

Court-Ordered Curfew: The Application of Graduated Sanctions for Juvenile Offenders*

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Abstract

The juvenile justice system has struggled since its inception with the best approach to handling juvenile offenders. Courts must balance public safety with best practices while attempting to reduce recidivism. The purpose of this paper is to convey how one jurisdiction dealt with the reality of implementing new programs under the Juvenile Accountability Block Grant (JAIBG/JABG) programs. This study focuses on a curfew-check program, whereby juveniles receive home visits to check their court-ordered curfew. Juveniles in violation of curfew receive graduated sanctions and juveniles in compliance receive rewards. A sample of 118 juveniles recently referred to a large, urban jurisdiction was asked about their self-report delinquency behaviors and victimization experiences. Court records were examined to assess the use of graduated sanctions for violations of curfew. Results indicate that the jurisdiction was moderately successful in implementing graduated sanctioning, and participation in the curfew check program reduced self-report delinquency and victimization incidents.

About the Author

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Introduction

The juvenile justice system has struggled since its inception with the best approach to handling juvenile offenders. The original philosophy of the court was to treat the best interests of the child and utilize a treatment model of dealing with delinquency (Bernard 1992).

Dissatisfaction with court results and increases in juvenile crime led to the get tough movement regarding juvenile offenders. The crime control philosophy of dealing with offenders took over many juvenile court jurisdictions, increasing the severity of penalties and reducing judicial discretion (Urban, St. Cyr, & Decker 2003). Unfavorable evaluations of such programs as boot camps (for example, Peters 1996) and Scared Straight (Petrosino, Turpin-Petrosino, & Buehler 2003) caused yet more confusion over what the proper philosophy of dealing with juvenile offenders should be.

This confusion is evident when examining recent juvenile justice programs and funding. Both juvenile court administrators and the federal government have continually sought the best strategy to deal with juvenile delinquents, and this strategy has undergone significant revision. The introduction of the federally-funded Juvenile Accountability Incentive Block Grants (JAIBG), and the later revised Juvenile Accountability Block Grants (JABG) programs provided funding for the expansion of court programs to provide accountability-based options that adhered to the standards of best practices. The original 1998 JAIBG purpose areas focused on offender accountability, with an emphasis on court and prosecution activities. Key funding areas were hiring court personnel, such as judges, prosecutors, and probation officers, as well as construction of detention and correctional facilities (Albert 1998; Danneger, Cohen, Hayes, & Holden 1999). The restructured 2004 JABG purpose areas were based on a slightly different

philosophy, and included guidelines for the introduction of graduated sanctioning, training for law enforcement, court, and detention personnel, establishment of risk and needs assessments, establishment of juvenile records systems, and the institution of restorative justice programs (Andrews & Marble 2003). This change in recommended practices and funding priorities highlights the fact that juvenile justice is dynamic, and jurisdictions must adapt to the latest initiatives.

The jurisdiction in this study is a prime example of attempting to match old programs with new funding schemes. Consistently ranked among the top five most dangerous cities in the United States, the issue of violent juvenile offenders was prominent and of high priority for court and city leaders. It had become apparent, however, that past practices were simply not meeting the needs of the juveniles, the juvenile court, or the community. The program discussed here is a curfew-check program that originated under the original JAIBG philosophy. Juveniles assigned a court-ordered curfew receive home visits to ensure they are home at their assigned curfew time. Juveniles in violation of their curfew and court order are given sanctions; those who comply are given rewards. Thus, it is a probation program that focuses on accountability and the sanctioning of every probation violation (Danneger et al. 1999), and thus it can be classified as deterrence-based. The reformulation to JABG, as well as other developments, led the court to adopt the restorative justice framework, which had a significant impact on court programming.

Restorative justice is seen as a way to break the “cycle of juvenile justice” as stated by Bernard (1992) by focusing on the consequences of crime, rather than the actions and punishment of the offender. The model seeks to recognize crime as harm, encourage offenders to understand that harm, and include all of the primary actors involved in the incident (Zehr 1997). The jurisdiction studied here implemented several new programs based on the restorative

philosophy, yet this philosophy was at odds with the old deterrence-based programs already in place, including curfew check. This created a unique paradox for juvenile programming, and applying new JABG guidelines to old JAIBG programs proved to be challenging. The juvenile court was forced to integrate restorative justice with deterrence-based programs. The result was a hybrid philosophy that attempted to accentuate the accountability, and lessen the punitive nature of court decisions. Contradictory terms such as “restorative sanctioning” were the result. The court took the stance that, if a sanction must be issued, make it as restorative as possible. Rather than an immediate stay in detention, probation officers were encouraged to assign a sanction more in line with the juvenile’s violation and restorative principles. This is but one example of how the reality of implementation is often not a perfect fit with written guidelines.

Many juvenile justice decisions hinge upon available resources, and the requirements attached to such support. There is significant information on where JAIBG money went and what it funded, yet there is a noticeable lack of information regarding the effectiveness of programs implemented using the funds (Myers 2006). Specifically, there is a lack of information regarding the success of jurisdictions in regards to implementing graduated sanctioning under JABG. It is important to assess such programs for their effectiveness and actual practices, to determine if funding initiatives such as JAIBG/JABG are utilized properly, and if such strategies are practical and worth continuing in the future.

The purpose of this paper is to convey how one jurisdiction dealt with the reality of implementing new programs under the JAIBG and JABG programs, and seeks to add to the literature in two ways. First, by examining the implementation of a specific curfew check program and the reality of introducing the practice of graduated sanctioning, including which sanctions were actually applied. Second, by assessing the overall effectiveness of the program

and its contribution to juvenile justice. The remainder of this paper will briefly describe JAIBG/JABG and prior research regarding graduated sanctioning, describe the curfew check program and its practices, identify the research methodology used, and convey results regarding actual implementation of graduated sanctions, as well as the overall effectiveness of the program.

JAIBG/JABG and Graduated Sanctions

Increases in crime, particularly in violent juvenile crime, in the late 1990s prompted several crime-control initiatives supported by various funding opportunities. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) administered the JAIBG/JABG grants, and states could begin taking advantage of this funding source beginning in fiscal year 1998. The original grant (JAIBG) required states to meet certain criteria in order to receive funding, including allowing juveniles to be transferred to adult court, sanctioning for every delinquent act (including probation violations), making juvenile records available to the same extent as adult records, and allowing direct parental involvement (and possible sanctioning) (Dannegger et al. 1999). The original grant stated 12 clear purpose areas, which included provisions for building or improving juvenile correctional facilities, hiring additional court staff, funding additional court programs (including gun, drug, gang, and probation services), improving technology, equipment, and information sharing systems, and substance abuse monitoring (Dannegger et al. 1999). The goal of the grant was to fund programs, identified using a problem-solving approach, that would reduce juvenile delinquency through increased court action, supervision, and sanctioning. In fiscal year 2004 the name of the grant was changed to the Juvenile Accountability Block Grants and several changes were made to the purpose areas. Some of the original areas were combined or reworked, but retained their intent. Four new areas were introduced, including personnel training, the establishment of risk and needs assessments, and

most important for the purposes of this paper, the development of graduated sanctions and restorative justice programs (Andrews & Marble 2003). Additional reporting requirements were also introduced. Thus, the goal was still a reduction of juvenile delinquency, but the focus began to shift from restrictive “punishment” to community-based “accountability.”

Graduated sanctions have thus been identified for several years by OJJDP as best practices (Beyer 2003) elements of an effective juvenile justice system (Bilchik 1998), and part of a comprehensive strategy for dealing with juvenile offenders (Burns, Howell, Wiig, Augimeri, Welsh, Loeber, & Petechuk 1993). The rationale behind graduated sanctioning is rooted in deterrence, whereby an individual will consider the cost of a sanction or the benefit of a reward when choosing a course of action, thus encouraging or discouraging certain activities (for example, Zimring and Hawkins 1973). Thus, if infractions do occur, graduated sanctions are intended to become more involved (increasingly punitive or more intensive services), saving detention as a last resort (OJJDP 1993). What appears to be lacking, however, is research into the reality of implementing such sanctions, as well as their effectiveness. Much of the existing research identifies the use of graduated sanctions for a particular type of offender, for example children with disabilities (Smith, Esposito, & Gregg 2002), firesetters (Gaynor 2000), or first time offenders in a teen court (Newberger 2002), but merely identifies their use as a best practice, without stating specific sanctions or evaluating their effectiveness. Drug courts (for both adults and juveniles) appear to be the most avid supporters of graduated sanctioning. Again, most studies merely identify graduated sanctions as a framework or best practice, rather than identify the specific sanctions utilized or their impact (Lipsey & Wilson 1997; Terry, VanderWaal, McBride, & VanBuren 2000). This relegates “graduated sanctions” to the ranks of “training” or

“customer service” – vague terms that sound impressive, but offer little in the way of a real blueprint for providing services.

Drug courts are compatible with the concept of graduated sanctioning, as the client must often complete several treatment activities and adhere to multiple restrictions. Close monitoring ensures detection of non-compliance, with sanctions and rewards designed to motivate offenders to successfully complete the program (Drug Courts Program Office 1997). A few studies have examined the reality of not only specific graduated sanctions for non-compliance, but rewards for compliance. Lindquist and colleagues (2006) identified behaviors that lead to sanctioning in adult drug court, as well as the actual sanctions imposed. Not surprisingly, failed drug tests (66%), missed treatment appointments (54%), and having a bad attitude (38%) were the behaviors that invoked a sanction, while jail (73%), an increase in treatment (63%), and community service (47%) were the most popular sanctions actually applied for the sample of five Florida circuits. Overall, both court staff and clients agreed that sanctions were tailored to the individual, and that standardizing sanctions was a bad idea (Lindquist, Krebs, & Lattimore 2006). Regarding rewards, several courts state that rewards are utilized as incentives to comply with program requirements, but the actual distribution of rewards is rare (Giacomazzi & Bell 2007), because rewards are more subjective and less structured (Lindquist et al. 2006).

Overall, the research regarding graduated sanctioning is limited. Given that there have been numerous programs funded under JAIBG/JABG with its graduated sanctioning component, it should be useful to many jurisdictions to determine which specific sanctions are applied and effective. Subsequent funding sources and programs such as SafeFutures also support the usage of graduated sanctioning, but the effectiveness of these programs has not yet been fully evaluated (Morley, Rossman, Kopczynski, Buck, & Gouvis 2000).

Program Description

The Nightwatch program was created in 2000, mainly to address the issue of high juvenile crime, including gang and gun activity, in the city. The program was modeled after NightLight in Boston (Corbett, Fitzgerald, & Jordan 1996), with modifications to meet local needs, logistic issues, and resources. The stated program goals and objectives are to: check the court ordered curfew of juveniles on probation, increase community safety, hold juvenile offenders accountable for their actions, prevent crime and reduce recidivism, and increase school attendance and performance (per the JAIBG mandates). It is an unwritten goal of the program to reduce victimization, as court officials understand the positive correlation between juvenile offending and victimization (for example, Lauritsen, Sampson, & Laub 1991).

Program operations are based on home visits, documentation of the visit, and follow up. Home visits are conducted by three crews each evening, each consisting of one uniformed police officer and one juvenile probation officer. Visits are completed in a marked police car, the goal of the visit to check the court-ordered curfew of juveniles on official probation. Juveniles not in compliance receive sanctions; juveniles in compliance receive rewards. The actual selection of juveniles to be visited each evening is quite complex, but the juveniles perceive visits to be “random,” as they are unsure exactly which night(s) of the week they will receive a visit. Juveniles suspected or reported to leave after the curfew check is complete may receive a “doubleback” visit, and receive two unannounced visits in one evening. To ensure the threat is credible and clearly communicated (Kennedy 1997), both the juvenile and parent must sign a contract, verifying they understand the parameters of court ordered curfew, and the possible consequences for violations.

Each home visit is documented by the crew in the form of a “case contact sheet” that is forwarded to a central supervisor the following morning. Exact time of the visit, length of visit, whether the juvenile was in compliance with the court ordered curfew, as well as any other information the family may pass on (such as concerns over the juvenile’s behavior or friends) is recorded on the sheet.

Follow up consists of applying the appropriate sanctions or rewards. Any juvenile not at home for his or her curfew check is issued a sanction notification by the central liaison. Initially sanctions were to be enforced “immediately,” but the reality of coordinating juveniles, parents, and programming necessitated a change in policy to “within two weeks of the violation.” Every instance of curfew violation prompts a sanction, and the court has developed a sanction matrix to assist juvenile officers in choosing a graduated, restorative sanction for each violation (Appendix A). A juvenile who is in compliance for eight consecutive visits will receive a small reward. The rationale behind these curfew checks is that the threat of formal controls by way of home visits and sanctions will elicit compliance with curfew and increase the perception of certainty of punishment, and that juveniles who must remain at home will have fewer opportunities for crime and victimization experiences.

Sample and Methods

Data for this study were collected between November 2003 and January 2005 as part of a more complex project that included both process and outcome evaluations of the curfew check program. The study utilized a quasi-experimental design using non-equivalent groups, and pre-test/post-test structured interviews. This design was essential to the larger study, to obtain a comparison group that did not participate in the program, as well as to assess juvenile perceptions of the program and obtain self-report delinquency information. Any juvenile

detained at the city detention center during the study period for a delinquency referral (and for which a petition was filed) was eligible for inclusion in the study, provided they had no prior contact with the curfew check program. In this way, it is a convenience sample of juveniles who happened to offend during the study period.

Sample Selection

Juveniles were asked about their self reported delinquent activities, as well as several theoretical and perceptual variables not reported here; thus parental consent and juvenile assent were required. Consent and assent were obtained for 118 juveniles, which represents approximately 10% of the delinquency referrals for this jurisdiction. Parents were approached for consent during visiting hours at the detention center. This provided an informal, face-to-face opportunity to speak with parents and answer any study-related questions.

Only parents who visited their children in the detention center were approached, which may be a source of selection bias for this study. It is feasible that a parent who visits their child in detention is significantly different than a parent who does not. A handful of parents were approached at other court venues, and were cooperative. This, combined with the fact that a vast majority of juveniles detained at this large, inner city facility come from similar backgrounds and share similar lifestyle traits argues for a lack of bias, but not to a convincing degree.

The sample was divided into different groups for the delinquency/ victimization and program effectiveness analyses. As noted, a pre-test/post-test design was utilized, with structured interviews administered to juveniles at Time 1 while in detention, and at Time 2 approximately 60 days later (often at another court venue). The experimental group (N = 55) consists of juveniles who were assigned to the program at the time of the second interview and had received curfew check visits between the Time 1 and Time 2 interviews; the comparison group (N = 24) received no curfew check visits during this time period. Juveniles did not self-select to participate in the program, but this was a discretionary decision. All juveniles referred to the court for delinquency are eligible for curfew-check. The juvenile's probation officer decides when the juvenile will begin to receive visits, thus groups were selected administratively.

Juveniles were assigned to the program at different stages in the adjudication process, as decided by the probation officer. Thus, some juveniles in the study did not receive visits by the Time 2 interview, but were assigned by Time 3 (not reported here).

Attrition was a serious problem for this study, as evidenced by a third group, “dismissed” emerging by Time 2 (N = 39). At Time 2 only 79 juveniles remained in the study. The remainder were no longer participants because of case dismissal (N = 17), transfer to another jurisdiction or another secure facility (N = 9), discharge from juvenile court (N = 3), or the juvenile either declined the second interview or did not appear for the interview (N = 10). Thus, a majority of juveniles that failed to complete a second interview did so because of a court related decision, rather than a personal decision to decline. In fact, the original study intended three waves of structured interviews, but only 37 juveniles remained at Time 3, with only 3 remaining in the comparison group. Reasons for attrition are similar to those at Time 2, with a majority of juveniles failing to participate because of a court decision or failure to appear. Thus, only data from the first two waves of data collection are discussed.

Data Collection

Juveniles were asked to complete two structured interviews, once in the detention center and once about 60 days later. The exact time between surveys for each juvenile was variable, as the post test was administered to take advantage of an opportunity when the juvenile was already present at the court for a hearing or other court business, in the hopes of reducing attrition. This strategy was successful for the most part; completion rates were high, provided the juvenile appeared for the hearing or meeting. Questions were read aloud to the juvenile, with the juvenile circling the answer of their choice. Time 1 interviews took approximately 15 minutes; Time 2 interviews asked fewer questions, and took approximately 5 minutes.

Self report delinquency and victimization information were obtained using the structured interview. Juveniles were asked at Time 1 if they “ever” participated in a given activity (skipping school, breaking curfew, property damage, carrying a hidden weapon, spray painting/vandalism, stealing less than \$50, stealing more than \$50, stealing a motor vehicle, simple assault, assault with a weapon, selling marijuana) (University of Nebraska at Omaha 1995). If the juvenile answered “yes,” additional information was sought regarding how many times the juvenile participated in the activity “recently,” in the last 60 days. At Time 2 juveniles were only asked if they had participated in the activity since the previous interview. It is the number of “recent” self-report activities that is used for analysis.

Victimization questions were presented in a similar fashion to the delinquency items. Juveniles were asked if they had “ever” experienced simple assault, robbery, assault with a weapon, or theft of personal items (University of Nebraska at Omaha 1995). If the response was positive, additional information was again sought in regards to “recent” victimization experiences. At Time 1 this was in the last 60 days, at Time 2 since the last interview. It is the number of “recent” victimizations that is used for analysis.

Additional data regarding official delinquency referrals were obtained from the court database. Official delinquency between Time 1 and Time 2 was measured using any referral received by the court, regardless of action taken. This measure is consistent with the research question for the larger study, which examined perceptual deterrence. Theoretically, more contact with the court will produce lower certainty of punishment for juveniles (Paternoster & Iovanni 1986). The Time 1 measure of official delinquency was the number of prior referrals accumulated by the juvenile; the Time 2 measure was the number of subsequent referrals accumulated by the juvenile between Time 1 and Time 2 interviews.

Sanction data was obtained from the curfew check central supervisor, and the juvenile's Nightwatch program file. As noted, each home visit produced a "case contact sheet" and identified those juveniles in violation of their curfew. The case contact sheet contains a space for identifying when a sanction is earned, as well as the "due date." Once the sanction is affected, the liaison is notified and the sanction and date applied are recorded in the juvenile's program file.

Sanction data were collected following the completion of all interviews (January 2005). Thus, the sample of juveniles included in the sanction analysis is structured differently than the sample used for the delinquency analysis. The sanction analysis was a records search that was conducted well after most interviews were complete. As noted, juveniles were assigned to the program at the discretion of their probation officer. Thus, some juveniles were in the comparison (no visits) group at their Time 2 interview, but were assigned to the program following their adjudication. In fact, nearly every juvenile that remained in contact with the court ended up assigned to the program eventually and their program record was available for examination (N = 79). Information regarding sanctions earned and affected was collected from the program file.

Sample Composition

The total sample consisted of 80.5% (N= 95) males, 90.7% (N =107) identified themselves as being Black/African American, and the mean age for the referral that included them in the research study was 14.5. Only 22.9% of the sample (N = 27) lived with both parents. While the racial composition may at first glance appear alarmingly disproportionate, it is actually quite representative of the juvenile population of the city. The most common current offense involved car theft. About 58% of the sample (N = 70) had been taken into custody for either

driving or being the passenger in a stolen vehicle. Other current charges included various forms of assault (assault at school, assault with a weapon, and assault on a police officer) (20%, N = 22), burglary (5%, N = 6), sex crimes (4%, N = 5), unlawful use of a weapon (4%, N = 5), drug offense (3%, N = 4), robbery, (2.5%, N = 3), property damage (2%, N = 2), and stealing (1%, N = 1). This demographic information is provided for reference; unfortunately the sample is not large enough or diverse enough to support further analysis (total N = 118; sex: N = 23 females and N = 95 males; race: N = 3 other, N = 8 White, N = 107 African American).

Results

Graduated Sanctioning

The court experienced many challenges in implementing the new curfew-check program. First, sanctioning every violation of probation had not been common practice. To comply with JAIBG certification, every probation violation, including curfew must be met with a sanction of some kind. This was a systemic change for the court, as past practice had been to basically ignore minor infractions. Similar to the adult system (Taxman, Soule, & Gelb 1999), juvenile probation officers typically only acted upon referrals for new offenses, and the process was purely discretionary. Second, the use of graduated (not to mention restorative) sanctions was also unfamiliar territory. Imposing increasingly punitive sanctions on a juvenile was a completely new concept, as was the idea of reparative rather than retributive sanctions. At first, juvenile officers found it difficult to identify a sufficient number of sanctions that met both criteria. Initially, the only options for juvenile officers were extra phone calls or office visits, and detention. The introduction of the sanction matrix has assisted with sanction choices, as well as increased the number of resources available to juvenile officers, including pro-social videos

and alternative programming. Table 1 identifies the sanction given for a first curfew offense for the research sample.

A majority of first violations are handled with a parent/child conference, where the officer reviews the conditions of probation and the curfew check program, as well as reminds the child how staying at home can increase his or her personal safety, and lessen parental worry. A significant percentage of juveniles had their first violation excused, which meant that the crew documented a violation, but the juvenile officer was able to verify that the juvenile was actually at an acceptable activity, such as church or a funeral. Many instances still existed of punitive sanctions for a first offense, such as return to detention or the issuance of an apprehension order.

Table 1. First Sanction Received By a Juvenile In Violation of Curfew

	Frequency (N=57)	Percent
Parent/Child Conference	24	42.1%
Violation Excused	7	12.3%
Community Service	5	8.8%
View Video	4	7.0%
Writing Assignment	4	7.0%
Extra Office Visit	4	7.0%
Detention	3	5.3%
Probation Violation/Apprehension	3	5.3%
None in File	2	3.5%
Attend Another Program	1	1.8%

Twenty two juveniles assigned to the program did not receive any sanctions whatsoever; while 40 juveniles went on to log a second curfew violation. A few juveniles showed a chronic inability to be at home by their court ordered curfew time. Table 2 shows the frequencies and percentages for the total number of sanctions received by juveniles.

As noted, the modal category for sanctions received was zero. This may have occurred due to a short assignment to the program (some juveniles only received a handful of visits), or perhaps they just chose to obey their curfew. A small number of juveniles accumulated multiple sanctions; one juvenile received 13 sanctions during the course of his participation in the

program (38 visits). Sanction choice still maintained an element of discretion, however. The juvenile’s DJO had the choice of continuing to issue graduated sanctioning and continue to allow the juvenile to remain in the community, or the choice was available to sanction the juvenile to detention or other out-of-home option that would terminate the juvenile’s participation in the curfew check program.

Table 2. Total Number of Sanctions Earned

Number of Sanctions	Frequency (N = 79)	Percent
0	22	27.8
1	17	21.5
2	12	15.2
3	10	12.7
4	5	6.3
5	3	3.8
6	4	5.1
7	2	2.4
8 or more	4	5.1

Table 3 indicates the sanction affected for a second curfew violation. In accordance with the idea of graduated sanctioning, the most popular second sanction was an extra office visit.

It appears that juvenile officers are utilizing graduated and more reparative sanctions for curfew violations, for the most part. The parent/child conference was the overwhelming choice

to address a first sanction, and was utilized in many cases for a second offense. It is unknown whether some juveniles received two parent/child conferences, or whether those juveniles who received a parent/child conference for their second sanction had received a different first sanction. Consistent with the concept of graduated sanctioning, the overall consequences for a second violation were slightly more “severe” than for a first sanction. An extra office visit by the juvenile alone expresses “punishment” more so than a visit where the parent also attends.

Table 3. Second Sanction Received by a Juvenile In Violation of Curfew

	Frequency (N = 40)	Percent
Extra Office Visit	9	22.5
Writing Assignment	6	15.0
Parent/Child Conference	5	12.5
Community Service	5	12.5
View Video	4	10.0
Detention	3	7.5
None in File	3	7.5
Probation Violation/Apprehension	2	5.0
Violation Excused	2	5.0
Attend Another Program	1	2.5

Program Effectiveness

While it is important to note how the program operates, and whether the application of graduated sanctions is possible, it is just as important to assess the overall effectiveness of the program in reducing recidivism. Paired samples t-tests were conducted to determine whether there were changes within the groups between surveys. This method was selected as the samples are not independent, but test whether a juvenile's experiences and activities changed during program participation. The Time 1 and Time 2 interview responses for each juvenile create a

pair of observations for comparison. Table 4 shows the mean and standard deviation for delinquency and victimization variables at Time 1 and Time 2 for both the experimental and comparison groups. Differences in the number of individuals included for each variable can be explained in terms of interview administration. If the juvenile was interrupted while completing an interview, questions regarding self report delinquency and victimization came at the end of the survey, and may not have been answered. There were no problems with substantial missing data, nor any differences among individuals who did not complete the items.

Official delinquency shows no significant changes for either group between the two time points. The experimental group shows a slight decrease, and the comparison group shows a slight increase, but neither is significant. It would be expected for juveniles in the experimental group to have fewer subsequent referrals due to the increased supervision. However, as they are under more supervision, they are more likely to incur a probation violation (O'Rourke, Scott, & Lance 1998; Petersilia & Turner 1993), which scores as a subsequent official referral.

Table 4. Within-Group Differences Between Time 1 and Time 2

Variable	Experimental Group (Program Participant)				Comparison Group (Non Participant)			
	Time 1		Time 2		Time 1		Time 2	
	Mean (SD)	N	Mean (SD)	N	Mean (SD)	N	Mean (SD)	N
Official Delinquency	1.05 (1.58)	55	.87 (1.28)	55	.92 (1.64)	24	1.17 (1.13)	24
Self Report Delinquency ^a	6.52* (11.40)	50	2.98 (7.39)	50	2.92 (5.99)	24	3.38 (6.88)	24
Victimization ^a	2.55** (5.19)	49	.88 (1.52)	49	.33** (.64)	24	1.13 (1.87)	24

Note: SD is Standard Deviation

Groups significantly different between Time 1 and Time 2 at * $p < .10$ & ** $p < .05$

a = experimental and comparison groups significantly different at Time 1 at $p < .05$

Self-report delinquency shows a significant difference between Time 1 and Time 2 for the experimental group, but not the comparison group. The experimental group reports significantly less recidivism at Time 2, an extremely important result. At Time 1, the comparison group had significantly *less* self-report offending than the experimental group, and this was a statistically significant difference (the only delinquency variable to show such a significant difference at Time 1). These results show that the experimental group went from significantly higher levels of delinquency to a lower level of delinquency compared to the comparison group. In addition, the experimental group experienced a significant drop in self report delinquency during their contact with the curfew check program.

Finally, victimization is shown to change significantly for both groups. For the experimental group, victimization is significantly lower at Time 2 than at Time 1. Unfortunately for the comparison group, their victimization experiences are significantly higher between the two time points, and at significant levels.

Conclusion

It is unsurprising, given the confusion over the proper philosophy of the court and the proper “punishment” of juveniles that the juvenile court has received criticism over the years, and is still unsure of how it should operate. Jurisdictions must deal with the realities of funding and operational expenses, while trying to maintain best practices and public safety. The jurisdiction in this study is no exception. While the evidence indicates that deterrence-based programs are often ineffective, the court must provide extra supervision to delinquent juveniles in order to satisfy public opinion. While continually reminded that they are two separate and mutually exclusive functions, juvenile courts must treat and punish at the same time. Based on the fluid and complex characteristics of juvenile justice, several conclusions and policy recommendations are evident.

Despite the confusion and criticism, it is obvious that juvenile courts are resilient. Curfew check was initiated under the punishment-focused JAIBG, but was able to reformulate itself to meet the restorative-focused JABG. To do this, however, the court was forced to attach restorative justice wording to a deterrence-based program, creating a hybrid philosophy. This may exacerbate confusion and staff resistance. Probation officers that are accustomed to the get tough philosophy and have been given the tools to impose accountability using punitive measures are unsure about the utility of restorative justice. Crime control-oriented staff do not see curfew violations as an opportunity for restorative intervention, and juveniles often do not

see the connection between such behavior and the greater community. In order to make the situation as transparent as possible, staff must be well informed and provided with multiple avenues of communication.

For this jurisdiction, the sanctioning process under JAIBG was a significant change in operations. The curfew check program in this study survived because of a centralization of tasks and active supervision on the part of administrators. First, many court staff were unsure about the requirements of JAIBG funding, goals of the program, and even the definition of graduated sanctions. To ensure questions were answered and staff received the support they needed to succeed, a central supervisor was appointed to oversee all JAIBG programs. Second, staff received multiple training sessions to get questions answered, to reinforce the policy, and communicate that participation was required. Training was carried out using small-group sessions to review and clarify the sanction matrix, and juvenile court staff were encouraged to seek one-on-one advice for specific situations.

Forcing old programs into new paradigms often invites criticism from both sides, yet the focus must remain on the overall goal of the program and mission of the court. Some advocates of restorative justice would hardly agree that completing a writing assignment about gang avoidance or an extra office visit with the probation officer constitutes a restorative interaction for a curfew violation. Is there a more appropriate intervention available in this jurisdiction, according to their sanction matrix (Appendix A)? What types of sanctions should curfew violations elicit, in the grand scheme of probation? Few would argue that a known curfew violation should go without a response of any kind; this would invite future violations and undermine the program altogether. The other end of the spectrum would be the use of harsh and punitive sanctions, which are damaging to juveniles. This jurisdiction reached a less-than-

perfect compromise between the two philosophies. Their hybrid approach maintained the program, while adhering to the court's mission statement that favored restorative practices. This indicates that it is possible to enforce accountability without the use of detention or other severe means. Their strategy appears to be moderately successful, as sanctions were successfully assigned and completed. Definitive evidence of effectiveness cannot be claimed based on this small sample, but the outcomes regarding victimization and self-report delinquency show promise and should inform future research.

It could be argued that this paradox between program and philosophy could easily be eliminated by doing away with the program altogether. The results shown above point to several topics that relate to the true effectiveness of the program and why the court continues to use it. First, the court will continue the curfew check program based on the overwhelming response of one group: parents. Satisfaction surveys given to the parents of children assigned to Nightwatch report remarkable support for the home visits. This combined effort of parents and program may account for some of the reported outcomes, particularly if viewed in terms of juvenile opportunity. Parents of a child referred to the court may impose more strict rules on the juvenile's activities. A common punishment mentioned by juveniles in this study is that their parents do not allow them to "be outside" or have restricted the time they are allowed to spend with their friends. Other studies have indicated those juveniles with increased parental monitoring experience less unstructured socializing time, and thus less delinquent involvement (Osgood & Anderson 2004).

Second, the role of opportunity may also help to explain the differences in victimization experiences for the juveniles in this study. Again, juveniles participating in Nightwatch may have had fewer opportunities for victimization if they spent more time at home under the

supervision of parents. Juveniles not assigned to the program would have had no court restrictions, and perhaps fewer parental restrictions, on their out-of-home activities. This is most likely not the full explanation for this outcome, however. Research indicates the most frequent time of day for juvenile offending and victimization is in the afternoon, after school (Snyder & Sickmund 2006). This research supports this conclusion; juveniles self-reported 149 delinquency and victimization incidents for which they identified the time of day the incident occurred. Over 60% of the incidents occurred before 7:00 p.m., indicating that Nightwatch participation would not have had any effect on the incident. If parent restrictions of juvenile activities included not only the curfew time but the after school time as well, the lack of opportunity may account for the differences in victimization for the two groups as shown here.

Third, the role of opportunity may also help explain the differences in recidivism for the two groups, by extending the parent supervision assumption that those juveniles in contact with the court simply did not have the same opportunity for delinquency as their non-program counterparts. The results were mixed on this variable, however, and are more likely attributable to the data collection methods. There were no significant differences between the experimental and comparison groups regarding official delinquency, yet there were significant differences for self-report delinquency. The main explanation for the lack of significance for official delinquency may be the weakness of official data. Only juveniles who are caught and processed will register a subsequent official referral. In addition, probation violations are included as an official referral, which may inflate the number of program juveniles in this category. Of the original sample (N = 118), 78 (59%) logged no subsequent official referrals, 20 (17%) were transferred to a secure facility or another jurisdiction, and 9 (7%) recorded a probation violation. Seven (6%) juveniles had an official referral for a delinquency charge where the court took

action. Thus, the modal category is “no subsequent referrals,” with probation violations and new delinquency referrals accounting for about the same proportion of official referrals. The results for self-report delinquency show significant differences, yet this method has its own set of weaknesses, as well. It is possible that those juveniles who did not participate in the program inflated their estimates of recent delinquent activity, or did not remember correctly. Those juveniles participating in curfew check may have been concerned that their answers would be divulged to their probation officer, and may have underestimated any delinquent involvement.

Thus far, the explanation offered for the differences in victimization and offending is opportunity, which leaves unaddressed the role of the sanctions themselves. The point of deterrence is to create a situation where a certain, severe, and swift punishment awaits a juvenile that breaks their curfew. Nightwatch reasonably fulfills the swiftness aspect, but there are questions about the certainty and severity. Juveniles who are certain they will be caught will stay home, yet only 22 juveniles logged zero curfew violations. In terms of severity, most juveniles are probably not terribly frightened by the thought of an extra office visit or a writing assignment. Although the latter may be extremely unsavory, it is more likely the annoyance rather than the fear that persuades a juvenile to avoid this particular punishment. Several theorists have incorporated the idea of tipping models into this explanation of behavior. Based on economic theory, the main point of tipping models is that punishment does not need to be severe, but it must be certain and swift (Kleiman, unpublished). A punishment that is nearly certain but relatively benign is calculated as less desirable than a vaguely certain punishment that is extremely harsh. An individual will seek to avoid the risk of a certain punishment, even if it is mild, but will take more risk with an uncertain punishment, even if it is more severe (Kleiman unpublished). Juveniles may find it easier and less of a hassle to just stay home and obey the

rules rather than deal with petty sanctions and parental nagging, but the program must increase the perception of certainty for tipping models to work. This requires a coordinated and committed effort of funds from the court and energy from the staff.

Thus, the JAIBG/JABG programs proved to be an overall benefit for this jurisdiction. The guidelines provided a framework that was reasonably useful and feasible, even though this jurisdiction had unique characteristics and a client population that supported the deterrence and extra supervision philosophy. Such guidelines can be invaluable to new administrators who are seeking to implement best practices, but are unsure where to start. Federally supported programs also help juvenile justice on a large scale. Providing standardized guidelines for juvenile courts to follow helps alleviate the fragmentation and disorganization criticisms most jurisdictions face. In addition, the grant program certainly provided financial support to continue this and other delinquency interventions.

This study has opened several avenues for future research and highlights several policy recommendations. The questions raised regarding differences in victimization and offending, as well as the concept that minor sanctions with a high degree of certainty may be more effective than severe sanctions with a low degree of certainty undoubtedly deserve future attention. The role of sanctions should also receive a much more sophisticated analysis. The small sample size here precludes further analysis of the myriad of variables that may go into a sanctioning decision. The differences between those juveniles who were assigned a parent/child conference as their first sanction and those who received detention must be examined. Factors that influence probation officer choice of sanction would prove enlightening, such as the role of prior offenses, family situation, or general compliance with the conditions of probation. Even though these factors complicate analysis, this high amount of discretion should remain part of the program

(Lindquist et al. 2006). For this study, there is no evidence of a probation officer effect. Of the six juveniles given a first sanction to detention, none had the same probation officer. No probation officer assigned detention as a first sanction to more than one juvenile on their caseload, and all probation officers who assigned detention also assigned other sanctions as well.

The role of parents requires not only future study, but increased policy attention from the court. Informal controls by parents are a significant resource to be exploited by probation officers, but often parents are ill equipped for the task. Many programs exist to help parents with newborn and young children, but often the stresses of parenting a teenager can be just as overwhelming. Often parents lack the skills to handle confrontations about school, chores, and attitude. Community programs that increase supervision such as mentoring and community gardens can assist parents in this respect. Opportunity was offered as the explanation for a number of the outcomes in this study and there are a number of low-cost ways that jurisdictions can take advantage of this type of intervention. Juvenile courts should strive to encourage collaboration with the abundance of community and faith-based initiatives that are now available. Most importantly, juvenile courts must be ready to adapt and take on these new initiatives, but stay true to their mission. Keeping the lines of communication open at all levels and centralizing tasks will ensure that programs are delivered effectively to the families that need them.

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APPENDIX A

Continuum of Services/Interventions Dispositional and Administrative Sanctions*

Least Restrictive

Most Restrictive

IMMEDIATE

PACT (Court-Based Prevention and Assessment Community Team for elementary school children)

Kids Hope United (Community-Based Prevention Programs)

Truancy Initiative Program

Courtroom Observation

Child-Parent Conference

Curfew Check Program

Kids in the Middle (Divorce Mediation)

Parent/School/Community Conference

Group Mentoring

Life Skills

Individual, Family, and/or Group Counseling

Restorative Instructional/Competency Building Video

Health and Relationships Education Programs (H.A.R.T.; H.E.Y.)

Drug Education

Tutoring Services

Outpatient Drug Treatment

Community Service

Letter of Apology

Restorative Reading/Writing Assignment

Increased frequency of contact with DJO

Empathy Group

Neighborhood Board Attendance

Victim Offender Dialogue

Neighborhood Accountability Board

Participation

Missouri Mentoring Partnership

Restorative Sanction Groups

Intra-Family Mediation

Anger Management

Violence Prevention (RAVEN)

Monetary Restitution

Mental Health Services

Informal Probation

Respite Care (Residential)

Drug Court

Supervised Community Service

Multi-Systemic Therapy

Judicial Review Hearing

Curfew Time Reduction

Petition Filed/Detention

* Note: This list includes all services and sanctions available to the court. Not all items listed are used as sanctions per se, but are available as treatment options or conditions of probation at probation officer or judicial discretion. Determination of restrictiveness is based upon court administrative decision only, and in some cases based upon service delivery location. The Court also provides a list of options for Intermediate (pre- and post-adjudication), Secure, and Aftercare options.