry and D. P. Farrington, eds., *Crime and Justice: A Review of Research* (University of Chicago Press, 1995); Mark H. Moore and others, "Violence and Intentional Injuries: Criminal Justice and Public Health Perspectives on an Urgent National Problem," in A. J. Reiss and J. A. Roth, eds., *Understanding and Preventing Violence*, vol. 4 (Washington: National Academy Press, 1994), pp. 167–216.

9. U.S. Surgeon General, *Youth Violence*, pp. 17–19; Alfred Blumstein and Joel Wallman, "The Recent Rise and Fall of American Youth Violence," in Alfred Blumstein and Joel Wallman, eds., *The Crime Drop in America* (Cambridge University Press, 2000), p. 3.

10. U.S. Surgeon General, *Youth Violence*, pp. 17–19; Blumstein and Wallman, "The Recent Rise and Fall of American Youth Violence," p. 3.

11. Federal Bureau of Investigation, *Crime in the United States 2000* (U.S. Department of Justice, 2001).

12. Howard Snyder, *Juvenile Arrests 2000* (Pittsburgh: National Center for Juvenile Justice, 2001), p. 2.

13. Ibid.

14. Lloyd D. Johnson, Jerold G. Bachman, and Patrick M. O'Malley, *Monitoring the Future* (Ann Arbor: Institute of Social Research, 1995).

15. U.S. Surgeon General, *Youth Violence*, pp. 17–18.

16. Snyder, *Juvenile Arrests 2000*, p. 12.

17. The four violent crime index offenses are defined as follows: *Criminal homicide/murder and nonnegligent manslaughter*: The willful (nonnegligent) killing of one human being by another. *Robbery*: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or putting the victim in fear. *Aggravated assault*: An unlawful attack by one person upon another wherein the offender uses a weapon or displays it in a threatening manner or the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness. *Forcible rape*: The carnal knowledge of a female forcibly and against her will. Assaults or attempts to

commit rape by force or threat of force are also included; however, statutory rape (without force) and other sex offenses are excluded. (Federal Bureau of Investigation, *Crime in the United States 2000*.)

18. The figures in this paragraph come from Snyder, *Juvenile Arrests 2000*, pp. 3, 4, 6, and 10.

19. Blumstein and Wallman, "The Recent Rise and Fall of American Youth Violence," p. 17.

20. The following figures come from Snyder, *Juvenile Arrests 2000*, pp. 1, 4, and 6.

21. Snyder, *Juvenile Arrests 2000*, p. 8; U.S. Surgeon General, *Youth Violence*, p. 21; Philip J. Cook and John H. Laub, "The Unprecedented Epidemic in Youth Violence," in Tonry and Moore, eds., *Youth Violence*, pp. 27–64.

22. U.S. Surgeon General, *Youth Violence*, p. 20.

23. Ibid.

24. Snyder, *Juvenile Arrests 2000*, p. 4; U.S. Surgeon General, *Youth Violence*, p. 20.

25. Snyder, *Juvenile Arrests 2000*, p. 6.

26. Ibid.

27. U.S. Surgeon General, *Youth Violence*, p. 33.

28. The data that follow are taken from U.S. Department of Education, U.S. Department of Justice, *Indicators of School Crime and Safety 2001* (2001), pp. 1–30; and U.S. Department of Education, U.S. Department of Justice, *2000 Annual Report on School Safety* (2000), pp. 3–11.

29. U.S. Department of Education, U.S. Department of Justice, *Indicators of School Crime and Safety 2001*, p. 13.

30. Kristen Kracke, "Children's Exposure to Violence: The Safe Start Initiative" (U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, April 2001).

31. U.S. Department of Health and Human Services, "National Child Abuse and Neglect Data System (NCANDS), Summary of Key Findings from Calendar Year 2000" (<http://www.calib.com/nccanch/prevmnth/scope/ncands.cfm> [April 2002]); see, generally, Jane Waldfogel, *The Future of Child Protection: How to Break the Cycle of Abuse and Neglect* (Harvard University Press, 1998), pp. 6–8.

32. U.S. Department of Health and Human Services, "National Child Abuse and Neglect Data System (NCANDS), Summary of Key Findings from Calendar Year 2000."

33. Kracke, "Children's Exposure to Violence," p. 1.

34. Richard A. Mendel, *Less Hype, More Help: Reducing Juvenile Crime, What Works—And What Doesn't* (Washington: American Youth Policy Form, 2000), p. 47. With respect to the limited federal judicial involvement with juveniles, statistics reveal that during the period October 1, 1998, through September 30, 1999, there were only 459 convicted federal offenders between the ages of 16 and 18, constituting 0.8 percent of all convicted offenders, and 1.6 percent of violent offenses. U.S. Department of Justice, *Compendium of Federal Justice Statistics, 1999* (Bureau of Justice Statistics, 2001), p. 59. Federal statutes setting forth the restrictions on proceedings against juveniles are found in Title 18 of the United States Code, Sections 5031–39.

35. Snyder and Sickmund, *Juvenile Offenders and Victims*, p. 93.

36. Thomas Grisso and Robert G. Schwartz, eds., *Youth on Trial: A Developmental Perspective on Juvenile Justice* (University of Chicago, 2000), pp. 14–19. The description of

the juvenile justice and “adult” criminal system draws on Grisso and Schwartz and Snyder and Sickmund, *Juvenile Offenders and Victims*, pp. 97–100.

37. OJJDP, *Statistical Briefing Book*, (<http://ojjdp.ncjrs.org/ojstatbb/html/qa181.html> [May 2002]).

38. Ibid. (<http://www.ojjdp.ncjrs.org/ojstatbb/html/qa179.html> [May 2002]).

39. Ibid. (<http://www.ojjdp.ncjrs.org/ojstatbb/asp> [May 2002]).

40. Ibid.

41. Ibid. (<http://ojjdp.ncjrs.org/ojstatbb/html/qa190.html> [May 2002]).

42. Waldfoegel, *The Future of Child Protection*, pp. 5–6. The description of child protective services draws on Waldfoegel and Snyder and Sickmund, *Juvenile Offenders and Victims*, pp. 44–45.