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BOOK REVIEW

JUVENILE JUSTICE AND STRATEGIES TO CONTROL YOUTH VIOLENCE: IS THERE A CONFLICT?

THOMAS F. GERAGHTY*

SECURING OUR CHILDREN'S FUTURE: NEW APPROACHES TO JUVENILE JUSTICE AND YOUTH VIOLENCE (GARY S. KATZMANN ED., BROOKINGS INSTITUTE PRESS 2002). 444 PP.

Some time ago, I represented a thirteen-year-old boy charged with murder. I represented him in an unsuccessful effort to keep his case in juvenile court. I was his lawyer in criminal court. He was convicted and sentenced to a long prison term. This boy was identified in the popular press as one of the dangerous "super-predators" plaguing our inner-cities. Our investigation of the case revealed that the murder with which our client was charged was ordered by the higher-ups in a gang. Our investigation also revealed the names of those gang leaders. That information was shared with the prosecution, but it was clear that prosecutors and police already knew, as did local community members, who was ultimately responsible. This wasn't a "juvenile" or a "super-predator" case, it was a case in which an entire community was being intimidated by a gang. Had some of the strategies described in *Securing Our Children's Future: New Approaches to Juvenile Justice and Youth Violence* been in place at the time my young client was arrested, the older gang members might have been discouraged or prevented from terrorizing their community through violence and the threat of violence. A murder might have been avoided, and a young person might not have had his best years taken from him as the result of a long period of incarceration.

* Professor of Law, Associate Dean for Clinical Education, Director of the Bluhm Legal Clinic, Northwestern University School of Law.

The more one represents children in delinquency proceedings in juvenile court and children who have been transferred to criminal court to be tried as adults, the more one recognizes the complexity of the influences and forces which bring children into our justice system. The lawyers who represent and prosecute the children, and the judges who preside over these cases, address the consequences of failures to intervene earlier and to identify and implement successful strategies that might have avoided a confrontation with our juvenile justice and criminal justice systems. In many cases, interventions implemented in response to a child's "criminal" behavior are too late and too superficial to address both the individual needs of the child and the systemic failures that have brought the child to the courtroom.

There are two basic questions that juvenile justice professionals, defense lawyers, prosecutors, judges, and law enforcement must confront. (1) How do we identify, implement, and improve programs designed to prevent delinquency? (2) When prevention has failed, how should communities, juvenile courts, probation, and corrections address the consequences? Underlying these basic questions is the issue of how the various players in the system might cooperate, coordinate, and support the work of the others. These judgments, in turn, must be based upon solid information. What do the extensive research evaluating programs designed to change behavior of children and to support them in their communities tell us about the efficacy of proposed and on-going interventions? What do we know about the real needs and tendencies of the targeted populations and how well are existing and proposed programs designed to address those needs? Is there a proper balance between humane treatment of children and public safety?

The book reviewed in this essay makes a substantial contribution to answering these very important questions by presenting the perspectives of a cross section of actors who influence the conduct of institutions which have the responsibility for pieces of the juvenile justice puzzle. The book, which is the result of a collaboration between the Brookings Institution's Governance Project and the Program in Criminal Justice and Policy Management of Harvard's Kennedy School of Government, contains essays by leaders in the disciplines which significantly influence the conduct of juvenile justice institutions and the formulation of juvenile justice policy.

What I like about the book is that it informs the various constituencies in juvenile justice about the work of others. Prosecutors can read about the perspectives of defense lawyers, and criminologists can get a sense of the interests and concerns of judges. Judges, who often make the most important decisions regarding a child's future, have at their disposal, if they

read this book, the perspectives of the prosecutors and defense lawyers. They also have accounts of the newest developments in prevention and treatment programs and they can learn something about the ways in which correctional officials use (or sometimes ignore) research in designing and in implementing their programs.

What this book suggests, both explicitly and implicitly, is that despite the best efforts of those who work in juvenile justice to create opportunities for inter-institutional, inter-agency, and interdisciplinary collaborations, much more could be done to foster actual implementation of systems which have collaboration as their overarching goal. The question is how the example of this book can be replicated in juvenile justice systems across the country. As Professor Katzmann notes in his introduction:

[T]his volume . . . 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.¹

Each of the essays in the book is well worth reading. In fact, the message of the book is that each essay contributes to the creation of a necessary comprehensive perspective. It would be interesting to know, however, how the perspectives of the individual authors might be influenced by the work of the other contributors to this valuable volume. In this review, I write from the perspective of a lawyer who represents children in juvenile court.

The title of the book, *Securing our Children's Future, New Approaches to Juvenile Justice and Youth Violence*, suggests broad scope and objectives, including a comprehensive look at all aspects of juvenile justice which have to do with the future of our children. In fact, the book focuses primarily on the problem of youth violence, surely a crucial issue for children, parents, and communities. In order to understand the significance of this issue with respect to impact on communities and policy initiatives, the book portrays the current situation with respect to youth violence in measured, balanced, and realistic terms. Although there has been a recent decline in youth violence, this does not mean that the problem is not significant in its impact on communities² and schools.³ The book is

¹ Gary S. Katzmann, *Introduction to SECURING OUR CHILDREN'S FUTURE: NEW APPROACHES TO JUVENILE JUSTICE AND YOUTH VIOLENCE* 1, 3 (Gary S. Katzmann ed., 2002) [hereinafter *SECURING OUR CHILDREN'S FUTURE*].

² See *id.* at 5-6. Katzmann writes:

careful, when describing and evaluating the phenomenon of youth violence, to distance itself from the “super-predator” myth that did so much damage to the creation and implementation of fact-based juvenile justice policy.

The vast majority of cases addressed by the juvenile justice system do not involve violence,⁴ and the chapters of this book written by lawyers and judges describe the broad range of issues lawyers and judges confront every day in our juvenile justice system. In a very interesting chapter on the prosecutorial function, the authors hearken back to the pre-*Gault* days when probation officers—not prosecutors—were all powerful.⁵ The authors suggest that many prosecutors are now taking the lead in creating individualized and community-based solutions to the phenomenon of juvenile delinquency.⁶ These initiatives include paying more attention to the root causes of delinquency and working with police to identify strategic initiatives for law enforcement and prosecution that promote “order maintenance,”⁷ including focusing on the control of minor crimes as a way

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. 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. 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. Furthermore, data derived from *Monitoring the Future* show that self-reported violent behavior is at least as high today as it was in 1993.

Id. (citations omitted).

³ See *id.* at 2. Referring to shootings in school, Katzmann writes: “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.” *Id.* at 6. Katzmann notes, however, that “[w]hile 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.” *Id.* at 6-7.

⁴ See OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, OJJDP STATISTICAL BRIEFINGS BOOK, at <http://ojjdp.ncjrs.org/ojstatbb/html/qa179.html> (Aug. 11, 2003).

⁵ Catherine M. Coles & George L. Kelling, *New Trends in Prosecutors’ Approaches to Youthful Offenders*, in SECURING OUR CHILDREN’S FUTURE, *supra* note 1, at 28.

⁶ *Id.* at 31 (“[W]e are struck by the parallels between the goals, objectives, and tactics of juvenile probation officers of the 1960’s in dealing with youthful offenders and those of many district attorneys and county prosecutors today, especially those who identify themselves with the ‘community prosecution’ movement.”).

⁷ *Id.* at 43 (“[B]y the late 1980’s, local officials, especially mayors and overseers of public spaces like parks and public services such as transportation, understood that the situation was getting out of control and heard the demand for order that was rising in neighborhoods and communities across the country.”).

of improving a community's quality of life. As a consequence, prosecution of even non-"serious" cases involving children in juvenile court is viewed as a priority, as is diversion of serious and violent offenders to criminal court. The authors describe programs led by prosecutors that have resulted in dramatic decreases in the crime rate.⁸ The authors of this essay warn, however, that despite the forward thinking of many prosecutors, there are dangers inherent in the shift to prosecutorial control over the system, especially as it relates to decisions regarding which children will, and which children will not, be tried in juvenile court. In the late 60's and early 70's, judges made these decisions. Now legislatures, at the urging of prosecutors, have required that juveniles charged with very serious crimes be automatically charged as adults. The danger that I see—and that the authors identify—is that the prosecutor's power has the potential to be misused. The authors note that they have provided examples of programs that "respect the rights of juveniles, seek to protect the interests of children, and serve the interests of children as well."⁹

It would have been interesting to hear the perspectives of defense attorneys and children's advocates regarding the implementation of the programs which combine "get tough" policies with interventions and "balanced and restorative justice strategies."

A theme that runs through this book is that chronic and violent offenders can be separated from the rest of children who break the law. Those of us who represent children in juvenile court tend to view our clients as individuals, whose lives can be described in narratives that depict a series of physical and psychological insults beginning before birth and continuing into early childhood and adolescence. The chapter entitled *The Defense Attorney's Perspective on Youth Violence* responds effectively to the notion that our juvenile justice policy (both historical and present day) is sufficiently sensitive and responsive to the needs of children and communities.¹⁰ The authors of this chapter challenge the notion that the juvenile justice system should be characterized or judged by how the system deals with "violent" juvenile offenders, both because the system

⁸ An example of such a program cited by the authors is that of Harry Shorstein, State Attorney of Duval County, Florida. This program combines a "get tough" policy with early intervention and prevention strategies. One evaluation of the program concluded that it had "contributed to public safety in Duval County. It is estimated that about 7200 crimes have been prevented by incarcerating chronic youthful offenders and as many as 1500 may have been avoided by the Program for At-Risk Students [which include visits to the prosecutor's office and the courthouse]." *Id.* at 55.

⁹ *Id.* at 76.

¹⁰ Barbara Fedders et al., *The Defense Attorney's Perspective on Youth Violence*, in SECURING OUR CHILDREN'S FUTURE, *supra* note 1, at 84.

deals primarily with non-violent offenders and because current policies are built upon a “myth” that there is an historical increase in violence among children.¹¹ If there is any basis for believing that today’s youth are more violent than that of previous generations, it is because of the availability of handguns and the myths purveyed by the media which portray children as violent. Lawyers representing children must recognize that they operate in this environment and should advocate for and create programs which emphasize the notion that services must be comprehensive and provided with the same degree of zealotry that characterizes representation of defendants in criminal courts. The authors provide examples of such programs and suggest that “[e]ffective representation also requires confronting the modern myth of the innate violence of today’s delinquent youth.”¹² Poverty, race, and exposure to violence all play a part. These factors must be explored, understood, and argued over if we are to return to the rehabilitative ideal that prompted the creation of juvenile courts.

Judges have the responsibility for deciding between the competing visions and duties of the prosecutors and the defense lawyers as those vision play out in individual cases. They must discharge their obligations in accordance with laws (and in accordance with the policies that underlie those laws) even when those laws and policies are inconsistent with their best judgment about how the justice system should react. Judges may be in the best position to be the “informed outsider” as far as the effects of politics and policy making are concerned. In my view, judges should not be reticent to assume this role. Because of their focus on a sustained series of individual cases, they should have a sense of whether the guidance imposed upon their discretion by legislators does justice in individual cases. In the chapter, *Youth Violence: Response of the Judiciary*, David B. Mitchell and Sara E. Kroff grapple with the question of what judges can do to provide leadership, noting innovative judge-led programs such as unified family courts, youth courts for post-juveniles, and specialized courts which deal with weapons and drug offenses.¹³ The authors note, however, that courts are often the last component of the juvenile justice system to receive the resources needed effectively to manage their work. In part, this is due to lack of judicial leadership—an unwillingness of judges to speak out. The

¹¹ *Id.* at 89 (“Just as proponents of the dichotomy theory ignore the violent youth of yesteryear, so too they misleadingly characterize the current generation by looking solely at the most violent juvenile offenders and ignoring the vast number of children who are brought into juvenile court for minor offenses.”).

¹² *Id.* at 95.

¹³ David B. Mitchell & Sara E. Kroff, *Youth Violence: Response of the Judiciary*, in *SECURING OUR CHILDREN’S FUTURE*, *supra* note 1, at 118.

authors state: “[w]hat courts need most is a vocal, informed leadership prepared to educate the public and policymakers about the demands of the court and its constituency.”¹⁴ Much of this work is being accomplished by the National Council of Juvenile and Family Court Judges, but much remains to be accomplished, including focusing on the racial disparities seen in the population of children who are referred to juvenile court and the failure to support children who return to communities after being incarcerated. If anything, the authors of this chapter are too circumspect in valuing the contribution that the many able and knowledgeable juvenile court judges in this country could make to the debate about the future of juvenile justice, reflecting perhaps the historical reluctance of judges to be perceived as advocates rather than as neutrals, and perhaps their vulnerability to political forces within and outside of the judiciary.

It is crucial that prosecutors, defense lawyers, and judges understand how decisions are (and, more importantly, should be) made about the treatment of children who are caught up in the juvenile justice system. The chapter authored by Gerald Gaes, *Managing the Juvenile Offender Population Through Classification and Programming*, provides this insight against a backdrop of the increasing number of commitments for “violent” offenses.¹⁵ Noting that there have been peaks and valleys in recent years in youth violence and that the overall homicide rate for all age groups “is beginning to decline again,”¹⁶ the increase in youth violence that occurred between 1983 and 1993 provoked an institutional response that has “changed the contours of juvenile corrections.”¹⁷ The change that Gaes discusses is the phenomenon of increasing numbers of serious and violent juvenile offenders (SVJ) in state juvenile correctional facilities. Many of these children are held, both before and after trial, under inhumane conditions.

An equally pervasive problem within juvenile corrections is the failure to make decisions about placement and treatment on sound data and classification systems.¹⁸ Gaes notes, however, that “no classification procedures have been developed specifically for the SVJ offender.”¹⁹

¹⁴ *Id.* at 139.

¹⁵ Gerald G. Gaes, *Classification and Programming*, in *SECURING OUR CHILDREN'S FUTURE*, *supra* note 1, at 147.

¹⁶ *Id.* at 149.

¹⁷ *Id.* at 148.

¹⁸ *See id.* at 157-58. Gaes writes:

Because it has been demonstrated that a technically sound classification system improves decisionmaking, jurisdictions should adopt scientific classification tools and procedures for use at every stage of the juvenile justice process. While the purpose of classification changes at each stage, it is easy to demonstrate that the information required comes from the same legal and

While general characteristics of correctional programs “that work” have been identified by researchers, the conclusions about the effects of different kinds of programs are tentative. Gaes describes team building across agencies as a strategy to aid youth as well as a program involving a structured school setting. While recognizing the strengths of this kind of programming, Gaes notes the absence of technical classification tools and lack of coordination of the training school program and post-release services.

One reason that classification systems are not as heavily relied upon as Gaes would like is resistance among staff of treatment programs: “[o]ne of the more interesting comments was made by a member of the training school staff, who said that he did not believe in classifying delinquents; he felt that it labeled a youth and limited his potential to change.”²⁰ Is there an inherent conflict between the correctional system’s need for efficiency in placement and treatment decisions and the need for individualized attention that does not label youth? Gaes argues that there is not. If research-based classifications systems were in place, Gaes argues, “[t]he entire system would benefit because a more rational system is a more equitable system.”²¹

For one who has grappled with the question of whether a particular placement or agency is addressing the needs of my client, Gaes’ chapter could have conveyed greater understanding of what the various options are and of their comparative strengths and weaknesses. Perhaps there is currently no complete answer to this question, in part because our understanding of what prompts violent behavior is incomplete.

Four chapters of this book focus on the success of coordinated efforts in Boston and in Lowell, Massachusetts to reduce youth violence. Ronald Corbett, Jr. (*Reinventing Probation and Reducing Youth Violence*),²² Jenny Berrien and Christopher Winship (*An Umbrella of Legitimacy: Boston’s Police Department—Ten Point Coalition Collaboration*),²³ David Kennedy

social institutions and that there is tremendous overlap in that information. This suggests that a mechanism for collecting, sharing, and managing information could increase the knowledge base and increase the efficacy of decisionmaking.

Id. (citations omitted).

¹⁹ *Id.* at 161.

²⁰ *Id.* at 169.

²¹ *Id.* at 171.

²² Ronald P. Corbett, Jr., *Reinventing Probation and Reducing Youth Violence*, in SECURING OUR CHILDREN’S FUTURE, *supra* note 1, at 175.

²³ Jenny Berrien & Christopher Winship, *An Umbrella of Legitimacy: Boston’s Police Department—Ten Point Coalition Collaboration*, in SECURING OUR CHILDREN’S FUTURE, *supra* note 1, at 200.

(*A Tale of One City: Reflections on the Boston Gun Project*),²⁴ and Francis X. Hartmann (*Safety First: Partnership, the Powerful Neutral Convener, and Problem Solving*)²⁵ describe successful efforts between police, probation officers, community members, and prosecutors to reduce violent criminal behavior among youth. The authors of these chapters describe energetic, creative, and targeted efforts to reduce violent crime. Probation officers, working closely with police, made their presence known on the streets in the evenings in order to determine whether probationers were complying with the terms of their probation.²⁶ Corbett describes the dramatic decrease in juvenile homicides during the time that the program has been in operation (thirteen in 1990, four in 2000). During this time total homicides in Boston also dramatically decreased.²⁷ How did this program address the conflict between the law enforcement and treatment missions of probation? Corbett points out that balance with respect to these missions is important and that the emphasis on kids “going straight” resulted in more success stories than would have otherwise been the case.

Putting probation officers on the street with police officers was only part of the reason for the Boston success story. Community members had to be involved. Berrien and Winship note that the “principal barrier to reducing youth violence in the inner city over the long run is the hostile and highly confrontational relationship that exists in many cities between the police (and other agents of the judicial system) and the inner-city community.”²⁸ Boston mobilized ministers (The Ten Point Coalition) to support the effort to curb juvenile violence. The collaboration between the police and the Coalition was based on hard-nosed propositions—among them that juvenile violence needed to be dealt with as a criminal problem and that a relatively few juveniles were responsible for a large proportion of violent acts. The partnership understood that abusive police practices would be reported by the Coalition to the press. Berrien and Christopher argue that the “coalition’s primary contribution to Boston’s success most likely has not been due to its street ministry, that is, its attempt to turn kids around through one-on-one counseling, but to its role in both controlling

²⁴ David M. Kennedy, *A Tale of One City: Reflections on the Boston Gun Project*, in *SECURING OUR CHILDREN’S FUTURE*, *supra* note 1, at 229.

²⁵ Francis X. Hartman, *Safety First: Partnership, the Powerful Neutral Convener, and Problem Solving*, in *SECURING OUR CHILDREN’S FUTURE*, *supra* note 1, at 262.

²⁶ See Corbett, *supra* note 22, at 179 (“On their own [probation officers] began to move away from the existing model of probation by getting away from their desks in the courthouse. They began approaching probationers on the street, who all but rubbed their eyes in disbelief at the sight of probation officers on their turf.”)

²⁷ *Id.* at 184-87.

²⁸ Berrien & Winship, *supra* note 23, at 203.

and legitimizing police activity.”²⁹ However, the authors also note the effective efforts by the ministers to visit the homes of “high-risk” youths and to make presentations to young people in the Boston public schools.

Boston’s success story is further analyzed by David Kennedy. The coalition that worked to control youth violence (Operation Ceasefire) emphasized the necessity of community involvement and of common sense approaches. Operation Ceasefire was the outgrowth of other such initiatives which, according to Kennedy, was based on this seemingly simple proposition: “There have been numerous approaches to prevent youth violence. None of them, before Boston, contemplated simply telling hard-core offenders to knock it off.”³⁰ The program was also based on the notion that if there was a “violence epidemic” it was not limited to juveniles. A comprehensive portrait of the violence epidemic had to be understood so that its causes could be addressed. A decision was made to target those individuals and groups identified as being responsible for the violence; Ceasefire did not address the root causes of the violence.³¹

Can the Boston experience/success be replicated? Kennedy suggests that in order for such programs to be successful, there must be a “locus of responsibility” not found in most criminal justice systems. This “locus of responsibility” must be found in individuals and groups which can be motivated to work together. It goes without saying that leadership is crucial. David Kennedy and his colleagues were able to inspire and to motivate a broad cross section of the community. Francis X. Hartmann, in his chapter on the Lowell, Massachusetts experience notes the importance of having a “powerful neutral convener” to chair efforts which result in community-led crime control efforts.³² The search for such “neutrals” will be a different process from community to community.

Schools are also part of the solution. In her chapter, *Youth Violence, Schools, and Management: A Personal Reflection*, Amalia Betanzos describes the Wildcat Academy in New York which provides a highly structured educational program with one-on-one counseling and job

²⁹ *Id.* at 223.

³⁰ Kennedy, *supra* note 24, at 231.

³¹ *Id.* at 248. Kennedy writes:

Ceasefire and Ceasefire-like interventions are not easily located along the root causes/criminal justice spectrum. Ceasefire was designed to prevent crime and violence, but to do so primarily through the exercise of authority. It was designed to have lasting impact, but without addressing the usual menu of root causes: racism, economic inequality, community conditions, or the functioning of core community institutions.

Id.

³² See Hartmann, *supra* note 25, at 266.

opportunities.³³ The school boasts a high graduation rate and astounding success in placing students in college.

What to do about the larger public school systems and the problems of juvenile crime? Betanzos says little about solutions stating only that the larger public school systems have put in place more security and have developed curriculum and programs designed to educate students about conflict resolution, how to deal with gangs, and how to deal with peer pressure. Betanzos notes that school administrators need to be “hardheaded pragmatists”³⁴ while at the same time being prepared to “tackle the chaotic conditions that have undermined the school experience.”³⁵ Betanzos provides little information about violence prevention programs in the large public school setting. She also says little or nothing regarding the problem of the use of school suspensions and referrals to juvenile court as a means of dealing with school disciplinary problems.

The media is often identified as a purveyor of violence. In his chapter, *Media and Violence, Effects and Potential Remedies*, Ronald G. Slaby demonstrates that the research shows that violence in the media does in fact influence children: “A half-century of research evidence on television violence has conclusively documented its potential harm.”³⁶ This harm includes aggression, fear, callousness, and an appetite for violence, according to Slaby. The question is what to do about this problem.

Senator Joseph Lieberman has led efforts to study the question of whether the media is targeting its violent programming at children.³⁷ Many national and local organizations and coalitions have focused on the problem in an effort to convince the media to be more responsible and to create the conditions for applying community and political pressure. While none of these efforts has been successful in achieving what advocates for reform would like to see, the author of this chapter sees hope in recent anti-violence initiatives.

The concluding chapters, *Creating Networks of Capacity: The Challenge of Managing Society's Response to Youth Violence*, by Mark H.

³³ Amalia V. Betanzos, *Youth Violence, Schools, and Management: A Personal Reflection*, in SECURING OUR CHILDREN'S FUTURE, *supra* note 1, at 287.

³⁴ *Id.* at 302.

³⁵ *Id.*

³⁶ Ronald G. Slaby, *Media Violence: Effects and Potential Remedies*, in SECURING OUR CHILDREN'S FUTURE, *supra* note 1, at 305, 311.

³⁷ *Id.* at 326-28.

Moore,³⁸ and *Conclusion: A New Framework and Agenda*, by Katzmann,³⁹ focus on lessons learned. Moore's chapter analyzes the task of approaching the problem of youth violence as a "managerial challenge."⁴⁰ He urges that the "portfolio" of approaches now in existence be in essence streamlined: "The challenge, of course, is to find some way to use the capabilities of different government programs, in conjunction with those of private institutions, to mount the most effective social response to youth violence."⁴¹ How might this be accomplished?

How do government agencies organize themselves to create "networks of capacity" and how do government agencies, private agencies, and individuals effectively coordinate efforts to reduce youth violence? Moore weighs in on this issue from a management perspective. The key is to overcome distrust through the creation of collective leadership. Of course, it is crucial that such an initiative have a common understanding of the problem and of approaches to be taken to solve the problem. A "paradigm of crime control" must be identified. Existing paradigms include the reactive—capturing and punishing the perpetrator. Elimination of root causes is another feasible approach. The model espoused by those who managed the Boston initiative was characterized by "the ideal of using community groups, social services agencies, and criminal justice agencies to intervene early in the lives of at-risk children and to use their collective powers to resolve problems that seem to be occasioning crime in the community."⁴² Leadership that is viewed by the community as legitimate and that has the capacity to structure and manage "value-creating deals among independent actors,"⁴³ is also critical to the kind of sustained and credible effort that led to success in Boston.

CONCLUSION

What does this book tell us about effective strategies to control youth violence? Perhaps the book's thesis is best summarized in Katzmann's conclusion to this valuable anthology:

³⁸ Mark H. Moore, *Creating Networks of Capacity: The Challenge of Managing Society's Response to Youth Violence*, in *SECURING OUR CHILDREN'S FUTURE*, *supra* note 1, at 338.

³⁹ Gary S. Katzmann, *Conclusion: A New Framework and Agenda*, in *SECURING OUR CHILDREN'S FUTURE*, *supra* note 1, at 386.

⁴⁰ Moore, *supra* note 38, at 341.

⁴¹ *Id.* at 348.

⁴² *Id.* at 366.

⁴³ *Id.* at 376.

In addressing youth violence, the juvenile justice system and criminal justice system traditionally have been concerned only with the control of offenders whose conduct has brought them to the systems' attention. Unlike the classic public health disease prevention model, the law enforcement "control" model focuses on enforcement and deterrence through punishment, not on identifying and reducing risk factors and fostering protective factors. A major theme of this volume has been the need to re-define institutional roles within the juvenile justice and criminal justice systems in order not only to enhance control and deterrence, but also to identify and reinforce risk reduction and protective factors.⁴⁴

What questions does this concept of the future of the juvenile justice and criminal justice systems raise for those of us who work in juvenile courts? Should lawyers and judges change the ways in which they do their work in order to align their efforts more closely to the new ideas and initiatives described in this volume? Perhaps the first question is whether there are any legitimate objections that could be raised by practitioners—especially by lawyers who represent children whose conduct might put them in the "violent" category. The book does not provide much detail about how these children are dealt with by the police, probation officers, and prosecutors who are directing programs which target "violent offenders." The book suggests that "violent" young people are targeted in various ways—by telling them to stop perpetrating violence and by removing them from the community by, in some cases prosecuting them as adults.

Advocates for these young people might be concerned about how the police and prosecutors treat youth and whether applicable due process standards are being met. Having had some experience with the ways in which police interact with youth, conversations between police and suspected violent juvenile offenders are often conducted without respect for the dignity and rights of young people. There is nothing in the book that provides a critique of these programs from the perspectives of the targeted young people and/or their advocates other than the understanding that the ministers who comprise the Ten Points Coalition could feel free to report abusive police behavior to the press. Perhaps there have never been any complaints about police/prosecutor heavy-handedness. If so, the Boston program must be even more remarkable than is portrayed in the book and this might be a point worth making in further support of the creative Boston initiatives.

While the book does not suggest that "root causes" of violence should be ignored, many will interpret the Boston strategy, as described in the book, as a strategy that gives up on attempts to address the social, economic, psychological, and family issues that may make some children

⁴⁴ Katzmann, *supra* note 39, at 397 (citations omitted).

more prone to violence than others. The approach seems to suggest that less attention be paid to understanding the behavior of individual children and more attention be paid to “sending a message” to a certain category of children and young adults. While this approach is both effective and has considerable appeal to gut instincts about how to deal with children, I wonder if in the long term it suggests that the “root causes” cannot be adequately addressed, or that they cannot be addressed quickly enough to protect the community. If this is in fact an underlying assumption of those (except for the defense lawyers) whose essays are included in this book, what impact will such views likely have on the rehabilitative ideal of the juvenile court? Does this book suggest that juvenile courts get out of the business of dealing with any children other than those who are charged with non-serious offenses? None of the authors explicitly address this point and it would have been interesting to learn the authors’ views on this subject. The book, for example does not address the fact that a majority of children who are detained in the juvenile justice system meet the diagnosis for one or more psychiatric disorders.⁴⁵ The book also does not address the “developmental perspective” that often explains why some young people commit crimes.⁴⁶ The absence of reflection upon the root causes of delinquent behavior suggests that the emerging knowledge regarding adolescent behavior is not relevant to the design and implementation of crime control programs. The book would have been more balanced had these perspectives been discussed.

One also wonders about the long-term effects of labeling. While there can be little doubt that the police, youth workers, ministers, and community members who work in the field know who the “bad actors” are, and that young people committed to probation or to corrections can be categorized according to the crimes they allegedly committed, to many who work in this field, “labeling” means the debilitating stigmatization of individual clients and wards. Although none of the authors who write for this anthology argue that the strategy of providing individualized services should be abandoned, more information could have been included about programs that have the capacity to turn young lives around. Having said this, finding such programs for troubled clients is not easy because they do not exist and in part because lawyers and judges, and even probation officers, lack the knowledge and skills necessary to construct and identify such programs. In

⁴⁵ Linda Teplin et al., *Psychiatric Disorders in Youth in Juvenile Detention*, 59 ARCHIVES GEN. PSYCHIATRY 1133 (2002).

⁴⁶ See Kim Taylor-Thompson, *Mind/States of Development*, 14 STAN. L. & POL’Y REV. 143 (2003); see also Elizabeth Scott & Lawrence Steinberg, *Blaming Youth*, 81 TEX. L. REV. 799 (2003).

many jurisdictions, including mine, there is no organized menu of such programs available to the practitioner.

An adverse consequence of this phenomenon is the over-use of pre-trial detention and corrections. While the book does refer to the inadequacies and abuses of some detention and corrections programs, the book does not acknowledge the extent of the problem and the effects of abusive treatment on the behavior and future of children who are entrusted to state custody. We cannot “secure our children’s future” without addressing the question of whether our efforts to maintain control over troubled youth through detention and incarceration does irreparable long-term damage to children and to our communities.

Troubled youth need mentors—an adult helping hand combining assistance and support with needed discipline. The most effective probation officers I’ve met are able to walk the line between enforcing conditions of probation and relating to their probationers in ways that engender trust. Many young probationers have no authority figures to relate to other than their probation officers. Putting probation officers on the street and requiring them to have frequent contact with their probationers are both steps that should be applauded in any jurisdiction. Figuring out how those probation officers should work with the police and to prosecutors is another matter. Although probation officers have a duty to report violations of probation to the court, to prosecutors, and to the lawyers representing children, the model of the probation officer as an aggressive arm of law enforcement raises concern about the extent to which constructive relationships between adult authority figures and children at risk can be fostered. It would have been interesting to have had included in this book some information from probation officers and from their wards about the effects of the probation strategy described in the book.

Finally, the book says many important things about the role of lawyers (prosecutors, judges, and defense lawyers) in the juvenile justice system. Perhaps most importantly, the alliance between prosecutors, police, and community members suggests that judges and lawyers for children may be left behind by those who organize effective programs like those put into place in Boston. This model of community-based crime control implies that the role of judges and defense lawyers in responding to the problem of youth violence is primarily a passive one. Perhaps this is as it should be; perhaps the roles of defense lawyers and judges do not lend themselves to proactive community involvement in programs designed to prevent violence. I do not have “the answer” regarding how defense lawyers and judges should become involved in coalitions like those described in this book. But I do think that lawyers for children and judges have much to

offer and that unless they are involved, programs and policies will be implemented that may not take all perspectives into account.

In part, lawyers for children and judges are left behind because, with a very few exceptions, there is little forward thinking among them about how to be more proactive and thus about how to add value to the effort to improve the lives of children and communities. If public defenders offices take the long view regarding the interests of their clients, why shouldn't they be staffed with more social worker/advocates who would serve children pre-and post-disposition to see that living conditions, schooling, and medical needs are addressed? If the probation officer is to become more closely affiliated with law enforcement, why shouldn't the advocacy and social service tasks be taken over by public defenders offices? Such a role for lawyers who represent children, if managed properly, might even make state and local governments more anxious to provide adequate funding for comprehensive defender services. As it stands now, children in many jurisdictions are adversely affected by inadequate representation resulting in inaccurate adjudications, unneeded incarcerations, and poor aftercare.

What can judges do to more effectively join the effort and the debate? They can become more vocal leaders of a comprehensive juvenile justice initiative focused on the needs of the children who appear before them. After all, the children who enter juvenile courts, and who become "wards of the court" are, for the period of time the court exercises jurisdiction over them, the responsibility of judges. This responsibility needs to be taken seriously by judges, a group that is perhaps least open to change and to outside perspectives. In order to discharge this important responsibility, judges need help that they do not always get—adequate training (reading this book would be a good first step), case management tools, dedicated staff, and prosecutors, defenders, and probation officers who bring them good information and mature judgment. If these resources are not forthcoming, judges should make this problem known. The system might also benefit from more judicial control over how children are treated while on probation and while in juvenile correctional institutions. Otherwise the announced mission of the juvenile court is undermined, leading to the kind of disenfranchisement that has been characterized by the unfortunately diminishing jurisdiction of juvenile courts.